

**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  
March 12, 2012

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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:**

Pursuant to the Governor's Executive Order 2011-01, repeal of the NAC 519A.360 Section 6 provision that allows a lesser surety amount than required to complete reclamation and deletion of NAC 519A.382 that requires submission of an annual fee or arrangement of a third-party review if a corporate guarantee is used for financial assurance.

Other changes not associated with Executive Order 2011-01 include:

NAC 519A.135, NAC 519A.265, and NAC 519A.270 require reclamation plans to reference use of best management practices for erosion and sediment control and to describe methods for noxious weed control during reclamation; NAC 445A.215 provides clarification of required information for transfer of a permit; NAC 519A.280 requires NDEP to consider comments from local land management agencies regarding postmining private land uses; NAC 519A.350 revises certain provisions relating to the use of insurance as surety provided for mining reclamation projects; and NAC 519A.360

requires that reclamation cost estimate be calculated as if a third-party contractor was to perform the required work.

4. NEED FOR AND PURPOSE:

The current mining reclamation program requires an operator to provide the total amount of financial surety to complete reclamation obligations. Under the current Section 6 provision of NAC 519A.360, an operator may propose to provide a lesser amount than that required to complete required reclamation which is analogous to the aforementioned requirement. A corporate guarantee panel has been established by the NDEP to review financial data and to assess the financial security of operators who use a corporate guarantee to satisfy reclamation financial responsibility obligations. Submission of a fee or arrangement of a third-party review as required in NAC 519A.382 is no longer required. Proposed revisions to NAC 519A.135, NAC 519A.265, and NAC 519A.270 will require the reclamation plans for exploration projects and mining operations to include erosion and sediment control measures using State of Nevada Handbook of Best Management Practices, and to address management of noxious weeds during reclamation. NAC 519A.215 would be modified to describe the additional information that must accompany a request to transfer a permit to a new operator. An operator may need to obtain approval from a local land management agency if the agency has authority to approve proposed postmining use(s) of private land within their jurisdiction, and NAC 519A.280 is revised to reflect this requirement. The proposed revision to NAC 519A.350 allows insurance to be considered by the NDEP as a surety to satisfy financial assurance requirements related to mining reclamation obligations on private lands. To ensure that an operator provides surety in an amount sufficient to cover reclamation obligations, NAC 519A.360 is amended to require that the reclamation cost estimate be developed assuming a third-party contractor completing the required work.

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 agency for enforcement of the proposed regulation.

6. The proposed revision to NAC 519A.360 overlaps the Bureau of Land Management 43 CFR 3809 regulations. The reclamation cost estimate must be calculated as if a third-party contractor was to perform the required work and would represent the cost which would be incurred by the state or federal agency having jurisdiction over the land. The other revisions do not overlap or duplicate any regulations of other state or government agency.

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

8. The proposed revisions do not address fees.