

DECISION RECORD

Newmont Mining Corporation Vista Pit Expansion Project Environmental Assessment DOI-BLM-NV-WO10-2011-0004-EA

Introduction/Background

Newmont Mining Corporation submitted an amendment to their Twin Creeks Mine Plan of Operations (POO) expanding their existing Vista Pit project area. The project area is located approximately 35 miles northeast of Winnemucca, Nevada and east of the Osgood Mountains, in Humboldt County, Nevada. The project, located entirely within the Twin Creeks Mine boundary, would be located in T39N, R43E, sections 5, 6, 7 and 8, MDB&M, and disturb approximately 580 acres of combined public (223 acres) and private (357 acres) surface. This area is already disturbed with a haul road, portion of a heap leach and other ancillary features.

The amendment proposes: 1) expansion of the existing Vista Pit, 2) partial in-pit backfill of the Vista Pit, 3) mine pit dewatering, 4) continued operation of water treatment/discharge facilities, 5) expansion of the Sonoma Heap Leach Facility, and 6) implementation of a revised method for process fluid stabilization on heap leach facilities. The project is planned to run and extend the life of the mine for approximately 6 years.

DECISION

Based on the Vista Pit Expansion Environmental Assessment (EA), DOI-BLM-NV-WO10-2011-0004-EA and the Finding of No Significant Impact (FONSI) it is my decision to implement a modified Proposed Action. This modified Proposed Action consists of the Proposed Action without the implementation of a revised method for process fluid stabilization on heap leach facilities.

Rationale

My decision is based on a number of rationale. The rationale taken into consideration is listed below:

- The environmental analysis.
- Based on the EA, the proposed method for process fluid stabilization on heap leach facilities would require further analysis before it could be selected for implementation.
- The modified Proposed Action will not result in any unnecessary or undue environmental degradation of public lands.
- FONSI

- Conformance with the Paradise-Denio Management Framework Plan.
- Through the NEPA process, Newmont committed to the attached environmental measures as part of their Plan of Operations for the Vista Pit Expansion Project.
- No mining would occur at the Shoshone Mike Massacre site under this proposed action.
- Public Involvement (refer to section below).
- Authority for this decision as it relates to the BLM-managed public lands is contained in the Mining Law, the Surface Resources Act of 1955, the Federal Land Policy Management Act, and the Code of Federal Regulations (CFR) at 43 CFR 3809 and 43 CFR 3715.
- Based on the President's National Energy Policy and Executive Order 13212, the modified proposed action will not generate any adverse energy impacts or limit energy production and distribution. Therefore, no "Statement of Adverse Energy Impact" is required.

Compliance/Conformance

The modified Proposed Action is in conformance with the Paradise-Denio Management Framework Plan, approved 1982. The modified Proposed Action is consistent with other Federal agency, state, and local plans to the maximum extent consistent with Federal law and Federal Land Policy Management Act provisions. No federal, state, or local law, or requirement imposed for the protection of the environment will be threatened or violated.

Public Involvement

As part of the preparation of the Newmont Vista Pit Expansion Project EA, BLM solicited comments by letter on the Project from numerous agencies, organizations, and the public from October 22, 2009, through November 4, 2009.

An interdisciplinary (ID) team meeting was held at the BLM office in Winnemucca on September 22, 2009. During the meeting, the ID team identified the resources to be addressed in this document.

A meeting was held on December 15, 2009, to review scoping comments received on the proposed Vista Pit Expansion Project and discuss the Proposed Action and potential alternative actions. As part of the meeting, public comments received were reviewed and discussed. The Nevada Clearinghouse and the U.S. Environmental Protection Agency provided comment letters on the proposed Project. Comments were taken into consideration as part of reviewing the Proposed Action, developing alternatives to the Proposed Action, and developing the environmental analysis.

The Preliminary EA was made available for public comment via mailing and the BLM webpage from August 3, 2011, until September 6, 2011. A copy of the Preliminary EA was also made available in the public room at the BLM Winnemucca District Office. Copies of the Preliminary

EA were also sent to both Fort McDermitt Paiute and Shoshone Tribe and Fort Hall Indian Reservation on August 4, 2011.

A total of three letters were received within the comment period and a fourth letter was received the day after the comment period ended. Comments were received from Humboldt County Board of Commissioners, the City of Winnemucca, a private citizen, and Great Basin Resource Watch.

