



Public Notice

U.S. ARMY CORPS OF ENGINEERS

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Public Notice of Permit Application

Action ID: SPK-2005-00565-NO

Comments Period: February 19, 2010 – March 19, 2010

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to develop and operate the Emigrant Mine project, which would result in impacts to approximately 0.609 of an acre of waters of the United States, including wetlands, that are tributary to Dixie Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Jack Henris
Newmont Mining Corporation
Post Office Box 669
Carlin, Nevada 89822-0669

LOCATION: The project site is located in unnamed streams (labeled A, B, C, and D on the attached drawings) and adjacent wetlands, Section 23, Township 32 North, Range 53 East, Latitude 40.6073°, Longitude -115.9900°, near Carlin, Elko County, Nevada, and can be seen on the NV-Grindstone Mountain USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The applicant is proposing to construct an open pit gold mine in approximately 0.15 of an acre of wetlands and 0.459 of an acre of other waters of the U.S. Specifically there will be 0.112 of an acre of impact to A; 0.134 of an acre of impact to B; 0.083 of an acre of impact to C; and 0.13 of an acre of impact to D. Ground disturbance including an open pit mine, waste rock disposal facility, heap leach pad, engineered stream channel, ancillary support facilities, and reclamation of disturbance area will occur. Based on the available information, the overall project purpose is to mine gold. The applicant believes there is a need to continue production of gold in the Carlin Trend, which sustains much of the economy and employment in Elko County, Nevada. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

A Draft Environmental Impact Statement (DEIS) had been prepared by the Bureau of Land Management and is available at their web site:

http://www.blm.gov/nv/st/en/fo/elko_field_office/blm_information/nepa.html

Environmental Setting. There are approximately 3.9 acres of wetlands and 3.0 acres of other waters within the project area. The site is characterized by wetlands associated with springs/seeps and perennial and intermittent drainages. Springs and seeps discharge to three ephemeral drainages that drain the east flank of the Piñon Range to Dixie Creek a tributary to the South Fork Humboldt River. The northern-most two drainages form a single channel near the western side of the proposed disturbance boundary and contain the most wetlands.

Alternatives. The applicant has/has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has stated that the topography of the area is very steep and contains several springs, leading to an accumulation of water from seasonal precipitation run-off in drainages. The applicant has revised their project to avoid impacts to channel D by moving Borrow Area #1 to avoid the upper channel. To minimize impacts and as compensatory mitigation for impacts to streams and wetlands, the applicant has proposed to re-route the flow of water in Drainage B into an engineered step-pool stream channel with adjacent wetland.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Nevada Division of Environmental Protection, Bureau of Water Quality and Planning is required for this project. The applicant has indicated they have applied for certification.

HISTORIC PROPERTIES: Based upon the Draft Environmental Impact Statement (DEIS), the Bureau of Land Management, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, has concluded that there are cultural resources within the project's area of potential effect and has consulted with the State Historic Preservation Office.

ENDANGERED SPECIES: Based upon the DEIS, the Bureau of Land Management, as the lead agency for ESA consultation, will initiate consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

ESSENTIAL FISH HABITAT: There is no Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act within the project area.

The above determinations are based on information provided in the Draft Environmental Impact Statement (DEIS), prepared by the Bureau of Land Management, Elko District Office and our preliminary review.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

