

**APPROVED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R045-18

Effective August 30, 2018

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

AUTHORITY: §§1-4, NRS 519A.160.

A REGULATION relating to mining; revising certain definitions related to exploration projects and mining operations; requiring, under certain circumstances, an operator of a small mining operation to obtain a permit for a mining operation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires persons who wish to engage in an exploration project or mining operation to file an application for a permit with the Division of Environmental Protection of the State Department of Conservation and Natural Resources that includes plans for the reclamation of the land used for the exploration project or mining operation. (NRS 519A.190, 519A.210) Under existing law, a small mining operation is not subject to these requirements. (NRS 519A.080) **Section 4** of this regulation provides that if 5 acres or more of land will be affected by a small mining operation in a calendar year, the operator must, before such land is affected, obtain a permit for a mining operation. In applying for a permit for a mining operation, the operator must include in the plan for reclamation required pursuant to NAC 519A.140 all land previously affected by the small mining operation.

Section 1 of this regulation revises the definition of the term, “affected” to include the surface of the land disturbed by a small mining operation. **Section 2** of this regulation revises the definition of “productive postmining use of the land” to include renewable energy development and storage.

Section 1. NAC 519A.025 is hereby amended to read as follows:

519A.025 “Affected” means that the surface of the land is or will be disturbed by an exploration project, ~~or~~ mining operation ~~or~~ *or small mining operation* or that the land is used:

1. As an evaporation or settling pond, leach dump, placer area or tailings pond or dump; or
2. In conjunction with any structure, facility, equipment, machine, tool, material or property incident to an exploration project or mining operation.

Sec. 2. NAC 519A.070 is hereby amended to read as follows:

519A.070 “Productive postmining use of the land” means a use which supports activities including:

1. Wildlife habitat;
2. Livestock grazing;
3. Agriculture and ranching;
4. Industry;
5. *Renewable energy development and storage;*
6. Recreation; or
- ~~6.~~ 7. Any other activities which benefit the State of Nevada, its residents or the owner of the land.

Sec. 3. NAC 519A.085 is hereby amended to read as follows:

519A.085 “Small mining operation” ~~means a person who does not remove from the earth in any calendar year material in excess of 36,500 tons and who disturbs less than 5 acres of land in any calendar year. To determine the area of the surface disturbed, all land disturbed and left unreclaimed by an operator within a 1-mile radius of the center of the project must be considered.~~ *has the meaning ascribed to it in NRS 519A.120.*

Sec. 4. NAC 519A.410 is hereby amended to read as follows:

519A.410 1. The operator of a small mining operation shall submit to the Division:

(a) A sketch or topographic map of the operation depicting:

(1) The boundaries of the project area;

(2) Surface ownership within the project area;

(3) Areas to be affected and the nature of the disturbances including tailings

impoundments, leach pads, waste rock dumps, buildings, roads and all other surface facilities;

(4) Areas within the project area which were previously affected by activities other than those of the operator or which will not be subject to additional or continuing disturbance because of his or her activities;

(5) The location of any body of surface water within one-half-mile down gradient from the operation which may be impacted by excess sedimentation resulting from the mining operations;

and

(6) The location of access roads that were created before January 1, 1981.

(b) An estimate of the acreage affected by each type of disturbance set forth pursuant to subparagraph (3) of paragraph (a) of subsection 1.

(c) A proposed postmining use of the land and general description of the manner in which the postmining use of the land will be attained by reclamation.

2. The information and documentation required by subsection 1 must be submitted:

(a) By October 1, 1991, for a small mining operation which is active on October 1, 1990; or

(b) Before disturbance of the surface for a new small mining operation.

3. If 5 acres or more of land will be affected by a small mining operation in a calendar year, the operator of the small mining operation must, before such land is affected, obtain a permit for a mining operation pursuant to the provisions of this chapter and chapter 519A of

NRS. In applying for a permit for the mining operation, the operator must include in the plan for reclamation required pursuant to NAC 519A.140 all land previously affected by the small mining operation.