

ASSEMBLY BILL NO. 346—ASSEMBLYMEN BOBZIEN,
PIERCE; DALY, DIAZ AND SPRINKLE

MARCH 18, 2013

JOINT SPONSOR: SENATOR SEGERBLOM

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing mining reclamation.
(BDR 46-1035)

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

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

AN ACT relating to mining; revising the duties of the Division of Environmental Protection of the State Department of Conservation and Natural Resources concerning the approval of a plan for reclamation for an exploration project or mining operation; requiring the State Environmental Commission to adopt regulations necessary to assist the Division and the Commission to carry out certain provisions governing mining reclamation; requiring each plan for reclamation to provide for the reclamation of a pit lake; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, a person who applies for a permit for a mining operation
2 from the Division of Environmental Protection of the State Department of
3 Conservation and Natural Resources must file with the Division a plan for the
4 reclamation of any land damaged as a result of the mining operation. (NRS
5 519A.210) Existing law also requires a person who applies for a permit to engage
6 in an exploration project to agree in writing to assume responsibility for the
7 reclamation of any surface area damaged as a result of the exploration project.
8 (NRS 519A.190) Existing law imposes certain requirements on a plan for
9 reclamation regarding the timing of reclamation activities, the provision of
10 vegetative cover and the stability of the land disturbed by the mining operation or
11 exploration project. The operator of the mining operation or exploration project



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may request from the Division an exception for open pits and rock faces which may not be feasible to reclaim. If such an exception is granted, the Division must require the operator to take sufficient measures to ensure public safety. (NRS 519A.230) **Section 3** of this bill requires that a plan for reclamation of an exploration project or mining operation must provide for the reclamation of a pit lake, a body of water that has resulted primarily from the seepage of groundwater into a pit or other excavation resulting from the exploration project or mining operation, and that reclamation must provide for safe public access to and beneficial and recreational use of the pit lake. **Section 3** also requires that an operator seeking an exception to any of the requirements for a reclamation plan must petition the State Environmental Commission for such an exception, and, in the petition, the operator must demonstrate to the satisfaction of the Commission that the reclamation requirement from which the exception is sought is not feasible. **Section 4** of this bill requires that an operator who has an ongoing reclamation plan on file with the Division before October 1, 2013, and whose mining operation or exploration project resulted in or included a pit lake to file an amended reclamation plan with the Division on or before January 1, 2014, that addresses the requirements of this bill regarding the reclamation of pit lakes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 519A.140 is hereby amended to read as follows:

519A.140 The Division shall:

1. Administer and enforce the provisions of NRS 519A.010 to 519A.280, inclusive, and the regulations adopted by the Commission pursuant to NRS 519A.160.

2. Employ persons who are experienced and qualified in the area of reclamation.

3. Enter into a memorandum of understanding with the United States Bureau of Land Management and the United States Forest Service concerning the adoption by those agencies of plans of reclamation that:

(a) Apply to mining operations or exploration projects that are conducted on a site which includes public land administered by a federal agency and privately owned land; and

(b) Substantially provide for the reclamation and security required by this chapter.

4. Develop and offer to operators on a regular basis educational workshops that include and emphasize reclamation training and techniques suitable for small exploration projects and mining operations.

5. Offer advice and technical assistance to operators.

6. ~~Approve,~~ *Except as otherwise provided in NRS 519A.230, approve,* reject or impose conditions upon the approval of any plan for reclamation for an exploration project or mining operation.



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7. Provide the Division of Minerals of the Commission on Mineral Resources with a copy of any conditions imposed upon an approved plan and the security required, on the same day that information is sent to the operator.

Sec. 2. NRS 519A.160 is hereby amended to read as follows:

519A.160 The Commission shall adopt regulations:

1. Establishing reasonable fees, based on the actual cost of administration and enforcement, to be charged by the Division for an application for and the issuance of a permit, the rates of which must be set to differentiate between mining operations located on federal land and those operations on state or private land;

2. Consistent with regulations adopted by the United States Bureau of Land Management that are contained in Title 43 of the Code of Federal Regulations and that do not conflict with any provision of this chapter or any other regulation adopted by the Commission pursuant to this section;

3. Setting forth the information required in relation to the mining operation and maps of the area for inclusion in the checklist developed pursuant to NRS 519A.220;

4. Providing for the holding of reclamation performance bonds or other surety by the State and conditions governing the release and forfeiture of those bonds or other surety;

5. Providing for a schedule within which reclamation must be completed;

6. Establishing a schedule of civil penalties for the violation of NRS 519A.010 to 519A.280, inclusive;

7. Providing for informational filings related to reclamation by small mining operations; and

8. Necessary to enable the Division *and the Commission* to carry out the provisions of NRS 519A.010 to 519A.280, inclusive, and the regulations adopted by the Commission pursuant to this section.

Sec. 3. NRS 519A.230 is hereby amended to read as follows:

519A.230 1. A plan for reclamation must provide:

(a) That reclamation activities, particularly those relating to the control of erosion, must be conducted simultaneously with the mining operation to the extent practicable, and otherwise must be initiated promptly upon the completion or abandonment of the mining operation in any area that will not be subject to further disturbance. Reclamation activities must be completed within the time set by the regulations adopted by the Commission pursuant to NRS 519A.160.

(b) For vegetative cover if appropriate to the future use of the land.



(c) For the reclamation of all land disturbed by the exploration project or mining operation to a stability comparable to that of adjacent areas.

(d) For the reclamation of a pit lake that provides:

(1) Safe public access; and

(2) Beneficial and recreational use of the pit lake.

2. The operator may request ~~{the Division to grant}~~ an exception ~~{for open pits and rock faces which may not be feasible to reclaim.}~~ *to a requirement of this section by filing a petition with the Commission. In the petition, the operator must demonstrate to the satisfaction of the Commission that the requirement of this section from which an exception is sought is not feasible.* If an exception is granted, the Division shall require the operator to take sufficient measures to ensure public safety.

3. Except in the case of an emergency, an operator shall not depart from an approved plan for reclamation without prior written approval from the Division.

4. Reclamation activities must be economically and technologically practicable in achieving a safe and stable condition suitable for the use of the land.

5. As used in this section, "pit lake" means a body of water that has resulted primarily from the seepage of groundwater into a pit or other excavation resulting from the operation of an exploration project or mining operation.

Sec. 4. 1. On or before January 1, 2014, a plan for reclamation of an exploration project or mining operation filed with the Division of Environmental Protection of the State Department of Conservation and Natural Resources before October 1, 2013, must be amended and refiled as necessary by the operator of the exploration project or mining operation to ensure compliance with the amendatory provisions of this act regarding the reclamation of a pit lake if:

(a) The reclamation activities set forth in the plan are not complete on or before October 1, 2013; and

(b) The exploration project or mining operation resulted in or included such a pit lake.

2. As used in this section, "pit lake" has the meaning ascribed to it in subsection 5 of NRS 519A.230, as amended by section 3 of this act.

