



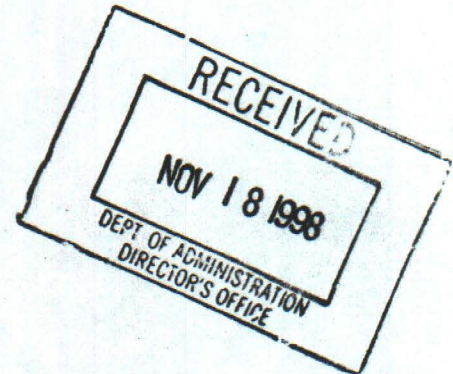
United States Department of the Interior

**BUREAU OF LAND MANAGEMENT**

Winnemucca Field Office  
5100 East Winnemucca Boulevard  
Winnemucca, Nevada 89445  
702-623-1500



October 26, 1998



**RECORD OF DECISION**

**NEWMONT GOLD COMPANY**

**TRENTON CANYON MINE**



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Winnemucca Field Office  
5100 East Winnemucca Boulevard  
Winnemucca, Nevada 89445  
702-623-1500

In Reply Refer To:

3809  
N20-96-002P  
(NV-23.53)

CERTIFIED MAIL - RETURN RECEIPT REQUESTED  
CERTIFIED NO. Z 551 575 176

OCT 26 1998

Newmont Gold Company  
Mr. George Conger, Manager, Env. Permitting  
1700 Lincoln St.  
Denver, CO 80203

### DECISION

*Surface Management*

:

*Plan of Operations*

:

#### APPROVAL OF TRENTON CANYON PROJECT MINE PLAN OF OPERATIONS

On March 25, 1996, Santa Fe Pacific Gold Corporation (SFPG) submitted to the Bureau of Land Management (BLM), Winnemucca Field Office, a Plan of Operations (Plan) to expand existing mining operations on private lands onto both public and additional private lands as required by the Surface Management Regulations 43 CFR 3809. On May 5, 1997, SFPG became a wholly owned subsidiary of Newmont Gold Company (Newmont). Newmont is the operator of the Trenton Canyon project. Newmont submitted a revised Plan to the BLM on November 14, 1997 and submitted a final revision of the Plan on September 3, 1998. The project is located approximately 12 miles south of Lone Tree Mine, some 34 miles east of Winnemucca, NV and 18 miles west of Battle Mountain, NV.

BLM prepared an environmental impact statement (EIS) analyzing impacts and alternatives of the Proposed Action. The Draft Environmental Impact Statement (DEIS) was issued on February 11, 1998. Comments to the DEIS were solicited by BLM until April 14, 1998. The Final Environmental Impact Statement (FEIS) was issued on August 7, 1998 and addressed comments received on the DEIS.

We have completed our review of the Plan, BLM case file #N20-96-002P. Based upon the FEIS, I have determined that the implementation of the Plan, as modified by the stipulations and mitigation measures identified in the Record of Decision (ROD), will not cause unnecessary and undue degradation of the public lands. The BLM has determined that the Plan and the EIS are technically adequate and comply with requirements of the Surface Management Regulations 43 CFR 3809 and the National Environmental Policy Act of 1969 (NEPA).

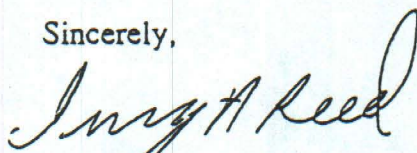
Approval is hereby granted to Newmont Gold Company, to proceed with the proposed operations as defined in the Trenton Canyon Plan and the "Agency Preferred Alternative" in the EIS. This Plan approval is subject to stipulations and mitigation measures identified in the Record of Decision (ROD).

You have the right to appeal this decision to the Nevada State Director, Bureau of Land Management in accordance with 43 CFR 3809.4. Appeal procedures have been outlined under the "Appeals" section of the ROD. Please be advised that other parties aggrieved by this decision have 30 days from the ROD notice of availability publication date in the Federal Register, to file and appeal and or stay the Decision.

This letter does not constitute; certification of ownership to any person or company named in the Plan; recognition of the validity of any mining claims named in the Plan; or recognition of the economic feasibility of the operation proposed.

