

**ADOPTED REGULATION OF THE  
COMMISSION ON MINERAL RESOURCES**

**LCB File No. R080-01**

Effective January 16, 2002

EXPLANATION – Matter in *italics* is new; matter in brackets ~~{omitted material}~~ is material to be omitted.

AUTHORITY: §1, NRS 513.063 and 513.094; §2, NRS 513.063 and 517.185; §3, NRS 513.063 and 519A.250.

**Section 1.** NAC 513.315 is hereby amended to read as follows:

513.315 The amount of the additional fee that is imposed on filings pursuant to subsection 1 of NRS 513.094 is ~~[\$1]~~ *\$1.50* per claim.

**Sec. 2.** NAC 517.200 is hereby amended to read as follows:

517.200 The amount of the filing fee that is imposed pursuant to subsection 1 of NRS 517.185 is ~~[\$3.50]~~ *\$5* per claim.

**Sec. 3.** NAC 519A.635 is hereby amended to read as follows:

519A.635 1. The division will refund to an operator a portion of the fees required by NRS 519A.250 according to the following schedule:

(a) For an amended plan:

(1) That reduces the number of acres or part of an acre to be disturbed from the original number of acres or part of an acre to be disturbed; and

(2) For which a fee has been paid to the division pursuant to NRS 519A.250, the refund is ~~[\$15]~~ *\$1* for each acre or part of an acre removed from planned disturbance by the amendment.

(b) For a plan, there is no refund.

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(c) For a notice, there is no refund.

2. An operator who wishes to receive a refund must send to the administrator a written request and a copy of the approved amended plan showing the reduction in acreage. Within 20 business days after receiving a valid written request for a refund and a copy of the amended plan, the administrator or his designee will request that the state controller issue a check to the operator in an amount calculated pursuant to paragraph (a) of subsection 1.

3. ~~For the purposes of~~ *As used in* this section:

(a) “Notice” means a notice of intent to conduct activities that disturb the surface which is filed with the United States Bureau of Land Management or the United States Forest Service.

(b) “Operator” includes a person who is required by federal law to file a plan, an amended plan or a notice with the United States Bureau of Land Management or the United States Forest Service.

(c) “Plan” means a plan of operation filed with and approved by the United States Bureau of Land Management or the United States Forest Service.

## NOTICE OF ADOPTION

This regulation was adopted by the Commission on Mineral Resources at a public meeting held in Tonopah on October 18, 2001.

Public comment was solicited by publishing notices in two newspapers and posting notices at the Legislative Building, the State Library, the Division's Carson City and Las Vegas offices, and the Tonopah Convention Center. The notice was also posted on the Division's web site. Interested parties could obtain a copy by contacting the Division. No public response was received.

The hearing was attended by seven members of the public and four Division staffers. Following a discussion of the action to be taken, there was no testimony. No written statements were received.

Comment was solicited from affected businesses mailing notices of the proposed regulation to 250 companies and individuals in the mining industry and distributing via e-mail to the Geological Society of Nevada's 600 members. Five written comments were received, none of which opposed the regulation amendment.

The regulation was adopted without changing any part of the proposed version. There was no reason to make any change.

The adoption is expected to generate approximately \$200,000 in additional fees for the Division. The payment of those fees is spread out among many persons and businesses so that no single person or business will be affected in an adverse manner. Beneficial effects will result from continuation of the Division's programs. Immediate and long term effects are the same, with mining claimants paying an additional \$2.00 per mining claim filing immediately and in the long term.

Enforcement of the regulation requires providing notice to all county recorders about the fee increase. The cost of this is negligible.

The regulation does not duplicate or overlap any other state or federal regulation. The regulation is not comparable to any federal regulation, and is thus not more stringent.

The regulation increases an existing fee, and is expected to generate approximately \$200,000 per year. The money will be used to continue the agency's programs, including the abandoned mines program.