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SUMMARY OF RECENT APPEALS OF NEWMONT PROJECTS

February 2003

Great Basin Mine Watch and Mineral Policy Center v. U.S. Bureau of Land Management, IBLA 2002-446. On August 26, 2002, Great Basin Mine Watch and Mineral Policy Center filed an appeal to the Interior Board of Land Appeals, challenging the Bureau of Land Management's July 26, 2002 Record of Decision approving an amended Plan of Operations for Newmont's South Operations Area Project Amendment ("SOAPA"). The amended Plan of Operations authorizes Newmont to continue expanded mining operations at its existing Gold Quarry Mine. Appellants also requested a stay of the BLM's Record of Decision, pending final resolution of the appeal. Newmont has intervened in this appeal. Briefing has been completed and a decision by the IBLA is pending.

Great Basin Mine Watch and Mineral Policy Center v. U.S. Department of the Interior, CV-N-02-0605-HDM (RAM). On November 19, 2002, Great Basin Mine Watch and Mineral Policy Center filed suit in the Federal District Court for the District of Nevada in Reno, against the Department of the Interior and BLM challenging and seeking to enjoin the BLM's July 26, 2002 Record of Decision approving the SOAPA amended Plan of Operations and its September 25, 2002 Record of Decision approving a new Plan of Operations for Newmont's proposed Leeville Mine. Newmont has intervened in that action on behalf of the government defendants. Appellants seek a declaration that the BLM's decisions were unlawful and an injunction prohibiting Newmont's approved activities. The government's answer is due on February 28, 2003. A briefing schedule will then likely be set by the Court.

Great Basin Mine Watch v. Nevada Department of Conservation and Natural Resources, Division of Environmental Protection. On October 16, 2002, Great Basin Mine Watch filed an appeal to the Nevada Environmental Commission, challenging the Nevada Division of Environmental Protection's ("NDEP") renewal of an NPDES permit for Newmont's Gold Quarry Mine. That NPDES permit governs the conditions under which Newmont may discharge mine dewatering water in connection with its ongoing mining operations. Newmont has filed a Petition to Intervene in this appeal. A hearing before the Nevada Environmental Commission is currently set for March 17-18, 2003 in Elko, Nevada.

Great Basin Mine Watch v. Nevada Department of Conservation and Natural Resources, Division of Environmental Protection (Lone Tree Mine). On December 4, 2002, Great Basin Mine Watch filed an appeal to the Nevada Environmental Commission challenging NDEP's November 12, 2002 Decision renewing a water pollution control permit for Newmont's Lone Tree Mine. Newmont has intervened in this appeal. A hearing before the Nevada Environmental Commission is currently set for February 25-26, 2003 in Carson City, Nevada.

Great Basin Mine Watch v. Nevada Department of Conservation and Natural Resources, Division of Environmental Protection (Rain Mine). In December 2000, Great

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ASSEMBLY NATURAL RES., AGRICULTURE & MINING
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SUBMITTED BY: John Carpenter

Basin Mine Watch filed an appeal to the Nevada Environmental Commission challenging NDEP's November 16, 2000 Decision renewing a water pollution control permit for Newmont's Rain Mine. On December 19, 2000, GBMW requested a six month continuance of the appeal. Through negotiations and additional information and reports provided by the state to GBMW, on September 4, 2001 GBMW withdrew their appeal.

Reno-Sparks Indian Colony, et al v. U.S. Environmental Protection Agency, Civil Action No. 02-71503. The Reno-Sparks Indian Colony and Great Basin Mine Watch filed this case in the United States Court of Appeals for the Ninth Circuit on May 20, 2002, challenging an EPA final rule published on March 19, 2002 in the Federal Register. The challenged rule added 4 footnotes to an existing regulation in the Code of Federal Regulations clarifying that the PSD baseline areas in Nevada were the same as its hydrographic basins. The State of Nevada and Newmont USA Limited intervened in that case. The case has been briefed and argued to the Ninth Circuit court; no further action is necessary before the court renders its decision, though there is no deadline by which the court needs to decide the case.

Great Basin Mine Watch, et al v. U.S. Environmental Protection Agency, Civil Action No. 03-70231. Great Basin Mine Watch and the Reno Sparks Indian Colony filed this case in the United States Court of Appeals for the Ninth Circuit on January 13, 2003, challenging an EPA final rule published on November 13, 2002 in the Federal Register. The challenged rule divided air basin 61 into 2 new PSD baseline areas and designated the Nevada hydrographic basins as the state's PM-10 attainment areas pursuant to § 107(d) of the Clean Air Act. On February 12, 2003, the State of Nevada and Newmont USA Limited requested intervenor status; the court has not yet ruled on their motions to intervene. The Petitioners and EPA have moved the court to stay the briefing in this case pending a decision in the above case, No. 02-71503.