

Form #4

Small Business Impact Disclosure and Statement

Approved 5-2-2014



NEVADA
STATE ENVIRONMENTAL
COMMISSION

The purpose of this form is to provide a framework pursuant to NRS 233B.0608 for drafting and submitting a Small Business Impact Statement (SBIS) to the State Environmental Commission (SEC) and to determine whether a SBIS is required to be noticed and available at the public workshop. A SBIS must be completed and submitted to the Legislative Counsel Bureau for ALL adopted regulations.

Note: Small Business is defined as a "business conducted for profit which employs fewer than 150 full-time employees" (NRS 233B.0382).

To determine whether a SBIS must be noticed and available at the public workshop, answer the following questions:

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

The Nevada Division of Environmental Protection, Bureau of Mining Regulation and Reclamation (NDEP-BMRR) has tentatively determined that though there may be a direct economic effect upon a small business, this effect is likely not significant. Informal feedback received from the Nevada Mining Association supports this conclusion. For example, a small project on 15 acres of public land would currently be assessed an application fee of \$30; regulation change would result in this same applicant being charged an application fee of \$62. A small mine operating on less than 50 acres currently pays a \$500 annual fee; regulation change would result in this same operation paying a \$750 annual fee.

Because these fee increases may have an impact on small business, NDEP-BMRR is soliciting feedback from the mining and small business communities to evaluate this potential. NDEP-BMRR will come to a full and proper conclusion regarding the impact of the proposed amendments to regulation after public workshops are conducted and survey responses are received from small businesses.

2. Does this proposed regulation restrict the formation, operation or expansion of a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

No.

If **Yes** to either of question 1 & 2, a SBIS must be noticed and available at the public workshop.

FORM 4: SMALL BUSINESS IMPACT STATEMENT (NRS 233B.0609)
(Provide attachments as needed)

1. Describe the manner in which comment was solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary. *(Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.)*

NDEP-BMRR informally solicited feedback from the Nevada Mining Association on the proposed regulation amendment and received no opposition to the assumption that the amendment does not impose a significant financial impact on small business. Written notice of proposed changes and public workshops will be posted in newspapers, public spaces, and on the SEC website in November of 2021. A survey will be available for small businesses to complete, regarding how the proposed changes will impact their business. Public workshops will be scheduled for December of 2021. Interested parties and businesses may obtain a copy of the small business impact statement or submit statements of impact to Todd Process, Reclamation Branch Supervisor, Bureau of Mining Regulation and Reclamation, Nevada Division of Environmental Protection, Department of Conservation and Natural Resources, 901 S, Stewart Street, Suite 4001, Carson City, NV 89701.

2. The manner in which the analysis was conducted (if an impact was determined).

BMRR provided the proposed regulation amendment to, and informally solicited feedback from, the Nevada Mining Association. The notice of proposed changes will be posted on BMRR's website, and a survey will be available for small businesses to complete, regarding how the proposed changes will affect their business. Public workshops will be scheduled for December 2021. At the close of the public comment period and after survey results are received, an analysis of the impact on small businesses will be completed after a review of all the comments, survey results, and statements received from small businesses and interested parties.

3. The estimated economic effect of the proposed regulation on small businesses:

Increased application fees will have the most effect on applicants for exploration permits as this permitting activity is most common prior to obtaining a mine permit. The effect is dependent upon the acreage of the proposed project and the private/public land status. Small projects on public land will continue to pay the smallest application fees while large projects on private land will continue to pay the largest. For example, a small project on 15 acres of public land would currently be assessed an application fee of \$30; regulation change would result in this same applicant being charged an application fee of \$62. An exploration project on less than 20 acres currently pays a \$100 annual fee; regulation change would result in this same applicant being charged an application fee of \$150.

a. Both adverse and beneficial effects:

Additional funds collected will enable the agency to maintain program viability by ensuring a balanced budget and adequate staffing. The agency anticipates that hiring additional staff will allow for more efficient permitting that will lead to positive economic impacts to the regulated industry and decreased delays due to insufficient agency resources.

b. Both direct and indirect effects:

The direct effect is an increase in application and annual fees. The indirect effect benefits small business through continued and improved agency effectiveness, resulting in reduced delays and increased efficiency of permitting and other reviews.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of the methods. (Include a discussion of any considerations of the methods listed below.)

NDEP-BMRR will consider methods to reduce the impact of the proposed regulation on small businesses if necessary based on comments, survey results, and statements received after the 30-day comment period.

A. Simplification of the proposed regulation:

B. Establishment of different standards of compliance for a small business:

C. Modification of fees or fines so that a small business is authorized to pay a lower fee or fine:

5. The estimated cost to the agency for enforcement of the proposed regulation. (Include a discussion of the methods used to estimate those costs.)

The proposed regulation will not result in a direct cost for enforcement of the regulation, however the agency does plan to add additional staff and associated support as needed to support the program, at a cost of approximately \$400,000-\$500,000 per year.

6. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and manner in which the money will be used.

The agency expects to collect approximately \$716,000.00 in additional annual revenue due to the increased fees proposed in this amendment. The agency plans to use these additional funds to ensure a balanced budget and to provide for additional staff associated support costs.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, provide an explanation of why such duplicative or more stringent provisions are necessary.

The proposed 519A amendments do not duplicate nor are they more stringent than any other state, federal or local regulations.

8. The reasons for the conclusions regarding the impact of a regulation on small businesses.

Though there may be a direct economic effect to small business, this effect will be small. Informal feedback received from the Nevada Mining Association supports this conclusion. For example, a small project on 15 acres of public land would currently be assessed an application fee of \$30; regulation change would result in this same applicant being charged an application fee of \$62. A small mine operating on less than 50 acres currently pays a \$500 annual fee; regulation change would result in this same operation paying a \$750 annual fee.

NDEP-BMRR does not believe the proposed amendment will impose a significant economic burden on small business, however, the agency is soliciting feedback from the mining and small business communities to evaluate the potential impact. NDEP-BMRR will come to a full and proper conclusion regarding the impact of the proposed amendments to regulation after public workshops are conducted and survey responses are received from small businesses.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on a small business and the information contained in this statement was prepared properly and is accurate.



Administrator, NDEP

11/10/2021
Date

Supporting Documents



Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.

<http://www.leg.state.nv.us/Statutes/77th2013/Stats201314.html#Stats201314-page2304>