

Letter 5

KENNY C. GUINN
Governor

STATE OF NEVADA

JOHN P. COMEAUX
Director

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2001 MAY -4 PM 1:19



BUREAU OF LAND MANAGEMENT
BATTLE MOUNTAIN FIELD OFFICE

DEPARTMENT OF ADMINISTRATION

209 E. Musser Street, Room 200

Carson City, Nevada 89701-4298

Fax (775) 684-0260

(775) 684-0209

May 2, 2001

Ms. Pam Jarnecke
Bureau of Land Management
Battle Mountain Field Office
50 Bastian Road
Battle Mountain NV 89820

Re: SAI NV # E2001-112

Project: DEIS for the Phoenix Project, expansion of Newmont Mining in Lander County

Dear Ms. Jarnecke:

Enclosed are the comments from the Nevada Division of Water Resources, the Commission on Mineral Resources, and the Bureau of Health Protection Services concerning the above referenced report. These comments constitute the State Clearinghouse review of this proposal as per Executive Order 12372. Please address these comments or concerns in your final decision. If you have questions, please contact me at 684-0209.

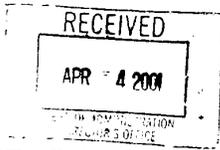
Sincerely,

A handwritten signature in cursive script that reads "Heather K. Elliott".

Heather K. Elliott
Nevada State Clearinghouse/SPOC

Letter 5 Continued

Responses to Letter 5



NEVADA STATE CLEARINGHOUSE

Department of Administration
 Budget and Planning Division
 209 East Musser Street., Room 200
 Carson City, Nevada 89701-4298
 (775) 684-0209
 Fax (775) 684-0260

DATE: March 6, 2001

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|-----------------------------|-------------------------------------|--------------------------------|
| Governor's Office | Legislative Counsel Bureau | Conservation-Natural Resources |
| Agency for Nuclear Projects | Information Technology | Director's Office |
| Agriculture | Emp. Training & Rehab Research Div. | State Lands |
| Business & Industry | PUC | Environmental Protection |
| Energy | Transportation | Forestry |
| Minerals | UNR Bureau of Mines | Wildlife |
| Economic Development | UNR Library | Region 1 |
| Tourism | UNLV Library | Region 2 |
| Fire Marshal | Historic Preservation | Region 3 |
| Human Resources | Emergency Management | Conservation Districts |
| Aging Services | Office of the Attorney General | State Parks |
| Health Division | Washington Office | Water Resources |
| Indian Commission | Nevada Assoc. of Counties | Natural Heritage |
| Colorado River Commission | Nevada League of Cities | Wild Horse Commission |

Nevada SAI # E2001-112
 Project: DEIS for the Phoenix Project, expansion of Newmont Mining in Lander County

Yes No Send more information on this project as it becomes available.

CLEARINGHOUSE NOTES:
 Attached for your review and comment, is a copy of the above mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than **May 1, 2001**. Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. Questions? Heather Elliott, 684-0209.

THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

- | | |
|--|--|
| <input type="checkbox"/> No comment on this project | <input type="checkbox"/> Conference desired (See below) |
| <input type="checkbox"/> Proposal supported as written | <input type="checkbox"/> Conditional support (See below) |
| <input type="checkbox"/> Additional information below | <input type="checkbox"/> Disapproval (Explain below) |

AGENCY COMMENTS: All waters of the state belong to the public and may be appropriated for beneficial use under the provisions of Nevada Revised Statutes (NRS) Chapters 533 and 534 and not otherwise. Any water used for construction, dust control, and project operations should be provided by an established utility or under permits issued by the State Engineer under provisions Nevada Revised Statutes. All water wells, monitor wells, or boreholes existing, drilled, or utilized on project lands are the ultimate responsibility of the owner of the property and must be constructed, and plugged and abandoned as required in compliance with the Nevada Administrative Code Chapter 534. If artesian water is encountered in any well or borehole it shall be controlled as required in NRS § 534.060(3).

5-1

In addition to the water rights for historic mining and milling uses, Battle Mountain Gold Company also has multiple water rights currently in place to allow development of the Phoenix Project. Water rights encompass both surface and underground sources, and encompass uses for mining, milling and environmental purposes

5-2

5-1 Comment noted. BMG has obtained water rights in accordance with applicable State of Nevada water laws.

5-2 Comment noted.

Signature Carl Barrick
 CARL BARRICK

Agency WATER RESOURCES

Date 4-2-01