Approval of this decision does not relieve responsibility of the operator to comply with and obtain necessary permits issued by other federal and state agencies.

Sincerely,

A handwritten signature in cursive script, appearing to read "Terry Reed".

Terry Reed,  
Winnemucca Field Manager

cc: Cindi Dragon, NSO  
Paul Comba, NDEP  
Gerald M. Smith, NV060  
Rory Lamp, NDOW

RECORD OF DECISION  
NEWMONT GOLD COMPANY  
TRENTON CANYON PROJECT

INTRODUCTION

Santa Fe Pacific Gold Corporation (SFPG) submitted to the Bureau of Land Management (BLM), Winnemucca Field Office, a Plan of Operations (PLAN) on March 25, 1996, to expand existing mining operations, as required by the Surface Management Regulations 43 CFR 3809. On May 5, 1997, SFPG became a wholly owned subsidiary of Newmont Gold Company (Newmont). Newmont is the operator of the Trenton Canyon Project. Newmont submitted a revised PLAN to the BLM on November 14, 1997. A final PLAN revision was received by BLM on September 3, 1998. The action proposed in the PLAN would allow Newmont to expand operations at the Trenton Canyon Project from private land onto Public as well as additional private lands. Mining would continue through the year 2004 followed by reclamation activities. Facilities that would be expanded include the mine pits, overburden disposal facilities, heap leach facilities, roads, and ancillary facilities. The total proposed new acres of disturbance for the Trenton Project is 1,480 acres (633 public & 847 private lands).

The BLM decision will consist of the action proposed in the September 3, 1998 PLAN revision plus subsequent updates including sequential pit backfilling. In order to comply with requirements of the Surface Management Regulations 43 CFR 3809, a National Environmental Policy Act (NEPA) document was prepared. A Draft Environmental Impact Statement (DEIS), was issued on February 11, 1998 and filed with the Environmental Protection Agency (EPA) on February 13, 1998. Comments to the DEIS were solicited by BLM until April 14, 1998. A Final Environmental Impact Statement (FEIS) was prepared by the BLM and issued on August 7, 1998. The FEIS addressed comments received on the DEIS. The FEIS includes potential monitoring and mitigation measures that address potential adverse impacts as required by the BLM for the Trenton Canyon Mine Expansion Project.

DECISION

The decision of the BLM Field Manager, Winnemucca Field Office, is to authorize the mine expansion based upon the proposed action in the Plan of Operations plus the sequential pit backfill alternative and mitigation measures, identified as the "Agency Preferred Alternative" in the DEIS and FEIS, per the Surface Management Regulations 43 CFR 3809. The decision would also authorize that the Trenton Canyon Project has met concurrence requirements pursuant to the Surface Occupancy Regulations 43 CFR 3715 under subpart 3715.3-4. This decision shall not be implemented until 30 days after the date that the Environmental Protection Agency (EPA) publishes the Notice of Availability of the Final Environmental Impact Statement (FEIS). Implementation of this decision with the identified stipulations and mitigation measures will not cause undue or unnecessary degradation of the public lands. All stipulations and mitigation measures will be implemented and enforced.

## ALTERNATIVES INCLUDING THE PROPOSED ACTION

The analysis of the Proposed Action in the DEIS for the Trenton Canyon Project, included the No Action Alternative, Expansion of Overburden dump TC-6 to Eliminate TC-4 and TC-5, Partial Pit Backfill Alternative, Rehandling of Overburden dumps TC-4 and TC-5 and the Partial Sequential Backfill alternative. The Proposed Action with the partial sequential backfill alternative and implementing mitigation measures is the Agency Preferred Alternative. In addition, other alternatives were considered in the DEIS, but were eliminated from detailed analysis. A full description of the alternatives can be found in the DEIS (chapter 2) and in the FEIS (Chapter 3).

The Agency Preferred Alternative includes all components of the Proposed Action plus the partial sequential backfill alternative and is the environmentally preferable alternative incorporating mitigation and monitoring measures. The Proposed Action consists of expanding mining and ore processing activities at the Trenton Canyon Project. The BLM also requires that the monitoring and mitigation measures and stipulations described later in this ROD be conducted by Newmont for the Proposed Action. This decision, which approves the proposed Plan of Operations, subject to stipulations, monitoring and mitigation measures described herein, is consistent with the Agency Preferred Alternative.

