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CHAPTER 519A - RECLAMATION OF LAND SUBJECT TO MINING OPERATIONS OR EXPLORATION PROJECTS

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GENERAL PROVISIONS

NRS 519A.010 Legislative findings; cooperation with state and federal agencies in administration and enforcement of chapter.

1. The Legislature hereby finds that:

(a) The extraction of minerals by mining is a basic and essential activity making an important contribution to the economy of the State of Nevada;

(b) Proper reclamation of mined land, areas of exploration and former areas of mining or exploration is necessary to prevent undesirable land and surface water conditions detrimental to the ecology and to the general health, welfare, safety and property rights of the residents of this state; and

(c) The success of reclamation efforts in this state is dependent upon cooperation among state and federal agencies.

2. The Legislature hereby directs that all agencies and political subdivisions of the State of Nevada which are involved in or whose work is related to the administration or enforcement of the provisions of this chapter shall cooperate fully with all other state and federal agencies in any related matter.

(Added to NRS by [1989, 1281](#))

NRS 519A.020 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 519A.030](#) to [519A.130](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [1989, 1281](#))

NRS 519A.030 “Administrator” defined. “Administrator” means the Administrator of the Division.

(Added to NRS by [1989, 1281](#))

NRS 519A.040 “Affected” defined. “Affected” means that the surface of the land is or will be disturbed by mining, or that the land will be used:

1. As an evaporation or settling pond, leach dump, placer area or tailings pond or dump; or
2. In conjunction with any structure, facility, equipment, machine, tool, material or property incident to mining.

(Added to NRS by [1989, 1281](#))

NRS 519A.050 “Commission” defined. “Commission” means the State Environmental Commission.

(Added to NRS by [1989, 1281](#))

NRS 519A.060 “Division” defined. “Division” means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(Added to NRS by [1989, 1281](#))

NRS 519A.070 “Exploration project” defined. “Exploration project” means all activities conducted in this state by a person on or beneath the surface of land for the purpose of, or in connection with, determining the presence, location, extent, depth or grade of any mineral, which affects the surface. The term does not include a small exploration project.

(Added to NRS by [1989, 1281](#))

NRS 519A.080 “Mining operation” defined. “Mining operation” means all activities conducted in this state by a person on or beneath the surface of land for the purpose of, or in connection with, the development or extraction of any mineral. The term does not include an aggregate or sand pit or a small mining operation.

(Added to NRS by [1989, 1282](#))

NRS 519A.090 “Operator” defined. “Operator” means any person who owns, controls or manages an exploration project or a mining operation.

(Added to NRS by [1989, 1282](#))

NRS 519A.100 “Reclamation” defined. “Reclamation” means actions performed during or after an exploration project or mining operation to shape, stabilize, revegetate or otherwise treat the land in order to return it to a safe, stable condition consistent with the establishment of a productive postmining use of the land and the abandonment of a facility in a manner which ensures the public safety, as well as the encouragement of techniques which minimize the adverse visual effects.

(Added to NRS by [1989, 1282](#))

NRS 519A.110 “Small exploration project” defined. “Small exploration project” means an exploration project which is limited to a surface disturbance of not more than 5 acres in any 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.

(Added to NRS by [1989, 1282](#))

NRS 519A.120 “Small mining operation” defined. “Small mining operation” means a person who disturbs less than 5 acres of land in any 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.

(Added to NRS by [1989, 1282](#); A [1991, 1944](#))

NRS 519A.130 “Surety” defined. “Surety” means, but is not limited to, a trust fund, surety bonds that guarantee performance or payment into a trust fund, letters of credit, insurance, corporate or other guarantees of performance, or any combination of these or other forms of security approved by the Director of the State Department of Conservation and Natural Resources and used to ensure that reclamation will be completed.

(Added to NRS by [1989, 1282](#))

NRS 519A.140 Duties of Division. 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, reject or impose conditions upon the approval of any plan for reclamation for an exploration project or mining operation.

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.

