

**JIM. GIBBONS**  
Governor



STATE OF NEVADA  
**STATE ENVIRONMENTAL COMMISSION**

901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701-5249  
Telephone (775) 687-9308  
Fax (775) 687-5856  
[www.sec.nv.gov](http://www.sec.nv.gov)

**ALLEN BIAGGI**  
Director



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Carson City, NV

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Rose Marie Reynolds

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**Electronic Mail**

**DATE:** January 27, 2009

**TO:** John Zimmerman / Jim Butler: Rockview Farms  
John Marshall / Bill Barrackman: ACE  
Bill Frey / Janet Hess: SDAG/DAG NDEP  
Jon Palm: NDEP

**From:** John B. Walker, Executive Secretary

**Subject:** Motion to Vacate and Reset Hearing on Petition for  
Declaratory Order or Advisory Opinion from Rockview Farms

The State Environmental Commission (SEC) has received a Motion to Vacate and Reset Hearing on Petition for Declaratory Order or Advisory Opinion from Rockview Farms. The motion is posted on the SEC website as agenda item 5 at: [http://sec.nv.gov/main/hearing\\_021109.htm](http://sec.nv.gov/main/hearing_021109.htm)

This Motion will be placed on the agenda for the February 11 meeting and will be decided before the SEC considers the petition filed by the Amargosa Citizens for the Environment (ACE); the petition is listed as agenda item 6 on the above referenced website.

If the Motion is granted, the petition will not be considered until a future SEC meeting. If the Motion is denied, the SEC will proceed to consider ACE's petition at the February 11 meeting. If the parties desire more certainty about the date the petition will be considered, there is no SEC rule that prevents ACE, Rockview Farms and NDEP from stipulating to continue the petition to a future SEC meeting and waiving the requirement that the SEC respond within 30 days to the petition.

For your information, the SEC's tentative meeting schedule for 2009 is June 17, October 5, and December 7. There is also nothing in the SEC rules that prevents the parties from reaching a settlement agreement that renders the petition moot.

If you have any questions, please call me at 775-687-9308.

ecc: Lew Dodgion / SEC  
Leo Drozdoff / NDEP  
Rose Marie Reynolds /DAG-SEC

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January 16, 2009

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Bill Barrackman, President  
Amargosa Citizens for the Environment  
P.O. Box 235  
Amargosa Valley NV 89020

RE: Petition for a Declaratory Order or Advisory Opinion: (Ponderosa Dairy)

MEMBERS

Dear Mr. Barrackman;

Pete Anderson  
State Forester  
Division of Forestry

On January 8, 2009 the State Environmental Commission received the above referenced petition filed by John Marshall on behalf of Amargosa Citizens for the Environment (ACE).

Tony Lesperance  
Director, Department of  
Agriculture

The filing included a cover letter, SEC Form #2, a thirteen (13) page support/justification document, and two large binders of sited reference material. This information (with the exception of the reference material) is now posted on the SEC website at: <http://sec.nv.gov/main/ponderosa09.htm>

Eugene Gans  
Las Vegas, NV

The SEC will consider this petition at its upcoming regulatory hearing on Wednesday, February 11, 2009 at 10 am. The hearing will be conducted as a video conference in Carson City and Las Vegas. The hearing location in Carson City is the Bryan Building located at 901 South Stewart Street (2nd Floor Tahoe Room). In Las Vegas the hearing will be held at the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230.

Kenneth Mayer - Director  
Department of Wildlife

Please be advised the Commission will provide an opportunity for public comments on action items listed on the hearing agenda including the above referenced petition. The agenda will be made available at least 5 days before the hearing. Additional information about the hearing is posted on the SEC Website at: [http://sec.nv.gov/main/hearing\\_021109.htm](http://sec.nv.gov/main/hearing_021109.htm)

Ira Rackley  
Las Vegas, NV

Please contact me if you have any questions about this letter or the forthcoming hearing.

Tracy Taylor  
State Engineer  
Division of Water Resources

Sincerely

Harry Shull  
Las Vegas, NV

John B. Walker  
Executive Secretary

Frances Barron  
State Board of Health  
Las Vegas, NV

ecc: Rose Marie Reynolds, SEC/DAG  
NDEP Staff  
John Marshall

Stephanne Zimmerman  
Las Vegas, NV

COUNSEL  
Rose Marie Reynolds

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Certified Mail # 7006 0810 0002 0582 0788

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[John B. Walker](#)  
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Recording Secretary

January 16, 2009

John L. Marshall  
Attorney at Law  
570 Marsh Avenue  
Reno NV 89509

RE: Petition for a Declaratory Order or Advisory Opinion: (Ponderosa Dairy)

Dear Mr. Marshall;

On January 8, 2009 the State Environmental Commission received the above referenced petition you filed on behalf of Amargosa Citizens for the Environment (ACE).

The filing included a cover letter, SEC Form #2, a thirteen (13) page support/justification document, and two large binders of sited reference material. This information (with the exception of the reference material) is now posted on the SEC website at: <http://sec.nv.gov/main/ponderosa09.htm>

The SEC will consider this petition at its upcoming regulatory hearing on Wednesday, February 11, 2009 at 10 am. The hearing will be conducted as a video conference in Carson City and Las Vegas. The hearing location in Carson City is the Bryan Building located at 901 South Stewart Street (2nd Floor Tahoe Room). In Las Vegas the hearing will be held at the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230.

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Please contact me if you have any questions about this letter or the forthcoming hearing.

Sincerely

John B. Walker  
Executive Secretary

ecc: Rose Marie Reynolds, SEC/DAG  
NDEP Staff  
Bill Barrackman (ACE)

Certified Mail # 7006 0810 0002 00582 0795

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January 16, 2009

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Division of Minerals  
Commission on Mineral  
Resources

Mr. Mike Kwiatkowski  
General Manager - Ponderosa Dairy  
P.O. Box 70  
Amargosa Valley NV 89020

RE: Petition for a Declaratory Order or Advisory Opinion

MEMBERS

Dear Mr. Kwiatkowski;

Pete Anderson  
State Forester  
Division of Forestry

On January 8, 2009 the State Environmental Commission received a petition for a Declaratory Order or Advisory Opinion from the Law Office of John L. Marshall. The petition (submitted on SEC Form #2) was filed on behalf of the Amargosa Citizens for the Environment (ACE).

Tony Lesperance  
Director, Department of  
Agriculture

The filing included a cover letter, SEC Form #2, a thirteen (13) page support/justification document, and two large binders of sited reference material. This information (with the exception of the reference material) is now posted on the SEC website at: <http://sec.nv.gov/main/ponderosa09.htm>

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Kenneth Mayer - Director  
Department of Wildlife

Please be advised the Commission will provide an opportunity for public comments on action items listed on the hearing agenda including the above referenced Petition. The agenda will be made available at least 5 days before the hearing. Additional information about the hearing is posted on the SEC Website at: [http://sec.nv.gov/main/hearing\\_021109.htm](http://sec.nv.gov/main/hearing_021109.htm)

Ira Rackley  
Las Vegas, NV

Sincerely

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State Engineer  
Division of Water Resources

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COUNSEL  
Rose Marie Reynolds

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ecc: Rose Marie Reynolds, SEC/DAG  
NDEP Staff  
Reddy Ganta  
Jay Lazarus

[Kathy Rebert](#)  
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