

Permanent Regulation - Filing Statement

Nevada Division of Environmental Protection
Bureau of Mining Regulation & Reclamation

Revision to Fee Structure for Permit Modification & Definition of Minor
Modification

Legislative Review Of Adopted Regulations As Required
By Administrative Procedures Act, NRS 233B.066

State Environmental Commission (SEC) Petition 2005-01 – LCB File R097-05

This is a permanent regulation proposed by the Nevada Division of Environmental Protections - Bureau of Mining Regulation and Reclamation. The State Environmental Commission approved the permanent regulation on October 04, 2005.

The regulation provides for changes to the NAC 519A mining reclamation regulations. Under the regulation, changes include a revision to the current fee structure for a permit modification and definition of minor modification. The revision also defines a major modification. The revision to the current fee structure reduced the fees charged for simple changes to the permit that require minimal staff time to review and process. The other revisions set clearer parameters to define minor and major modification.

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

The Nevada Division of Environmental Protection (NDEP), Bureau of Mining Regulation & Reclamation held workshops on the above referenced temporary regulation at the following locations.

Carson City February 7, 2005 2:00 p.m. - 3:00 p.m Department of Conservation & Natural Resources 123 West Nye Lane, Room 217 Carson City, Nevada 89706	Elko February 8, 2005 3:00 p.m. - 4:00 p.m Elko BLM Field Office 3900 East Idaho Street Elko, Nevada 89801	Winnemucca February 9, 2005 11:00 a.m. - 12:00 p.m. Winnemucca Public Library 85 East Fifth Street Winnemucca, Nevada 89445
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Notification of the proposed changes was sent out to all parties included on NDEP's mailing list. Notification was published in the Carson Appeal, Humboldt Sun, Elko Daily Free Press, and on NDEP website. In addition the Nevada Mining Association was given notification to distribute directly to its members. No written comments were received; verbal comments received showed support for the proposed changes.

2. The proposed regulation was also noticed by the State Environmental Commission (SEC) in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates (September 05, 19, 26, 2005). The public was subsequently mailed a public notice and meeting agenda for the SEC regulatory hearing, which was held in Reno on October 04, 2005; the SEC mailing list was used for both mailings.

At the SEC hearing, there were no public comments received by the Commission during the adoption of the referenced regulation.

3. The number persons who:

- (a) Attended October 04, 2005 hearing; 18
- (b) Testified on this Petition at the hearing: 1 (NDEP Staff)
- (c) Submitted to the agency written comments: (none)

4. 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 State Environmental Commission adopted the regulation on October 04, 2005 without any changes.

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

No anticipated economic effects will result from adoption of this regulation.

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

There will be no additional costs to the Nevada Division of Environmental Protection for implementing this regulation.

7. 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.

The regulation does not overlap or duplicate any regulations of other state, federal or local agencies.

8. 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.

9. 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.

This regulation makes small decrease and other nominal adjustments to fees.