

1 **BEFORE THE STATE OF NEVADA**
2 **STATE ENVIRONMENTAL COMMISSION**

3
4 In the Matter of:

5 GREAT BASIN RESOURCE WATCH'S
6 APPEAL OF NOTICE OF DECISION TO
7 RENEW WATER POLLUTION
8 CONTROL PERMIT NEV2008106 TO
9 EUREKA MOLY, LLC FOR THE
10 MOUNT HOPE PROJECT

**ORDER DENYING NEVADA
DIVISION OF
ENVIRONMENTAL
PROTECTION'S AMENDED
MOTION TO DISMISS**

9 On November 16, 2018, Great Basin Resource Watch ("GBRW") filed its appeal of
10 the Nevada Division of Environmental Protection's ("NDEP") issuance of Water Pollution
11 Control Permit NEV2008106 to Eureka Moly, LLC for the Mount Hope Project.

12 On April 10, 2019, NDEP filed a Motion to Dismiss GBRW's appeal without
13 prejudice based on the ripeness doctrine. On May 1, 2019, a Panel of the State
14 Environmental Commission ("SEC") convened to hear NDEP's Motion. During the
15 prehearing conference, the Panel ordered that the prehearing conference be continued to
16 June 20, 2019 to permit additional briefing on the Motion.

17 On May 15, 2019, NDEP filed its Amended Motion to Dismiss GBRW's appeal
18 without prejudice. On May 29, 2019, GBRW filed its Response. On June 12, 2019, NDEP
19 submitted its Reply in Support of its Motion.

20 **SUMMARY OF HEARING**

21 On June 20, 2019, a Panel of the SEC, with Commission members James Gans,
22 Tom Porta and Kathryn Landreth, held a hearing on NDEP's Amended Motion to
23 Dismiss. At the time of the hearing, GBRW was present and represented by Julie
24 Cavanaugh-Bill and NDEP was present and represented by counsel, Deputy Attorney
25 General Daniel Nubel. The Panel was represented by Deputy Attorney General Henna
26 Rasul.

27 After hearing oral argument on NDEP's Amended Motion to Dismiss, the SEC
28 Panel denied NDEP's Motion.

CONCLUSION

The State Environmental Commission hereby denies the Nevada Division of Environmental Protection's Amended Motion to Dismiss Great Basin Resource Watch's Appeal in the above captioned case.

DATED this 9TH day of July, 2019.

By: 
Member
State Environmental Commission

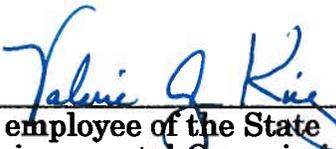
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CERTIFICATE OF SERVICE

I, Valerie King, certify that I am an employee of the State of Nevada, State Environmental Commission, and do hereby certify on this 15th day of July, 2019, I electronically mailed and deposited in the U.S. mail in Carson City, Nevada, a true and correct copy of the foregoing document, postage prepaid, to the following:

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An employee of the State
Environmental Commission

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