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Attorneys for Respondent
AngloGold Ashanti (Nevada) Corp.

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA IN AND FOR CARSON CITY

GREAT BASIN MINE WATCH,

Petitioner,

v.

STATE OF NEVADA DEPARTMENT OF
CONSERVATION AND NATURAL
RESOURCES; DIVISION OF
ENVIRONMENTAL PROTECTION;
BUREAU OF MINING REGULATION AND
RECLAMATION; STATE
ENVIRONMENTAL COMMISSION; AND
ANGLOGOLD ASHANTI (NEVADA)
CORPORATION,

Respondents.

**ANGLOGOLD ASHANTI'S REPLY TO
GBMW'S RESPONSE TO MOTION TO
DISMISS**

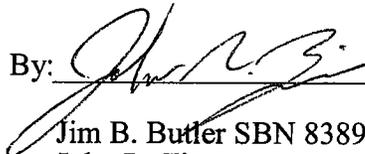
For its Reply, AngloGold Ashanti (Nevada) Corp. ("AngloGold Ashanti") adopts the arguments set out in the Reply of the State of Nevada Division of Environmental Protection ("NDEP") to the Response of Great Basin Mine Watch ("GBMW") to NDEP's Motion to Dismiss with the following addition:

The Nevada statutory requirements are clear. GBMW attempts to create ambiguity by citing to provisions of the Nevada Administrative Procedure Act ("APA"), NRS 233B.010 *et seq.*, or NDEP's regulations to keep its action alive. Unfortunately for GBMW, the APA

1 unequivocally states that petitions for judicial review “must...[b]e filed within 30 days after
2 service of the final decision of the agency.” NRS 233B.130(2)(c) (emphasis added). Further,
3 GBMW concedes that its petition for reconsideration did “not stay the effectiveness” of the
4 NDEP decision GBMW seeks to challenge here. [GBMW’s Joint Response to the SEC’s and
5 AngloGold’s Motion to Dismiss at 2]. Thus, in order to satisfy the mandatory 30 day filing
6 requirement in the APA, GBMW was required to have filed its petition for judicial review of the
7 SEC’s decision no later than August 9, 2006 – 30 days after service of that final SEC decision.
8 GBMW failed to meet that deadline. Accordingly, this Court lacks jurisdiction of GBMW’s
9 petition and it must therefore be dismissed.

11 Dated: October 9, 2006

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