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July 1, 2026

Ms. Sheryl Fontaine
Executive Secretary
State Environmental Commission
901 South Stewart Street, Suite 4001
Carson City, NV 89701

Re: LCB File No. R145-24

Dear Ms. Fontaine,

A regulation adopted by the State Environmental Commission has been filed today with the Secretary of State pursuant to NRS 233B.067 or 233B.0675 as appropriate. As provided in NRS 233B.070, this regulation becomes effective upon filing, unless otherwise indicated.

Enclosed are two copies of the regulation bearing the stamp of the Secretary of State which indicates that it has been filed. One copy is for your records and the other is for delivery to the State Library and Archives Administrator pursuant to subsection 6 of NRS 233B.070.

Sincerely,

Asher A. Killian
Legislative Counsel

Erin R. Sturdivant
Senior Principal Deputy Legislative Counsel

AAK/mga
Enclosure

Secretary of State Filing Data	For Filing Administrative Regulations	For Emergency Regulations Only
FILED.NV.SOS 2026 JUL 1 AM8:40	R145-24	Effective Date Expiration Date Governor's Signature

State Environmental Commission

Classification: Proposed [ ] Adopted By Agency [ ] Temporary [ ] Emergency [ ] Permanent [**XX**]

R145-24: This permanent regulation revises NAC chapter 519. The State Environmental Commission adopted permanent regulation R145-24P, which updates the payment schedule to be deposited in the Trust Fund for Short-Term Fluid Management. The updates will ensure that the balance of the Fund is sufficient to serve its purpose. Language is also proposed to clarify the permissible uses of the Fund (including investment), that other forms of revenue may be received by the Fund (as per NRS 519A.150(4)), and that the proposed payment schedule is suspended during any year during which the Fund balance reaches or exceeds the target of $15,000,000.

Authority citation other than 233B:
§ 1, NRS 519A.160

Notice date: March 31, 2026
Hearing date: April 30, 2026

APPROVED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

LCB File No. R145-24

Filed July 1, 2026

EXPLANATION – Matter in ***italics*** is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: § 1, NRS 519A.160.

A REGULATION relating to reclamation; requiring certain mining operators to pay additional surety relating to reclamation on an annual basis; revising provisions relating to the Trust Fund for Short-Term Fluid Management; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who wishes to engage in an exploration project or mining operation in this State to agree to assume responsibility for the reclamation of any land damaged as a result of the exploration project or mining operation and file with the Division of Environmental Protection of the State Department of Conservation and Natural Resources a bond or other surety. (NRS 519A.190, 519A.210) Existing law requires the State Environmental Commission to adopt regulations providing for the holding of such reclamation performance bonds or other surety. (NRS 519A.160) Existing regulations: (1) set forth the form and amount of the surety an operator of an exploration project or mining operation must provide based upon certain criteria relating to the plan of reclamation; and (2) require an operator of a mining operation that is required to hold a permit with the Department of Wildlife to develop or maintain certain bodies of water to pay additional surety to the Division by October 1, 2000, and April 15, 2001, in certain amounts based on the total amount of the surety the operator was required to provide. (NAC 519A.350, 519A.360, 519A.392) This regulation removes the existing requirements for the additional surety as the deadlines have passed and instead requires an operator of a mining operation whose plan for reclamation and surety includes short-term fluid management, upon commencement of construction of the mining operation, to submit to the Division on an annual basis an additional surety in an amount equal to 0.45 percent of the total amount of the surety included for short-term fluid management that the operator was previously required to provide.

This regulation further requires the Division to: (1) terminate the payment of the additional surety if the amount of the Trust Fund for Short-Term Fluid Management exceeds $10,000,000; and (2) post notice of the termination on the Internet website of the Division.

Existing law authorizes the Division to receive federal, state and other money and use that money to carry out certain provisions of existing law relating to reclamation. (NRS 519A.150) Existing regulations require the Division to establish the Trust Fund for Short-Term Fluid Management, in which the Division deposits the additional surety required for certain operators of a mining operation. (NAC 519A.392) This regulation authorizes the Division to request that the State Treasurer: (1) deposit the federal, state and other money into the Trust Fund; and (2) make authorized investments of not more than 50 percent of the money in the Trust Fund.

Section 1. NAC 519A.392 is hereby amended to read as follows:

1. In addition to the surety required pursuant to NAC 519A.350 ~~[,]~~ ***and except as otherwise provided in subsection 4,*** on or before ~~[October 1, 2000,]~~ ***April 15, 2027, and on an annual basis thereafter,*** an operator of a mining operation ~~[that is required to hold a permit from the Department of Wildlife pursuant to NRS 502.390 shall submit to the Division:~~

~~(a) Thirty-six thousand dollars if the total amount of]~~ ***whose plan for reclamation and*** surety ~~[the operator is required to provide pursuant to NAC 519A.360 is more than $35,000,000 as of the date the operator submits the money;~~

~~(b) Twenty-four thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than $7,000,000 but less than or equal to $35,000,000 as of the date the operator submits the money;~~

~~(c) Six thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than $1,000,000 but less than or equal to $7,000,000 as of the date the operator submits the money; or~~

~~(d) One thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is less than or equal to $1,000,000 as of the date the operator submits the money.~~

~~2. In addition to the surety required pursuant to NAC 519A.350 and the payment required pursuant to subsection 1, on or before April 15, 2001, an operator of a mining operation that is required to hold a permit from the Department of Wildlife pursuant to NRS 502.390]~~ ***includes short-term fluid management*** shall ***, upon commencing construction of the mining operation,*** submit to the Division ~~[:~~

~~(a) Thirty-six thousand dollars if the total]~~ ***an*** amount ~~[of surety the operator is required to provide pursuant to NAC 519A.360 is more than $35,000,000 as of the date the operator submits the money;~~

~~(b) Twenty-four thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than $7,000,000 but less than or]~~ equal to ~~[$35,000,000 as of the date the operator submits the money;~~

~~(c) Six thousand dollars if]~~ ***0.45 percent of*** the total amount of ***the*** surety ***intended for short-term fluid management that*** the operator is required to provide pursuant to NAC 519A.360 ***.*** ~~[is more than $1,000,000 but less than or equal to $7,000,000 as of the date the operator submits the money; or~~

~~(d) One thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is less than or equal to $1,000,000 as of the date the operator submits the money.~~

~~3. In addition to the surety required pursuant to NAC 519A.350 and the payments required pursuant to subsections 1 and 2, on or before April 15, 2002, an operator of a mining operation that is required to hold a permit from the Department of Wildlife pursuant to NRS 502.390 shall submit to the Division:~~

~~(a) Thirty-six thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than $35,000,000 as of the date the operator submits the money;~~

~~(b) Twenty-four thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than $7,000,000 but less than or equal to $35,000,000 as of the date the operator submits the money;~~

~~(c) Six thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is more than $1,000,000 but less than or equal to $7,000,000 as of the date the operator submits the money; or~~

~~(d) One thousand dollars if the total amount of surety the operator is required to provide pursuant to NAC 519A.360 is less than or equal to $1,000,000 as of the date the operator submits the money.~~

~~4.]~~ ***2.*** The Division shall:

(a) Establish the Trust Fund for Short-Term Fluid Management;

(b) Deposit money collected pursuant to this section in the Trust Fund;

(c) Credit all interest ***and income*** earned on the money in the Trust Fund to the Trust Fund;

(d) Use the money in the Trust Fund ~~[only for the management of]~~ ***to stabilize process*** fluids ***or prevent, control or treat a discharge of process fluids*** at a ***mine*** site ~~[while the]~~ ***until:***

(1) The process for forfeiture of a surety pursuant to NAC 519A.390 is ~~[pending;]~~ ***complete and the proceeds of the surety will be used to pay for process fluid management, stabilization, control or treatment; or***

(2) The Division issues or reinstates the permit required pursuant to NRS 519A.200 to the operator or its successor to conduct activities at the mining operation; and

(e) ~~[After the conclusion of the process for forfeiture of a surety pursuant to NAC 519A.390, if the surety was forfeited,]~~ ***On or before December 31 of each year, prepare and post on the Internet website of the Division an annual report which must include, without limitation, the current balance of the Trust Fund.***

3. The Division may request that the State Treasurer:

(a) Deposit money collected pursuant to subsection 4 of NRS 519A.150 in the Trust Fund for Short-Term Fluid Management; and

(b) Make authorized investments with not more than 50 percent of money deposited in the Trust Fund pursuant to this section.

