

## AFFIDAVIT REQUIREMENT

### 1. SUMMARY OF AFFIDAVIT REQUIREMENT

An applicant for a reclamation permit in the State of Nevada must submit, in addition to all other supporting materials, an affidavit that attests as to whether or not the applicant or operator, as applicable, and, if the applicant or operator is a corporation or other business entity, each person who has a controlling interest in the corporation or business entity:

- Has ever defaulted on an obligation related to the reclamation of an exploration project or mining operation in this State; and
- Is in good standing with agencies of other states or federal agencies relating to the reclamation of an exploration project or mining operation outside of this State.

Importantly, the applicant or operator or person who has controlling interest must (1) identify any exploration projects and/or mining operations that are or were in default in this State or are not in good standing in another state related to reclamation; and (2) for those exploration projects and mining operations, if any, state whether or not the default or conditions which resulted in a lack of good standing have been remedied. If no remedy has occurred, the applicant or operator must, within one year from the date the affidavit is filed with the Division, remedy the default or issues that resulted in a lack of good standing and submit a supplemental affidavit certifying that a remedy has occurred and describing the remedy with particularity. Failure to submit a timely supplemental affidavit renders the application void and a new application, affidavit, and fee must be submitted to the Division.

Please see AB 148 (2021) and R085-021 (2022) for additional details on the affidavit requirement.

### 2. DEFINITIONS/TERMS

“Person who has a controlling interest” means:

- (a) The president, secretary, treasurer or equivalent thereof of the corporation or business entity
- (b) A partner, director or trustee of the corporation or business entity; or
- (c) A person who, directly or indirectly, possesses the power to direct the management or determine the policy of the corporation or business entity resulting from, without limitation, his or her ownership of voting stock in the corporation or business entity, a contract or any other circumstance.

The term does not include a person designated to act as a proxy, including, without limitation, an agent, bank, broker, nominee or custodian, for one or more persons who own voting stock unless the proxy otherwise has the power to direct the management or determine the policy of the corporation or business entity.

*See*, AB148, § 5 (2021); R085-021, § 1 (2022).

“Person” means a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization.

NRS 0.039 (1985).

## 2. DEFINITIONS/TERMS (CONTINUED)

### “Remedy”

A default on an obligation relating to reclamation of an exploration project or mining operation in this State has been remedied if:

1. The applicant, operator or a person who has a controlling interest pays the full amount of the defaulted obligation or provides evidence that the full amount of the defaulted obligation has been paid and not discharged through bankruptcy; and

2. The applicant, operator or person who has a controlling interest demonstrates that the conditions which led to the default have been remedied and no longer exist.

R085-021, § 4 (2022).

An applicant, operator or person who has controlling interest has remedied issues in relation to the reclamation of an exploration project or mining operation outside of this State and is in good standing with a federal agency or agency of another state if the applicant, operator, or person who has controlling interest, as applicable:

1. Fully and completely satisfies and complies with every condition or requirements that is set forth in a judgment, order, ruling or decision by a federal agency, agency of another state or a court of competent jurisdiction that is not appealable, or has otherwise become final after declination or exhaustion of all appeals including without limitation:

(a) Paying any fee, penalty, fine, settlement, restitution or other obligation;

(b) Complying with an injunction order; and

(c) Providing any required financial assurance; and

2. Does not discharge any debt or obligation related to the reclamation of the exploration project or mining operation through bankruptcy.

R-085-21, § 5 (2022).

## 3. ENCLOSURES

A. Form Declaration (DRAFT)

B. Form Supplemental Declaration (DRAFT)

C. Attachment 1, Informational Statement for Declaration (DRAFT)

D. Attachment 2, Informational Statement for Supplemental Declaration (DRAFT)

DECLARATION  
MADE IN ACCORDANCE WITH  
AB 148 (2021) AND R085-21

1. I am the applicant or operator or an authorized representative of the applicant or operator and I am submitting this declaration in accordance with (Check Applicable Box)  NAC 519A.125  519A.135  519A.140  519A.150  519A.155  519A.215.

2. I or the corporation or business entity I represent, including its person(s) who has/have controlling interest (Check Applicable Boxes; Check "Have/Is Not" if not applicable)

Have  Have Not: Defaulted on any obligation relating to the reclamation pursuant to NRS and NAC Chapter 519A in the State of Nevada.

Is  Is Not: Currently Ssubject to any settlement, consent decree or any criminal, civil or administrative order or judgment for a violation of a federal or state reclamation statute or regulation outside of the State of Nevada which is not appealable or has otherwise become final after declination or exhaustion of all appeals therefrom.

Complete Paragraph 3 and Attachment 1 only if you or the corporation or business entity you represent, including its person(s) who has/have controlling interest, checked "have" or "is" under paragraph 2. (Check Box, if applicable)

3.  I or the corporation or business entity I represent, including its person(s) who has/have controlling interest, submit with this Declaration, Attachment 1, which completely and accurately identifies:

- a) Each exploration project or mining operation for which I or the corporation or business entity I represent, including its person(s) who has/have controlling interest, engaged that: (i) Defaulted on any obligation relating to reclamation pursuant to NRS and NAC Chapter 519A in the State of Nevada; (ii) Is subject to any settlement, consent decree or any criminal, civil or administrative order or judgment for a violation of federal or state reclamation statute or regulation outside the State of Nevada which is not appealable or has otherwise become final after declination or exhaustion of all appeals therefrom;
- b) The dates that I or the corporation or business entity that I represent, including its person(s) who has/have controlling interest, engaged in the exploration project(s) or mining operation(s) identified in subparagraph (a); and
- c) Whether or not I or the corporation or business entity I represent, including its person(s) who has/have controlling interest, have remedied the default in the State of Nevada or become in good standing with all agencies of other states and federal agencies related to each exploration project and mining operation identified under subparagraph (a).

