

## DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or [library@lcb.state.nv.us](mailto:library@lcb.state.nv.us).

# Environmental group loses appeal on Lone Tree

By ADELLA HARDING  
Free Press Staff Writer

ELKO — Great Basin Mine Watch lost its appeal to the Nevada State Environmental Commission this week over Nevada Division of Environmental Protection permitting actions at Lone Tree Mine.

"We were given a favorable decision on all issues," Dave



6 50464 11111 0

Gaskin, chief of NDEP's Bureau of Mining Regulation and Reclamation, said Thursday. "I think we had a pretty substantial victory on our end."

The commission ruled after two full days of hearings that NDEP didn't violate any regulations in allowing Newmont Mining Corp. to continue operating a heap leach facility while working with Newmont to stop small leaks, Gaskin said.

The commission also agreed with NDEP that it had the right to permit Lone

Tree to expand the heap leach facility under a minor modification action.

"They dismissed that up front," Gaskin said.

Great Basin Mine Watch, an environmental organization focusing on mining, also contended NDEP should have shut down the heap leach pad because of the seeps.

"We showed the seeps were extremely small and one has even dried up," Gaskin said.

The basis of the appeal was NDEP's approval of a water pollution control

permit, and the environmental organization contended that NDEP shouldn't have renewed it before seeing new tailings management plans and a revised pit lake study from Newmont.

Tom Myers of Great Basin Mine Watch said today that the commission's decisions were disappointing, but he thought NDEP may have lost some authority because of the decisions.

He said that while he hasn't seen the written order, he believes the commission essentially agreed with

Newmont that NDEP doesn't have the authority to require pit lake studies, but rather its authority kicks in once there is a pit lake.

"That's nonsensical," Myers said.

He also said that the decision that there isn't an appeal procedure for appealing minor modifications, means the agency has the authority to decide when a modification is major or minor and when to go out for public comment.

"We think this decision is so bad. It just doesn't make any sense. NDEP's got a great big rubber stamp," Myers said.

He said the decision means Great Basin Mine Watch would go straight to court next time to appeal an NDEP decision on a minor modification, rather than to the commission.

Myers also said he still believes that increasing the size of a heap leach facility from 17 million tons of capacity to 28 tons is a major modification.

See LONE TREE, A2

Feb. 28, 2003

## Lone Tree

Continue from front page  
Mary Korpi, Newmont's manager of external affairs for Newmont operations, said today that the commission's ruling reaffirmed Newmont's belief that NDEP met all regulations.

"It's an important victory for NDEP and for Newmont. We believed the challenges issues pending with NDEP or the U.S. Bureau of Land Management over Newmont projects, "and we believe each of those is without merit."

One of those gaining the most attention is a lawsuit Great Basin Mine Watch and Mineral Policy Center filed against BLM over Newmont's Leeville underground mine development project and its expansion of the Gold Quarry surface mine because of dewatering issues.

The environmental groups said they want to force Newmont to take additional or different steps to lessen impacts and return more water pumped from the mines to the ground, rather than it going to the Humboldt River.

**FRANNIE ANN'S**  
RESTAURANT  
**OPEN**  
SEVEN DAYS A WEEK!

**NEW HOURS**  
MONDAY - FRIDAY  
11:00 AM - 9:00 PM  
SATURDAYS  
7:30 AM - 8:30 PM  
SUNDAYS  
7:30 AM - 8:30 PM

Feb. 25, 2003

GREAT BASIN MINE WATCH

# Hearing today on mine permit

By ADELLA HARDING  
Free Press Staff Writer

ELKO — Nevada State Environmental Commission is hearing an appeal today in Carson City filed by Great Basin Mine Watch over a permit issued to Newmont Mining Corp.'s Lone Tree Mine at Valmy.

"We appealed the renewal of a water pollution control permit at Lone Tree that the state renewed without information up front," Tom Myers of Reno-based Great Basin Mine Watch said Monday.

The appeal is against the Nevada Division of Environmental Protection, and Jolaine Johnson, deputy administrator of the department, said Monday afternoon NDEP feels confident it was justified in issuing the permit.

Myers said one of Great Basin Mine Watch's concerns is that the permit was renewed before NDEP saw revised pit lake and tailings management plans.