4. If the amount of money in the Trust Fund for Short-Term Fluid Management is more than $10,000,000, the Division shall terminate the additional surety required pursuant to subsection 1. If the Division terminates the surety pursuant to this subsection, the Division:

(a) Shall post notice of the termination on the Internet website of the Division; and

(b) Shall not require an operator to submit the additional surety required pursuant to subsection 1 until such time as the Commission reinstates the additional surety by regulation pursuant to chapter 233B of NRS.

5. An operator must reimburse the Trust Fund ~~[with the surety that was forfeited.]~~ ***for Short-Term Fluid Management before a permit may be reinstated or transferred.*** Such reimbursement must be in an amount equal to the total amount of money used from the Trust Fund at the site ~~[for which]~~ ***and may be paid with*** the surety ***that*** was forfeited.

~~[5.]~~ ***6.*** An operator that operates more than one mining operation in this State may combine the amount of surety ***for short-term fluid management*** required pursuant to NAC 519A.360 for each site to determine the total amount of surety the operator is required to provide pursuant to NAC 519A.360 for purposes of determining the amount of money to submit pursuant to this section.

Permanent Regulation - Informational Statement

A Permanent Regulation Related to Environmental Programs

Legislative Review of Adopted Permanent Regulations as Required by Administrative Procedures Act, NRS 233B.066

State Environmental Commission
Permanent No: R145-24P

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation

The Fund for Short-Term Fluid Management was established to manage the fluids at defaulting mine sites while the process for forfeiture of the surety, pursuant to NAC 519A.390, is pending. The release of funds following the initiation of forfeiture process can take 6 months or longer, depending, for instance, on which entity holds the bond or if bankruptcy has been filed. Meanwhile, the management of fluids could require immediate action to avoid spills of processing fluids into the ground surface and potentially degrading waters of the state. The original Fund was established in 2000, with the collection for three years, and it was never updated for inflation or increased costs for short-term fluid management. The Division has determined that the Fund is inadequate to support short-term fluid management at today's costs.

The proposed changes allow the Division to establish funds that are enough to implement short-term fluid management and initiate stabilization of the fluids in the event of multiple mines defaulting. The Division's target is $15,000,000 in approximately 10 years. NAC 519A.392 also requires that the Funds are reimbursed using the surety that was forfeited, or directly by the operator.

2. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.

The Legislative Counsel Bureau published its draft, R145-24P, in the Nevada Register on September 9, 2024.

The NDEP held one public workshop for R145-24P on April 9, 2026. The public was invited to participate in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada, as well as at the NDEP offices at 375 East Warm Springs Road in Las Vegas, Nevada. The workshop was held to present the substance of, and receive public comment on, the proposed regulation. Seven members of the public and regulated industry attended the workshop either in person or virtually. During and after the public workshop, the Division received one verbal comment:

1) Kyle Davis, representing the Nevada Mining Association, thanked the Division for working with the industry and having conversations about how this regulation would work, the impact of it, and the various ways in which it could and could not be used to make sure that a program was put together that will effectively take care of any situation that may occur in the future while minimizing the hardship on existing operators.

A summary of the workshop is included on the NDEP website as well as the SEC website.

The proposed regulations were also distributed to an extensive distribution list maintained by NDEP Bureau of Mining Regulation and Reclamation. In addition, on March 24th, 2026, 2 News Nevada posted an article about the proposed regulation change with links to the posting.

