

Permanent Regulation - Filing Statement

Nevada Division of Environmental Protection
Bureau of Mining Regulation & Reclamation

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

State Environmental Commission (SEC)

LCB File No. R080-08

SEC # P2008-11

3) Regulation R080-08: Administrative Changes to Chapter 519A, Reclamation of Land Subject to Mining Operations or Exploration Projects: This regulation provides clarification of surface ownership for lands affected by applications for reclamation permits. Under section 519A.275 the regulation requires the Nevada Division of Environmental Protection (NDEP) to consider comments received from landowners in making final decisions about postmining land use. This is particularly important where permittees do not own title to the surface of affected land that will be reclaimed.

The regulation further requires mine operators to make timely periodic payments to trust funds established for mine reclamation. Such payments are required to precede actual mining or exploration activities, and must be sufficient to maintain the trust fund balance at a level at or above the outstanding reclamation obligation at any time.

1. 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.

The Nevada Division of Environmental Protection, Bureau of Mining Regulation & Reclamation held three public workshops on the above referenced regulation at the following locations:

<u>Winnemucca</u> August 19, 2008 1:30 p.m. - 2:30 p.m. Winnemucca BLM District Office 5100 E. Winnemucca Blvd. Winnemucca, NV 89445	<u>Elko</u> August 20, 2008 9:00 am - 10:00 a.m. Elko BLM District Office 3900 E. Idaho St. Elko, NV 89801	<u>Carson City</u> August 25, 2008 10:30 a.m. - 11:30 a.m. DCNR, Bryan Building Tahoe Hearing Rm, 2 nd Floor 901 S. Stewart St. Carson City, NV 89701
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Following these workshops, the State Environmental Commission (SEC) held a public hearing to consider the regulation on September 24, 2008. The hearing was conducted as a video conference in Carson City and Las Vegas. The hearing location in Carson City was at the Bryan Building, 901 South Stewart Street. In Las Vegas the hearing was held at the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite

230. Copies of the agenda, the public notice, and the proposed regulation were also made available to all public libraries throughout the state as well as to individuals on the SEC electronic and ground-based mailing lists.

The public notice for the regulation was published on Monday September 8th, 15th and 22nd 2008 in the Las Vegas Review Journal and Reno Gazette Journal newspapers. Information about the regulation was also made available on the SEC website at: http://www.sec.nv.gov/main/hearing_092408.htm

2. The number persons who attended the SEC Regulatory Hearing:

- (a) Attended September 24, 2008 hearing; 20 (approx.)
- (b) Testified on this Petition at the hearing: 3 (2 NDEP Staff)
- (c) Submitted to the agency written comments: 1 (Support Letter from the Nevada Mining Association)

3. 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 as indicated in number 1 above.

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 as presented.

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

The regulation is not anticipated to have any significant economic impact on the public or Nevada businesses.

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

There will be no additional cost to the agency for enforcement of the proposed 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. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation does not duplicate any other federal, state or local regulation.

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 not more stringent than any local or federal laws and regulations.

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.

The proposed regulation does address any fees.