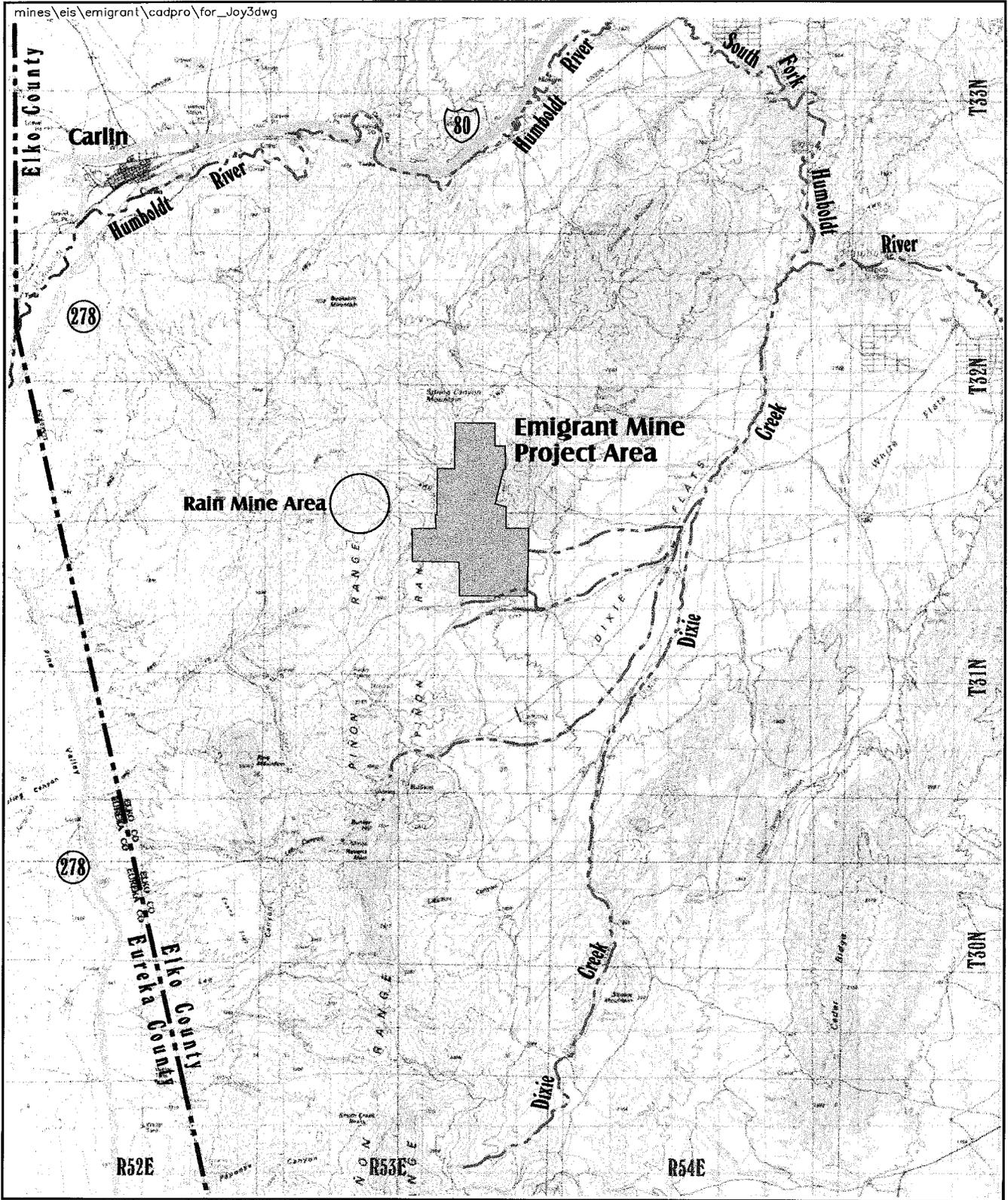
The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice SPK-2005-565-NO must be submitted to the office listed below on or before **March 19, 2010**.

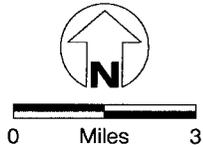
Kristine Hansen, Project Manager
US Army Corps of Engineers, Sacramento District
Reno Regulatory Office
300 Booth Street, Room 2103
Reno, Nevada 89509
Email: Kristine.S.Hansen@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Ms. Kristine Hansen, Kristine.S.Hansen@usace.army.mil, 775-784-5307.