## MANAGEMENT CONSIDERATIONS

The rationale for the above decision is to allow Newmont to make legitimate use of the public lands in an environmentally sound manner without causing undue or unnecessary degradation. The modified PLAN approved by this ROD provides for the continuation and expansion of mining and ore processing in an area where mining has been identified as an appropriate land use as stated in the Winnemucca Field Office, Sonoma-Gerlach Management Framework Plan (MFP) and the Battle Mountain Field Office, Shoshone Eureka Resource Management Plan (RMP).

Approval of the PLAN will allow Newmont to utilize its existing work force and existing equipment and infrastructure to expand the Trenton Canyon Project. The mitigation measures specified in this ROD, will minimize potential adverse environmental impacts identified in the DEIS and FEIS. The monitoring requirements specified in this ROD will assist BLM and others to identify, avoid, and/or mitigate, if necessary, any unforeseen environmental impacts that may occur. The stipulations, monitoring, and mitigation measures committed to by Newmont in this ROD will provide additional protection and periodic opportunities for BLM to refine its analysis of potential impacts during and after implementation of the Agency Preferred Alternative.

## STIPULATIONS

- 1.) The operation will be monitored under the Inspection and Enforcement procedures according to 43 Code of Federal Regulations (CFR) 3809, 3809 Surface Management Manual (7/85), BLM Nevada Handbook H-3809-1, and the Nevada Cyanide Management Plan. This will entail quarterly mine plan compliance exams by BLM during operation and more frequent exams during construction of proposed facilities.
- 2.) Facilities will be built to the standards outlined in the plan of operations and standards identified in the amended water pollution control permit and reclamation permit approved by the Nevada Division of Environmental Protection (NDEP). Newmont will follow the Plan in regard to other activities associated with the project.
- 3.) Upon approval of this PLAN, previous existing and proposed exploration disturbance identified in the Trenton Canyon Exploration Plan #N26-95-001P, located within the Trenton Canyon Project boundary shall be incorporated into this PLAN. Newmont shall submit a modification to the Trenton Canyon Exploration Plan N26-95-001P, changing the plan boundary and amending disturbance acreage to the BLM Winnemucca and Battle Mountain Field Offices.
- 4.) Work shall not proceed until the BLM Nevada State Office issues a decision record, accepting the reclamation bond. The bond or portions thereof shall not be released until the BLM Winnemucca and Battle Mountain Field Offices and the Bureau of Mining Regulation and Reclamation of the Nevada Division of Environmental Protection (NDEP), determine that adequate reclamation has been successfully completed.
- 5.) Changes to the operation from the current PLAN, shall require Newmont to submit an amendment to the current plan of operation or submit a new plan of operation for review under CFR 3809 Regulations.
- 6.) Newmont shall notify the BLM Winnemucca and Battle Mountain Field Offices in the event of a temporary cessation of operations. If such cessation occurs, the notification shall include a map showing the current disturbance, reclaimed areas, and areas where temporary stabilization measures have been completed.
- 7.) No work is authorized under this PLAN until Newmont has complied with other applicable state, federal, and local regulations and have obtained the necessary permits.
- 8.) Newmont will submit a map to the BLM Winnemucca Field Office annually, updating disturbance acreage and location of facilities.
- 9.) Newmont shall submit copies of the NDEP closure plan (along with preliminary plans and drafts) to the BLM Winnemucca Field Office for review and comment.

### Stipulations Continued

10) Newmont will comply with Secs. 3715.2, 3715.2-1, and 3715.5 of the Surface Occupancy Regulations 43 CFR 3715 subpart 3715.3-5.

### MITIGATION AND MONITORING

This ROD expressly incorporates each of the following mitigation and monitoring requirements.

