



# STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

Colleen Cripps, Ph.D., Administrator

## NOTICE OF DECISION - Bureau of Mining Regulation and Reclamation

Web Posting: 01/15/2015

Deadline for Appeal: 01/25/2015

**WPC Permit No. NEV2000112**  
**Five Jokers Mining Project**  
**Five Jokers Mining Company, LLC**

The Nevada Division of Environmental Protection has decided to renew Water Pollution Control Permit NEV2000112 to Five Jokers Mining Company, LLC. This Permit authorizes the construction, operation, and closure of approved mining and process facilities in Nye County. The Division has been provided with sufficient information, in accordance with Nevada Administrative Code (NAC) 445A.350 through NAC 445A.447, to assure the Division that the waters of the State will not be degraded by this operation, and that public safety and health will be protected.

The permit will become effective 30 January 2015. The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to Nevada Revised Statute (NRS) 445A.605 and NAC 445A.407. All requests for appeals must be filed by 5:00 PM, 25 January 2015, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Rob Kuczynski, P.E. at (775) 687-9441 or visit the Division's Bureau of Mining Regulation website at [www.ndep.nv.gov/bmrr/bmrr01.htm](http://www.ndep.nv.gov/bmrr/bmrr01.htm).

One comment was received from Mr. Larry Moll of Granite Bay, California (E-mail received 28 December 2014). The Division response to his comments is attached to this Notice of Decision.

**Mr. Moll's Comments:** "The Five Jokers Mining Company, LLC mill is located in what must be one of Nevada's premier scenic landscapes."..."I am fearful of the impact to the drainage system if the proposed permit is issued without specific controls and regular inspections."..."I observed [sic] numerous areas below the existing mill were the natural water flow had previously left the channel and flooded what would normally be terrain above flood levels. I attribute this to the discharge of milling waste from previous milling activities. At the time of my visit, I did not observe how the water used in previous operations was contained before discharging into Eden Creek."

“The topography at the existing mill site is very narrow and provides minimal and likely insufficient areas to construct adequate facilities to process the effluent.”...“[C]areful consideration and review must be given to the detrimental impact caused by previous milling procedures. Any renewal must include, Conditions of Use, that will provide assurances of no pollution of Eden Creek.”

“The applicant should be required to submit a site map of were [sic] they propose to location [sic] the effluent and waste material areas to assure that future high water will not move the waste into the stream. Only after the approval by the BMRR should the Renewal [P]ermit be conditional[ly] approved.”

***Division Response:*** *One of the Division’s missions is to ensure that the waters of the State are not degraded by mining operations. In accordance with the regulations, the Permittee has provided the Division with sufficient information (including engineering designs and analytical results) to support the Five Jokers Mining Project 2015 Permit renewal to assure the Division that the waters of the State will not be degraded.*

*Water Pollution Control Permit NEV2000112 (the Permit) prohibits the discharge or release from the fluid management system in excess of those standards established in regulation except for meteorological events which exceed the design storm event.*

*The Permit also requires the Permittee to perform quarterly monitoring of any solution and sediments generated during operations and the unnamed tributary discharging to Eden Creek when flow is present. Quarterly and annual monitoring reports show no exceedance of any water quality or background standard has been observed since the facility was first permitted in 2000. Test results for the ore, waste rock, and process sediments generated document that all materials are non-Potentially Acid Generating and Meteoric Water Mobility Procedure test results demonstrate that the concentrations of the solubilized constituents are less than the Profile I reference values.*

*The Five Jokers Mining Project operates seasonally and the Division performs mine environmental compliance inspections on a regular basis.*

*Eden Creek is ephemeral and typically dry during the summer and fall months. There are no designated beneficial uses or numerical water quality standards for the Creek. Although there is historical evidence of placer mining throughout the entire creek, these activities pre-date the 1989 promulgation of the Nevada Mining Regulations.*

*Waste rock and pond sediments are combined and used as underground backfill. Clean water from the sediment pond is returned to the gravity separation process. Berms along the access road divert stormwater away from the project site and Eden Creek.*