

Bureau of Mining Regulation and Reclamation
GUIDANCE DOCUMENT

**POLICY FOR ELECTRONIC DOCUMENTS SUBMITTED TO THE BUREAU
OF MINING REGULATION AND RECLAMATION**

Background

Nevada Revised Statutes (NRS) and Administrative Codes (NAC), Chapter 720, define, recognize, and allow for the use of digital signatures on official submittals. NAC 625.610 defines the use of digital signatures with regard to Professional Engineers (PEs) and their certification stamps. In December 2020 this regulation was updated (see Appendix below). Section 1 of NAC 625.610 specifies permissible PE stamp designs. These requirements apply to hardcopy submittals and digital copies. The Nevada Division of Environmental Protection (Division), Bureau of Mining Regulation and Reclamation (BMRR) has adopted these requirements for the submittal of electronic copies of reports.

Since electronic signatures applied to PE-specific stamps are permissible by Nevada State law, Permittees and their consultants may submit Permit modification plans, as-builts, Permit application designs, and any other documents requiring PE stamps, electronically.

In October 2020 the Nevada Board of Professional Engineers and Land Surveyors (BPELS) issued a policy and guidance document to its constituents. It set basic requirements for “wet stamped” document submittals. The policy specifies how reports being submitted formally should look. It may be found here: [BPELS Electronic Submittal Digital Signature Guide](#).

Policy

The Division’s Bureau of Mining Regulation and Reclamation is adopting the BPELS policy for electronic submittals with regard to PE-stamped documents and encourages Permittees and their consultants to review it. In addition, the Division is requiring the following for all electronic submittals:

1. Submittals must be turned into the Division in portable document format (PDF). They must be signed per NAC 445A.231.
2. The submittals may be emailed directly to the BMRR Permit Writer, but a copy **must also be sent** to bmrrsubmittals@ndep.nv.gov as well. This is to ensure that our administrative staff can document whether appropriate fees have been paid. If the Permittee wishes, he or she may email any documents directly to bmrrsubmittals@ndep.nv.gov and the BMRR administrative staff will forward the document to the appropriate staff member.
3. The Division staff member may request a hardcopy of the submittal for review, especially if it is very large. But the Permittee or its representative must make it clear whether the electronic or hardcopy is an “official” version.

4. If the document is too large to email, it may be posted to a file transfer protocol (FTP) server and the link emailed to the BMRR staff member and/or the administrative staff at bmrrsubmittals@ndep.nv.gov.
5. The submittals must have the *minimum* level of security on them. The PDF must be able to be reviewed by the Division with highlights and notes. Additionally, maximum security will not allow the bureau to combine Permittee-submitted documents with the Division's response for upload to the agency's public access cloud service.
6. If the Permittee does not wish to place minimum security on the submittal, then a hardcopy must be mailed or hand-delivered to the Division. If a hardcopy is sent, then the Permittee is requested *not* to send an electronic copy in addition to the hardcopy as this will result in confusion regarding the appropriate copy for upload into the Division's public access cloud service.
7. Electronic copies intended for upload *must not* be stamped "Not the Official Version" or "Uncontrolled in electronic format" or any similar phrase. If the Permittee does not want the electronic version to be uploaded, then a hardcopy must be sent. The hardcopy must also not contain words stating that it is not the official copy or is "uncontrolled" in the submitted format.
8. Submitted PDFs *will not* be opened for editing by the Division staff member in Adobe Acrobat Pro or altered in any way (this does not include review notes). This would constitute an alteration of a legal document and may be subject to litigation. However, the Division may combine its response to the submittal as described in item number 5 above.
9. **If the electronic submittal is in any way inappropriate, or needing alteration, it will be rejected by the Division and returned to the sender.** The Division staff member will notify the Permittee why the document was rejected. If rejected, the document is not eligible for upload into the cloud service and does not constitute a public record.
10. Any design plans must contain the words "For Construction," or something similar. If the plans show anything other than this, then the submittal is not acceptable. The Division staff member will return the document and inform the Permittee that it is not accepted.
11. Any design drawings must each contain a PE stamp with a digital signature as prescribed by NAC 625.610.

