

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, Ocegüera, Ohrenscha11, Price, Smith, Tiffany, Von Tobel and Williams

Joint Sponsors: Senators Neal, O’Connell, Rhoads, Amodei, Rawson, Care, Carlton, Coffin, James, Mathews, McGinness, O’Donnell, Porter, Raggio, Shaffer, Townsend, Washington and Wiener

FILE NUMBER.....

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

WHEREAS, The regulations governing the management of surface mining by the Bureau of Land Management that were published on November 21, 2000, 65 Federal Register 69998, and planned for implementation on January 20, 2001, will have substantial negative impacts on rural economies and mining in the State of Nevada; and

WHEREAS, The Bureau of Land Management has forecast that the State of Nevada will bear 70 percent of the total loss in mine production that will occur as a result of these regulations equaling approximately \$351 million; and

WHEREAS, These regulations will result, by the Bureau of Land Management’s own estimates, in the loss of approximately 3,220 jobs in Nevada; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 71st session of the Nevada Legislature hereby express their support for the lawsuit filed by the State of Nevada to halt the new surface mining regulations; and be it further

RESOLVED, That the members of the Nevada Legislature urge the governors and legislators from other hardrock mining states to join Nevada in its effort to halt these regulations; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the members of the Western Governors' Association and each member of the Nevada Congressional Delegation.