#### WATER RESOURCES

In order to mitigate for impacts to vegetation, wildlife, and impacts to the Cottonwood Creek watershed and potential indirect impacts to wetlands, Newmont, through coordination with BLM (Winnemucca & Battle Mountain Field Offices) and the Nevada Division Of Wildlife (NDOW), will protect a 7-10 acre zone along Cottonwood Creek by excluding livestock grazing. This zone will be a fenced enclosure and shall be maintained by Newmont for the life of the mine. The location of the enclosure and construction specifications shall be agreed upon by Newmont, BLM, and NDOW. The enclosure shall be constructed within one year from the date of initiating mining operations.

To control sediment from the overburden disposal areas and roads during mining, Newmont will implement erosion control measures, consistent with Nevada Best Management Practices, prior to surface disturbing activities that include, but are not limited to, the installation of silt traps or fences, sediment ponds, and settling basins. Silt traps or fences would include straw bales or synthetic materials such as geotextile fabric. Following successful reclamation, these erosion control structures would be removed.

To limit erosion of the overburden disposal areas, the flat surfaces on the top and each bench will be sloped back toward the hillside. This would prevent meteoric water run-off from flowing over the bench crest and down the slope. Surface water diversion ditches would be constructed where the top or bench intersects the hillside to carry meteoric water run-off around disposal areas.

Newmont will monitor Cottonwood Creek (stations CCS-1A and CCS-06), Ames spring and Mud Spring. Surface water monitoring will occur during the baseflow period of each year, which is typically in October. In addition to standard field notes taken while monitoring, the field measurements of flow, temperature, pH, specific conductance, and dissolved oxygen will be recorded. These field measurements will be compared to the established baseline data, and if a significant change is observed a sample will be taken and analyzed for the parameters of a Profile I analysis. Monitoring reports will be submitted to BLM annually and will be submitted by February 1 of the next calendar year. Surface water monitoring will continue until reclamation success has been demonstrated. In the event that poor water quality is identified, Newmont will identify the source and develop and implement mitigation measures acceptable to BLM and NDEP.

Based on spring monitoring results, Newmont will mitigate for any springs adversely affected by the proposed action using one or more of the following methods: (1) by pipeline from another reliable source; (2) completing a vertical well into a deeper aquifer and pumping the well using electric, solar or wind power; (3) improving existing spring sites to enhance water yield collection; and/or (4) developing or improving other nearby spring(s) to offset the loss in flow of the impacted spring. Newmont shall satisfy existing water right holders in the event any spring(s) have been impacted.

Cottonwood Creek shall be monitored quarterly (stations CCS-1A and CCS-06) for turbidity and suspended solids. Monitoring results shall be forwarded to the BLM Winnemucca and Battle Mountain Field Offices in an annual report, by February 1 of the next calendar year. In the event that monitoring data identifies a significant increase in turbidity and suspended solids, Newmont will immediately notify the BLM Winnemucca Field Office and will develop and implement additional mitigation measures acceptable to BLM.

Newmont will establish continuous flow monitoring stations for the Cottonwood Creek, and Trout Creek watersheds. The intent of the monitoring is to evaluate the performance of the Cottonwood Creek watershed while utilizing Trout Creek as a baseline reference. The Trout Creek watershed is uniquely suited to serve this purpose due to its comparable area, elevation, and proximity to the Cottonwood Creek drainage. The type of flow monitoring systems installed will be determined through coordination between the BLM and Newmont. Primary consideration will be given to: accuracy of the data, channel stability at the selected site, and economic factors. In addition to the data gathered for the hydrographs, Newmont will establish sediment rating curves for each watershed and will periodically conduct suspended and bed load monitoring to detect any deviation from those curves.

This data will be used to evaluate the effectiveness of the Best Management Practices employed for controlling sediment. In the event that this data indicates that mining activities have degraded the aquatic habitat and water quality of Cottonwood Creek Newmont shall mitigate for these impacts at the site of the impact. The data shall be reported to BLM annually in the aforementioned water quality report.

Newmont will conduct groundwater monitoring. In addition to the requirements of the NDEP, Newmont will sample wells MW-1, MW-2, and MW-3 on an annual basis. The samples will be analyzed for the parameters of a Profile 1 analysis. The purpose of this sampling program will be to evaluate the mobilization of oxidation products from the mineralized zones due to enhanced recharge through the pit areas. The sampling will continue through the reclamation period, at that time the data will be evaluated to determine whether to continue monitoring into the post reclamation period. Results of the groundwater monitoring shall be submitted to the BLM in the above referenced annual report.