"When they do the pit lakes and tailings management plans, we won't have a chance to review them and comment," he said. "How can they renew a permit without answers?"

Johnson said NDEP renewed the permit with conditions that Lone Tree Mine submit studies within a certain amount of time, and NDEP can revoke the permit if Newmont doesn't do so.

"They don't get a formal chance to comment but we do make the plans available and take comment," Johnson said.

"We believe the state followed all the regulations for the renewal," Newmont spokesman Mary Korpi said this morning from Carson City.

She said the public was given ample time for public comment, and Great Basin Mine Watch even received an extension of time to submit comments.

"We believe the appeal is without merit and anticipate a fair ruling from the commission," said Korpi, who added that the appeal also is scheduled for Wednesday in case the commission needs two days.

Great Basin Mine Watch, which is an environmental organization focused on mining, also maintains that NDEP shouldn't have allowed Lone Tree to expand its tailings pond, without seeking public comment.

"We're not saying they should take the lifts off, but they should be told not to do it again," Myers said.

Myers said NDEP allowed the expansion as a minor modification to its operating plan.

Dave Gaskin, chief of NDEP's Bureau of Mining Regulation and Reclamation, said today that Great Basin Mine Watch is trying to "expand their opportunity for public comment and refine interpretation of major modifications."

Myers also said Great Basin Mine Watch suggested NDEP close the tailings pond unless Lone Tree can stop two leaks at the pond, which stores fluids left over from processing ore, including cyanide.

Gaskin said NDEP has been working

with Newmont on the leaks.

"They are very minor seeps, and we've been addressing them for a while now," Gaskin said.

Myers said he has concerns about the pit lake that will form once mining ends because Lone Tree has been backfilling "with very acid-producing rock."

In other words, the waste material is more sulfuric than Newmont originally thought it would be, Myers said.

"It is apparent that the state did not formally consider whether this was a problem before issuing the permit," said Glenn Miller, chairman of Great Basin Mine Watch and a professor at the University of Nevada, Reno.

Johnson said three commissioners are hearing the appeal, and they may have a decision before they adjourn Wednesday.

Myers said Great Basin Mine Watch has asked for three things — that the permit be revoked until documents are reviewed by the public, that NDEP agrees it shouldn't allow tailings modifications without public input and that the commission should shut down the tailings impoundment to prevent future leakage.

"We think we have very good, factual arguments in this case," Myers said.

The appeal was filed by Western Mining Action Project on behalf of Great Basin Mine Watch, and attorney Nicole Rinke said NDEP "essentially wrote Newmont a blank check" by not requiring the pit lake and tailings plans before renewing the permit.

# Group accuses state regulators of stalling mine hearing

April 2, 2003

BY SCOTT SONNER  
Associated Press

RENO — Conservationists accused Nevada regulators of abusing their power by repeatedly delaying a hearing on an open pit gold mine that they say is spewing pollution.

The Great Basin Mine Watch petitioned the Nevada Supreme Court on Monday to order the state Environmental Commission to hold the hearing on Newmont Mining Corp.'s discharge permit, which the group said is

nearly six months overdue — a violation of state law.

"We have done everything we can to get a hearing on this appeal but the state keeps stalling while the mine keeps polluting," said Nicole Rinke, a lawyer for the Western Mining Action Project who filed the petition.

Tom Myers, director of the Reno-based mine watch group, said it filed an appeal Sept. 30 challenging looser water pollution standards at the open pit mine six miles north of Carlin. State law requires such a hearing

within 20 days, he said.

"They have rolled back the standards for several things," Myers said. The main concern was a 27 percent increase in the amount of salt that the mine is allowed to discharge, he said.

"We've had them go past the deadline before but never more than two months," Myers said.

"In the meantime, Newmont just keeps discharging this stuff, operating under the new discharge permit and we can't ever get our case heard before the Environmental Commission," he

said.

"It is pretty obvious what is going on," Myers said.

The lead attorney for the state commission denied the panel was stalling.

"It has just been one of those administrative difficulties in getting it set," said Susan Gray, deputy attorney general assigned to the commission.

"This ultimately may end up being moot," she said. "By the time the Supreme Court even looks at it, we probably will have had the hearing."