



STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

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January 13, 2012

Via E-mail and U.S. Mail

Mr. John B Walker  
Executive Director  
State Environmental Commission  
901 South Stewart Street, Suite 4001  
Carson City, NV 89701-5249

Re: Dayton Consolidated Exploration Permit Appeal

Dear Mr. Walker:

Enclosed please find the Nevada Division of Environmental Protection's Motion to Dismiss Appeal. I respectfully request that you provide a briefing schedule for the parties should they elect to respond in writing.

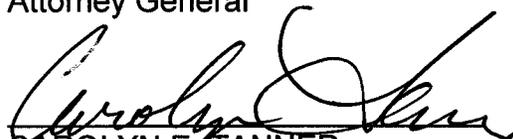
In addition, I ask that the SEC issue a directive to the parties that they exchange their respective lists of witnesses they seek to call in their case in chief no later than ten days prior to the date of the hearing. I also ask that the SEC direct the parties to exchange a list of documents that they intend to present in their case in chief. If any document on a party's list is not already uploaded onto the NDEP Comstock Mining District link at <http://ndep.nv.gov/comstock/index.htm>, or the SEC Comstock Mining appeal link at <http://www.sec.nv.gov/main/comstock.htm>, then the party should be directed to provide a copy of the document to the other parties.

If you have any questions, please do not hesitate to contact me.

Sincerely,

CATHERINE CORTEZ MASTO  
Attorney General

By:

  
CAROLYN E. TANNER  
Senior Deputy Attorney General  
(775) 688-1818

Enclosure(s)

cc: Cassandra Joseph, DAG  
Dave Gaskin, Deputy Administrator, NDEP  
Bruce Holmgren, Chief, NDEP BMRR  
The Comstock Residents Association  
Carolyn L. McIntosh, Esq.

CET:ks