A meeting was held on September 8, 2011, to review comments received and evaluate potential modifications to the document. Public comments focused on the basis and findings for predicted water quality and questions regarding heap leach pad closure. Information was added to the water resources monitoring section of Chapter 2 to address the former and text was modified in sections 2.2.13, 4.2.6 and 4.4.6 regarding the latter. In finalizing the EA, the sections on Native American Religious Concerns and Public Involvement were updated; clarifications were made to Section 2.2.14 - *Environmental Protection Measures* proposed in Chapter 2 under wildlife and water resources monitoring and; information on PM₁₀ and PM_{2.5} that would be emitted under the Proposed Action was added to Chapter 4. These modifications did not result in substantial change to the analysis or conclusions made from the analysis but rather provided further and more accurate information for the reader.

Native American Consultation

On February 26, 2010, letters were sent to the Battle Mountain Band Colony, Fort McDermitt Paiute and Shoshone Tribe, Lovelock Paiute Tribe, Pyramid Lake Paiute Tribe, Summit Lake Tribe, Winnemucca Indian Colony, Fallon Paiute Shoshone, Fort Hall Shoshone-Bannocks tribes, Susanville Indian Reservation, Reno-Sparks Indian Colony, Cedarville Rancheria, Fort Bidwell Indian Community Council providing information relative to the Proposed Action. Follow-up phone calls were made to identify if the Tribes had any concerns regarding the Proposed Action. No concerns were brought forward until April 28, 2011, when a concern that mining would occur at the Shoshone Mike Massacre site surfaced. A Newmont arranged site visit was conducted on June 9, 2011, for the Fort McDermitt Paiute and Shoshone tribe. Newmont does not intend to do any mining at the Shoshone Mike Massacre site as part of the Vista Pit expansion.

On August 4, 2011, letters were sent to the Fort McDermitt Paiute and Shoshone tribe, Fort Hall Shoshone-Bannocks tribes providing information relative to the Preliminary Environmental Assessment. Follow-up phone calls were made to identify if the Tribes had any concerns regarding the Proposed Action. No comments or concerns were provided to the BLM from the Native American groups contacted regarding review of the Preliminary EA. There would be no direct or indirect impacts to Native American Religious Concerns from the modified Proposed Action.

Authority

The authority for this decision is contained in the Mining Law of May 10, 1872, as amended (17 Stat. 91), the Surface Resources Act of 1955 (30 United States Code (U.S.C.) 611-614), the

Federal Land Policy Management Act (FLPMA) of 1976 (43 U.S.C. 1701 et seq.), and the Code of Federal Regulations (CFR) at 43 CFR 3809 and 43 CFR 3715.

Appeal Provision

If you do not agree and are adversely affected by this decision, you may request that the Nevada BLM State Director review this decision in accordance with 43 CFR §3809.804 *et seq.* If you request a State Director review, the request must be received in the Nevada BLM State Office, at one of the following addresses, no later than 30 calendar days after you receive this decision:

By mail:

Bureau of Land Management
Nevada State Office
State Director
P.O. Box 12000,
Reno, Nevada 89520-0006

or

By delivery:

Bureau of Land Management
Nevada State Office
State Director
1340 Financial Blvd
Reno, Nevada, 89502

A copy of the request must also be sent to this office. The request for State Director Review must be in accordance with the requirements of 43 CFR §3809.805. This decision will remain in full force and effect while the State Director review is pending, unless a stay (suspension) is granted by the State Director under 43 CFR §3809.808(a). If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the Nevada State Director does not make a decision on whether to accept your request for review within 21 calendar days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Nevada BLM State Office to determine when the BLM received the request for State Director Review. You have 30 days from the end of the 21-day period in which to file your Notice of Appeal (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. Your notice of appeal must be filed in this office at 5100 East Winnemucca Blvd, Winnemucca, NV 89445 within 30 days from receipt of this decision. As the appellant, you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

If you wish to file a petition (request) pursuant to regulation 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413 or Form 1842-1 enclosed) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied,
- 2) The likelihood of the appellant's success on the merits,
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.