(Added to NRS by [1989, 1282](#); A [1993, 1686](#); [1999, 3630](#))

NRS 519A.150 Powers of Division. The Division may:

1. Conduct or authorize investigations, research, experiments and demonstrations relating to reclamation.
2. Collect and disseminate nonconfidential information relating to mining reclamation.
3. Enter into agreements relating to reclamation with other state and federal governmental agencies pursuant to which services relating to reclamation are provided by the Division or a governmental agency in exchange for other consideration.
4. Receive federal, state or any other money and expend it to carry out the purposes of [NRS 519A.010](#) to [519A.280](#), inclusive, or any regulation adopted by the Commission pursuant to [NRS 519A.160](#).
5. Hold hearings and issue orders relating to the administration or enforcement of the provisions of [NRS 519A.010](#) to [519A.280](#), inclusive, or any regulation adopted by the Commission pursuant to [NRS 519A.160](#).
6. Summon witnesses, administer oaths and require the production of pertinent records, books and other documents for examination at any hearing or investigation conducted by it relating to the administration or enforcement of the provisions of [NRS 519A.010](#) to [519A.280](#), inclusive, or any regulation adopted by the Commission pursuant to [NRS 519A.160](#).
7. Request the Attorney General to bring suit in the name of the State of Nevada against any person whom it finds has violated any provision of [NRS 519A.010](#) to [519A.280](#), inclusive, or any regulation adopted by the Commission pursuant to [NRS 519A.160](#), to restrain the person from continuing the violation.
8. Modify any plan for reclamation previously approved by it if:
 - (a) Any provision of the plan is in conflict with the provisions of a specific statute;
 - (b) Any provision of the plan becomes impossible or impracticable to implement; or
 - (c) Any significant problem that was not previously considered by the Division is discovered to exist which results or may result from reclamation.
9. Suspend or revoke a permit upon a noticed hearing and a finding by the Division that the holder of the permit has violated any provision of [NRS 519A.010](#) to [519A.280](#), inclusive, a plan of reclamation, any condition placed on a plan of reclamation or any regulation adopted by the Commission pursuant to [NRS 519A.160](#).
10. Take any other action reasonable and necessary to enable it to administer or enforce the provisions of [NRS 519A.010](#) to [519A.280](#), inclusive.

(Added to NRS by [1989, 1283](#))

NRS 519A.160 Regulations of Commission. 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 to carry out the provisions of [NRS 519A.010](#) to [519A.280](#), inclusive, and the regulations adopted by the Commission pursuant to this section.
(Added to NRS by [1989, 1283](#))

NRS 519A.170 Fees; Disposition; interest. All fees collected by the Division pursuant to this chapter, including, without limitation, the fees for an application for and the issuance of a permit, must be deposited with the State Treasurer for credit to the appropriate account of the Division and must be used in the administration of [NRS 519A.010](#) to [519A.280](#), inclusive. All interest earned on the money credited pursuant to this section must be credited to the account to which the money was credited.

(Added to NRS by [1989, 1284](#); A [2003, 347](#))

EXPLORATION PROJECTS

NRS 519A.180 Permit required. A person shall not engage in an exploration project without a valid permit for that purpose issued by the Division.

(Added to NRS by [1989, 1284](#))

NRS 519A.190 Application for permit; fee; conditions; bond. A person who desires to engage in an exploration project must:

1. File with the Division, upon a form approved by it, an application for a permit. The application must include:
 - (a) The name and address of the applicant and, if a corporation or other business entity, the name and address of its principal officers and its registered agent for service of process;
 - (b) An exploration map or sketch in sufficient detail to enable the Division to locate the area to be explored and to determine whether significant environmental problems are likely to result;
 - (c) The kinds of prospecting and excavation techniques that will be used in the exploration project; and
 - (d) Any other information required by the regulations adopted by the Commission pursuant to [NRS 519A.160](#).
2. Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to [NRS 519A.160](#).
3. Agree in writing to assume responsibility for the reclamation of any surface area damaged as a result of the exploration project.
4. Not be in default of any other obligation relating to reclamation pursuant to this chapter.
5. File with the Division a bond or other surety in a form approved by the Administrator and in an amount required by the regulations adopted by the Commission pursuant to [NRS 519A.160](#).

(Added to NRS by [1989, 1284](#); A [2007, 2720](#))

MINING OPERATIONS

NRS 519A.200 Permit required. A person shall not engage in a mining operation without a valid permit for that purpose issued by the Division.