4. Declaration (Check Applicable Box)

- Executed in the State of Nevada: I declare under penalty of perjury that the foregoing is true and correct.
- Executed outside the State of Nevada but in the United States or its Territories: I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.
- Executed outside the United States and its Territories: I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct, and that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands and any territory or insular possession subject to the jurisdiction of the United States.

Executed on the \_\_\_\_\_ (date) day of \_\_\_\_\_ (month), \_\_\_\_\_ (year), at \_\_\_\_\_ (city or other location and state), \_\_\_\_\_ (country).

By: \_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Affiliation with Applicant/Operator)

COMPLETE A SUPPLEMENTAL DECLARATION IF YOU OR THE CORPORATION OR BUSINESS ENTITY YOU REPRESENT, INCLUDING ITS PERSON(S) WHO HAS/HAVE CONTROLLING INTEREST, HAVE NOT REMEDIED A DEFAULT IN THIS STATE OR BECOME IN GOOD STANDING WITH ALL AGENCIES OF OTHER STATES OR FEDERAL AGENCIES. THE SUPPLEMENTAL DECLARATION MUST BE SUBMITTED WITHIN ONE YEAR OF THE DATE THIS DECLARATION IS FILED WITH THE DIVISION.

SUPPLEMENTAL DECLARATION

MADE IN ACCORDANCE WITH  
AB 148 (2021) AND R085-21

5. I am the applicant or operator or an authorized representative of the applicant or operator and I am submitting this Supplemental Declaration in accordance with (Check Applicable Box)  NAC 519A.125  519A.135  519A.140  519A.150  519A.155  519A.215.
6. I or the corporation or business entity I represent, including its person(s) who has/have controlling interest submit with this Supplemental Declaration, Attachment 2, which completely and accurately identifies:
- a) Each exploration project or mining operation identified in paragraph 3(a) that had not remedied a default in the State of Nevada or become in good standing with agencies of other states and federal agencies as of the date I or the corporation or business entity I represent filed the Declaration with the Division in accordance with NAC 519A.125, 519A.135, 519A.140, 519A.150, 519A.155 or 519A.215, as identified in paragraphs 1 and 5;
  - b) Whether I or the corporation or business entity I represent, including its person(s) who has/have controlling interest, have remedied the default in the State of Nevada or become in good standing with all agencies of other states and federal agencies related to each exploration project and mining operation identified under subparagraph (a); and
  - c) The actions that I or the corporation or business entity I represent, including its person(s) who has/have controlling interest, have taken to remedy the default in the State of Nevada or become in good standing with all agencies of other states and federal agencies related to each exploration project and mining operation identified in subparagraph (a).

7. Declaration (Check Applicable Box)

- Executed in the State of Nevada: I declare under penalty of perjury that the foregoing is true and correct.
- Executed outside the State of Nevada but in the United States or its Territories: I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.
- Executed outside the United States and its Territories: I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct, and that I am physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands and any territory or insular possession subject to the jurisdiction of the United States.

Executed on the \_\_\_\_\_ (date) day of \_\_\_\_\_ (month), \_\_\_\_\_ (year), at \_\_\_\_\_ (city or other location and state), \_\_\_\_\_ (country).

By: \_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Affiliation with Applicant/Operator)

ATTACHMENT 1: PAGE \_\_\_\_  
INFORMATIONAL STATEMENT

Applicant/Operator  Person Who Has Controlling Interest Name:

\_\_\_\_\_  
Mining or Exploration Project(s) Name and Address/Location:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Dates Engaged in Exploration Project or Mining Operation:  
\_\_\_\_\_

Has  Has Not: Remedied Default or Become in Good Standing

Applicant/Operator  Person Who Has Controlling Interest Name  Same as above:  
\_\_\_\_\_

\_\_\_\_\_  
Mining or Exploration Project(s) Name and Address/Location:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Dates Engaged in Exploration Project or Mining Operation:  
\_\_\_\_\_

Has  Has Not: Remedied Default or Become in Good Standing

Applicant/Operator  Person Who Has Controlling Interest Name  Same as above:  
\_\_\_\_\_

\_\_\_\_\_  
Mining or Exploration Project(s) Name and Address/Location:  
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\_\_\_\_\_  
Dates Engaged in Exploration Project or Mining Operation:  
\_\_\_\_\_

Has  Has Not: Remedied Default or Become in Good Standing

[PROVIDE ADDITIONAL PAGES AS NEEDED TO COMPLETE THE INFORMATIONAL STATEMENT]

INFORMATIONAL STATEMENT

Applicant/Operator  Person Who Has Controlling Interest Name:

Mining or Exploration Project(s) Name and Address/Location:

Dates Engaged in Exploration Project or Mining Operation:

Has Remedied Default or Become in Good Standing

Description of Actions to Remedy Default or Become in Good Standing:

Applicant/Operator  Person Who Has Controlling Interest Name  Same as above:

Mining or Exploration Project(s) Name and Address/Location:

Dates Engaged in Exploration Project or Mining Operation:

Has Remedied Default or Become in Good Standing

Description of Actions to Remedy Default or Become in Good Standing: