



STATE OF NEVADA  
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December 20, 2012

**Via Email and U.S. Mail**

State Environmental Commission  
c/o Mr. John Walker  
Executive Secretary  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701

Re: Appeal of Mt. Hope Project, WPCP NEV2008106

Dear Commissioners:

Pursuant to NAC 445B.891, and following the request of counsel for Appellant, Carolyn Bailey, the Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation (NDEP) agrees to waive the 20-day period in which the hearing on the above captioned matter is to be scheduled following a request for such a hearing. To be clear, the State does not waive a hearing on this matter.

Pursuant to NAC 445B.8925, NDEP respectfully requests that the State Environmental Commission (SEC) order briefing in the above captioned matter by directing the Appellant to file a brief setting forth the specific issues upon which she appealed and wishes to present to the SEC at the hearing to be scheduled. Specifically, NDEP requests that the SEC direct the Appellant to file briefs that contain facts and supporting authorities on the specific statutory act or omission that Appellant alleges NDEP violated in granting the water pollution control permit. NDEP further requests that NDEP and all Intervening Parties have an opportunity to file responsive briefs and/or motions addressing Appellant's brief.

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Finally, NDEP respectfully requests that the SEC further include in an order the following witness and exhibit disclosure schedule: Appellant shall provide to all other parties no later than 14 days before the hearing date, a list of witnesses Appellant intends to call at the hearing and a list of exhibits upon which Appellant intends to introduce at the hearing. NDEP and all Intervening Parties shall provide to all parties no later than 10 days before the hearing date, a list of witnesses each intends to call at the hearing and a list of exhibits upon which each intends to introduce at the hearing. For all exhibits included in a party's proposed exhibit list that are not available on the NDEP website, the disclosing party shall provide to all other parties to the hearing a copy of such exhibit at the time of the disclosure of the exhibit list.

NDEP appreciates the SEC's consideration of this request. Please feel free to contact me if you have any questions.

Sincerely,

CATHERINE CORTEZ MASTO  
Attorney General

By:

  
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Deputy Attorney General  
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cc: Rose Marie Reynolds, Counsel for SEC  
Laura Schroeder, Counsel for Appellant  
Therese Ure, Counsel for Appellant  
John Zimmerman, Counsel for Pending Intervenor