(Added to NRS by [1989, 1284](#))

NRS 519A.210 Application for permit; fee; conditions; bond. A person who desires to engage in a mining operation must:

1. File with the Division, upon a form approved by it, an application for a permit for each location at which the person will conduct operations. The application must include:
 - (a) The name and address of the applicant and, if a corporation or other business entity, the name and address of its principal officers and its registered agent for service of process;
 - (b) A completed checklist developed by the Division pursuant to [NRS 519A.220](#); and
 - (c) Any other information required by the regulations adopted by the Commission pursuant to [NRS 519A.160](#).
 2. Pay to the Division the application fee established in the regulations adopted by the Commission pursuant to [NRS 519A.160](#).
 3. Agree in writing to assume responsibility for the reclamation of any land damaged as a result of the mining operation.
 4. Not be in default of any other obligation relating to reclamation pursuant to this chapter.
 5. File with the Division a bond or other surety in a form and amount required by the regulations adopted by the Commission pursuant to [NRS 519A.160](#).
 6. File with the Division of Minerals of the Commission on Mineral Resources a copy of the plan for reclamation which is filed with the application pursuant to subsection 1, on the same day the application is filed with the Division.
- (Added to NRS by [1989, 1284](#); A [1993, 1687](#); [1999, 3630](#); [2007, 2721](#))

NRS 519A.220 Applicant to complete checklist for permit; contents. The Division shall develop a checklist to be completed by applicants for a permit to engage in a mining operation. The information requested by the checklist must include:

1. Information relating to the plan for reclamation, including:
 - (a) The proposed subsequent use of the land after the mining operation is completed;
 - (b) The proposed schedule of reclamation that will be followed;
 - (c) The proposed topography of the land after the mining operation is completed;
 - (d) The treatment of slopes created or affected by the mining operation;
 - (e) The proposed use of impoundments;
 - (f) The kinds of access roads to be built and the manner of reclamation of road sites;
 - (g) The methods of drainage that will be used during the mining operation and reclamation;
 - (h) The revegetation of the land;
 - (i) The monitoring and maintenance of the reclaimed land that will be performed by the operator;
 - (j) The reclamation that will be necessary as a result of instream mining;
 - (k) The effect that reclamation will have on future mining in that area; and
 - (l) The effect of the reclamation on public safety.
2. Information relating to the mining operation and maps of the area which is required by the regulations adopted by the Commission pursuant to [NRS 519A.160](#).
3. Other information as requested by the Administrator which the Administrator determines is pertinent to the reclamation activities of the mining operation.

(Added to NRS by [1989, 1285](#))

PLAN FOR RECLAMATION

NRS 519A.230 Provisions of plan for reclamation; inclusion of pit lake in plan; exceptions; immunity of protected person from liability.

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.
2. The operator may request the Division to grant an exception for open pits and rock faces which may not be feasible to reclaim. If an exception is granted, other than for a pit lake for which public access is provided in a plan for reclamation pursuant to subsection 3, the Division shall require the operator to take sufficient measures to ensure public safety.
3. Except as otherwise provided in this subsection, for a pit lake that will have a predicted filled surface area of more than 200 acres, a plan for reclamation must provide, in consultation with the operator and each landowner, including any federal land manager, and, if feasible, for at least one point of public nonmotorized access to the water level of the pit lake when the pit in which the pit lake is located reaches at least 90 percent of its predicted maximum capacity. This subsection:
 - (a) Must not be construed to impede the ability of any landowner, including any federal land manager, of any premises on which a pit lake is located to determine the final and ultimate use of those premises;
 - (b) Does not require any landowner, including any federal land manager, who is consulted pursuant to this subsection to agree to allow access to any pit lake; and
 - (c) Does not alter any contract or agreement entered into before October 1, 2013, between an operator and a landowner, including any federal land manager.
4. A protected person with respect to any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3 owes no duty to keep the premises, including, without limitation, the access area and the pit lake and its surroundings, safe for entry or use by any other person for participation in any activity, or to give a warning of any hazardous condition, activity or use of the premises to any person entering the premises.
5. If a protected person gives permission to another person to access or engage in any activity with respect to any premises specified in subsection 4, the protected person does not thereby extend any assurance that the premises are safe for that activity or any other purpose or assume responsibility for or incur any liability for any injury to any person or property caused by any act of a person to whom the permission is granted. The provisions of this subsection do not confer any liability upon a protected person for any injury to any other person or property, whether actual or implied, or create a duty of care or ground of liability for any injury to any person or property.
6. 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.
7. Reclamation activities must be economically and technologically practicable in achieving a safe and stable condition suitable for the use of the land.
8. As used in this section:

(a) “Pit lake” means a body of water that has resulted, after the completion of an exploration project or mining operation, from an open pit that has penetrated the water table of the area in which the pit is located.

