

Summary of Appeal Hearing Minutes

Before the Nevada State Environmental Commission (SEC)

Reconsideration Appeal Hearing: Water Pollution Control Permit for Big Springs Mine (Permit NV0022269)

August 4, 2006

Conducted at the Office of the Attorney General, 2nd floor conference room, 100 North Carson Street, Carson City, Nevada.

Summary minutes of the hearing to consider the Petition for Reconsideration and Rehearing that was filed by the Appellant, Great Basin Mine Watch, on July 25, 2006 (Appeal number NEV0087001).

SEC Appeal Panel

- Commissioner Don Henderson, Appeal Panel Chairman
- Commissioner Lew Dodgion, Member
- Commissioner Ira Rackley, Member

SUMMARY MINUTES

I. Introduction

SEC Commissioner Don Henderson convened the hearing at 4:00 p.m. and noted the recent retirement of Terry Crawforth from his position as Director of the Department of Wildlife and SEC Commissioner. Mr. Crawforth had previously served as chairman of this appeal panel. Commissioner Henderson announced that he will now serve as chairman of the panel, and that SEC Commissioner Lew Dodgion has replaced former Commissioner Crawforth on the panel. Commissioner Ira Rackley will continue to serve on the panel, as he has from the beginning.

Chairman Henderson requested that other parties present identify themselves for the record, starting with the appellant. The following announced their presence:

Appellant:

Nicole Renke, representing Great Basin Mine Watch (present via teleconference).

Interveners:

Gene Riordan, Vranesh and Raisch (via teleconference) and Jim Butler of Parsons, Behle and Latimer, representing AngloGold Ashante Nevada Corp.

State of Nevada:

Bill Frey, Deputy Attorney General, and Tom Porta and Dave Gaskin, Nevada Division of Environmental Protection.

For the Panel:

Chairman Henderson identified Gina Sessions as the legal counsel present for the panel. John Walker, Executive Secretary, SEC.

II. Purpose of the Hearing

Chairman Henderson announced that the purpose of the hearing was to consider the Petition for Reconsideration and Rehearing that was filed by the Appellant, Great Basin Mine Watch, on July 25, 2006.

That Petition sought reconsideration of the State Environmental Commission's July 10, 2006 Order, which dismissed the appellant's appeal of a water pollution control permit issued by the Division of Environmental Protection to AngloGold for the permanent closure of the Big Springs Mine in northern Nevada.

The SEC Order was based on acceptance of a requested Attorney General's Opinion, which found that NRS 233B.127(4) required a showing of financial impact prior to being admitted as a party to a contested case.

Accordingly, on July 6, 2006 the SEC 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 the appeal.

III. Issue for Consideration

Chairman Henderson said that with that brief background, the question before the appeal panel today was straightforward. Should the panel grant or deny the petition for Reconsideration filed by the Appellant as allowed under NAC 445B.899 (5)?

He emphasized that the panel was not affirming nor undoing the previous decision reached by the panel; rather, it was deciding whether or not to reconsider or rehear that decision. A decision to grant reconsideration or rehearing would require a new hearing to be set and held within 20 days of today's date. A decision to deny the petition would be on the record and would not require the panel to issue a new decision.

He asked if the panel members had all had an opportunity to read the petition and the subsequent arguments filed in opposition by the State and Intervener. With the confirmation of the other members that they had, he allowed each party two minutes for any additional comments relative to the petition that were not contained in their written briefs or responses.

IV. Comment

Ms. Renke said that the Appellant did not have any additional comments.

The State also did not have any additional comments.

Interveners, as well, stated that they did not have additional comments.

V. Panel Motion

Chairman Henderson said that with that, he believed all the arguments and discussions had been made and reviewed by the panel. He asked if there were any questions from the panel. Hearing none, he said he would entertain a motion relative to the Petition for Reconsideration.

Motion – Commissioner Rackley moved to deny the Petition for Reconsideration. The motion was seconded by Commissioner Dodgion. Chairman Henderson then called for a vote and the motion was passed with a unanimous vote in favor.

VI. Comments from the public

Chairman Henderson stated that this was a public hearing and that he would now provide an opportunity for public comment. Hearing none, he asked if there were any comments from the teleconference participants. Ms. Renke asked if there would be an official written decision reflecting what was said today. Chairman Henderson noted that the panel's counsel was shaking her head 'no.' Ms. Sessions said that according to NAC 445B.899 the denial of a petition may be on the record without a separate decision, so it was up to the panel. Chairman Henderson said that the audio record would serve as documentation of the hearing. Ms. Renke said she understood that the panel would not be doing a separate decision.

Hearing no other questions or comments, Chairman Henderson said that he would entertain a motion to close the hearing.

VII. Adjournment of the Appeal Hearing

Motion – Commissioner Dodgion moved to close the hearing. The motion was seconded by Commissioner Rackley. The vote in favor was unanimous and Chairman Henderson declared the hearing closed.

Readers Note: Additional Information about this Appeal is available on the SEC website at: http://sec.nv.gov/main/big_springs_appeal05.htm