

Permanent Regulation - Informational Statement

A Permanent Regulation Related to Mining

Legislative Review of Adopted Permanent Regulations as Required
by Administrative Procedures Act, NRS 233B.066

State Environmental Commission (SEC) Permanent No: R045-18

Permanent Regulation R045-18:

Nevada Revised Statutes (NRS) 519A.160 establishes the authority of the State Environmental Commission (SEC) to adopt regulations necessary to enable the Division to carry out the provisions of NRS 519A.010 to 519.280, inclusive.

SPECIFIC CHANGES:

The NDEP amended NAC 519A to revise the definition of the term “affected” to include the surface of the land disturbed by a small mining operation, revise the definition of a “small mining operation” to be consistent with the statutes, and also to add renewable energy development and storage as a viable “productive postmining use of the land.”

1. Need for Regulation:

Correcting the definition of small mining operation and clarifying small mining operation affected lands will improve permittee understanding of department expectations and regulatory requirements.

Renewable energy options for development and storage can be considered as long term goals at mining projects where site conditions are amenable to such facilities as a productive post mining land use. This change was requested by the Nature Conservancy and the Nevada Mining Association and the NDEP supports it.

2. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.

On April 19, 25, and 26, 2018 NDEP conducted public workshops on regulation R045-18. The workshops were held in Tonopah, Elko, and Winnemucca. The workshop location in Tonopah was at the Nye County Commissioners Building, 101 Radar Street. The workshop location in Elko was at the Elko City Hall, 1751 College Avenue and the

workshop location in Winnemucca was at the Humboldt County Court House, 50 West 5th Street.

Forty (40) members of the public attended the workshops, in total.

Questions from the public presented at the workshop were addressed by NDEP staff; summary minutes of the workshop are posted on the SEC website at: http://sec.nv.gov/main/hearing_0518.htm.

Following the workshop, the SEC held a formal regulatory hearing on June 27, 2018 at the Legislative Building, Room 3138, located at 401 South Carson Street and video-conferenced in Las Vegas at the Grant Sawyer Building, Room 4412E, located at 555 East Washington Ave. A public notice for the regulatory meeting was posted at the meeting location, at the State Library in Carson City, at NDEP in Las Vegas, at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website and on the SEC website.

Copies of the agenda, the public notice, and the proposed permanent regulation R045-18 were also made available at all public libraries throughout the state as well as to individuals on the SEC mailing list and the Bureau of Mining Regulation & Reclamation electronic mailing list.

The public notice for the proposed regulation was published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory meeting. Other information about this regulation was made available on the SEC website at: http://sec.nv.gov/main/hearing_0518.htm.

3. The number of persons who attended the SEC Regulatory Hearing:

- (a) Attended June 27, 2018 hearing: 25 (approximately)
- (b) Testified on this Petition at the hearing: 2

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(c) Submitted to the agency written comments: 0

4. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses through e-mail, public workshops and at the June 27, 2018 SEC hearing as noted in number 2 above.

5. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted with changes. The SEC determined it would adopt the regulation with all proposed modifications except the public notice component, which they requested NDEP bring to a future meeting.

6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

Regulated Business/Industry. There are no adverse effects to the mining industry anticipated for the proposed regulation changes. Clear and concise regulations assist mining companies in their determination to invest in mining in Nevada by allowing them to determine the outcome of their mining projects with the knowledge of what is expected of them to comply and protect waters of the state.

Public. The regulation will have no economic impact on the public.

7. The estimated cost to the agency for enforcement of the adopted regulation.

Enforcing Agency. The regulation will have no economic impact on NDEP.

8. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulation does not overlap any other State or federal regulations.

9. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

The regulation is no more stringent than what is established by federal law.

10. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulation does not address new fees.