

Amendment No. 142

Senate Amendment to Senate Joint Resolution No. 8 (BDR R-1035)

Proposed by: Senate Committee on Natural Resources

Amends: Summary: Yes Title: Yes Preamble: Amend Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

JRS/WLK



Date: 4/10/2011

S.J.R. No. 8—Urges the Federal Government and certain other governmental entities to expedite and streamline the requirements for conducting mining operations in this State. (BDR R-1035)



SENATE JOINT RESOLUTION NO. 8—SENATORS RHOADS; BROWER, CEGAVSKE, GUSTAVSON, HALSETH, HARDY, HORSFORD, KIECKHEFER, MCGINNESS, ROBERSON AND SETTELMAYER

MARCH 9, 2011

Referred to Committee on Natural Resources

SUMMARY—Urges ~~the Federal Government and certain other governmental entities~~ Congress to enact legislation or take other appropriate action to expedite and streamline the requirements for conducting mining operations in this State. (BDR R-1035)

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

~

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

SENATE JOINT RESOLUTION—Urging ~~the Federal Government and certain other governmental entities~~ Congress to enact legislation or take other appropriate action to expedite and streamline the requirements for conducting mining operations in this State.

WHEREAS, Since the earliest days of statehood, the State of Nevada has been known for containing vast deposits of minerals located throughout the State ~~and~~ including copper, gold, silver, lithium, molybdenum, barite and other minerals essential to the security, economy, technological innovation, conventional and renewable energy infrastructure and daily life of the United States; and

WHEREAS, Because of the availability of those mineral deposits, mining is ~~one of the larger industries~~ an important industry in the State of Nevada ~~which~~ and has traditionally provided many high-paying jobs for local communities and has contributed to the communities in other ways such as investing in infrastructure and services for those communities; and

WHEREAS, ~~Mining operations in the State of Nevada are highly regulated by numerous governmental entities at the state and federal levels, including, without limitation, regulation by Congress, the Secretary of Agriculture, the Secretary of the Interior, the Bureau of Land Management, the United States Forest Service and the Division of Environmental Protection of the State Department of Conservation and Natural Resources;~~ The reliance of the United States on foreign sources of many important minerals impedes economic recovery, limits economic growth and creates vulnerabilities in the chain of supply that potentially threatens the national security of the United States; and

WHEREAS, ~~Because of that regulation, to conduct a mining operation in the State of Nevada, an owner or operator of a mine must comply with numerous requirements, including, without limitation, preparing and filing a notice or plan of operation, obtaining the appropriate air quality and water quality permits, obtaining~~

1 ~~a permit to appropriate water for use in the mining operation, obtaining rights of~~
2 ~~way for access to and the transmission of electricity for the mining operation and~~
3 ~~obtaining a local business license;}~~ Increasing the amount of production of
4 Nevada's minerals, including, without limitation, copper, gold and silver, that
5 are exported worldwide would aid in the reduction of the trade deficit of the
6 United States and would thus be highly beneficial to the national economy; and

7 WHEREAS, ~~{Complying with those requirements is often burdensome and~~
8 ~~expensive, sometimes requiring up to 10 years and more than \$1 billion before a~~
9 ~~mining operation is able to produce any minerals;}~~ Mining supports a significant
10 portion of the local economies of rural Nevada and creates jobs that pay
11 employees an average of \$81,800 per year; and

12 WHEREAS, ~~{In recent years, the need for developing energy from geothermal,~~
13 ~~solar, wind and other sources has become increasingly important;}~~ Exploration for
14 minerals is a source of capital investment in Nevada, supports the discovery of
15 new mineral deposits that may become future or expanded mines, contributes
16 significantly to state and local tax revenues and provides other economic
17 benefits to Nevada and local economies in Nevada; and

