



STATE OF NEVADA  
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April 6, 2010

State Environmental Commission  
c/o John Walker  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701

Re: Class I Air Quality Permit Appeal (Jungo Land and Investments, Inc.)

Dear Commissioners:

Pursuant to NAC 445B.8925, the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) respectfully requests that the State Environmental Commission (SEC) order briefing in this matter by directing the Appellants to file briefs containing the issues they wish to present to the SEC at the hearing. Specifically, NDEP-BAPC requests that the Appellants be instructed to file briefs that contain facts and supporting authorities on the specific statutory act or omission that Appellants allege NDEP-BAPC violated in granting the air permit. After the Appellants file their respective briefs, NDEP-BAPC requests that it has the opportunity to file a responsive brief and/or motion to Appellants' brief(s).

Additionally, pursuant to NAC 445B.895, the SEC determines the procedure of the hearing and the order of presentation of the evidence. Because the Appellants are appealing the air quality permit issued by NDEP-BAPC, NDEP-BAPC respectfully submits that it is most logical and efficient that the Appellants first present their cases in chief. If the hearing is conducted differently, then NDEP-BAPC is placed in the awkward and unfair position of first presenting their evidence or defenses in issuing the air quality permit without knowing the allegations and the evidence the Appellants relied

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upon for their allegations that the air quality permit was issued in contravention of the law. Thus, NDEP-BAPC respectfully requests that the appearance of the parties and the order of the presentation of the evidence at the hearing be as follows:

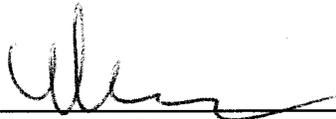
1. Opening statements of the Appellants
2. Opening statements of NDEP-BAPC and Intervenors<sup>1</sup>
3. Cases in chief of the Appellants
4. Defenses/cases in chief of NDEP-BAPC and Intervenors
5. Rebuttal by the Appellants
6. Rebuttal by NDEP-BAPC and Intervenors
7. Closing statements of the Appellants
8. Closing statements of NDEP-BAPC and Intervenors

We appreciate your consideration of our requests. Please feel free to contact me if you have any questions.

Sincerely,

CATHERINE CORTEZ MASTO  
Attorney General

By:

  
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Senior Deputy Attorney General  
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NQN/rmh

cc: Philip Jacka, Appellant  
Robert E. Dolan, Appellant  
Massey K. Mayo, Appellant  
John Frankovich, Esq., McDonald Carano Wilson LLP, Intervenor Representative

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<sup>1</sup> The Intervenors are included because the SEC granted their request to intervene on April 1, 2010.