

Form #1

Petition to Adopt, Amend, or Repeal Commission Regulations

Approved 10-3-1995



NEVADA
STATE ENVIRONMENTAL
COMMISSION

1. Name, address, telephone number, and signature:

Name: Aimee Keys; Nevada Division of Environmental Protection

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Telephone Number: 775 687-9397

Date of Petition: 11/12/2021

Representative capacity and signature of petitioner, authorized individual, officer or attorney:

Aimee Keys, Chief, Bureau of Mining Regulation & Reclamation

2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary:

Nevada Division of Environmental Protection (NDEP)
Bureau of Mining Regulation and Reclamation (BMRR)

The Nevada Division of Environmental Protection is a division of the Nevada Department of Conservation and Natural Resources of the State of Nevada. The NDEP is an environmental regulatory agency. The BMRR regulates mining activities and implements the requirements of NRS 445A.300-730 and NRS 519A.010-290.

3. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved:

Assembly Bill 148 (AB148), passed during the 2021 legislative session, requires an applicant for an exploration or mining reclamation permit to submit information identifying the persons with controlling interest in the applicant and whether they are in good standing with all federal agencies and other states in relation to reclamation of exploration or mining operations outside of Nevada. AB148 prohibits issuance of a reclamation permit to applicants that are not in good standing.

Sec 1. notes that chapter 519A of NAC is amended to add sections 2-7. Sec. 2 adds the definition of "good standing". Sec. 3 adds the definition of "default". Sec. 4 adds the definition of "engage or engaged". Sec. 5 adds the definition of "remedy or remedied". Sec 6 adds the definition of "person with controlling interest". Sec. 7 describes the requirements of the affidavit of good standing to be submitted with an application for a permit. Sec. 8 amends NAC 519A.125 to require the affidavit of good standing be submitted with an exploration permit application. Sec. 9 amends NAC 519A.130 to describe when the Division shall and shall not issue a permit for exploration in relation to good standing. Section 10 amends NAC 519A.135 to describe when the Division may issue an interim permit for exploration in relation to good standing. Sec. 11 amends NAC 519A.140 to require an affidavit of good standing be submitted with an application for a permit for mining operations. Sec. 12 amends NAC 519A.145 to describe when the Division shall and shall not issue a permit for mining operations in relation to good standing. Sec 13 amends NAC 519A.150 to add the affidavit of good standing to the requirements for a complete permit application for exploration or mining on public land. Sec 14 amends NAC 519A.0155 to add the affidavit of good standing to the requirements for a complete permit application for exploration or mining on mixed private/public land. Sec 15 amends NAC 159A.215 to require an affidavit of good standing for permit transfer and to indicate when the Division shall and shall not transfer a reclamation permit in relation to good standing.

4. A statement of the need for and purpose of the proposed regulations:

AB148 requires NDEP to adopt regulations necessary to carry out the provisions of the legislation by April 1, 2022.

5. A statement of the:

(a) Estimated economic effect of the regulation on the business which it is to regulate:

NDEP estimates that the economic effect on the mining industry, either positive or negative, is negligible.

(1) Both adverse and beneficial effects:

It is possible that fewer new mining operations may be permitted in Nevada as a result of this regulation. It is more likely that applicants will remove persons with controlling interest who are "bad actors" from such positions so that their application may be processed and an exploration or mining permit may be issued. Thus, industry will likely not realize any adverse economic impacts.

(2) Both immediate and long-term effects:

The immediate and long-term economic effects to the mining industry are estimated to be negligible.

(b) Estimated economic effect on the public:

NDEP estimates the proposed regulation will likely have a negligible economic impact on the general public.

(1) Both adverse and beneficial effects:

The proposed regulation adds additional protections ensuring that Nevadans will not bear the economic burden of reclaiming exploration projects and mining operations that are initiated by bad actors. The provisions of NRS 519A and NAC 519A currently provide robust protections that make it unlikely this regulation will have a significant economic effect.

(2) Both immediate and long-term effects:

NDEP estimates the immediate and long-term economic effects on the public will be negligible.

(c) Estimated cost by the agency for enforcement of the proposed regulation:

NDEP estimates that there will be no additional costs for enforcement of the proposed regulation.

6. A description of any regulations for 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:

The proposed amendments do not overlap any other State or federal regulations.

7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption:

The proposed amendments are no more stringent than what is established by state or federal law, given the adoption of AB148.

8. 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 regulation does not provide a new fee or increase an existing fee.

Supporting Documents



When submitting this form, attach a second document to your email with your proposed regulatory language. Include other supporting documents as needed.