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DATE: May 25, 2022

TO: Appellant:
Great Basin Resource Watch (GBRW)
Represented by Julie Cavanaugh-Bill, Esq.
Cavanaugh-Bill Law Offices, LLC
Henderson Bank Building
401 Railroad Street, Suite 307
Elko, Nevada 89801

Respondent:
Nevada Division of Environmental Protection (NDEP)
Represented by Dan Nubel, Esq.
Office of the Attorney General

Intervener:
Lithium Nevada, Corp.
Represented by Laura Grainer
Holland and Hart, LLP.
5441 Kietzke Lane, Second Floor
Reno, NV 89511

FROM: Sheryl Fontaine, Executive Secretary, State Environmental
Commission (SEC), State of Nevada
sfontaine@ndep.nv.gov

SUBJECT: Notice of Appeal Hearing: Nevada Division of Environmental
Protection (NDEP) Permit No. NEV2020104

A five-member panel of the State Environmental Commission (SEC) has scheduled an appeal hearing regarding the above referenced permit. The hearing will be held on June 28-30, 2022, beginning at 9:00 a.m. in the Tahoe Conference Room (second floor) of the Richard H. Bryan Building, 901 South Stewart Street, Carson City, Nevada 89701. The hearing date was selected after consultation with interested parties.

The SEC has jurisdiction to hear this appeal pursuant to NRS 445A.425 and NRS 445A.605. The statutes and regulations allegedly violated, as cited in the request for an appeal form submitted by GBRW, are: NAC 445A.2268, NAC 445A.121, NAC 445A.424-447, NAC 445A.429, NAC 445A.465, NRS 445A.305, NRS 445A.335, NRS 445A.405, NRS 445A.415, NRS 445A.425, NRS 445A.465.

About the Appeal: On March 7, 2022, GBRW filed a request for an appeal hearing.

In summary, GBRW stipulates the grounds for the appeal regarding Lithium Nevada Corp's discharge permit NEV2020104 for the Thacker Pass project issued by NDEP's Bureau of Mining Regulation and Reclamation are:

- (1) The final decision was affected by other error of law;
- (2) The final decision was clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; and
- (3) The final decision was arbitrary or capricious or characterized by abuse of discretion.

Specific complaints in the request for an appeal hearing include NDEP's determination that there is no degradation to waters of the state is in err, there has been no variance for the Thacker Pass Mine, NDEP has not assured the minimization of release of contamination, NDEP allowed faulty analysis to guide the permitting decision, NDEP cannot ensure closure due to an inadequate mine plan, and that NDEP is imposing unverifiable requirements in the permit.

The issues for this appeal are further clarified in the pre-hearing briefs ordered by the SEC on April 15, 2022.

Hearing Procedure: Practice before the SEC is governed by the attached regulations found at NAC 445B.875 et seq. The online version is located at: <http://www.leg.state.nv.us/NAC/NAC-445B.html#NAC445BSec875>
NRS 233B.121 to 233B.150 are also applicable. See: <http://www.leg.state.nv.us/NRS/NRS-233B.html#NRS233BSec121>

Related Information: Additional information about this appeal will be available on the SEC website at the following location: <https://sec.nv.gov/meetings/lithium-nevada-corp-water-pollution-control-permit-nev2020104>

ecc: NDEP
NDEP AG
DAG
SEC/DAG