Updated 1/7/2022

APPENDIX

REVISED PROPOSED REGULATION OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

LCB File No. R140-20

December 14, 2020

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

AUTHORITY: §§1, 2 and 3, NRS 625.140 and 625.565.

A REGULATION relating to professions; revising certain provisions relating to the stamping of documents produced by a professional engineer or land surveyor; revising provisions relating to the electronic submission, release or issuance of certain documents; revising provisions relating to a licensee who seeks to revise original plans prepared by another licensee; revising provisions relating to the submission of plans or maps to a public authority; requiring the electronic mail address of certain firms to be provided in certain situations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Professional Engineers and Land Surveyors to adopt all regulations which are necessary for the proper performance of the duties of the Board, the regulation of the proceedings before it and the maintenance of a high standard of integrity and dignity in the profession. (NRS 625.140).

Existing law requires the Board to prescribe through regulation additional requirements relating to the signing and stamping of documents produced by a professional engineer or land surveyor. (NRS 625.565) Existing regulations require the impression made by a stamp or seal to conform to certain standards and further require each professional engineer or land surveyor to validate a stamp or seal by adding his or her signature across the face of the impression made by the stamp or seal. (NAC 625.610).

Section 1 of this regulation replaces the term “impression” with “image.”

Section 1 additionally requires each licensee to validate a stamp or seal by adding his or her signature across or adjacent to the face of the image made by the stamp or seal. Existing regulations provide that a licensee is not required to stamp certain documents, including a shop drawing that is not required by the specifications of a project. (NAC 625.610).

Section 1 removes shop drawings from the list of documents that are not required to be stamped.

Existing regulations authorize a licensee who is responsible for the work contained in certain documents to have an electronically prepared seal and digital signature applied to such a document which is electronically submitted, released or issued. Existing regulations authorize such electronic submission, release or issuance only if:

- (1) The files containing the document are locked electronically to prevent any changes to the document;

- (2) Secure encryption methods are in place to prevent the copying, transferring or removing of the seal and digital signature and to prevent changes to any electronic drawings after the document is submitted, released or issued; and
- (3) The licensee believes adequate protections are in place to prevent fraud or misuse of the digital signature. (NAC 625.610).

Section 1 authorizes such electronic submission, release or issuance only if: (1) secure encryption methods are in place to identify the licensee and which track changes made to the document after the document is submitted, released or issued; and (2) the professional engineer or land surveyor believes adequate protections are in place to prevent fraud or misuse of the digital signature. **Sections 2 and 3** make conforming changes by allowing certain documents to be printed or finalized for electronic submission.

Existing regulations authorize a licensee to revise original plans prepared by another licensee only if certain conditions are met. One such condition is that the licensee proposing to revise the plans:

- (1) Obtains the consent of the licensee who prepared the original plans; or
- (2) Made every reasonable effort to notify and obtain the consent of the licensee who prepared the original plans and the licensee proposing to revise the plans is part of the same firm that prepared the original plans. (NAC 625.610).

Section 1 removes the requirement that the licensee proposing to revise the original plans make every reasonable effort to notify and obtain the consent of the licensee who prepared the original plans.

Section 1 instead provides that the licensee proposing to revise the plans:

- (1) Obtains the consent of the licensee who prepared the original plans; or
- (2) Is part of the same firm that prepared the original plans.

Section 2 removes provisions in existing regulations which provide if plans or maps submitted to a public authority are copies of original plans or maps which have not been dated, stamped and signed, each sheet of the plans or maps must be dated, stamped and signed in a certain manner by certain persons. (NAC 625.611).