(b) “Protected person” means any past or present:

(1) Owner of any estate or interest in any premises for which public access to a pit lake is provided in a plan for reclamation pursuant to subsection 3;

(2) Operator of all or any part of the premises, including, without limitation, any entity that has conducted or is conducting a mining operation or any reclamation activity with respect to the premises;

(3) Lessee or occupant of all or any part of the premises; or

(4) Contractor, subcontractor, employee or agent of any such owner, operator, lessee or occupant.

(Added to NRS by [1989, 1285](#); A [2013, 1431](#))

NRS 519A.240 Effect of compliance with federal plan of operations. If a mining operation or exploration project is conducted on land administered by a federal agency, an approved federal plan of operations and a surety that are consistent with the requirements of this chapter supersede the requirements for a permit and bond or other surety otherwise required by this chapter. If the mining operation or exploration project is conducted on a site which includes both public land and privately owned land, compliance with the federal plan suffices if that plan substantially provides for the reclamation and bond or other surety required by this chapter. Nothing in this section affects the requirement for a permit set forth in [NRS 519A.180](#) or [519A.200](#) or the required payment of fees set forth in [NRS 519A.160](#) or [519A.260](#).

(Added to NRS by [1989, 1286](#); A [1991, 201](#))

NRS 519A.250 Operator required to provide Division of Minerals copy of filing of plan of operation or amended plan submitted to federal agency; fee; refund for reduction of acres disturbed; biennial report by Division of Minerals; regulations.

1. An operator who is required by federal law to file a plan of operation or an amended plan of operation with the United States Bureau of Land Management or the United States Forest Service for operations relating to mining or exploration on public land administered by a federal agency, shall, not later than 30 days after the approval of the plan or amended plan, provide the Division of Minerals of the Commission on Mineral Resources with a copy of the filing and pay to the Division of Minerals a fee in an amount established pursuant to subsection 5 for each acre or part of an acre of land to be disturbed by mining included in the plan or incremental acres to be disturbed pursuant to an amended plan.

2. The Division of Minerals shall adopt by regulation a method of refunding a portion of the fee required by this section if a plan of operation is amended to reduce the number of acres or part of an acre to be disturbed pursuant to the amended plan. The refund must be based on the reduced number of acres or part of an acre to be disturbed.

3. All money received by the Division of Minerals pursuant to subsection 1 must be accounted for separately and used by the Division of Minerals to create and administer programs for:

(a) The abatement of hazardous conditions existing at abandoned mine sites which have been identified and ranked pursuant to the degree of hazard established by regulations adopted by the Division of Minerals; and

(b) The education of the members of the general public concerning the dangers of the hazardous conditions described in paragraph (a).

↪ All interest and income earned on the money in the account, after deducting applicable charges, must be deposited in the Account for the Division of Minerals created pursuant to [NRS 513.103](#).

4. On or before February 1 of each odd-numbered year, the Division of Minerals shall file a report with the Governor and the Legislature describing its activities, total revenues and expenditures pursuant to this section.

5. The Commission on Mineral Resources shall, by regulation, establish the fee required pursuant to subsection 1 in an amount not to exceed \$30 per acre.

(Added to NRS by [1989, 1286](#); A [1989, 2063](#); [1991, 1780](#); [1993, 210, 211, 1687](#); [1995, 511](#); [1999, 891, 3631](#); [2001, 66](#))

NRS 519A.260 Annual submission of reports and payment of fees by operator; disposition of money received.

1. Each operator shall, on or before April 15 of each year, submit to the Administrator a report relating to the status and production of all mining operations and exploration projects in which the operator has engaged and identifying each acre of land affected and land reclaimed by that mining operation or exploration project through the preceding calendar year, and shall pay to the Division a fee of:

(a) One dollar and fifty cents for each acre of public land administered by a federal agency; and

(b) Five dollars and fifty cents for each acre of privately owned land,

↪ which has been disturbed by mining operations or exploration projects engaged in by the operator and not reclaimed.

