


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

Form #1

1. Nevada Division of Environmental Protection
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Carson City, NV 89701-5249
(775) 687- 9397
September 27, 2013 (revised October 30, 2013)


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(775) 687-9397

2. The Nevada Division of Environmental Protection (NDEP) is a division of the Department of Conservation and Natural Resources of the State of Nevada. The NDEP is an environmental regulatory agency.
3. Nevada Revised Statutes (NRS) 519A.160 establishes the authority of the State Environmental Commission (SEC) to adopt regulations necessary to enable the NDEP to carry out provisions of NRS 519A.010 to 519A. 280 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:

Assembly Bill 346 (AB 346), passed during the 2013 Nevada Legislative session, amended NRS 519A.230 providing new statutory provisions related to public access to mine pit lakes.

The bill allows for nonmotorized public access in pit lakes with a predicted filled surface area of more than two hundred (200) acres subject to the landowner(s) determination of the final and ultimate use of the premises and whether public access will be provided. If access is allowed, at least one (1) point will be provided when the lake has reached ninety (90) percent of maximum capacity.

Proposed revisions to NAC 519A.250, Section 5 reference the new statutory provisions related to pit lake access (NRS 519A.230). If public access will be provided, an exemption from reclamation requirements would not be available and reclamation of the open pit or rock face would be required for the point(s) of public nonmotorized access to the water level of the pit lake.

A new section is proposed to be added to NAC 519A.265 and 519A.270 requiring an applicant filing a reclamation plan with the NDEP whose operation will result in a pit lake of more than 200 acres to consult each landowner, including federal land managers, and submit the landowner(s) determination of the final use of the premises and whether public access will be provided. If public nonmotorized access will be allowed, the reclamation plan must provide for at least one point of access when the pit lake reaches 90% of its predicted maximum capacity.

Additional revisions to NAC 519A.260, Section 3, 519A.315, Section 1, and 519A.345, Section 9 are proposed for the regulation to conform to the statute.

4. **NEED FOR AND PURPOSE:**
The proposed revisions to NAC 519A are necessary to implement the new statutory provisions of NRS 519A.230.
5. **ECONOMIC EFFECTS:**
 - (a) Regulated Business/Industry. There will be no economic effects of these proposed regulations on the regulated industry.
 - (b) Public. These proposed regulations would have no economic effect on the public.
 - (c) Enforcing Agency. There is no additional cost to the NDEP for enforcement of the proposed regulation.
6. The proposed NAC 519A revisions do not overlap or duplicate any regulations of other State or governmental agency.
7. The proposed revisions will not result in any mandated State regulatory requirements that are more stringent than federal regulatory requirements.
8. The proposed revisions do not address fees.