



519A Public Notice Workshop

**January 6, 2022
10:00 am - 12:00 pm**

LOCATION: Virtual

PARTICIPANTS:

Frederick Perdomo
John Hadder
Ann Carpenter
Stacey Weatherbee
Todd Process
Florence Boyer
Allen Biaggi
Chris Jim
Justin Andrews
Jesse Barto

SUMMARY of MEETING MINUTES

**Proposed Regulation P2022-01 and P2022-02
Bureau of Mining Regulation and Reclamation**

1) Call to order and introductions

Not recorded.

2) Public Comment

Members of the public will be invited to speak; however, no action will be taken by the BMRR at this Public Workshop. Public comment(s) may be limited to 3 minutes per person at the discretion of the Workshop moderator.

Not recorded.

3) Presentation and discussion of proposed regulation P2022-01

BMRR will provide background on the purpose and need for the new proposed revision to Nevada Administrative Code NAC 519A based upon the law AB 148.

Frederick Perdomo gave a statutory summary. P2022-01 further defines key elements of the statute. He summarized the key elements to the regulation, the definition of good standing and default, the definition of remedy, the affidavit requirement and its scope and the applicability of the affidavit requirement to permitting decisions. He summarized each key element. He then summarized the affidavit requirement, which includes reasonable review, the projects of interest, certification, supplemental [ph] affidavit, applicability to the permitting process and practical impact on applicants.

4) Question and answer period for P2022-01

John Hadder stated that good standing is defined entirely in terms of reclamation activities not in terms of other aspects of the operation of the mine and asked if that was true.

Frederick Perdomo stated AB148 defines good standing for actions that are related to reclamation, that's why it's confined to reclamation statutes or regulations.

John Hadder stated he thought there was going to be a component that extended to other aspects.

Frederick Perdomo stated that was part of development of the regulation, was defining what related to reclamation is and relation defines that as a reclamation statute regulation.

Frederick Perdomo moved to the telephone numbers and there were no questions or comments.

5) Presentation and discussion of proposed regulation P2022-02

BMRR will provide background on the purpose and the need for the revising the existing Nevada Administrative Code NAC 519A.

Todd Process, the reclamation supervisor for Bureau of Mining Regulation and Reclamation, provided a summary of the reclamation program, which has issued 267 permits. The branch has only five permit writers to review and take care of those 267 permits. Part of the revised NACs will include increasing fees for applications and annual fees for the permit. He stated he used the consumer price index to evaluate what that dollar would be today. He summarized the amendments to Section 1, SC519A.1 25 - to remove average and replace it with maximum; Section 2, NAC519A.135 - removed the words contains a disturbance on as to replace with proposed to affect land; Section 3 - the same except supply for drill hole plugging and mining operations to be the maximum holes versus the number; Section 4 amends 165 to revise permit application review timeframes from 15 days to 30; Section 5, 519A.225 increases the application fees for reclamation permits; Section 6 amends the 519A.235 to increase the annual fees for reclamation permits; Section 7 amends 270 to improve clarity and specify related plans for reclamation, permitting operations; Section 8 - revise some timeframes for permit modifications; Section 9 replacing the words removing and burying structures and equipment, reagents or scrap with lawfully

disposing of recyclables, reusable materials as solid waste, solid hazardous waste; Section 10 amends 519A.340 to improve clarity and define performance for reclamation of exploration projects; Sections 11 - improving clarity and specific activities related to reclamation mining operations and looking for consistency; Section 12 amends 360 regarding a surety required; Section 14 385 is clarifying the release of portions or surety to bring consistency with division practice; Section 15 410 - change the wording so that it affects the small mining operations in the same way for storage and disposal facilities and dumps.

6) Question and answer period for P2022-02

John Hadder thanked Frederick and Todd for the presentations. He asked where the use of the term dump and stated it sounds like the industry doesn't like it.

Todd Process stated it was in the original 89-1990 regulations and he didn't know where it came from as he didn't write the original regs.

John Hadder and what the difference was between saying dump and facility.

Todd Process stated saying dump is a pretty generic term in some way and waste rock disposal facility is a little more definition in that.

John Hadder asked if the indication was that it's engineered in some way.

Todd Process stated that would be the mathematics behind the waste rock dump, would be the final slope topographies like where it stands now, where it has to be for final typography.

Florence Boyer stated she wanted more details on what those limitations could be. She asked if it was because the dump was built before the regulations so pushing the slopes would make it go outside of the boundary or over another facility.

Todd Process stated there are cases where we would have to look at what would the final topography of a final three to one and might end up in a drainage. Our goal should be to get the three to one because we know that's a final stable long term reclamation stability.

Allen Biaggi thanked Frederick and Todd for their excellent presentations. He stated he wanted one point of clarification that the fees would become effective upon passage by the State Environmental Commission. He asked if the legislative commission has to hear it and the fees would not be in effect until the Commission approves them as well.

Frederick Perdomo stated that was correct. After the State Environmental Commission approves the regulations, they go to the legislature for approval and after they pass that body then they are in effect.

Chris Jim asked how the minimum two-footer would be applied to existing operators with current reclamation plans and current mine plans in place that support a different cover than that two foot would be.

Todd Process stated probably 99.9% of the reclamation plans that are already in house already have a two-foot cover. He stated they were just making it more formal in the regulation.

Chris Jim asked about the 0.1%.

Todd Process stated he did not have an answer for it because he believes that everybody's following the policy at this point. Part of this is to eliminate that discussion and it's not for the existing operators so much because everybody's doing it already. It's just about people that come in new and want to have this argument about it why we're have a policy not regulation for a two-foot cover.

John Hadder stated there's also the Mining Oversight Accountability Commission, which is now back functionally again. These regulations are going to be before that commission as well. He stated he thought they have a meeting scheduled for January and asked if he would be presenting at that meeting.

Frederick Perdomo stated he was correct and was not sure about presenting at that meeting.

Justin Andrews asked if they could describe what they are considering with the stormwater diversion features on around waste rock facilities and are they expecting those to [inaudible] to existing structures or would that be to new structures that are created after this rule is finalized.

Todd Process stated they are trying to capture what regulation already does but he saw it as a loophole because industrial operators typically don't have to have a water pollution control permit. We are trying to make the regulations match equal for all the mining operations. It would apply to existing operations upon closure of the site.

Jessie Barto with Marigold Mining Company asked if the annual reclamation fee increase was only specific to the base fee and not the dollars per acre affected fee.

Todd Process stated they were only touching that base fee. And how many acres are actually disturbed and you pay the additional fee on that, that fee doesn't change.

Frederick Perdomo moved to the phone numbers for questions or comments and there were none. He read one question that came through chat in regard to the three-year vegetation regrowth asking if they will take into consideration drought conditions, would the bond remain in force until vegetation has fully covered.

Todd Process stated that is a standard that has to be met.

7) Public Comment

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Ann Carpenter stated she saw in the chat that Stacy Weatherbee indicates to send her an e-mail if we'd like copies of the PowerPoints. She asked for her e-mail or asked if they just flood Frederick's inbox.

Stacey Weatherbee suggested they go to sweatherbee@ndep.nv.gov.

There were no other public comments.

8) Adjournment

Frederick Perdomo thanked everyone that participated or attended and listened to the presentations for their time and adjourned the meeting.