2. All money received by the State Treasurer pursuant to paragraph (a) of subsection 1 together with three-elevenths of all money received by the State Treasurer pursuant to paragraph (b) of subsection 1, up to a maximum of \$100,000 annually, must be distributed directly to the Bureau of Mines and Geology of the State of Nevada to be used to carry out the provisions of [NRS 514.060](#). Any money in excess of the maximum and the balance collected pursuant to paragraph (b) of subsection 1 must be credited to the appropriate account for the Division and used to administer the provisions of this chapter.

(Added to NRS by [1989, 1287](#); A [1991, 201](#))

VIOLATIONS AND PENALTIES

NRS 519A.270 Notice of noncompliance; method of service; contents; hearing. If the Division has reason to believe that any provision of [NRS 519A.010](#) to [519A.280](#), inclusive, a plan for reclamation, any condition placed on a plan for reclamation or any regulation adopted by the Commission pursuant to [NRS 519A.160](#), has been violated, the Division shall serve a notice of noncompliance upon the holder of the permit. The notice must:

1. Be served personally or by registered mail addressed to the holder of the permit at his or her address as shown on the records of the Division;

2. Specify each violation; and

3. Set a date and time for a hearing and inform the person that the person's permit may be suspended or revoked and the person's bond or other surety forfeited upon completion of the hearing or if the person fails to attend the hearing.

(Added to NRS by [1989, 1287](#))

NRS 519A.280 Penalties; disposition of money.

1. Except as otherwise provided in [NRS 445C.010](#) to [445C.120](#), inclusive, a person who violates any provision of [NRS 519A.010](#) to [519A.280](#), inclusive, or any regulation adopted by the Commission pursuant to [NRS 519A.160](#), is guilty of a misdemeanor and, in addition to any criminal penalty, is subject to a civil penalty imposed by the Division at a hearing for which notice has been given, in an amount determined pursuant to the schedule adopted by the Commission pursuant to [NRS 519A.160](#).

2. Any money received by the Division pursuant to subsection 1 must be deposited with the State Treasurer for credit to the appropriate account of the Division. All interest earned on the money credited pursuant to this section must be credited to the account to which the money was credited.

(Added to NRS by [1989, 1287](#); A [1997, 1081](#); [2003, 347](#))

PROGRAM FOR THE POOLING OF RECLAMATION PERFORMANCE BONDS

NRS 519A.290 Development and administration of program by Division of Minerals; requirements for program; regulations; action to recover costs incurred by program.

1. The Division of Minerals of the Commission on Mineral Resources shall develop and administer a program providing for the pooling of reclamation performance bonds to assist:

(a) An operator to comply with the bonding and surety requirements of this chapter;

(b) A person who engages in small mining operations or small exploration projects to comply with the requirements for financial guarantees set forth in the regulations adopted pursuant to 43 U.S.C. § 1740; or

(c) A person who engages in mining operations, small mining operations, exploration projects or small exploration projects to comply with the bonding requirements imposed pursuant to an ordinance adopted by a county in this State.

2. The program must:

(a) Be designed to reduce the financial burden of obtaining a reclamation performance bond for mining operations, small mining operations, exploration projects or small exploration projects;

(b) Require each operator or any other person who participates in the program to:

(1) Pay an amount into the pool each year which annually is actuarially determined to enable the program to be self-sustaining;

(2) Execute an agreement of indemnity on a form provided by the Division of Minerals; and

(3) Provide collateral or other security approved by the Administrator of the Division of Minerals if the Administrator considers it necessary to ensure against the forfeiture of a reclamation performance bond;

(c) Use the money in the pool to cover the bonded liability of the operators and any other persons who participate in the program;

(d) Provide a limit on the total bonded liability of any person who may be covered under the program; and

(e) Provide conditions for the release and forfeiture of bonds.

3. The Division of Minerals shall adopt regulations relating to the development and administration of the program.

4. If the reclamation performance bond of an operator or any other person who participates in the program is forfeited, the Attorney General may bring an action in the name of the State of Nevada in any court of competent jurisdiction against the operator or such other person to recover the costs incurred by the program in the reclamation of the land.

(Added to NRS by [1989, 1287](#); A [1993, 1688](#); [1997, 910](#); [1999, 3631](#))