

# 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)*

Yes, the proposed regulations will directly impact small businesses. The proposed regulation will impact mining projects that have a 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 it will take approximately 12 to 15 years.

**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. Small businesses may continue to apply for and operate under an NDEP mining reclamation permit.

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.)**

The Division will complete outreach activities with the mining industry. Meetings with stakeholders were conducted, as well as sending emails notifying companies. Letters were mailed to all regulated facilities affected by the regulatory change. Each email and letter included a description of the regulation and proposed changes. An official workshop was held in Carson City with remote access on April 9th, 2026. Notices of the workshop and an invitation for comments was posted on the NDEP website, the Nevada Public Notice website, and physically posted at NDEP's Reno and Las Vegas offices, as well as, at Library and Archives. The workshop notice was also emailed to an extensive distribution list maintained by NDEP Bureau of Mining Regulation and Reclamation, as well as to Libraries throughout the State for posting. On March 24th, 2026, 2 News Nevada posted an article about the proposed regulation change with links to the posting. A summary of the workshop will be posted on the SEC website.

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

The payments will apply to most mining projects, with the exclusion of those, like exploration projects, that do not have process fluid management. Given the wide range of operation size and workforce across the mining industry, the Division determined that mining operation that have fewer than 150 full-time employees will be impacted by the payments proposed by this regulation.

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

a. Both adverse and beneficial effects:

Each mining operation that meets the criteria proposed in this regulation will be required to pay a payment equivalent to 0.45 percent of the estimated process fluid management surety until the Fund reaches a balance of \$10,000,000, approximately for 12-15 years. While not a direct beneficial effect on small businesses, the proposed regulation will guarantee that the Fund will be financially sustainable and that sudden and unexpected defaults of mine projects will not result in environmental harm or degradation of water in Nevada, with potential large societal costs associated with environmental remediation. Indirect beneficial effects include ensuring a sustainable mining industry in the State of Nevada through avoidance of environmental harm.

b. Both direct and indirect effects:

Any economic impacts will be directly associated with the proposed payments.

**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.)**

A. Simplification of the proposed regulation:

The proposed regulation is simple and concise.

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

The proposed regulation does not establish standards of compliance.

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

The proposed regulation assesses payments based on a percentage of the surety held for the process fluid management. The Division estimates that most likely small businesses will have smaller fluid management sureties and therefore pay lower payments. The \$10,000,000 target balance for the Fund was spread out over approximately 12-15 years to minimize impact.

There will be no change in the cost to the agency for enforcement of the proposed regulation.

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

**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 total annual amount expected to be collected annually is approximately \$378,000 to \$678,000 (depending on inflation and increase in fluid management costs across the 12-15 years). The amount expected to be collected in 12-15 years is between 6,786,000 and \$7,323,000. The payments will be exclusively deposited into the Trust Fund for Short-Term Fluid Management and used according to NAC 519A.392

**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 regulation amendments do not duplicate nor are more stringent than existing federal, state or local regulatory requirements.

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

Please, see responses to previous questions.

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

\_\_\_\_\_  
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#Stats201314page2304>