Michael Truden
For Michael Truden *Acting Field Manager*
Field Manager
Humboldt River Field Office

9/21/11
Date

Attachments:
Environmental Measures Committed to by the Operator
Form 1842-1 (September 2005)

**Newmont Mining Corporation
Vista Pit Expansion Project
Environmental Assessment
DOI-BLM-NV-WO10-2011-0004-EA**

Environmental Measures Committed to by the Operator

Newmont committed to the following environmental measures as part of their amended Plan of Operations for the Vista Pit Expansion Project.

- Fugitive emissions will be controlled using BMPs in accordance with Newmont's Fugitive Dust Control Plan and requirements of NDEP Air Quality Permit. Dust emissions will be controlled through use of water, approved chemical binders, or wetting agents, dust collection devices, water sprays, and revegetation of disturbed areas concurrent with operations.
- Gaseous emissions will be controlled through proper operation and maintenance of equipment.
- Mercury emissions will be controlled using Maximum Achievable Control Technology as mandated by the Nevada Mercury Program.
- Overburden/interburden will be managed in accordance with an NDEP approved Materials Handling Plan. A quarterly report that summarizes mining progress and monitoring of overburden/interburden will be submitted to BLM and NDEP.
- Existing diversion channels, sediment basins, and other surface water (sediment) control structures have been constructed to control stormwater run-on/run-off. Sediment control structures include silt traps and fences using certified weed-free straw, hay bales, geotextile fabric, and sediment ponds. Soil recovered from sediment retention ponds will be placed in stockpiles or spread over graded areas. Sediment control structures will remain active during the post-closure period until such time as reclamation has stabilized the land surface and use of these facilities is no longer required.
- Stormwater will be controlled using BMPs stipulated in Stormwater General Permit (NVR300000 – MSW-243). These BMPs address material handling procedures that minimize exposure of materials to stormwater; define spill prevention and response measures; identify sediment and erosion control measures; and describe physical stormwater controls.
- Water resources in the Project area are monitored as part of Newmont's Water Pollution Control Permits (NEV86018 and NEV86035) and discharge permit (NV0021725). Should

it become necessary to develop mitigation measures based on monitoring results these mitigations will be coordinated with NDEP and BLM and evaluated under NEPA separate from this document.

- Annual weed surveys to direct weed control efforts will be conducted. Weed control efforts will continue for the life-of-mine and reclamation period to reduce potential impacts of new infestations.
- New activity at the proposed mine expansion will be avoided until current nesting season (March 1-August 31, 2011) is completed. The nest on the Vista Pit highwall will be monitored and U.S. Fish and Wildlife Service (USFWS) and BLM coordinated with regarding the nest prior to the next breeding season.
- Newmont, in cooperation with BLM and NDEP, will evaluate the status of vegetative growth during a minimum of three full growing seasons following completion of planting. Final bond release may be considered at that time. Interim reclamation progress at the Vista Pit Expansion Project area will be monitored as requested by the agencies.
- Revegetation plan that specifies use of native grass, forb, and shrub species. Planting and seeding techniques will be coordinated with BLM.
- The top of OISAs will be graded to create undulations and topographic relief to blend with surrounding undisturbed areas.
- Where possible, Newmont will direct-haul and place growth media on graded areas that have been prepared to receive growth media.
- Vegetate growth media stockpiles during first appropriate season with a BLM recommended seed mixture.
- Reclaimed areas will be routinely inspected to assess vegetation establishment and the effectiveness of erosion control. Where warranted, maintenance will be employed to promote vegetation establishment and repair erosional features.
- All hazardous material storage tanks have secondary containment sufficient to hold at least 110 percent of the volume of the largest tank in the containment area. All tanks and containment vessels are positioned on a containment surface designed to route any spilled material to lined collection areas.
- An Emergency Response Plan has been implemented to address accidental spills or releases of hazardous materials to minimize health risk and environmental effects. The plans include procedures for evacuating personnel, maintaining safety, cleanup and

neutralization activities, emergency contacts, internal and external notifications to regulatory authorities, and incident documentation.

