

1 GEORGE J. CHANOS
Attorney General
2 WILLIAM FREY
Senior Deputy Attorney General
3 Nevada Bar No. 4266
100 N. Carson Street
4 Carson City, NV 89701-4717
(775) 684-1229
5

6 APPEAL HEARING
BEFORE THE STATE ENVIRONMENTAL COMMISSION
7 STATE OF NEVADA

8 In Re:)
9 Appeal of Water Pollution Control Permit:)
NEV0087001, Big Springs Mine)
10 _____)

**OPPOSITION TO PETITION FOR
RECONSIDERATION AND REHEARING**

11 The State of Nevada, Division of Environmental Protection (“NDEP”), by and through its
12 counsel of record, GEORGE J. CHANOS, Attorney General, and WILLIAM FREY, Senior
13 Deputy Attorney General, and hereby opposes the Petition for Reconsideration and Rehearing
14 (Petition) filed by Great Basin Mine Watch (Great Basin) on July 25, 2006. Great Basin
15 makes numerous legal arguments in an attempt to discredit the Attorney General’s Opinion of
16 June 19, 2006 and the State Environmental Commission’s (Commission) decision of
17 July 6, 2006. The Commission should deny the Petition for the following reasons:

- 18 1. The legal arguments contained in the Petition were raised or could have been
19 raised at the Commission’s hearing of July 6, 2006, and therefore have already been heard.
- 20 2. No purpose, other than delay, would be served by rehearing or reconsidering the
21 Commission’s decision of July 6, 2006.
- 22 3. Many of the legal arguments in the Petition address perceived problems with the
23 statute that need to be addressed by the legislature.

24 The Commission based its decision on NRS 233B.127(4), which requires a showing
25 regarding financial situation be made prior to being admitted as a party to a contested case
26 hearing. Great Basin failed to make the statutorily required showing and the Commission
27 dismissed the appeal on the grounds that Great Basin lacked standing to be admitted as a
28 party. Now Great Basin wants the Commission to reconsider that decision for the purpose of

1 ruling in Great Basin's favor based on the same fundamental argument it raised at the
2 hearing. Great Basin believes any interpretation of a statute that would dismiss it as a party is
3 wrong and therefore the statute must be reinterpreted.

4 Reinterpreting NRS 233B.127(4) for Great Basin's convenience will not advance
5 resolution of the dispute. Both NDEP and the Intervenor have stated to the Commission that
6 they would appeal the Commission's decision to the district court if Great Basin prevails.
7 Therefore, NDEP request the Commission to deny Great Basin's Petition

8 DATED this 1st day of August, 2006.

9 GEORGE J. CHANOS
10 Attorney General

11 By:

12 WILLIAM FREY
13 Senior Deputy Attorney General
14 Nevada Bar No. 4266
15 100 North Carson Street
16 Carson City, Nevada 89701-4717
17 Telephone: 775-684-1229
18 Facsimile: 775-684-1103
19 wjfrey@ag.state.nv.us
20 *Attorneys for the Division*
21 *of Environmental Protection*
22
23
24
25
26
27
28

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

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 1st day of August 2006, I deposited for mailing a true and correct copy of the foregoing **OPPOSITION TO PETITION FOR RECONSIDERATION AND REHEARING** on the following parties by first class mail, postage prepaid:

NICOLE RINKE ESQ
WESTERN MINING ACTION PROJECT
505 S ARLINGTON AVE SUITE 110
RENO NV 89509

PETER O'CONNOR
GENERAL COUNSEL
ANGLOGOLD ASHANTI
7400 EAST ORCHARD RD SUITE 350
GREENWOOD VILLAGE CO 80111

EUGENE RIORDAN ESQ
VRANESH AND RAISCH LLP
1720 14TH ST STE 200
PO BOX 871
BOULDER CO 80306-0871

INTERDEPARTMENTAL MAIL
DAVE GASKIN, PE
CHIEF, ENVIRONMENTAL PROGRAMS
CONSERVATION & NATURAL RESOURCE
ENVIRONMENTAL PROTECTION
BUREAU OF MINING

JIM BUTLER
VRANESH AND RAISCH LLP
ONE EAST LIBERTY ST 6TH FL
RENO NV 89504

INTERDEPARTMENTAL MAIL
DAVID NEWTON
DEPUTY ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
LAS VEGAS NV

An employee of the Office of the Attorney General