

THE NEVADA DIVISION OF MINERALS
OF THE COMMISSION ON MINERAL RESOURCES
INFORMATIONAL STATEMENT
SUBMITTED IN COMPLIANCE WITH NRS 233B.066.
UPON ADOPTION OF REGULATION FOR
POOLING OF RECLAMATION PERFORMANCE BONDS
IN CHAPTER 519A OF
THE NEVADA ADMINISTRATIVE CODE
R044-19

December 3, 2019

1. A clear and concise explanation of the need for the adopted regulation.

The need for, and the purpose of, the proposed amendment of regulation is to update the language to be consistent with current regulatory practices, to clarify provisions within the regulations, to increase the amount that can be refunded to certain bond pool participants in order to incentivize concurrent reclamation efforts or exit from the bond pool through bond replacement with the regulatory agency, and to decrease the minimum required annual premium amount to decrease the financial burden on participants and potentially increase participation in the reclamation performance bond pool.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notice of workshop and the notice of intent to act upon the regulation were sent by U.S. mail and/or email to current participants in the reclamation performance bond pool as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Division of Minerals, the website of the Nevada Legislature, the Nevada Public Notice website of the Nevada Department of Administration, mailed to all county libraries in Nevada and posted at the following public locations:

Division of Minerals
400 W. King St. #106
Carson City, NV 89703

Division of Minerals
2030 E. Flamingo Rd. #220
Las Vegas, NV 89119

Legislative Counsel Building
401 S. Carson St.
Carson City, NV 89701

State Library and Archives
100 N. Stewart St.
Carson City, NV 89701

State Capitol Building
401 N. Carson St.
Carson City, NV 89701

A workshop was held in Reno on September 25, 2019, and the minutes of that meeting, attached hereto, contains a summary of the discussion held regarding the proposed

regulation. On October 18, 2019, the Administrator of the Division of Minerals issued a Notice of Intent to Act Upon a Regulation .

A document entitled *Responses to Summary of Comments on the proposed Bond Pool regulations of the Nevada Division of Minerals of the Commission on Mineral Resources* dated November 25 and consisting of one page, was prepared by the agency and is attached to this Information Statement, as Appendix A, in compliance with NRS 233B.066(1)(b),(e). A copy of this document may also be obtained from the Division of Minerals, 400 W. King St. #106, Carson City, NV 89703, 775-684-7040, or email to ndom@minerals.nv.gov .

3. The number of persons who:
 - (a) Attended the adoption hearing on November 21, 2019: 1
 - (b) Testified at the adoption hearing on November 21, 2019: 0
 - (c) Attended the public workshop on September 25, 2019: 1
 - (d) Testified at the public workshop on September 25, 2019: 1
 - (e) Submitted to the agency written comments: 1
4. A list of names and contact information, including telephone number, business, address, electronic mail address and name of entity or organization represented, for each person identified in #3 (b), (d) and (e) above, is attached as Appendix B.
5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary is attached as Appendix A and can also be obtained as instructed in the response to #2.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted on November 21, 2019 and included one non-substantive change made to clarify under which conditions the premium rate reduction would apply.

7. The estimated economic effect of the adopted regulations on the business which it is to regulate and on the public. These must be stated separately, and each case must include:
 - (a) Both adverse and beneficial effects; and
 - (b) Both immediate and long-term effects.

(a) The proposed regulations would have no adverse effect on entities currently participating, or who may participate, in the reclamation performance bond pool. The beneficial effect would be a decreased financial cost for participants. The proposed regulation change will have no effect on the public.

(b) The short and long-term effects of the changes are reduced annual and cumulative costs for participants. The proposed regulation change will have no effect on the public.

8. The estimated cost to the agency for the enforcement of the adopted regulation.

There is no additional cost to the agency for the enforcement of the adopted regulation.

9. A description of any regulations of other state or government agencies which the adopted regulation overlaps or duplicates and a statement explaining why the overlapping or duplication is necessary. **If** the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The proposed regulation does not duplicate or overlap regulations of other state, local, or federal agencies.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The proposed regulation contains no provisions which are more stringent than current federal law.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

There is no new fee or fee increase.

Respectfully submitted,

/s/

Richard M. Perry
Certified Professional Geologist
Administrator, NDOM
December 3, 2019