

HEARING OF THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL
BOARD

PROPOSED CLEANUP AND ABATEMENT ORDER R5-2009-xxxx
FOR THE CENTRAL MINE, ET AL
COLUSA COUNTY, CALIFORNIA

AFFIDAVIT OF KARL BURKE

Having been duly sworn, I do state the following:

1. I am now, and at all times mentioned have been, a citizen of the United States, over eighteen years of age, competent to make this affidavit, and make this affidavit from my own personal knowledge, judgment, and professional experience, and if called upon to testify in the above matter, can testify to the following facts of my own knowledge.

2. I am a Regulatory Affairs Manager/Closure Manager employed by Homestake Mining Company of California, an indirect subsidiary of Barrick Gold Corporation. Since March 2006, I have been assigned by Homestake to manage the mine closure process at the McLaughlin Mine in Napa County, California, which is being carried out under the oversight of the Regional Water Quality Control Board, Central Valley.

3. As a mine closure manager, I am familiar with the recordkeeping systems maintained by Homestake for properties on which it carried out exploration and development activities, and with the types of records routinely maintained in those systems. The records maintained would include copies of all leases and deeds, correspondence relating to the implementation of any obligations under the terms of a lease (e.g., lease or royalty payments), correspondence with regulatory agencies, including copies of permits sought and obtained for activities carried out on the property, and reports, memoranda and correspondence on planning and evaluating exploration, development, mining and reclamation activities.

4. As part of my responsibilities in the Cache Creek area, I was asked to review company files maintained for exploration activities carried out by Homestake within the Sulphur Creek Watershed and specifically with respect to Homestake's activities in Colusa County Assessment Parcels 018-200-002-000, 018-200-004-000, 018-200-005-000, 018-200-007-000, 018-200-013-000, 018-200-014-000, 018-200-0015-000, 018-200-016-000, 018-200-017-000, and 018-200-18-000, which include the patented mining claims for three groups of former mercury mines addressed by the draft Cleanup and Abatement Order for the Central Mine, et al. (hereafter the Central Mine Property) in Colusa County, California, as shown on the Prosecution Team's map for this matter (Exhibit A), and on Figure 3-5 (Exhibit B) of the TetraTech Report on Sulphur Creek mercury discharges (2003).

5. No documents I reviewed in the Homestake files indicated that Homestake had undertaken any mining activity other than exploratory activities within the Assessment Parcels encompassing the Central Mine Property. The records described activities related solely to Homestake's preliminary evaluation of exploration potential in areas around the location of the mines within that Property, occurring at various times in the period from 1978 to the mid-

1990's. The documents described below, accurate copies of which are attached hereto, are all business records maintained in the Homestake files in the regular course of business by Homestake, and all appear to be complete originals or copies of business records created at or near the time of the events described.

6. Homestake held a fee interest in several parts of the parcels comprising the Central Mine Property from 1978 until it transferred title to the American Land Conservancy and Dr. William Miller in 1999. From 1978 up to the early 1990's, Homestake also had mining exploration and development lease interests for areas within that Property, under which the lessors – the land owners – retained the right to use of the surface for livestock grazing and other agricultural uses and water development incidental to those uses, and the ability to enter into leases at those properties for other purposes, including geothermal and oil and gas exploration. (Exhibits C and D). Homestake also held three unpatented mining claims (shown on Exhibit K) on parcels within the area of the Central Mine Property then and now owned by the U.S. Bureau of Land Management, which interest it formally abandoned in 1992 (Exhibit E). Homestake has no interest of any type in the Property since the transfer of its fee interest in 1999.

7. The files I have reviewed contained correspondence and permitting documents to and from Colusa County and the Central Valley Regional Water Quality Control Board ("Regional Board") related to those agencies' approval of preliminary evaluation work and reclamation work by Homestake for its Cherry Hill Project, which included the Central Mine Property, and the Wide Awake Mine, which is not part of this matter. The documents described below, accurate copies of which are attached hereto, are all business records maintained in the Homestake files in the regular course of business by Homestake, and all appear to be originals or copies of business records created at or near the time of the events described.

