

# PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

## LCB File No. R092-13

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

AUTHORITY: § NRS 519A.160.

A REGULATION relating to the reclamation of land; revising provisions to provide for public nonmotorized access to mine pit lakes under certain conditions; and requiring a reclamation plan to provide for a point of access if a determination is made by the landowners that access to the pit lake that will be located on their premises is deemed feasible; and other matters properly relating thereto.

**Section 1.** NAC 519A.250 is hereby amended to read as follows:

**NAC 519A.250 Exemption of open pits and rock faces from requirements.** (NRS 519A.160, 519A.230)

1. An operator may request in writing that the Division grant an exception to the requirements for reclamation for open pits and rock faces which may not be feasible to reclaim.

2. If the operator proves to the satisfaction of the Division that reclamation is not feasible, the Division shall exempt an open pit or rock face from the requirements for reclamation of NAC 519A.010 to 519A.415, inclusive.

3. The Division shall base its determination of the feasibility of reclaiming open pits and rock faces on the technological and economic practicability of achieving a safe and stable condition suitable for a productive postmining land use. The Division shall consider, without limitation, the:

- (a) Topography of the site;
- (b) Geology and stability of the site;
- (c) Time required to complete reclamation;
- (d) Consumption of resources required to complete reclamation;
- (e) Potential adverse environmental impacts to the quality of the air and water associated with the activities for reclamation; and
- (f) Future access to mineral resources.

4. Upon request by the applicant, the return of material to the open pit from which it was extracted shall be considered to be not feasible for the purposes of reclamation.

5. If an open pit or rock face is exempted from reclamation, *other than for a pit lake for which public access is provided in a plan for reclamation as required by NRS 519A.230*, public safety must be provided for by means other than reclamation, including, but not limited to, restrictions on access to the site or restrictions on the deed to the property.

(Added to NAC by Environmental Comm'n, eff. 9-19-90)

**Sec. 2.** NAC 519A.270 is hereby amended to read as follows:

**NAC 519A.270 Contents of plan for reclamation for mining operation.** (NRS 519A.160, 519A.230) The plan for reclamation for a mining operation must include:

1. A topographic map of the area of the operation depicting:
  - (a) The boundaries of the area of the operation;
  - (b) Surface ownership of the land within the area of the operation;
  - (c) The areas to be affected in sufficient detail so that they can be located from the ground;
  - (d) The kind of disturbances, including:
    - (1) Tailings impoundments;
    - (2) Leach pads;
    - (3) Waste rock dumps;
    - (4) Buildings;
    - (5) Roads; and
    - (6) All other surface facilities; and
  - (e) A description of the land within the area of operation which was affected by:
    - (1) An operation conducted by a previous operator and which is inactive on the date on which the application for a permit for an operation is filed;
    - (2) The current operator before January 1, 1981, and which is inactive on the date on which the application for a permit for an operation is filed;
    - (3) The current operator before January 1, 1981, and which is active on the date on which the application for a permit for an operation is filed;
    - (4) The current operator on or after January 1, 1981, but before October 1, 1990, and which is inactive on the date on which the application for a permit for an operation is filed; and
    - (5) The current operator on or after January 1, 1981, but before October 1, 1990, and which is active on the date on which the application for a permit for an operation is filed.
2. A description of any land within the area of operation:
  - (a) On which the operation is active on or after October 1, 1990; and
  - (b) Comprising access roads which were created before January 1, 1981.
3. The location of any surface water body within one-half-mile down gradient of the operation which may be impacted by excess sedimentation resulting from the mining operations.
4. An estimate of the number of acres affected by each type of disturbance.
5. A proposed productive postmining use of the land.
6. A proposed schedule of the time for initiation and completion of activities for reclamation.
7. The proposed postmining topography.
8. The technical criteria used to determine the final gradient and stability of slopes created or affected by the mining operation.
9. The proposed methods to be used in reclaiming impoundments used during the operation.
10. A statement of any constraints on the estimated time to complete reclamation caused by the residual moisture content or physical or chemical qualities of impoundments.
11. The kinds of access roads and their estimated width and length which will be built and the manner in which they will be reclaimed.
12. The measures which will be used to minimize loading of sediment to surface waters during the operation and reclamation.
13. The proposed revegetation of the land for its postmining land use, including:
  - (a) A plan for the management of topsoil and growth medium;

- (b) A list of each species of vegetation;
- (c) The rate of seeding of vegetation;
- (d) The type of fertilizer and mulch to be used; and
- (e) When the planting will occur.

14. The proposed disposition of:

- (a) Buildings;
- (b) Equipment;
- (c) Piping;
- (d) Scrap;
- (e) Reagents; and
- (f) Any other equipment and materials.

15. A description of any surface facilities such as buildings or roads which will not be reclaimed.

16. A description of any necessary monitoring and maintenance of fences, signs and other structures which will be performed by the operator on the reclaimed land.

17. A description of any reclamation which is necessary because of instream mining.

18. A statement of the effect that the proposed reclamation will have on future mining in the area.

19. A statement setting forth the effect that the proposed reclamation will have on public safety.

***20. For a pit lake subject to NRS 519A.230, a written determination of the consultation with the landowner(s) for public access. If public access is approved, a plan for a point or points of access.***

(Added to NAC by Environmental Comm'n, eff. 9-19-90)