Newmont will monitor spring CCS-04A during the baseflow period of each year. In addition to the standard field notes taken while monitoring, the field measurements of flow, temperature, pH, specific conductance, and dissolved oxygen will be recorded and a laboratory sample will be taken and analyzed for sulfate. The field measurements and sulfate values will be compared to established baseline data. If a significant change from the baseline is noted, a full Profile 1 analysis will be conducted and the results will be immediately forwarded to the BLM for review.

In the event water quality problems are identified in surface, groundwater, or in pit lakes(s) (should they develop), Newmont will immediately initiate steps to evaluate the potential source and develop and implement monitoring and mitigation measures acceptable to BLM and the NDEP, if the source is a result of Newmont's activities.

## WATERSHED AND DRAINAGE

Based on internal BLM comments to the PLAN, the drainage plans for both the Trenton Deposit Area and the Valmy Deposit Area provide more details. Surface water management will be conducted according to the detailed maps "Proposed Action Diversion and Flow Analysis for Operational and Reclamation Configurations," received by the BLM Winnemucca Field Office on September 10, 1998, for both operations and reclamation. The maps address flow routing and erosion concerns. An engineered diversion design plan shall be submitted and concurred with by BLM prior to the construction of any facility which the diversions are designed to protect.

The primary intent of the drainage diversion plan is to re-route the water back into natural drainages. The stability of the natural drainages may be adversely affected due to the incremental increase in flow resulting from increased watershed area and surface disturbance within the watershed. The stability of the affected natural drainages will be evaluated as part of the engineered design. If required, the natural drainages will be enhanced to accommodate the increased flows with concurrence from the BLM.

All berms, including the safety berm along Cottonwood Creek, shall be constructed in a manner that will not obstruct the performance of natural or man made diversions within the project area.

## EXPLORATION

For Exploration activities, a buffer zone boundary of 400 radial feet shall be applied from the center of all riparian areas associated with streams within the project boundary. Springs and seeps shall be granted a buffer zone of 500 feet up gradient from the spring or seep riparian area. The term "buffer zone" shall not be construed as exclusion areas, they are, however sensitive natural resource areas. Any exploration surface disturbing activities within the buffer zones shall be evaluated and approved prior to surface disturbance operations, by the BLM Winnemucca Field Office with concurrence from the Battle Mountain Field Office.

#### Exploration Continued

- a.) Newmont shall provide the BLM Winnemucca and Battle Mountain Field Offices with an annual pre-disturbance map identifying location and type of exploration activity proposed for the year. Proposed activity on the map that falls within buffer zone boundaries, must be reviewed by the BLM Winnemucca and Battle Mountain Field Offices and approved by the authorized officer, prior to initiating surface disturbing activities. The annual map must be provided to the BLM by March of each operational year. Any disturbance proposed within the buffer zone boundaries that deviates from the annual map, must be reviewed and approved on a case by case basis by the authorized officer with concurrence of the Battle Mountain Field Office.
- b.) Exploration disturbance activities within riparian areas shall not be allowed until all other alternatives have been considered. The BLM's 1987 Riparian Area Management Policy defines a riparian area as "an area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence. Lakeshores and streambanks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not exhibit the presence of vegetation dependent upon free water in the soil."
- c.) Exploration drilling activity within the buffer zones will be subject to drill hole plugging restrictions in accordance with State Engineer regulations NAC, Section 31, 2. (a)(b) and (d) of the February 4 1997 "Blue Book," Regulations for Water Well and Related Drilling.
- d.) In order to minimize resource damage, exploration disturbance must not occur in buffer zones during times of seasonally wet weather.
- e.) The cutting of live or standing dead aspen or cottonwood is prohibited within the buffer zones and throughout the project boundary.

#### **SOILS**

Growth medium from disturbed areas when salvageable, will be stockpiled during operations and be redistributed over recontoured areas. Such stockpiles will be clearly segregated and posted with signs to ensure availability for reclamation efforts.

Newmont will stabilize growth medium stockpiles and deter establishment of invader plant species by seeding the stockpiles with an approved seed mixture.

## HAZARDOUS MATERIALS

Newmont shall comply with applicable Federal and State laws dealing with the storage and disposal of chemicals, petroleum, petroleum products, RCRA Subtitle C hazardous wastes, and RCRA Subtitle D solid wastes. Under no circumstances will chemicals, petroleum, petroleum products, or RCRA Subtitle C hazardous wastes be disposed in solid waste disposal areas within the project area without the written approval of the NDEP.

## RANGE

If the Section 21 heap leach facility is constructed, a livestock watering trough would be developed adjacent to Ames Spring in the North Buffalo Allotment.

Livestock shall not be allowed to graze on revegetated areas within the mine until revegetation release criteria has been achieved and signed off by the NDEP and BLM.

## TERRESTRIAL WILDLIFE

Reclamation of overburden disposal areas and leach pads will incorporate the following measures which are intended to enhance the post mining wildlife habitat values of these sites.

- a. Individual boulders, rock piles, and areas resembling rock slides will be installed to provide diversity of habitat and perching, feeding, and loafing areas for resident raptors, small mammals, and reptile species inhabiting these sites. The location, distribution, size and density of these areas will be determined with consultation from the BLM.
- b. During reclamation, surfaces of both side slopes and tops of overburden areas and heap leach pads, will be graded to incorporate a series of swales and irregularities in the contour surface, generating micro climates for post mining flora.

Newmont shall arrange to have a sage grouse survey conducted in T32N., R43E., Section 19 and T32N., R42E., Section 1, during the first breeding season (March 1 - May 15), following initiation of mining operations. Protective measures for any leks or brood areas identified would be reviewed and concurred with by the BLM, prior to implementation.

## AIR RESOURCES

Fugitive dust from all disturbed areas and unpaved roads during the mine life, would be controlled using water sprays, chemical stabilization or other dust controls approved by NDEP.

## GEOCHEMISTRY

Newmont shall monitor and implement design and construction features for overburden facilities and mine pits to mitigate adverse impacts from potential acid rock drainage per Newmont's waste rock material handling plan titled "Refractory Ore Stockpile and Waste Rock Dump Design, Construction and Monitoring Plan" in Appendix D. Newmont shall also monitor for acid rock drainage per the Newmont Trenton Canyon Project water pollution control permit, #NEV95112, issued by the Nevada Division of Environmental Protection (NDEP).

Any encapsulation of refractory rock in the waste rock dumps, shall be capped with a low permeable cap comprised of a minimum 10 foot layer of oxide material. The cap will be placed so that re-shaping for final reclamation will not reduce the cap to less than 10 feet. The cap will be sloped, covered with topsoil, and revegetated to reduce the potential for water to come in contact with refractory waste rock.

## GEOLOGY

All overburden and interburden disposal areas, heap leach pads, and other facilities are to be designed, constructed and maintained ensuring stability during and post mining. Newmont shall apply mitigating measures for slump failures, including monitoring for slump failures of facilities during mining operations. In the event such monitoring identifies advanced signs of slump or slope failure, Newmont shall take remedial action to alleviate the problem, including performing the necessary earthwork to stabilize slump or slope failure and establish appropriate drainage, to deter unstable conditions in a manner acceptable to the BLM authorized officer.

### Partial Pit Backfilling

Newmont and BLM shall review the partial sequential backfill of all Trenton Canyon Project pits on an annual basis. Partial backfill would include construction of overburden disposal areas in the pits rather than on the natural surface or on existing overburden dumps. The feasibility of this alternative would depend on a variety of factors, including economics, mine sequence flexibility and remaining mineral resources. If feasible, Newmont would initiate backfilling as soon as possible following the annual review with concurrence from the BLM and the NDEP.

Newmont will commit to backfilling a portion of the pits occurring in Section 7 of the Trenton Deposit Area. The backfilled area will allow the free passage of water as intercepted by drainage diversion DE2. The exact volume of backfill is dependant upon the degree to which these pits are developed. The volume of the backfill will be of an amount sufficient to assure the long term integrity of the drainage diversion. Diversion slopes shall be regraded to a 3h:1v slope to ensure slope stability and revegetation success.

