

1 BEFORE THE STATE OF NEVADA, STATE ENVIRONMENTAL COMMISSION

2 In Re:

3)
4 Appeal of Water Pollution Control Permit No.)
5 NEV2008106)
6 Permittee: Eureka Moly, LLC)

ORDER REGARDING BRIEFING
SCHEDULE

7 On December 6, 2012, Carolyn Bailey filed an appeal of Water Pollution Control Permit
8 No. NEV2008106 issued on November 21, 2012, with an effective date of December 13,
9 2012, by the Nevada Division of Environmental Protection to Eureka Moly, LLC for the Mount
10 Hope project.

11 On December 20, 2012, the Nevada Division of Environmental Protection ("NDEP")
12 requested that the State Environmental Commission ("SEC") order pre-hearing briefs
13 concerning the issues to be presented as well as a list of witnesses and an exchange of
14 exhibits. Neither Appellant nor Intervener Eureka Moly have objected.

15 Based on the foregoing and pursuant to NAC 445B.8925, it is hereby ORDERED that
16 Appellant shall file a brief with the SEC on or before January 22, 2013. The brief should
17 contain a detailed statement of the issue(s) to be raised during the hearing. It is also
18 ORDERED that Eureka Moly and NDEP shall each file a responsive brief on or before
19 February 5, 2013. Appellant's reply brief in response to Eureka Moly's and NDEP's briefs is
20 due on or before February 11, 2013. It is further ORDERED that on or before February 6,
21 2013, each party shall exchange with each other party notice of the identity of each person
22 who will offer direct oral testimony at the hearing and each party shall exchange copies of
23 each exhibit the party intends to offer as evidence at the hearing. The parties are encouraged
24 to submit exhibits jointly where possible to avoid duplicate exhibits. In addition, the appeal
25 hearing in this matter is scheduled for February 13 and 14, 2013.

26 Dated this 7 day of January, 2013.

27 
28 State Environmental Commission

1 CERTIFICATE OF SERVICE

2 The undersigned, an employee of the State of Nevada, State Environmental
3 Commission, does hereby certify that on the date shown below, a true and correct copy of the
4 foregoing ORDER REGARDING BRIEFING SCHEDULE was duly mailed, postage prepaid, to
5 the following:

6 Therese A. Ure, Esq.
7 Schroeder Law Offices
8 440 Marsh Avenue
9 Reno, NV 89509

10 Attorney for Appellant

11 Jim B. Butler, Esq.
12 John R. Zimmerman, Esq.
13 Parsons Behle & Latimer
14 50 West Liberty Street, Suite 750
15 Reno, NV 89501

16 Attorneys for Intervener Eureka Moby, LLC

17 Cassandra Joseph, Esq.
18 Office of the Attorney General
19 100 North Carson Street
20 Carson City, NV 89701

21 Attorney for Nevada Division of Environmental Protection

22 
23 _____
24 An employee of the State Environmental Commission

25 DATED: January 7, 2013