

ASSEMBLY JOINT RESOLUTION NO. 7—ASSEMBLYMEN PERKINS, GIBBONS, PARKS, BROWN, DE BRAGA, ANDERSON, ARBERRY, BACHE, BEERS, BERMAN, BROWER, CARPENTER, CEGAVSKE, CHOWNING, CLABORN, COLLINS, DINI, FREEMAN, GOLDWATER, GUSTAVSON, HETTRICK, HUMKE, KOIVISTO, LEE, LESLIE, MANENDO, MARVEL, MCCLAIN, MORTENSON, NEIGHBORS, NOLAN, OCEGUERA, OHRENSCHALL, PRICE, SMITH, TIFFANY, VON TOBEL AND WILLIAMS

MARCH 15, 2001

JOINT SPONSORS: SENATORS NEAL, O'CONNELL, RHOADS, AMODEI, RAWSON, CARE, CARLTON, COFFIN, JAMES, MATHEWS, MCGINNESS, O'DONNELL, PORTER, RAGGIO, SHAFFER, TOWNSEND, WASHINGTON AND WIENER

Referred to Committee on Natural Resources, Agriculture, and Mining

SUMMARY—Expresses support of Nevada Legislature for overturn of new federal regulations on surface mining. (BDR R-1287)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

ASSEMBLY JOINT RESOLUTION—Expressing the support of the Nevada Legislature for the overturn of the new federal regulations on surface mining.

- 1 WHEREAS, The regulations governing the management of surface
- 2 mining by the Bureau of Land Management that were published on
- 3 November 21, 2000, 65 Federal Register 69998, and planned for
- 4 implementation on January 20, 2001, will have substantial negative
- 5 impacts on rural economies and mining in the State of Nevada; and
- 6 WHEREAS, The Bureau of Land Management has forecast that the State
- 7 of Nevada will bear 70 percent of the total loss in mine production that will
- 8 occur as a result of these regulations equaling approximately \$351 million;
- 9 and
- 10 WHEREAS, These regulations will result, by the Bureau of Land
- 11 Management's own estimates, in the loss of approximately 3,220 jobs in
- 12 Nevada; and



1 WHEREAS, The residents of Nevada will lose between \$83 million and
2 \$249 million in total personal income; and

3 WHEREAS, Anticipation of these regulatory changes has already
4 contributed to an approximate reduction of \$67 million in exploration in
5 1999; and

6 WHEREAS, The Bureau of Land Management failed to consider the
7 cumulative impacts of a long list of state and federal regulatory and policy
8 initiatives that overlap or conflict with the new regulations; and

9 WHEREAS, Congress has long recognized that states have the primary
10 authority for regulation of water quality and water rights; and

11 WHEREAS, The water quality regulations of the Bureau of Land
12 Management extend beyond the authority granted to the Bureau as a land
13 management agency and interfere with the delegation of authority to the
14 State of Nevada under the Clean Water Act; and

15 WHEREAS, These regulations relating to water quality and use interfere
16 with the authority of the State of Nevada over water rights and water use
17 by granting the Bureau the authority to override this state's determination
18 of water rights; and

19 WHEREAS, The regulations of the Bureau of Land Management also go
20 beyond the authority granted to the Bureau by Congress and interfere with
21 Nevada's authority over land use, mine development and mine
22 reclamation; and

23 WHEREAS, Congress commissioned the National Research Council of
24 the National Academy of Sciences to conduct a comprehensive analysis of
25 mining regulations; and

26 WHEREAS, Congress required the Bureau of Land Management to use
27 that analysis as a guideline for its regulations and make only changes that
28 were not inconsistent with the results of the study; and

29 WHEREAS, The National Research Council completed its study in the
30 spring of 1999; and

31 WHEREAS, The final regulations of the Bureau are not consistent with
32 the recommendations of the National Research Council and go far beyond
33 the seven "regulatory gaps" identified by the Council; and

34 WHEREAS, The National Research Council did not recommend the
35 "mine veto" provision or increase the regulatory authority of the Bureau of
36 Land Management over water quality or water use; and

37 WHEREAS, The Council determined that state laws were generally
38 adequate to provide environmental protection of public lands; and

39 WHEREAS, The Bureau of Land Management adopted an entirely new
40 interpretation of its legal authority under the Federal Land Policy and
41 Management Act of 1976 without allowing review and comment by the
42 states or the public and failed to consult adequately with western states in
43 preparing these regulations; and

44 WHEREAS, The Bureau of Land Management relied upon information
45 and data that was not publicly available to support its final regulations; and

46 WHEREAS, The State of Nevada has filed a complaint in federal district
47 court challenging the regulations on surface mining of the Bureau of Land
48 Management; now, therefore, be it



1 RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA,
2 JOINTLY, That the members of the 71st session of the Nevada Legislature
3 hereby express their support for the lawsuit filed by the State of Nevada to
4 halt the new surface mining regulations; and be it further
5 RESOLVED, That the members of the Nevada Legislature urge the
6 governors and legislators from other hardrock mining states to join Nevada
7 in its effort to halt these regulations; and be it further
8 RESOLVED, That the Chief Clerk of the Assembly prepare and transmit
9 a copy of this resolution to the members of the Western Governors'
10 Association and each member of the Nevada Congressional Delegation.