### Pit Reclamation

Following the completion of mining operations, Newmont shall exclude access and mitigate safety hazards posed by pit walls and reclaim all pit access roads. Berms shall be constructed around the perimeter of the open pits approximately 100 feet back from the highwall edge. The berms shall be posted with warning signs. The signs would be fabricated of metal warning visitors of unstable ground conditions and hazards.

In the event that post mining pit lake(s) develop, the quality of the water in the pits shall be monitored per requirements of the NDEP water pollution control permit #95112 and per requirements contain herein. Monitoring data shall be forwarded to the NDEP and the BLM authorized officer.

Any pit left open following the completion of mining shall be left in a condition which minimizes the potential for, and quantity of, water which may enter the pit through surface water run-on. In addition, the bottom of any pit left open shall be composed of a layer of loose oxide rubble, by ripping or backfilling and seeding with the BLM approved seed mix, to minimize the potential for formation of standing water in the bottom of the pit.

### **VISUAL**

To eliminate flat surfaces on overburden dumps and heap leach pads, the surfaces shall be recontoured and a sufficient number of large boulders of rock shall be placed on the tops of these facilities.

Edges of overburden dump embankments will be rounded to reduce angular appearances and soften edges.

### **VEGETATION**

Newmont shall develop and monitor concurrent reclamation for revegetation success through coordination with the BLM.

Revegetation success standards are to be determined by attachment "A" of the " Nevada Interim Standards for Successful Revegetation".

Newmont will use variable seed mixes, including shrubs that take advantage of slope and aspect, growth medium depth and landscaped features of post-mining reclamation. These mixes shall be evaluated to determine successful species establishment and modified, based on species performance to meet site-specific goals.

### Vegetation Continued

Native species important to Native Americans shall be incorporated in concurrent reclamation and used in the final reclamation seed mix where suitable.

Disturbed and reclaimed areas shall be monitored to determine if undesirable species are becoming established. If weeds become a problem, a control plan shall be developed and approved by the BLM.

The operator shall be responsible for controlling all noxious weeds and other undesirable invading plant species in disturbed areas until revegetation activities have been determined successful and signed off by the BLM authorized officer. The operator shall obtain approval from the authorized officer prior to any and all application of herbicide. All seed shall be tested for noxious, poisonous, or prohibited plant species and the test results submitted to and approved by the BLM, unless certified weed free seed is procured.

### **CULTURAL**

Newmont shall comply with requirements of the Surface Management Regulations 43 CFR 3809.2-2(e) pertaining to cultural and paleontological resources. Project workers shall be instructed in cultural resource protection laws and associated responsibilities. If any new cultural resource sites not previously identified in the cultural resource inventories are encountered during facility construction and or operational activities, work shall stop at the particular location and Newmont shall notify the Winnemucca Field Office of the BLM. Work at the location shall be deferred until the BLM Winnemucca Field Office directs Newmont on how to proceed.

Newmont must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (as defined at 43 CFR 10.2). In the event that a discovery is found, Newmont must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer. Newmont shall secure the services of a professional Archaeologist and through coordination with the Battle Mountain Band, a Native American observer to monitor surface disturbing activities that directly impact CrNV-62-Area 2.

The BLM authorized officer has complied with section 106 of the National Historic Preservation Act. Site CrNV-62-Area 2 has been determined ineligible for listing on the National Register of Historic Places. No surface disturbing activities shall occur within 100 meters of CrNV-62-Area 2 for a time period of 45 days from the date of issuance of this ROD. If any new information concerning eligibility of this site is brought forward within the 45 day timeframe, the BLM may require Newmont to continue deferring surface disturbance activity until the new information has been evaluated.

(Cultural Continued)

Based on the cultural resource surveys completed in the Trenton Canyon Project area, two sites eligible for the National Register of Historic Places (NRHP) would be impacted by the proposed project. Impacts to the two NRHP sites will be mitigated by collecting recoverable data prior to disturbance and preparing a report on this data. Newmont has prepared a treatment plan, which has been approved by BLM with the State Historic Preservation Office (SHPO) concurrence. Unless otherwise authorized by BLM, no surface disturbance shall occur within or immediately adjacent (within 100 meters) boundary to any sites designated for data recovery prior to completion of at least the field phase of a data recovery plan.

