



State of Nevada  
 Dept. of Conservation & Natural Resources  
 State Environmental Commission SEC.nv.gov  
 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701

FORM 3: FORM FOR REQUESTING AN APPEAL HEARING  
 (Provide attachments as needed)

**RECEIVED**

SEP 30 2016

ENVIRONMENTAL PROTECTION

1. Name, address, telephone number, and signature of appellant:

Name: Steve Vogel

Physical Address: 520 Mason Road, Hazen, NV 89408

E-mail Address: steve\_v45@hotmail.com

Telephone Number: 775-867-3589

Signature: 

Representative capacity (if applicable): Director, Silver Bell Mining & Developing, Inc.

2. Attach copy of Nevada Division of Environmental Protection final decision, such as permit or notice of alleged violation, being appealed.

3. Specify grounds of appeal: (check all that apply)

- Final decision in violation of constitutional or statutory provision;
- Final decision made upon unlawful procedure;
- Final decision was affected by other error of law;
- Final decision was clearly erroneous in view of the reliable, probative and substantial evidence on the whole record;
- Final decision was arbitrary or capricious or characterized by abuse of discretion;

4. For each ground of appeal checked above, please list the constitutional, Nevada Revised Statute (NRS), and/or Nevada Administrative Code (NAC) provision allegedly violated. Also list the statutes and/or or regulations that give the State Environmental Commission jurisdiction to hear the appeal.

NRS 445A.300-NRS 445A.730 and NAC 445A.350 and NAC 445A.447; NRS 445B.360

**5. For each ground of appeal checked above, provide a brief and concise statement of the facts which provide the basis for the appeal.**

It appears First Liberty Power Corp. ("First Liberty") made material misrepresentations regarding the ownership and control of the property at issue. Silver Bell Mining & Developing, Inc. ("Silver Bell Mining") has had the mineral rights and business license for decades. First Liberty states in response to Question IV of the Application (p. 3) that it is the owner of the mining claims. That is incorrect. Attached as Exhibit A is a printout from the BLM's LR2000 system showing that the Fencemaker claims are owned by Silver Bell Mining. First Liberty Power does not have a contract with Silver Bell Mining and has no legal right to be on the Fencemaker property. At this time we do not know how much damage they caused but are very concerned it is significant and continuing. We do know First Liberty never paid any of their bills. If necessary we will be seeking judicial action on the ownership and control issue but in the meantime we ask that you seek backup documentation on this issue of ownership from the permittee, First Liberty, and reconsider issuance of the permit given this dispute.

**Date of Request:** 6/15/2016.

Send Form to: Executive Secretary, State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, NV 89701

# EXHIBIT A

# EXHIBIT A

UNITED STATES DEPARTMENT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
CLAIM NAME/NUMBER INDEX (ALPHA ORDER)  
by County

GEO STATE: NV

County : PERSHING

LEGAL DESC

<u>Claim Name/Number</u> FENCEMAKER #	<u>Serial No</u>	<u>Claimant</u>	<u>MER</u>	<u>TWN</u>	<u>RANGE</u>	<u>SEC</u>	<u>SUBDIV</u>	<u>Location Date</u>	<u>Case Closed</u>
FENCEMAKER B	NMC269639	SILVER BELL MINING DEV INC	21	0250N	0370E	006	NE	05/04/1983	
FENCEMAKER C	NMC269641	SILVER BELL MINING DEV INC	21	0260N	0370E	031	SE	05/04/1983	
FENCEMAKER D	NMC269642	SILVER BELL MINING DEV INC	21	0250N	0370E	006	NE	05/04/1983	
FENCEMAKER E	NMC269643	SILVER BELL MINING DEV INC	21	0260N	0370E	031	SE	05/04/1983	