


FORM # 1

**FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR  
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION REGULATIONS**

1. Nevada Division of Environmental Protection  
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May 18, 2018

  
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2. The Nevada Division of Environmental Protection (NDEP) is a division of the Nevada Department of Conservation and Natural Resources of the State of Nevada. The NDEP is an environmental regulatory agency.
3. Nevada Revised Statute (NRS) 519A.160 establishes the authority of the State Environmental Commission (SEC) to adopt regulations as necessary to enable the Division to carry out provisions of NRS 519A.010 to 519A.280, inclusive, and declares that proper reclamation of mined land, areas of exploration, and former areas of mining or exploration is necessary to prevent undesirable land and surface water conditions detrimental to the ecology and to the general health, welfare, safety, and property rights of the residents of this state.

SPECIFIC CHANGES:

The amendments propose to:

- Sec. 1 Adds the term small miner to the definition of the word Affected.
- Sec. 2. Adds renewable energy development and storage as an option to the definition of “productive postmining use of the land”
- Sec. 3 Corrects the NAC definition of Small mining operation that was in conflict with NRS.
- Sec. 4. Removes the requirement to provide public notice of a draft permit and other actions through publication in a newspaper and replace them with a requirement for e-notice.
- Sec. 5. These revisions clarify affected lands for reclamation permitting purposes.

4. NEED FOR AND PURPOSE:

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

These amendments will significantly improve communication with the public on permit and other actions by allowing for information to be made available for an extended time period on a dedicated website in comparison to a one-day newspaper notice, which will result in broader and better informed public participation. Public access will be improved by making actions immediately available through convenient and reliable electronic media outlets. E-notice will also provide flexibility for the NDEP by avoiding time delays associated with newspaper publication and allowing for faster correction of errors and rescheduling of events. Additionally, human and financial resources currently being spent by the NDEP will be more efficiently used by removing the public notice newspaper 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 NDEP agrees with this proposal.

5. ECONOMIC EFFECTS:

(a) Regulated Business/Industry.

The NDEP reclamation 519A program spent an average of \$865 annually between 2015 and 2017 on publication of public notices in newspapers. These notices are spread throughout the State and are run one time in a paper that is nearest the project. Since the proposed regulations remove the requirements for publishing public notices in newspapers for permitting actions, the newspaper industry will no longer be receiving those funds from the NDEP. The proposed amendments will have no adverse economic impact on regulated businesses; a benefit is that it will shorten permitting time by one to three weeks, which can make an economic difference to the regulated industry with respect to getting the project production started sooner.

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.

(b) Public.

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

(c) Enforcing Agency.

The NDEP spent in addition to labor costs an average of \$865 annually between 2016 and 2017 on publication of public notices in newspapers. Since the proposed regulations remove the requirements for publishing public notices in newspapers for various actions, the NDEP will no longer incur those expenses.

6. The proposed amendments do not overlap any other State or federal regulations.
7. The proposed amendments are no more stringent than what is established by federal law.
8. The proposed amendments do not revise any fees already in regulation.