

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

**Form #1**

1. Nevada Division of Environmental Protection  
901 South Stewart Street, Suite 4001  
Carson City, NV 89701-5249  
(775) 687- 9397  
September 24, 2008

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Bureau of Mining Regulation and  
Reclamation  
(775) 687-9397

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 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:**

NAC 519A.185 provides clarification of surface ownership for lands affected by applications for reclamation permits; NAC 519A.275 requires NDEP to consider comments from landowners regarding proposed plans for reclamation for productive postmining uses of land under certain circumstances; NAC 519A.280 deletes provisions that require an owner of record of land to approve proposed postmining uses of the land; NAC 519A.350 revises certain provisions relating to the use of trust funds as surety provided for mining reclamation projects.

4. NEED FOR AND PURPOSE:

Some applications include land in which the operator is not the owner of the surface of the affected land; the proposed changes to NAC 519A.185, 275 and 280 provide clarification of surface ownership for lands affected by applications and requires NDEP consider comments received from landowners in making final decisions about postmining land use.

The proposed revision to NAC 519A.350 will allow for more frequent periodic payments into a trust when appropriate. Under the current criteria of NAC 519A.350.2, an operator may make annual payments equal to the total reclamation obligation divided by the number of years in the term of the project or operation. The problem is that the reclamation obligation is not incurred at an even rate through the life of the project or operation. In many cases, the obligation is disproportionately large near the beginning, due to the development of process components and infrastructure, and initial disturbance of the mine area. The obligation can therefore significantly exceed the trust fund amount, rendering the site under bonded for years. Under the current criteria of NAC 519A.350.2 a surety bond must guarantee payment, in practice a surety bond either guarantees payment or has the option to perform the required reclamation.

5. ECONOMIC EFFECTS:

(a) Regulated Business/Industry. There will be no economic effects of these 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 agency for enforcement of the proposed regulation.

6. The proposed revisions do not overlap or duplicate any regulations of other state or government agencies

7. The proposed revisions are no more stringent than what is established by federal law.

8. The proposed revisions do not address fees.