18 WHEREAS, ~~{To meet that need, the procedure for obtaining permits and rights-~~
19 ~~of way and complying with other requirements to develop those sources of energy~~
20 ~~have recently been expedited and streamlined;}~~ Because approximately 87
21 percent of the land in Nevada is managed and controlled by the Federal
22 Government, most mineral exploration and mining activities occur entirely or
23 partially on federal land and permits must be secured for those activities from
24 the Bureau of Land Management and the United States Forest Service; and

25 WHEREAS, The ~~{expeditious development of mineral deposits in this State is~~
26 ~~also essential for the creation of jobs, the payment of taxes and the continued~~
27 ~~contribution of infrastructure and services to local communities by the mining~~
28 ~~industry in this State;}~~ permitting processes of the Bureau of Land Management
29 and the United States Forest Service for mineral exploration and mine
30 development are the source of significant and problematic delays that cost
31 jobs, injure Nevada's economy and impede national economic interests; and

32 WHEREAS, An estimated 2,500 high-paying mining jobs are currently
33 being delayed for an unspecified and unreasonable period because those
34 permitting processes often require 3 years or longer to complete; and

35 WHEREAS, Delays in the permitting process for mineral exploration
36 projects are creating a significant delay in the rate of discovery of new mineral
37 deposits that may be developed into new or expanded mines; and

38 WHEREAS, Delays in the permitting process and the resulting reduction in
39 the rate of discovery of new mineral deposits are significant reasons that gold
40 and silver production from mines in Nevada has declined dramatically in the
41 last decade, which has resulted in unrealized jobs and tax revenues that would
42 otherwise be generated from those mines; and

43 WHEREAS, The process of the Bureau of Land Management for the review
44 and publication of notices in the Federal Register announcing the intent of the
45 Bureau of Land Management to prepare an environmental impact statement
46 and the availability of draft and final environmental impact statements often
47 add up to 1 year to the mine permitting process; and

48 WHEREAS, Expediting the permitting processes of the Bureau of Land
49 Management and the United States Forest Service to materially diminish the
50 time required to approve mineral exploration and mine development projects
51 would make a significant contribution to Nevada's economy and the national
52 economic interests by increasing mining and mineral exploration jobs and
53 increasing tax revenues from mining, including, without limitation, revenues

1 from sales and use taxes, net proceeds taxes, modified business taxes and
2 property taxes; and

3 WHEREAS, Implementing procedures to expedite the permitting of mineral
4 exploration and mine development projects is of equal importance to the
5 economy of Nevada and the United States as the similarly expedited permitting
6 schemes already endorsed for renewable energy projects; now, therefore, be it

7 RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY,
8 That ~~the Federal Government and each governmental entity in this State which~~
9 ~~regulates the activities of mining operations in this State are hereby urged to~~
10 ~~expedite and streamline the procedure for obtaining permits and complying with~~
11 ~~any other requirement for conducting those mining operations;~~ the members of the
12 76th Session of the Nevada Legislature hereby urge Congress to enact
13 legislation or take other appropriate action directing the Secretary of
14 Agriculture, the Secretary of the Interior, the Chief of the United States Forest
15 Service, the Director of the Bureau of Land Management, the Director of the
16 Nevada State Office of the Bureau of Land Management and the Forest
17 Supervisor for the Humboldt-Toiyabe National Forest to pursue, together with
18 the appropriate governmental entities in this State, methods and procedures
19 that expedite or may expedite the permitting processes for mineral exploration
20 and development of mines in this State; and be it further

21 RESOLVED, That the Secretary of the Interior and the Director of the Bureau
22 of Land Management are hereby urged to eliminate any burdensome and
23 unreasonable delays associated with the process of the Bureau of Land
24 Management for the review and publication of notices in the Federal Register;
25 and be it further

26 RESOLVED, That, cooperatively with the appropriate governmental entities
27 in this State, the Secretary of Agriculture, the Secretary of the Interior, the
28 Chief of the United States Forest Service, the Director of the Bureau of Land
29 Management, the Director of the Nevada State Office of the Bureau of Land
30 Management and the Forest Supervisor for the Humboldt-Toiyabe National
31 Forest are hereby urged to establish streamlined permitting time frames
32 consistent with the goals of this State for economic recovery and with national
33 economic interests; and be it further