The proposed activities will avoid 19 other sites identified as eligible for the NRHP and no direct adverse impacts to those sites will occur. Newmont shall comply with site specific treatment of NRHP sites as identified in Table 4, of the Project Effect submittal to the SHPO, for compliance with the National Historic Preservation Act.

In accordance with Table 4, Newmont will fence other NRHP sites, which are in close proximity of proposed disturbance, to protect them from inadvertent impacts from mining operations.

Prior to any surface disturbing activities along or in the primary access road corridor, Newmont will perform a Class III cultural survey and submit the resulting report to BLM for review and acceptance with concurrence from SHPO.

In addition to feasibility reviews, the engineered design drainage diversion plans will be submitted to BLM for review for adverse impacts to cultural resources. Prior to construction of the diversions, the BLM will determine if any significant cultural resources would be adversely impacted. If adverse impacts are identified additional mitigation/avoidance may be required.

## LAND USE AND ACCESS

Newmont will place warning and stop signs at intersections within the plan boundary which remain open for public access.

Newmont shall be responsible for road maintenance for access and haul roads within the plan boundary.

Prior to initiating new surface disturbance to the primary access road corridor, Newmont shall submit an amendment application to the existing Right-of-Ways and obtain the necessary amendment approvals.

Newmont must obtain necessary Right-of Ways from the BLM for any roads left open on public lands after reclamation operations have been finalized.

Prior to extending the powerline from the Section 15, T33N., R43E. Substation, Newmont shall obtain the necessary Right-of-Way for applicable corner crossings from the BLM.

## APPEAL PROCEDURES

The decision to approve this plan of operations amendment, and the imposition of any associated stipulations, may be appealed by either the operator or by the public (third party). The following appeal procedures apply:

### Operator Appeals

The operator has the right to appeal this decision to the Nevada State Director, Bureau of Land Management, in accordance with 43 CFR 3809.4. If the operator exercises this right, the appeal must be filed in writing and accompanied by a statement of reasons and any other arguments the operator wishes to present to justify a reversal or modification of this decision. The operator's appeal must be filed at the Winnemucca Field Office, Bureau of Land Management, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445, within 30 days after the date of receipt of this decision. The operator has the burden of showing that the decision to be appealed is in error. This decision will remain in effect during the appeal process unless a written request for a stay is granted.

According to federal regulation under 43 CFR 3809.4(b) a request for a stay may accompany the appeal. A request for a stay is required to show sufficient justification based on the standards listed below. If the operator requests a stay, the operator has the burden of proof to demonstrate that a stay should be granted.

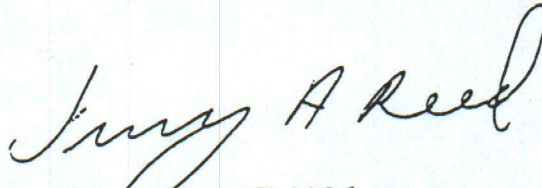
A request for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellants 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.

Third Party Appeals

According to federal regulation under 43 CFR 3809.4(f) any party, other than the operator, aggrieved by a decision of the authorized officer may appeal to the Interior Board of Land Appeals, Office of Hearings and Appeals, utilizing the appeals procedures in 43 CFR 4. If an appeal is taken, a notice of appeal must be filed with the Winnemucca Field Office, Bureau of Land Management, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445, within 30 days after the date of service of this decision. The appellant has the burden of proof in showing that the decision being appealed is in error. The filing of such an appeal shall not stop the authorized officer's decision from being effective.

This decision does not constitute: certification of ownership to any person or company named in the plan of operations; recognition of the validity of any mining claims named in the plan of operations; or recognition of the economic feasibility of the operation proposed.

  
Winnemucca Field Manager

cc: Paul Comba, NDEP  
Cindi Dragon, NSO  
Gerald M. Smith, NV060  
Rory Lamp, NDOW