Existing regulations require plans or maps submitted to a public authority to include the name, address and telephone number of the firm which submits the plans or maps. (NAC 625.611) Existing regulations require each document prepared by a licensee to include the name, address and telephone number of the licensee's firm. (NAC 625.613).

Sections 2 and 3 of this regulation additionally require the electronic mail address of the firm to be provided in such cases.

Section 1. NAC 625.610 is hereby amended to read as follows:

625.610

1. Upon being issued a license, each licensee may, at his or her own expense, obtain a stamp or seal that conforms with the requirements of this section.
2. A person who is licensed in more than one discipline of engineering shall use a separate stamp or seal for each discipline, except that a person who is licensed in the disciplines of civil engineering and structural engineering may use a single stamp or seal for both

disciplines. A stamp or seal must be approximately 1.7 inches in diameter and conform to one of the following designs, as applicable:



3. The **[impression] image** made by a stamp or seal:
 - (a) Must be opaque and permanent;
 - (b) Must state the name of the licensee;
 - (c) Must contain the license number of the licensee;
 - (d) Must state the particular discipline in which the licensee is licensed; and
 - (e) May state the expiration date of the license of the licensee.
4. Each licensee shall validate a stamp or seal by adding his or her signature legibly across **or adjacent to** the face of the **[impression] image** made by the stamp or seal. The licensee shall also include the date of stamping or sealing and, if the stamp or seal does not include the date of expiration of his or her license, the date of expiration. The name of the licensee, the particular discipline in which the licensee is licensed and the license number of the licensee must be legible. Except as otherwise provided in NRS 427A.755, the licensee may not use a stamp to produce his or her signature.
5. When a licensee signs, stamps or seals a document containing the work of others, the licensee represents that the licensee has prepared or has been in responsible charge of the production of the entire document unless the licensee includes a written statement adjacent to his or her signature, stamp or seal identifying the portion of the document that the licensee prepared or for which the licensee had responsible charge of the work.
6. For the purposes of NRS 625.565, a professional engineer has “responsible charge of the work” and may sign, stamp or seal plans, specifications, plats or reports which were not prepared by the professional engineer:
 - (a) If the professional engineer personally supervises the work on the plans, specifications, plats or reports to the degree that he or she is satisfied that the work is completed in a proper and professional manner; or
 - (b) Where the plans, specifications, plats or reports are not prepared under his or her personal supervision, if the professional engineer or persons under his or her personal supervision review the plans, specifications, plats or reports and make tests, calculations or changes in the work as necessary for the professional engineer to determine that the work has been completed in a proper and professional manner.

7. A licensee who signs, stamps or seals a document which was not prepared by him or her but for which the licensee had responsible charge of the work is subject to disciplinary proceedings pursuant to chapter 625 of NRS for any errors in that document as if it was prepared by the licensee. This subsection does not exempt any other licensee who prepared the document from disciplinary action for his or her errors in that document.
8. Pursuant to NRS 625.565, all surveying maps and records, and all engineering plans, specifications, reports or other documents that are submitted to obtain permits, are released for construction or are issued as formal or final documents to clients, public authorities or third parties must bear:
 - (a) The signature of the licensee;
 - (b) The stamp or seal of the licensee;
 - (c) The date of signing; and
 - (d) The expiration date of the license of the licensee.
9. If the license of a licensee expires after the licensee submits, releases or issues a document described in subsection 8, the licensee is not required to sign, stamp or seal the document again to include an updated expiration date of the license unless changes are made to the document after the document is submitted, released or issued.
10. A licensee with responsible charge of the work contained in a document described in subsection 8 may have an electronically prepared seal and digital signature applied to such a document which is electronically submitted, released or issued only if:
 - (a) ~~The files containing the document are locked electronically to prevent any changes to the document;~~
 - ~~(b)~~ Secure encryption methods are in place ~~[to prevent the copying, transferring or removing of the seal and digital signature]~~ *that identify the licensee* and ~~[to prevent]~~ *which track* changes *made to* ~~[any electronic drawings]~~ *the document* after the document is submitted, released or issued; and
 - ~~(c)~~ *(b)* The licensee believes adequate protections are in place to prevent fraud or misuse of the digital signature.
11. If an agency reviewing an interim document, other than a document listed in subsection 12, requires a licensee to stamp the interim document, the document must be clearly marked in substantially the following manner to show the intended purpose of the document:
 - (a) “For review only”;
 - (b) “Not for construction”; or
 - (c) “Preliminary.”
12. A licensee is not required to stamp the following documents:
 - (a) An engineering as-built plan or record plan;
 - (b) A report which includes observations concerning the progress of the construction of a project; *or*