34 RESOLVED, That such a streamlined permitting process must include the
35 following requirements:

36 1. The Bureau of Land Management should approve or deny any project
37 that requires a notice within 15 calendar days after the date of submittal of a
38 complete notice application;

39 2. The United States Forest Service should approve or deny any small
40 exploration project that may be evaluated with a categorical exclusion within 4
41 months after the date of submittal of a complete application for the small
42 exploration project;

43 3. The Bureau of Land Management and the United States Forest Service
44 should approve or deny any project that requires an exploration plan of
45 operation within 4 months after the date of submittal of a complete application
46 for the plan of operation;

47 4. The Bureau of Land Management's process for review and publication
48 of notices in the Federal Register announcing the intent of the Bureau of Land
49 Management to prepare an environmental impact statement or announcing
50 the availability of a draft and final environmental impact statement should be
51 completed in 2 weeks; and

52 5. The Bureau of Land Management and the United States Forest Service
53 should approve or deny a plan of operation for a mining project within 12

1 months after the date of submittal of a complete plan of operation for that
2 mining project; and be it further

3 RESOLVED, That Congress is hereby urged to enact legislation or take
4 other appropriate action directing the Secretary of Agriculture, the Secretary
5 of the Interior, the Chief of the United States Forest Service, the Director of
6 the Bureau of Land Management, the Director of the Nevada Office of the
7 Bureau of Land Management and the Forest Supervisor for the Humboldt-
8 Toiyabe National Forest to provide quarterly progress reports to Congress, the
9 Speaker of the Nevada Assembly, the Majority Leader of the Nevada Senate
10 and the Governor of Nevada setting forth the following information:

11 1. A list specifying each proposed mineral exploration and mining project
12 that the Bureau of Land Management and the United States Forest Service are
13 reviewing and the date that the Bureau of Land Management and the United
14 States Forest Service began reviewing each of those projects;

15 2. The anticipated target date on which each proposed mineral
16 exploration and mining project permit will be approved or denied;

17 3. An assessment of the performance of the Bureau of Land Management
18 and the United States Forest Service in meeting the streamlined permitting
19 objectives;

20 4. If the streamlined permitting objectives have not or may not be met, a
21 detailed explanation of the reasons for failing to meet those objectives; and

22 5. Any additional resources that the Bureau of Land Management and
23 the United States Forest Service need to meet the requirements of the
24 streamlined permitting process; and be it further

25 RESOLVED, That Congress is hereby urged to enact legislation or take
26 other appropriate action directing the Secretary of Agriculture, the Secretary
27 of the Interior, the Chief of the United States Forest Service, the Director of
28 the Bureau of Land Management, the Director of the Nevada State Office of
29 the Bureau of Land Management and the Forest Supervisor for the Humboldt-
30 Toiyabe National Forest to take all necessary steps to provide adequate
31 staffing and resources consistent with achieving the streamlined permitting
32 objectives; and be it further

33 RESOLVED, That the Secretary of the Senate prepare and transmit a copy of
34 this resolution to the ~~[Secretary of Agriculture, the Secretary of the Interior, the~~
35 ~~Chief of the United States Forest Service, the Director of the Bureau of Land~~
36 ~~Management,]~~ Vice President of the United States as the presiding officer of the
37 United States Senate, the Speaker of the House of Representatives and each
38 member of the Nevada Congressional Delegation ; ~~[, the Governor of the State of~~
39 ~~Nevada, the Director of the State Department of Conservation and Natural~~
40 ~~Resources and the Administrator of the Division of Environmental Protection of the~~
41 ~~State Department of Conservation and Natural Resources,]~~ and be it further

42 RESOLVED, That this resolution becomes effective upon passage.