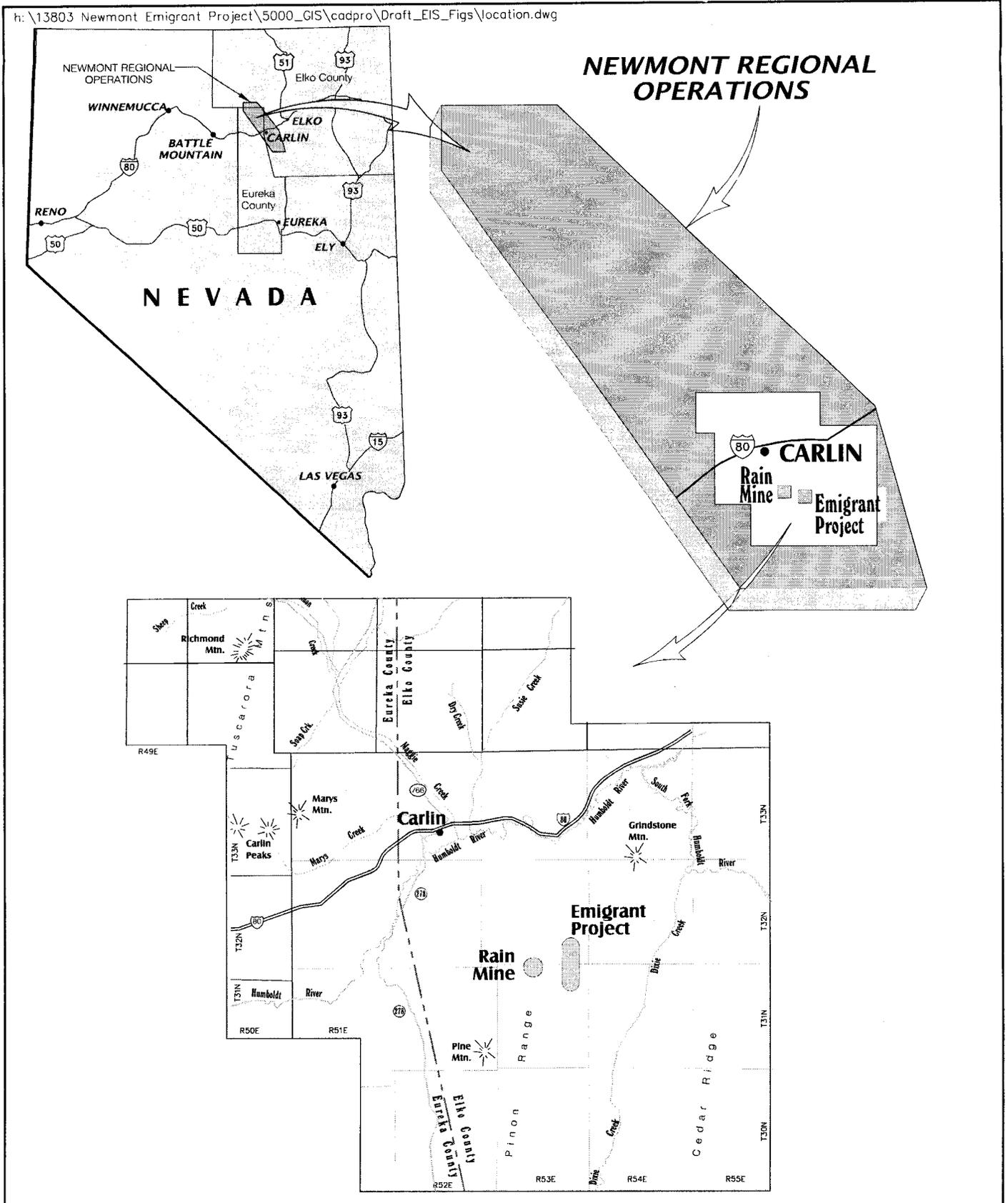
Attachments: 4 drawings



Source: Sure!MAPS RASTER 1:100,000 Nevada Map



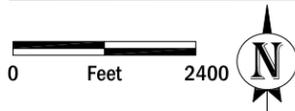
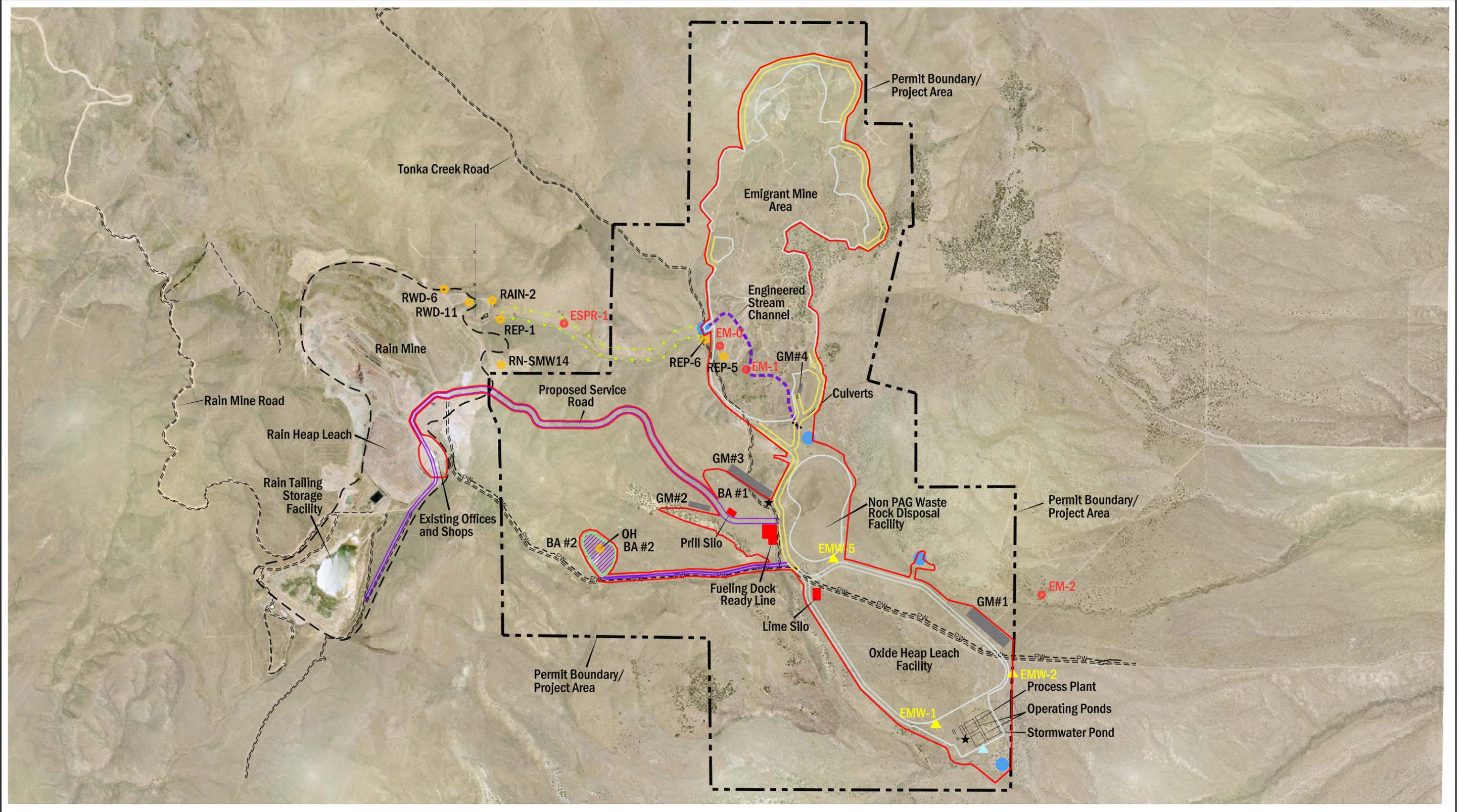
Vicinity Map
 Emigrant Mine Project
 Newmont Mining Company
 Elko County, Nevada
 FIGURE 1



U.S. Department of the Interior
Bureau of Land Management
Elko District Office
Elko, Nevada

General Location Map
Emigrant Project
Elko County, Nevada
FIGURE 1-1

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U.S. Department of the Interior
Bureau of Land Management
Elko District Office
Elko, Nevada

- PW-- Existing Power and Water Line
- Existing Fence Enclosure
- Existing Road
- - - - Rain Mine Area
- . . . Permit Boundary/Project Area