- (c) An estimate of the costs of a project . ~~}; or~~
- ~~(d) A shop drawing that is not required by the specifications of a project.]~~
13. ~~[A]~~ *For projects that are still in design and that are not under construction or yet constructed, a* licensee may revise original plans prepared by another licensee only if:
- (a) The licensee proposing to revise the plans:
- (1) Obtains the consent of the licensee who prepared the original plans; or
- (2) ~~[Made every reasonable effort to notify and obtain the consent of the licensee who prepared the original plans and the licensee proposing to revise the plan is]~~ *Is* part of the same firm that prepared the original plans;
- (b) The proposed revisions are within the scope of practice of the licensee proposing to revise the plans;
- (c) The licensee proposing to revise the plans assumes full responsibility for those revisions and the effects of those revisions upon the remainder of the project; and
- (d) The revisions to the original plans comply with applicable state and local laws.

Sec. 2. NAC 625.611 is hereby amended to read as follows:

625.611

1. Plans or maps submitted to a public authority must include:
- (a) The name, address , *electronic mail address* and telephone number of the firm which the plans or maps;
- (b) The name and location of the project for which the plans or maps are submitted; and
- (c) The date the plans or maps were printed *or finalized for electronic submission* and a statement which indicates whether the plans or maps are preliminary or final.
2. If the plans or maps submitted to a public authority are:
- (a) Original plans or maps, each sheet of the plans or maps must be dated, stamped and signed by each licensee who had responsible charge of the work indicated on the sheet. If the licensee is a licensed professional engineer, the licensee must date, stamp and sign the plans for each discipline of engineering for which the licensee is licensed that is related to the work for which the licensee is responsible.
- (b) Copies of the original plans ~~};~~ *or maps*, the cover sheet and the first sheet for each discipline of engineering of the plans must be dated and stamped and include ~~[an original]~~ *a* signature of the licensee who had responsible charge of the work indicated on the sheet.
- ~~[(c) Copies of original plans or maps which have not been dated, stamped and signed, each sheet of the plans or maps must be dated, stamped and signed by each licensee who had responsible charge of the work indicated on the sheet. If the licensee is a licensed professional engineer, the licensee must date, stamp and~~

~~sign the plans for each discipline of engineering for which the licensee is licensed that is related to the work for which the licensee is responsible.]~~

3. Each set of specifications submitted to a public authority must include a table of contents or cover sheet that:
 - (a) Indicates the discipline of engineering that is the source of each specification; and
 - (b) Contains the stamp of, and is signed and dated by, each licensee who had responsible charge of that discipline.

Sec. 3. NAC 625.613 is hereby amended to read as follows:

625.613

1. Details, shop drawings, descriptions of products or any other information which is prepared by a manufacturer, supplier or installer of a product or system may be included in a document which has been prepared and stamped by a licensee.
2. Each document which is prepared by a licensee must include:
 - (a) A description of the document;
 - (b) The date the document was printed ~~and~~ *or finalized for electronic submission;*
 - (c) The name, address, *electronic mail address* and telephone number of the licensee's firm; and
 - (d) The name and location of the project for which the document was prepared.