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Before The State Of Nevada Environmental Commission

In Re: )  
Appeal of Water Pollution Control Permit: )  
**NEV0087001, Big Springs Mine** )  
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**ORDER DISMISSING APPEAL BASED  
ON LACK OF APPELLANT STANDING  
PURSUANT TO NRS 233B.127(4).**

On March 29, 2006, a hearing panel of the State Environmental Commission (Panel) convened to hear the above-entitled appeal. The Nevada Division of Environmental Protection entered a Motion to Dismiss based on NRS 233B.127(4) as a preliminary matter. The Panel approved a motion requesting an Attorney General's Opinion regarding the distinction between a permit and license under the statute, the timing of the statutes' application, the effective date of the law, and the relationship between NRS 233B.127(4) and NRS 435A.605, and the substance of the State's assertions concerning this new law. The hearing was continued for 90 days to allow time for that Opinion to be rendered.

On July 6, 2006, the hearing re-convened. The Panel was in receipt of the requested Attorney General's Opinion, as were all parties. At that time, the Panel accepted the Opinion, which found that NRS 233B.127(4) required a public interest group to meet the financial interest requirements established therein, and that the statute applied to this appeal despite the fact that the appeal was filed prior to the effective date of the statute. Therefore, the Panel decided that it did not have jurisdiction to hear the above-entitled appeal, and granted the Nevada Division of Environmental Protection's Motion to Dismiss.

1 Therefore, it is ORDERED that the above-entitled appeal be dismissed, as the Appellant  
2 cannot satisfy the jurisdictional requirements established by NRS 233B.127(4).

3 Dated this 10 day of July, 2006.  
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6 Terry Crawford, Panel Chair  
7 State of Nevada Environmental Commission  
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