The SEC held a hybrid regulatory hearing on April 30, 2026, to consider possible action on R145-24P. The SEC posted its public notice, which included a link[1] and instructions to access R145-24P and pertinent documents and information supporting the regulation, for the regulatory meeting at the State Library in Carson City, at Division offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and to the SEC email distribution list. The SEC also posted the public notice at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website, and on the SEC website.

The public notice was also published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once per week for three consecutive weeks prior to the SEC regulatory meeting.

3. The number of persons who attended the SEC Regulatory Hearing:

(a) Attended April 30, 2026, hearing: 45 (approximately)
(b) Testified on this petition at the hearing: 3

1. Danilo Dragoni, on behalf of the Nevada Division of Environmental Protection
   901 South Stewart Street, Suite 4001
   Carson City, Nevada 89701
   (775) 687-9373
   ddragoni@ndep.nv.gov

2. Ashley Taylor, on behalf of the Nevada Division of Environmental Protection
   901 South Stewart Street, Suite 4001
   Carson City, Nevada 89701
   (775) 687-9397
   ashley.taylor@ndep.nv.gov

3. Kyle Davis, representing the Nevada Mining Association

[1] https://sec.nv.gov/meetings/sec-meeting-april-30-2026

(c) Submitted to the agency written comments: None

4. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses through one public workshop and during the April 30, 2026, SEC hearing as noted in number 2 above. There was one verbal comment received regarding the regulatory amendments during the April 30, 2026, SEC meeting: Mr. Kyle Davis, representing the Nevada Mining Association, spoke briefly in support of the proposed regulations.

5. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Commissioners unanimously adopted R145-24P with NDEP-proposed changes because the SEC was satisfied with the proposed regulation and the proposed edits to the LCB draft.

6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

<u>Regulated Business/Industry:</u>

The proposed regulations will directly impact small businesses. The proposed regulation will impact mining projects that have fluid management stabilization included in their reclamation permits and sureties (for example, for the presence at the site of heap leach pads or tailings). This includes small businesses. The proposed regulation is requesting that these projects contribute to the Fund an annual amount equivalent to 0.45 percent of their current surety estimate for the stabilization of the fluids, for those mine projects that have fluid management stabilization in their sureties. The payments will be collected until a new targeted maximum Fund balance of $10,000,000 is reached, which the Division estimates this will take approximately 12 to 15 years.

The proposed regulation will impact all those mining projects that have fluid management stabilization in their reclamation permits and sureties (for example, for the presence at the site of heap leach pads or tailings. The proposed regulation is requesting that these projects will contribute to the Fund an annual amount equivalent to 0.45 percent of their current surety estimate for the stabilization of the fluids (for those mine projects that have fluid management stabilization in their surety). The payments will be collected for a period of between 12 and 15 years, until a new targeted maximum Fund balance of $10,000,000 is reached.

The proposed regulation represents an additional payment to the mining industry. As such, it will increase the overall costs associated with the industry; but it will also guarantee that Nevada has a ready and appropriate Fund in case of sudden and unexpected closure of mining activities and the need to quickly manage fluids at the sites. The expectation is that these additional costs will protect public health and prevent environmental harm, and the costs associated with environmental remediation of a release, which can be much larger than the costs for short term fluid management.

The immediate effects are associated with the new payments proposed with this regulation, which will take effect upon approval. However, the payment schedule was developed to minimize the impact by allowing for approximately 12 to 15 years of collection, which reduces the annual contribution.

Long-term effects, as explained in the section above, will be to have a Fund with appropriate funding to support fluid management at mine sites in case of default

Public:

No direct economic effect is expected on the public, either adverse or beneficial, in the short or long term.

7. The estimated cost to the agency for enforcement of the adopted regulation.

Enforcing Agency.

No costs are estimated for the enforcement of the proposed regulation

8. A description of any regulations of 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 regulations do not overlap or duplicate other State or Federal Regulations.

9. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

The proposed regulations are not more stringent than federal regulations.

10. 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 total annual amount expected to be collected is approximately $378,000 to $678,000 (depending on inflation and increase in fluid management costs across the 12-15 years). The payments will be exclusively deposited into the Trust Fund for Short-Term Fluid Management and used according to NAC 519A.392.