- All outdoor lighting fixtures will be installed in conformance with the provisions of the Federal Energy Regulatory Commission and the North American Electric Reliability Corporation.
- All lighting will follow the standards for maximum lumens per acre output as recommended by the International Dark-Sky Association (IDA), unless other regulations apply.
- All lighting fixtures over 2000 lumens will be fully shielded, based on the recommended standards by IDA for Environmental Zone E1 lighting.
- Uplighting will not be used except in cases where the fixture is shielded from the sky by a roof overhang or similar structure and where the fixture does not cause light to extend beyond the structural shield.
- To the extent possible, lighting fixtures will be low pressure sodium.
- Project lighting will take into consideration locations, luminary mounting heights, safety, and security lighting structures.

Measures Newmont commits to applying to this project based on the 1997 Record of Decision

Air Quality

- Newmont will continue to monitor and control emissions, including fugitive emissions, from sources at the mine site in accordance with Air Quality Permit No. AP1041-0723. Baghouses with control efficiencies exceeding 99 percent will continue to be used on existing facilities, including lime storage silos, conveyors, and crushers where practical. Other operations will continue to use fan dust systems and cyclones to reduce emissions to the atmosphere. Where baghouses are impractical, control systems for screening and the conveying circuit would continue to use fogging water sprays. Fugitive dust from all disturbed areas and unpaved roads will continue to be controlled using water sprays, chemical stabilization, or other controls approved by NDEP.

Cultural Resources

- Should cultural resources be encountered during mining operations Newmont will contact BLM immediately. If NRHP eligible sites or contributing elements are discovered within the proposed Project area and cannot be avoided, they will be mitigated through a data

recovery plan approved by BLM in consultation with the State Historic Preservation Office (SHPO). (This bullet reflects 2011 standard operating procedure).

Native American Religious Concerns

- Newmont understands Native American concerns regarding disturbance of human graves and will continue their practice of training all staff members that supervise ground disturbing activities regarding requirements of the federal Native American Graves Protection and Repatriation Act and sections of the Nevada Revised Statutes addressing Native American graves.

Invasive, Non-native Species

- Newmont will continue to monitor disturbed and reclaimed areas for invasion of noxious weed species. If such invasions occur, appropriate control measures (as recommended by BLM and Nevada Division of Agriculture) will be implemented. Only noxious weed-free seeds will be used for reclamation purposes.

Water Resources

- Hydrologic monitoring will continue to be performed to maintain a seasonal surface water and groundwater chemistry database and to report any changing conditions in surface water flow rates, groundwater levels, and water quality. Newmont will continue to monitor water resources in the Project area in accordance with Water Pollution Control Permits (NEV86018 and NEV86035).
- After dewatering operations cease and a pit lake begins to develop, water quality sampling and analyses will be performed in accordance with NDEP requirements and Water Pollution Control Permit NEV86018.
- Newmont will continue periodic inspections of the Rabbit Creek drainage to identify any occurrence of accelerated channel and bank erosion or gullying resulting from dewatering discharges.
- Newmont will complete any necessary stabilization activities for drainage pathways affected by dewatering discharge associated with the Vista Pit Expansion Project

Geology and Minerals

- During operations, stability analysis of the proposed Sonoma Heap Leach Expansion and the modified Snowstorm Leach Pad will be completed on an annual basis. The minimum factor of safety for the leach pad slope design will be determined as part of the design

approval by NDEP/BMRR in accordance with Water Pollution Control Permit NEV86018 and in coordination with BLM.

- The monitoring program Newmont currently has in place for land subsidence, slope failures, and earth fissures in the vicinity of solution-bearing facilities will continue to be used for the proposed expansion to the Sonoma Heap Leach Facility.

Paleontology

- If fossil deposits are located during construction, operation, or reclamation, measure will be taken to identify and preserve the fossils, including Newmont contacting BLM immediately.

Soil

- Newmont will use contour ripping and scarifying techniques during reclamation of the Sonoma Heap Leach Facility expansion to minimize compaction and erosion. Reclaimed areas will be visually inspected for flow channels, drainage and erosion controls, and slope stability until reclamation has final approval. Maintenance and/or corrective measures will be implemented, as necessary, during the monitoring period.

Special Status Species

- To protect sage grouse that may breed in the proposed expansion to the Sonoma Heap Leach Facility, an active lek survey will be conducted if construction activities occur between March 1 and May 15.

Wildlife

- All recorded data from monitoring of wildlife mortalities will continue to be submitted to BLM and NDOW. If the heap leach pad or solution ponds cause increased wildlife mortalities, Newmont will consult with BLM and NDOW to develop appropriate protection measures to reduce or eliminate the problem.