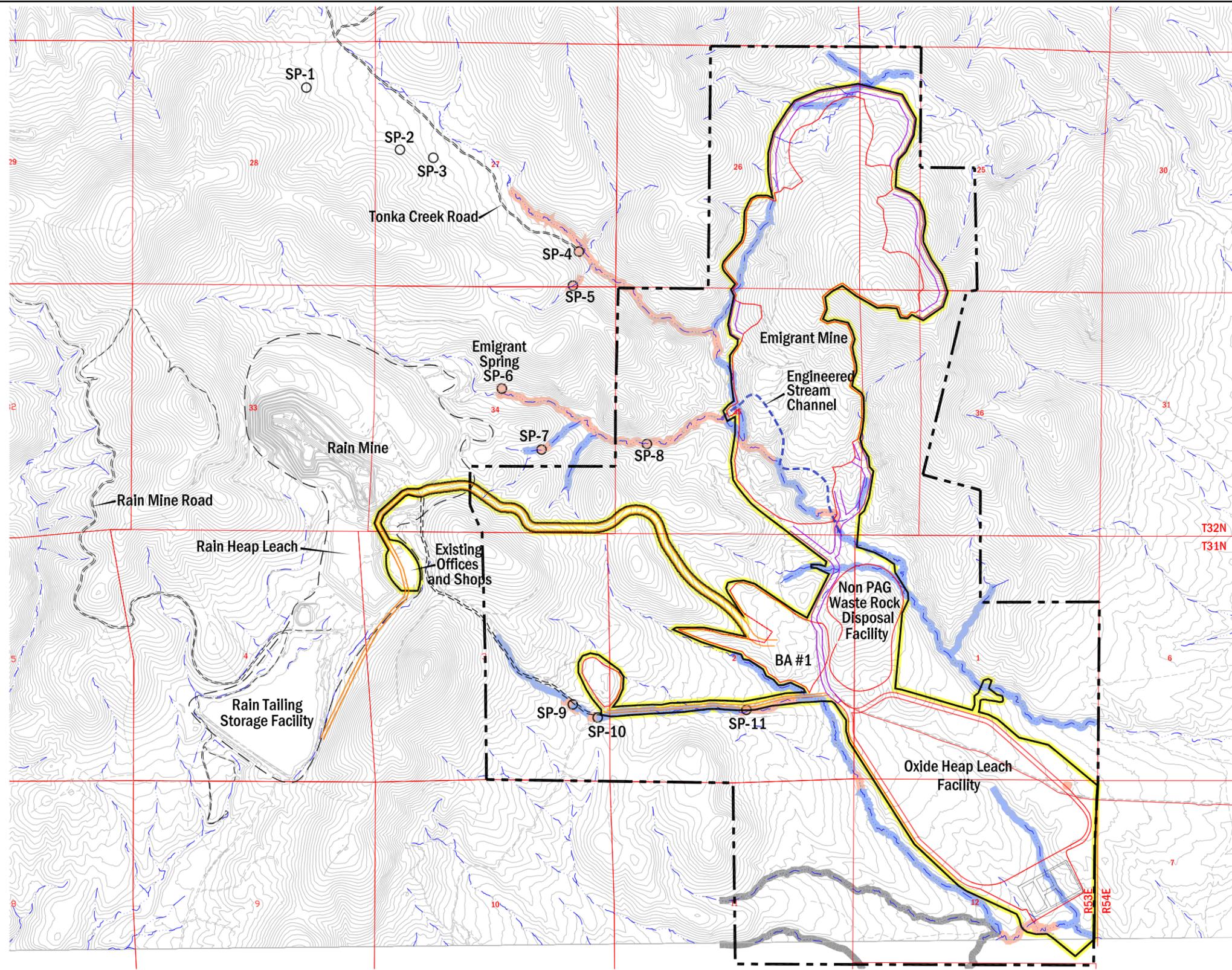
- Proposed Mine Disturbance Boundary
- Service/Access Road
- Proposed Haul Road

- Proposed Growth Media (GM) Stockpiles
- Proposed Borrow Area (BA)
- ★ Electric Substation
- Sediment Pond

- ▲ Monitoring Well
- Surface Water Monitoring Site
- Piezometer
- ▲ Proposed Monitoring Well

**Proposed Mine Area
Emigrant Project
Elko County, Nevada
FIGURE 2-2**

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Legend

- Permit Boundary/Project Area
- Proposed Mine Disturbance Boundary
- Service/Access Road
- Proposed Haul Road
- Engineered Stream Channel
- Waters of the U.S. (Non-Wetland)*
- Wetlands*
- Waters of the U.S. Not Surveyed*
- SP-1 Spring or Seep
- * Indicates Location Not Boundary

Data Source: Westech 2004b