8. My review of Homestake records indicates that there were three periods of activity with respect to the preliminary mining evaluation of the Central Mine Property. The documents in the Homestake files reflect that all three rounds of activity were carried out with the approval of Colusa County and the Regional Board. The exploration activity in 1978-1980 is summarized in an application to Colusa County submitted in connection with the third and final round of activity in 1990 (Exhibit F). In 1987, Homestake initiated a smaller exploration effort at locations within the area of the Property, after obtaining approval from Colusa County and the Regional Board, and confirmed completion of reclamation in 1990 (Exhibit G). In 1990, Homestake sought authority from Colusa County and the Regional Board to implement a final exploration effort (Exhibit H), and confirmed in 1994 completion of all required reclamation (Exhibit I).

9. I also reviewed progress reports for the Cherry Hill Project, which described and identified the nature and location of work performed by Homestake on the Central Mine Property. The exploratory work carried out by Homestake on the Central Mine Property included detailed geologic mapping, the collection of surface and underground rock and soil samples and geophysical surveys. Other exploratory work involved collection of boring samples at drill sites located around the Property. The Homestake records identified 71 total drilling sites: 57 in 1978, 5 in 1987 and 9 in 1991. The drilling would have involved clearing an area for placement of the drill (an area of approximately 30 by 50 feet for placement of the rotary drill used at 28 sites and 10 by 15 feet for the 43 core holes). Rotary drill holes were approximately 6

inches in diameter and core drill holes approximately 4 inches in diameter. Drilling water, non toxic additives and rock fines were collected in metal tanks and allowed to dry out before being buried and reclaimed on site. Drilling would have taken place over a period of a few days at each location.

10. Upon completion of the drilling, in compliance with the terms of approvals by Colusa County and the Regional Board, the bore holes were abandoned (procedure attached as Exhibit J). In general the drill hole would be filled with bentonite and plugged with a surface cement cap. The drill casing would be cut off below the reclaimed ground surface level and the pad would be recontoured to blend with the existing topography or roadway and reseeded. The Cherry Hill Project was designed to minimize, as much as possible, surface disturbance and was carried out in accord with environmental requirements for such work intended to avoid impact on water quality, as directed by the Regional Board. Numerous roads existed from earlier mining activity, as is evident in historic aerial photos in the Prosecution Team files. Those roads were utilized for access and temporarily modified to serve as drilling sites. On the steeper hill slopes the drill holes were oriented parallel to the existing road to minimize disturbance associated with drill pad construction. On flatter ground, travel was cross country and no new roads or drill pads were constructed. After completion of the program the drill sites located in the roadways were regraded and water bars were constructed to minimize stormwater erosion. The drill pads located off of the existing road network were recontoured and salvage topsoil was distributed over the site. In both cases the disturbed areas were reseeded.

11. The map attached hereto as Exhibit K shows the location of each drilling site for Homestake's work on the Central Mine Property, and also shows the locations of the mine adits and waste rock or tailing piles identified by the Prosecution Team as potential sources of mercury to Sulphur Creek based on the TetraTech report (2003) (Exhibit B).

12. In August 2009, I personally visited the Central Mine Property and observed that in the Central Mine Property area Sulphur Creek was dry except for flow from hot springs located near the creek. Outside the geothermally-altered areas the Central Mine Property is densely vegetated, which would also indicate limited potential for the discharge of mercury from waste or tailing piles to Sulphur Creek.

13. My review of the Homestake records did not identify any activities by Homestake at the Central Mine Property subsequent to formal notification to Colusa County of completion of the Cherry Hill Project in 1996.

I swear and affirm under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 16 day of September, 2009 at LOWER LAKE California.


Karl Burke

State of California
County of _____

Subscribed and sworn to before me by Karl Burke this ____ day of September, 2009.

See attached
Notary Public in and for the State of
California, residing at _____
My appointment expires _____

CALIFORNIA JURAT WITH AFFIANT STATEMENT

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-5 to be completed only by document signer[s], not Notary)

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

State of California
County of Lake

Subscribed and sworn to (or affirmed) before me on this

16th day of September, 2009, by
Date Month Year

(1) Karl Burke
Name of Signer

proved to me on the basis of satisfactory evidence to be the person who appeared before me (.) (,)

(and

(2) _____
Name of Signer

proved to me on the basis of satisfactory evidence to be the person who appeared before me.)

Signature Karen Lee Allen
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Affidavit of Karl Burke

Document Date: _____ Number of Pages: 4

Signer(s) Other Than Named Above: _____

RIGHT THUMBPRINT OF SIGNER #1
Top of thumb here

RIGHT THUMBPRINT OF SIGNER #2
Top of thumb here