



State of Nevada

Dept. of Conservation & Natural Resources

State Environmental Commission [SEC.nv.gov](http://SEC.nv.gov)

901 South Stewart Street, Suite 4001, Carson City, Nevada 89701

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**SEC Appeal Hearing**

**Notice Pursuant to NRS 233B.121 and NAC 445B.891**

**Date:** March 19, 2019

**To:** Appellant:  
Great Basin Resource Watch (GBRW)  
Represented by Julie Cavanaugh-Bill, Esq.  
Cavanaugh-Bill Law Offices, LLC

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

**From:** Valerie King, CPM, Executive Secretary

**Subject:** Notice of Appeal Hearing: Nevada Division of Environmental Protection (NDEP) Permit No. NEV2008106

A three-member panel of the State Environmental Commission (SEC) has scheduled an appeal hearing regarding the above referenced permit. The hearing will be held on May 1, 2019, beginning at 9:30 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 the 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: NRS 445A.305, NRS 445A.335, NRS 445A.405, NRS 445A.415, NRS 445A.425, NRS 445A.465, NAC 445A.2268, NAC 445A.121, NAC 445A.424-425, NAC 445A.429, NAC 445A.465, NAC 445A.446, NAC 445A.429-431, NAC 4456A.424 and NAC 445A.429.

**About the Appeal:** On November 16, 2018, GBRW filed a request for an appeal hearing.

In summary, GBRW stipulates the grounds for the appeal regarding Eureka Moly LLC.'s discharge permit NEV2008106 for the Mt. Hope project issued by NDEP's Bureau of Mining Regulation & 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 error, NDEP cannot ensure closure due to an inadequate mine plan, there has been no exemption to Eureka Moly LLC., and that NDEP arbitrarily determined that the pit lake will cause no harm.

The issues for this appeal are, or will be, further clarified in the pre-hearing briefs ordered by the SEC on February 1, 2019.

**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 is available on the SEC website at the following location: [http://sec.nv.gov/main/appeal\\_0219.htm](http://sec.nv.gov/main/appeal_0219.htm)

ecc: Appellant Certified Mail #9171 9690 0935 0012 2755 85  
NDEP  
SEC Appeal Panel  
SEC/DAG