

SENATE BILL NO. 374—SENATOR HANSEN

MARCH 20, 2019

Referred to Committee on Natural Resources

SUMMARY— Revises provisions governing reclamation of mining operations and exploration projects. (BDR 46-1080)

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 reclamation; authorizing a county to charge and collect a fee for the maintenance of certain public roads; requiring the Governor or his or her designee to prepare an annual report concerning certain memoranda of understanding entered into with the Bureau of Land Management and the United States Forest Service; excluding certain land from the definition of “small exploration project” and “small mining operation”; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, a person is prohibited from engaging in an exploration project or a mining operation without a permit issued by the Division of Environmental Protection of the State Department of Conservation and Natural Resources. (NRS 519A.180, 519A.200) A person who wishes to engage in an exploration project or mining operation must also agree in writing to assume responsibility for the reclamation of: (1) any surface area damaged as a result of the exploration project; or (2) any land damaged as a result of the mining operation. (NRS 519A.190, 519A.210) However, under existing law, a person is not required to obtain a permit or agree to conduct any reclamation if the person operates a small exploration project or small mining operation. A small exploration project is defined to mean an exploration project which is limited to a surface disturbance of not more than 5 acres in any calendar year. To determine the area disturbed by a small exploration project, all land disturbed and left unreclaimed within a 1-mile radius of the center of the project must be considered. (NRS 519A.110) Similarly, a small mining operation is defined to mean a person who disturbs less than 5 acres of land in any calendar year. To determine the area disturbed by the small mining operation, all land disturbed and left unreclaimed within a 1-mile radius of the center of the project must be considered. (NRS 519A.120) **Sections 4 and 5** of this bill revise the definitions of “small exploration project” and “small mining



operation” to state that the required surface or land disturbance is per calendar year. Sections 4 and 5 also exclude from those definitions any land disturbed by certain vehicles or included in a right-of-way designated by a county. Section 2 of this bill authorizes a board of county commissioners to charge and collect a fee from any small exploration project or small mining operation for the maintenance of certain public roads over which the county has jurisdiction and which are regularly used by the small exploration project or small mining operation during the course of its operations. Section 3 of this bill requires the Governor or his or her designee to submit an annual report to the State Director of the Nevada State Office of the Bureau of Land Management and the Forest Supervisor for the Humboldt-Toiyabe National Forest concerning the extent to which the Bureau of Land Management and the United States Forest Service have complied or failed to comply with a certain memorandum of understanding governing reclamation activities that are conducted by a mining operation or exploration project on a site which includes public land administered by a federal agency and privately owned land.

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

Section 1. Chapter 519A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. A board of county commissioners may, by ordinance, charge and collect a fee from any small exploration project or small mining operation for the maintenance of any public road described in subsection 2 of NRS 405.191:

(a) Over which the county has jurisdiction; and

(b) Which is regularly used by the small exploration project or small mining operation during the course of its operations.

2. The amount of any fee charged and collected from a small exploration project or small mining operation pursuant to subsection 1 must not exceed 0.5 percent of the annual expenditures of the small exploration project or small mining project within the county during any calendar year.

3. Any fee charged and collected pursuant to this section must be used solely to maintain the public road for which the fee is charged and collected by the county.

Sec. 3. On or before February 1 of each year, the Governor or his or her designee shall prepare and submit a report for the immediately preceding year to the State Director of the Nevada State Office of the Bureau of Land Management and the Forest Supervisor for the Humboldt-Toiyabe National Forest. The report must include, without limitation:

1. An analysis and discussion concerning the extent to which the Bureau of Land Management and the United States Forest Service have complied or failed to comply with any memorandum of understanding entered into with the Division pursuant to NRS 519A.140;



2. Any action that may be taken concerning any act of noncompliance by the Bureau of Land Management or the United States Forest Service under the memorandum of understanding; and

3. Any other statement or information required by the Governor or his or her designee.

Sec. 4. NRS 519A.110 is hereby amended to read as follows:

519A.110 "Small exploration project" means an exploration project which is limited to a surface disturbance of not more than 5 acres ~~in any~~ per calendar year. To determine the area of the surface disturbed, all land disturbed and left unreclaimed by an operator within a 1-mile radius of the center of the project must be considered ~~H~~, *except any land which is disturbed through the use of any vehicle which is registered in this State, other than an off-highway vehicle, or any land included in a right-of-way designated by a county must not be considered.*

Sec. 5. NRS 519A.120 is hereby amended to read as follows:

519A.120 "Small mining operation" means a person who disturbs less than 5 acres of land ~~in any~~ per calendar year. To determine the area of the surface disturbed, all land disturbed and left unreclaimed by an operator within a 1-mile radius of the center of the project must be considered ~~H~~, *except any land which is disturbed through the use of any vehicle which is registered in this State, other than an off-highway vehicle, or any land included in a right-of-way designated by a county must not be considered.*

Sec. 6. This act becomes effective on July 1, 2019.

