



US Army Corps
of Engineers®
Sacramento District

Public Notice

Public Notice Number: 199825163

Date: June 30, 2003

Comments Due: July 16, 2003

In reply, please refer to the Public Notice Number

Subject: Department of the Army Permit Application. The District Engineer, Sacramento District, Corps of Engineers (Corps) is evaluating a permit application from the Newmont Mining Company. The purpose of this notice is to inform interested parties of a proposed work activity and to solicit comments. Participation is encouraged so that the District Engineer is better able to complete a more thorough public interest review. Comments assist the Corps to make a reasonable decision based on public interest factors. The District Engineer is particularly interested in receiving comments related to the proposals probable impacts on the affected aquatic systems functional values and the cumulative and secondary effects. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The proposed project is described below and shown on the attached drawings. This notice may also be viewed at the Corps web site at:

<http://www.spk.usace.army.mil/cespk-co/regulatory/PNs/>.

Applicant: Newmont Mining Corporation, Nevada Operations, 427 Ridge St Ste C, Reno NV 89501

Location: The project is approximately 21 miles northwest of Carlin located in Sections 13 and 24, Township 35 North, Range 50 East, and Sections 19, 29, and 30, Township 35 North, Range 51 East, Eureka County, Nevada of the Rodeo Creek NE USGS Topographic Quadrangle.

Purpose: The purpose of the proposed fill is to mine ore at the Pete Project site in northwest Nevada.

Project Description: The applicant is proposing to divert two unnamed tributaries to Simon Creek (unnamed tributaries 2 & 3 on attached drawings sheet 2 of 3). Three mining pits, Pete, Crow, and Castle Reef, will require tributary's diversion around the 863-acre Pete Project operational area which is part of the much larger Carlin Mine operational site. After the 9,000-foot diversions are constructed around the south side of the Pete Project site, the diversion will become confluent with a tributary off the project site. Approximately 7,862 feet of unnamed tributary 2 and 2,731 feet of unnamed tributary 3 will be abandoned and be permanently altered by the mining operation. The affected tributaries are average 1.3 feet wide and 1+ feet (unnamed tributary 2) and 2 feet (unnamed tributary 3) deep. The diversion channels are designed to pass a 100-year storm event (2.8 inches of precipitation in a 24-hour period). There is one spring, SP 74, that will be impacted by the waste rock disposal facility; the spring will be fitted with a perforated pipe so its water can discharge off the project impact area. The outlet for the pipe will be into an existing unnamed tributary of Simon Creek. Two other springs, SP 56 and SP 2, are inside the project disturbance area but outside the area of impact; they will not be affected. One

road crossing, Lower Crow road, will cross Simon Creek; it will contain a 30-inch corrugated metal culvert, designed to pass a 25-year storm event. The attached maps and drawings provide additional project details.

The applicant believes there is a need to create diversion channels to route water from two ephemeral tributaries around the project site to preclude subsequent downstream water quality degradation.

The Corps has not determined if compensatory mitigation will be required if the impacts caused by the proposal are authorized.

Environmental Setting: The project site is on the eastern slope of the Tuscarora Mountains in the Maggie Creek Basin; Simon Creek is a primary, intermittent tributary to Maggie Creek which is a primary, tributary of the Humboldt River. Elevations range from 5,200 to 7,200 feet above sea level. The general project area is mountainous with sagebrush plant association and mixed grasses understory vegetation. Within the project area, there are several springs and associated wetlands, as well as other unnamed tributaries to Simon Creek. None of these other waters of the US, except SP 74, will be impacted by the proposal. Within the project boundary, approximately 2.15 acres of jurisdiction waters occur: 1.31 acres of tributaries and 0.82 acres of wetlands. Complete avoidance was not achievable, therefore 0.32 acres of tributaries 2 and 3 will be lost from the operation, and 0.03 acres of tributary 3 will be impacted by the Lower Crow road tributary crossing. SP 74 is very near unnamed tributary 2 and likely provides supplemental water to this tributary. Additionally, another 1.81 acres of non-jurisdictional riparian areas were identified on the project site; these will not be impacted.

Background Information: Active mining in the project area has been occurring for the past 30 years. The new proposal is expected to be another long term project, thus the diversion channel will be a relatively permanent tributary feature, at least until the mining project in this area is complete. Most of the environmental analysis has been completed by the Bureau of Land Management (BLM), Elko Field Office and the applicant. An Environmental Assessment was completed, and BLM issued a Findings of No Significant Impact (FONSI) in July 2002.

Additional Information: Additional information may be obtained from Debbie Tunney, Newmont Mining Company at 775-784-8182 in Reno or by calling Richard Gebhart, Project Manager, Corps of Engineers at 775-784-5304 in Reno.

Authority: This proposal is being evaluated under Section 404 of the Clean Water Act, for the discharge of dredged or fill material into waters of the United States.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act, has been granted or is waived from the Nevada Division of Environmental Protection (NDEP). A waiver will be deemed to occur if the state fails or refuses to act on the request for certification within 60 days.

Section 404(b)(1) Evaluation: The activity's impact on the public interest will include application of the 404 (b) (1) guidelines promulgated by the Administrator, Environmental Protection Agency.

Public Hearing: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. If the District Engineer 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.

Endangered Species: Preliminary review for species protected under the Endangered Species Act of 1973 (87 Stat. 844) indicates that the described activity will not affect listed species or their critical habitat. Formal consultation under Section 7 of the Act is not required for the described activity. Informal consultation resulting from the BLM Environmental Assessment also demonstrated no impact to listed species.

Cultural Resources: In accordance with Section 106 of the National Historic Preservation Act, initial review of cultural resources information available in the National Register of Historic Places and its current supplements indicates that no historic properties would be affected by the proposed activity. This notice was sent to the Nevada State Historic Preservation Office.

Evaluation: The decision whether to issue a permit will be based on an evaluation of the probable impact 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 Corps of Engineers 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 of Engineers 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: Comments must be received on or before the expiration date (located above) to be considered in subsequent actions on this application. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. Anyone whose interests may be affected by the proposed work is invited to submit favorable or unfavorable written comments to:

US Army Corps of Engineers
Reno Regulatory Office (Gebhart)
300 Booth Street Rm 2103
Reno NV 89509-1361
Email: richard.a.gebhart@usace.army.mil

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These state requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable statutory authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements which must be satisfied before the work is accomplished.

Michael J. Conrad, Jr.
Colonel, Corps of Engineers
District Engineer

Attachments:

Drawing(s)