

# 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 determined that the proposed amendment to regulation does not 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, or have any impact on, any small business. Informal feedback received from the Nevada Mining Association supports this conclusion. BMRR solicited feedback from the mining and small business communities at workshops conducted on March 11 and March 12 in Elko and Winnemucca. A workshop was planned for March 4 in Tonopah, but no members of the public were in attendance. No comments regarding impact of the amendment to small business were received during the workshops or during the public comment period, which was open for 30 days ending on March 27. BMRR also solicited feedback via a small business impact survey included with the Notice of Public Workshops, posted on the Division's website, and emailed to our environmental contact distribution list. No responses to the survey were received.

Based on the nature of the amendment, efforts to solicit feedback, and the lack of concern expressed by the small business community, BMRR does not believe the proposed amendment will impose a significant economic burden on small business in Nevada.

**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 was posted in newspapers, public spaces, and on the SEC website in early February of 2020. Notice was also delivered via email to BMRR environmental contacts. A survey was available for a period of 30 days for small businesses to complete, regarding how the proposed changes would impact their business. Interested parties and businesses were able to 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 was posted on BMRR's website, and a survey was available for a period of 30 days for small businesses to complete, regarding how the proposed changes would affect their business. Public workshops took place in early March of 2020. No comments regarding impact to small business were made during the public workshops or received via phone, email or standard mail during the 30-day public comment period ending on March 27. No responses to the small business impact survey were received. Based on the nature of the amendment, efforts to solicit feedback, and the lack of concern expressed by the public and small business community, BMRR has concluded that the amendment will not impose a significant economic burden on small businesses in Nevada.

**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 will not have a significant 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. The impact is not anticipated to be significant.

**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. This business was provided notice and the opportunity to comment on the proposed amendment. No feedback was received. Indirectly, if a small business makes progress toward closure, their fees may be reduced in the future.

**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 did not consider methods to reduce the impact of the proposed regulation on small businesses. BMRR's initial determination was that there would not be a significant impact to small businesses. This determination was confirmed during the public workshops and comment period. Therefore, there was no need to consider methods to reduce the impact on small businesses.

**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.

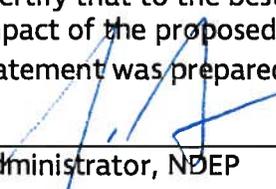
**8. The reasons for the conclusions regarding the impact of a regulation on small businesses.**

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 supports this conclusion, as do the comments and feedback received at public workshops and during the public comment period.

The change to closure fee categories has the potential to impact small businesses. BMRR solicited feedback from the mining and small business communities to evaluate this potential via public workshops, a small business impact survey, and public comment period. Based on the nature of the change and the lack of concern expressed by the mining and small business communities, BMRR determined the impact to be insignificant.

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

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.

  
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Administrator, NDEP

May 8, 2020  
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>