Monitoring Programs

The following section describes the monitoring programs Newmont commits to implementing during the operational and post-operational phases of the Vista Pit Expansion Project:

Operational Monitoring

Air Quality

Emissions will be monitored in accordance with requirements imposed by an existing NDEP Air Quality Operating Permit issued for the Twin Creeks Mine (AP1041-0723).

Water Resources

Water resources in the Project area are monitored in accordance with Water Pollution Control Permit NEV86018. The monitoring programs have been developed in conjunction with NDEP to address groundwater and surface water. The purpose of water monitoring is to report changing conditions as mining and ore processing operations are conducted in the area.

Surface water quality has been characterized based on samples collected from 20 stream and 10 spring locations. Springs and streams in the monitoring program are periodically sampled for flow and Profile I constituents.

Groundwater has been characterized (Profile I) by samples from monitoring wells, dewatering wells, horizontal drains, and seeps. Sampling frequency varies from quarterly (groundwater) to annually (dewatering) to once every 5 years (regional).

Additional monitoring wells for the expansion of the Sonoma Heap Leach Facility may be required by NDEP and BLM and will be evaluated separately from this EA. The location of these wells and frequency of sampling will be determined during development of a Mitigation and Monitoring Plan at that time. Water quality, groundwater levels, and surface water flow will be measured as required at designated monitoring wells, springs and seeps, and surface water stations.

Reports will be prepared by Newmont summarizing water resource monitoring data collected. These reports are and will continue to be submitted quarterly/annually to NDEP and BLM.

Cultural Resources

Cultural resource inventories have been completed in the proposed Vista Pit Expansion Project area. No sites eligible for listing on the National Register of Historic Places will be affected. Unknown sites that may be discovered during proposed surface disturbance activities or by future cultural inventories will either be avoided or mitigated by Newmont in accordance with Section 106 of the National Historic Preservation Act.

Paleontological Resources

Paleontological resources have not been identified within the Vista Pit Expansion Project area. In the event vertebrate fossils are discovered within the Project area during mining operations, Newmont will notify the BLM Authorized Officer immediately. Actions that will occur after notification include cessation of mining activities in the area of discovery; verification and

preliminary inspection of the discovery; and development/implementation of a BLM-approved plan to avoid or mitigate the fossils.

Migratory Birds

Land clearing and surface disturbance will be timed to prevent destruction of active bird nests or disturbance of birds during the avian breeding season (March 1 to August 31) to comply with the Migratory Bird Treaty Act. This time frame may be extended or shortened depending upon evaluation of species associated with this habitat. If surface disturbing activities were proposed during this time frame, Newmont will consult with BLM and following BLM survey protocols, Newmont will have a qualified biologist survey areas proposed for disturbance to identify active nests or nesting activity. If active nests are located, or if other evidence of reproductive activity is observed (mating behavior, mating pairs, territorial defense, carrying nesting material, transporting of food, etc.), the area will be avoided per BLM guidelines to prevent destruction or disturbance of nests until the birds are no longer present. Avian surveys will be conducted during the breeding season no more than 10 days and no less than 3 days prior to Newmont's activities that would result in disturbance. After such surveys are performed, and disturbance created (*i.e.*, road construction and drill pad development), Newmont will not disturb additional land during the avian breeding season without first conducting another avian survey (per BLM guidelines) in compliance with the Migratory Bird Treaty Act.

Post-Closure Monitoring

Water Resources

Groundwater monitoring associated with the Vista Pit Expansion Project will be conducted in accordance with Water Pollution Control Permit NEV86018 and included as part of Newmont's ongoing approved hydrologic monitoring plans for the Twin Creeks Mine. Surface water monitoring will continue until vegetation is established and/or until monitoring is determined by BLM and NDEP to no longer be necessary.

Vegetation

Reclamation goals for mining disturbances are to 1) stabilize the site, and 2) establish a productive vegetative community based on the designated post-mining land uses. The goal of revegetation will be to achieve as close to 100 percent of the perennial plant cover of selected comparison areas as possible. The comparison, or reference, areas will be selected from representative plant communities adjacent to the mine site, test plots or demonstration areas or, as appropriate, representative ecological or range site descriptions.