

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB FILE NO. R045-18I

**The following document is the initial draft regulation proposed
by the agency submitted on 03/12/2018**

PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

P2017-08

March 1, 2018

EXPLANATION – Matter in *italics* are new; matter with ~~omitted material~~ are material to be omitted.

AUTHORITY: §§1-4, NRS 519A.160

Section 1. NAC 519A.025 is hereby amended to read as follows:

519A.025 “Affected” means that the surface of the land is or will be disturbed by an exploration project, mining operation, *small mining operation*, or that the land is used:

1. As an evaporation or settling pond, leach dump, placer area or tailings pond or dump; or
2. In conjunction with any structure, facility, equipment, machine, tool, material or property incident to an exploration project or mining operation.

Sec. 2. NAC 519A.070 is hereby amended to read as follows:

519A.070 “Productive postmining use of the land” means a use which supports activities including:

1. Wildlife habitat;
2. Livestock grazing;
3. Agriculture and ranching;
4. Industry;
5. *Renewable energy development and storage*;
6. Recreation; or
- 7~~6~~. Any other activities which benefit the State of Nevada, its residents or the owner of the land.

Sec. 3. NAC 519A.085 is hereby amended to read as follows:

NAC 519A.085 “Small mining operation” means a person who:

1. Does not operate an underground mining operation or does not use chemicals for mineral extraction other than flocculants and coagulants approved by the Division, that did not have a small miner exemption prior to September 1, 2018; and

2. ~~It~~ Does not remove from the earth in any calendar year material in excess of 36,500 tons; and

3. ~~who disturbs~~ Cumulatively affects less than 5 acres of land ~~in any calendar year~~. To determine the area of the surface ~~disturbed~~ affected, all land ~~disturbed~~ affected and left unreclaimed by an operator within a 1-mile radius of the center of the ~~project~~ land affected must be considered.

Sec. 4. NAC 519A.185 is hereby amended to read as follows:

519A.185 1. Except as otherwise provided in subsection 3, the Division shall, at least 30 days before the issuance of a draft permit or a notice of intent to deny the application for a permit for an exploration project or mining operation to be conducted on privately owned land:

(a) Circulate a public notice of the intent to issue a draft permit or deny the application in a manner intended to inform interested persons;

(b) Cause to be published *on an Internet website designed to give general public notice* ~~in a newspaper of general circulation within the geographic area of a proposed exploration project or mining operation,~~ *an electronic copy of the Administrator of the Division’s* notice of ~~the~~ intent to issue the permit or deny the application; and

(c) Mail to the operator, landowner of record who is identified by the applicant in the application, members of the board of county commissioners of the county in which the project or operation is to be located, Division of Minerals of the Commission on Mineral Resources and

any other person or group who so requests, written notice of the intent to issue a draft permit or deny the application.

2. Notice given pursuant to subsection 1 must include:

(a) The name, address and telephone number of the Division;

(b) The name and address of the operator;

(c) The location of the proposed project or operation;

(d) The tentative decision of the Division to issue a draft permit or deny the application for a permit;

(e) A description of the procedure which the Division will use to make a final decision to issue or deny the permit;

(f) The location where interested persons may obtain further information or inspect and copy the draft of the permit and other relevant forms and documents; and

(g) A statement that interested persons must submit to the Division written comments and information on the tentative decision of the Division within 30 days after the date on which the notice is published.

3. An application for a permit which has been submitted pursuant to NAC 519A.150 or 519A.155 is not subject to the notice requirements of NAC 519A.185 to 519A.210, inclusive.

Sec. 5. NAC 519A.410 is hereby amended to read as follows:

519A.410 1. The operator of a small mining operation shall submit to the Division:

(a) A sketch or topographic map of the operation depicting:

(1) The boundaries of the project area;

(2) Surface ownership within the project area;

(3) Areas to be affected and the nature of the disturbances including tailings impoundments, leach pads, waste rock dumps, buildings, roads and all other surface facilities;

(4) Areas within the project area which were previously affected by activities other than those of the operator or which will not be subject to additional or continuing disturbance because of his or her activities;

(5) The location of any body of surface water within one-half-mile down gradient from the operation which may be impacted by excess sedimentation resulting from the mining operations; and

(6) The location of access roads that were created before January 1, 1981.

(b) An estimate of the acreage affected by each type of disturbance set forth pursuant to subparagraph (3) of paragraph (a) of subsection 1.

(c) A proposed postmining use of the land and general description of the manner in which the postmining use of the land will be attained by reclamation.

2. The information and documentation required by subsection 1 must be submitted:

(a) By October 1, 1991, for a small mining operation which is active on October 1, 1990; or

(b) Before disturbance of the surface for a new small mining operation.

3. If an operator of a small mining operation applies for a reclamation permit in order to affect more than 5 acres of land, the areas previously affected by the small mining operation must be included in the plan for reclamation.