

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 has tentatively determined that the proposed amendment to regulation is not likely to impose a direct and significant financial impact on a small business.

Optional pre-application review and the associated \$1500 fee is useful only for large operations on public land, and therefore is unlikely to be necessary for any small business. The pre-application review fee is unlikely to impact any small business. Informal feedback received from the Nevada Mining Association supports this conclusion.

The change to closure fee categories may have an impact on a small business. BMRR is soliciting feedback from the mining and small business communities to evaluate this potential.

BMRR does not believe the proposed amendment will impose a significant economic burden on small business in Nevada. 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.)*

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. Written notice of proposed changes and public workshops will be posted in newspapers, public spaces, and on the SEC website in early February of 2020. A survey will be available for a period of 30 days for small businesses to complete, regarding how the proposed changes will impact their business. Public workshops are scheduled for early March of 2020. Interested parties and businesses may obtain a copy of the small business impact statement or submit statements of impact to: Aimee Keys, Closure 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 a period of 30 days for small businesses to complete, regarding how the proposed changes will affect their business. Public workshops are scheduled in early March of 2020. 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:

The amendment to regulation proposes a \$1500 fee for optional pre-application review. Pre-application review is optional and will likely only be employed by large-scale operations on public land, not small businesses, thus there is no anticipated impact to small business. A revision to the fee categories for mining facilities in closure, which is not optional, will modify both the annual and 5-year renewal fees applicable to some facilities; some will increase and others will decrease, depending on the physical status of the facility. This could have an impact on a small business.

a. Both adverse and beneficial effects:

BMRR does not anticipate that any small business will have the need to employ the optional pre-application review process and therefore will not incur the fee for this service. Therefore, there will be no adverse or beneficial effect. BMRR estimates that one mining facility owned and operated by a small business will experience an increase in both annual and 5-year renewal fees, while others will see a decrease and economic benefit.

b. Both direct and indirect effects:

BMRR does not anticipate direct or indirect economic effects on small businesses associated with the proposed optional pre-application review fee, as it is not necessary for small operations. The change in closure fees may result, directly, in an increase in annual and 5-year renewal fees for one small business. Indirectly, if a small business makes progress toward closure, their fees may be reduced in the future. Potential additional effects on small businesses will be evaluated after the 30-day comment period and analysis of surveys received from small businesses.

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.)

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.)

There is no additional estimated cost to the agency for enforcement of the proposed regulation.

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.

BMRR projects to collect an average of \$58,075 annually, with an anticipated range of \$42,000 - \$72,000, associated with the new fee for optional pre-application review. This revenue is not anticipated to come from small businesses. The additional revenue will be used to offset the Bureau's declining reserve balance and ensure competent, qualified staff are retained to respond to the increasing demand for review of highly technical scientific studies.

BMRR anticipates that the proposed modification to fee categories for closure sites will result in a negligible increase in revenue (\$750 over a 5-year period), as fees applicable to some sites will increase, while others will decrease.

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.

Not Applicable.

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

Optional pre-application review is not likely to be necessary for any small business. Therefore, this fee is unlikely to impact any small business. Informal feedback received from the Nevada Mining Association also supports this conclusion.

The change to closure fee categories may have an impact on a small business. BMRR is soliciting feedback from the mining and small business communities to evaluate this potential.

BMRR does not believe the proposed amendment will impose a significant economic burden on small business in Nevada. 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

2/3/20

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>