

RECEIVED

OCT 07 2011

ENVIRONMENTAL PROTECTION



50 West Liberty Street  
Suite 750  
Reno, Nevada 89501  
Telephone: 775.323.1601  
Facsimile: 775.348.7250

A PROFESSIONAL  
LAW CORPORATION

Reno • Las Vegas • Salt Lake City

John R. Zimmerman

Direct Dial: 775.789.6548  
Email: [JZimmerman@parsonsbhlc.com](mailto:JZimmerman@parsonsbhlc.com)

October 7, 2011

**Via Messenger**

John B. Walker  
Executive Secretary  
Nevada Department of Conservation & Natural Resources  
State Environmental Commission  
901 S. Stewart Street; Suite 4001  
Carson City, NV 89701-5249

Re: Round Mountain Gold Corporation's Petition for Leave to Intervene in Appeal of Water Pollution Control Discharge Permit NEV2010110.

Dear Mr. Walker:

Enclosed for filing with the State Environmental Commission is Round Mountain Gold Corporation's Petition for Leave to Intervene in the above-referenced appeal, which was filed by Great Basin Resource Watch on September 29, 2011.

I have also enclosed 1 photocopy of the Petition which I ask that you stamp as received and return to me in the enclosed self-addressed stamped envelope.

If you have any questions or comments, please do not hesitate to call.

Sincerely,

PARSONS BEHLE & LATIMER

A handwritten signature in blue ink, appearing to read "John R. Zimmerman".

John R. Zimmerman

/sdl  
Enclosure

1 PARSONS BEHLE & LATIMER  
Jim B. Butler, Esq.  
2 John R. Zimmerman, Esq.  
50 West Liberty Street, Suite 750  
3 Reno, NV 89501  
Ph: 775.323.1601  
4 Fx: 775.348.7250  
Em: [jbutler@parsonsbehle.com](mailto:jbutler@parsonsbehle.com)  
5 Em: [jzimmerman@parsonsbehle.com](mailto:jzimmerman@parsonsbehle.com)

6 Attorneys for Petitioner Round Mountain Gold  
7 Corporation

8  
9 STATE OF NEVADA  
10 DEPARTMENT OF CONSERVATION & NATURAL RESOURCES  
11 STATE ENVIRONMENTAL COMMISSION

12 GREAT BASIN RESOURCE WATCH,  
13 Appellant,  
14 v.  
15 NEVADA DIVISION OF  
ENVIRONMENTAL PROTECTION,  
Respondent.

Re: Appeal of Water Pollution Control  
Permit NEV2010110

16  
17 ROUND MOUNTAIN GOLD CORPORATION'S  
18 PETITION FOR LEAVE TO INTERVENE

19 Round Mountain Gold Corporation (RMGC), by and through its counsel of record,  
20 Parsons Behle & Latimer, and pursuant to Nevada Administrative Code (NAC) 445B.8915,  
21 hereby submits its Petition for Leave to Intervene in the above-referenced appeal filed by Great  
22 Basin Resource Watch (GBRW) on September 29, 2011.

23  
24 **INTRODUCTION**

25 RMGC operates the Round Mountain Mine, which is located in Nye County. On  
26 September 19, 2011, the Nevada Division of Environmental Protection, Bureau of Mining  
27 Regulation ("NDEP") issued Water Pollution Control Permit NEV2010110 to RMGC authorizing  
28 construction and operation of the Gold Hill Project at the Round Mountain Mine. On September

1 29, 2011, GBRW filed a notice of appeal with the State Environmental Commission  
2 (Commission), challenging the permit. RMGC has a significant interest in the appeal because it  
3 is the permittee and mine operator and will be directly and substantially affected by any decision  
4 regarding the permit. Therefore, RMGC should be granted leave to intervene in the appeal.

## 6 ARGUMENT

7 Pursuant to the terms of NAC 445B.8915, any person who believes that they may be  
8 directly and substantially affected by the proceeding may request an order to intervene in the  
9 proceeding by filing a written petition for leave to intervene with the Commission within 10  
10 calendar days after the notice of appeal is filed with the Commission. A petition for leave to  
11 intervene must identify the proceeding in which intervention is sought, set forth the name and  
12 address of the petitioner or its attorney of record, contain a clear and concise statement of the  
13 direct and substantial interest of the petitioner in the proceeding and how the petitioner will be  
14 affected by the proceeding, and state whether the petitioner intends to present evidence in the  
15 proceeding. NAC 445B.8915(2). The Commission may grant a petition to intervene if the  
16 petitioner shows that it has a direct and substantial interest in the subject matter of the  
17 proceedings and does not unreasonably broaden the issues or prejudice any party to the  
18 proceeding. NAC 445B.8915(3).

19 RMGC requests leave to intervene in GBRW's appeal of discharge permit NEV2010110.  
20 RMGC is expanding its mining operations at the Round Mountain Mine, which includes the Gold  
21 Hill Project. Permit NEV 2010110 authorizes construction and operation of the Gold Hill  
22 Project. The Permit became effective on October 4, 2011. RMGC's interests are directly and  
23 substantially affected by GBRW's appeal and RMGC will be directly and materially affected by  
24 the Commission's decision on the appeal. RMGC believes that NDEP acted properly and in  
25 accordance with applicable law and regulations when it issued the permit and that the grounds  
26 stated in the notice of appeal filed by GBRW are incorrect and insufficient. Therefore, RMGC  
27 respectfully requests that the Commission grant this Petition for Leave to Intervene so that it may  
28 protect its interests.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

RMGC will introduce written evidence and testimony in the appeal if granted leave to intervene.

**CONCLUSION**

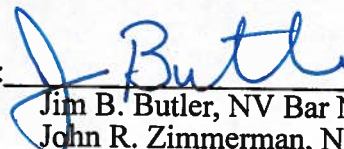
In this appeal GBRW seeks to reverse or modify NDEP's decision to issue a water pollution control permit to RMGC for the Gold Hill project. RMGC's interests are directly and substantially affected by GBRW's appeal, and therefore, under NAC 445B.8915 the Commission should grant RMGC leave to intervene in the appeal to protect its interests.

**AFFIRMATION**

Pursuant to NRS 239B.030, the undersigned hereby affirms that this document does not contain the Personal Information, as defined by NRS 603A.040, of any person.

Dated: Oct. 7, 2011

PARSONS BEHLE & LATIMER

By:   
Jim B. Butler, NV Bar No. 8389  
John R. Zimmerman, NV Bar No. 9729

Attorneys for Petitioner RMGC

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Parsons Behle & Latimer, and that on this 7 day of Oct., 2011, I perfected service of a true and correct copy of the foregoing **ROUND MOUNTAIN COLD CORPORATION'S PETITION FOR LEAVE TO INTERVENE** by depositing a copy for mailing in the United States Postal Service, first class mail, postage prepaid, within the State of Nevada, addressed as follows:

State of Nevada  
Nevada Division of Environmental Protection  
Bureau of Mining Regulation & Reclamation  
901 S. Stewart Street; Suite 4001  
Carson City, NV 89701

Great Basin Resource Watch  
85 Keystone Ave., Suite I  
Reno, NV 89503

Ph: 775.348.1986

Ph: 775.687.4670  
Fx: 775.687.5856

By:   
Employee of Parsons Behle & Latimer