

**MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES**

**Eighty-second Session
February 21, 2023**

The Senate Committee on Natural Resources was called to order by Chair Julie Pazina at 3:30 p.m. on Tuesday, February 21, 2023, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Julie Pazina, Chair
Senator Melanie Scheible, Vice Chair
Senator Edgar Flores
Senator Pete Goicoechea
Senator Ira Hansen

GUEST LEGISLATORS PRESENT:

Senator Dina Neal, Senatorial District No. 4

STAFF MEMBERS PRESENT:

Alysa Keller, Policy Analyst
Erin Sturdivant, Counsel
Donna Crawford Kennedy, Committee Secretary

OTHERS PRESENT:

Patrick Donnelly, Great Basin Director, Center for Biological Diversity
Bari Levinson, Sierra Club, Toiyabe Chapter
Amina Stevens, Western Shoshone Defense Project
Tray Abney, American Chemistry Council
Bryan Wachter, Senior Vice President, Retail Association of Nevada
Jimmy Lau, Merck, Sharp and Dohme
Erin Raden, The Toy Association
Nikki Bailey-Lundahl, Nevada Mining Association
Joseph Riney, Vice President of Operations, Nevada Mining Association
Kyle Davis, Nevada Mining Association

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Mike Visser, Administrator, Nevada Commission on Mineral Resources, Division of Minerals
Steve Cochrane, U.S. Sales Manager, Cyanco
Ryan Snow, CFO, i-80 Gold Corp
Alissa Wood, Nevada Gold Mines
Kevin Martindale, Director of Business Development, Millcreek Engineering
Samantha Faga, Corporate Social Responsibility Specialist, Kinross Gold
Frederick Partey, Environmental Manager, Robinson Gold
Randy Miller, Vice President, Broadbent and Associates
Mary Kerner, CEO, Rural Nevada Development Corporation
John Hatter, Director, Great Basin Resource Watch
Joni Eastley, Nevada Mining Association
Carmen Gonzales, Rural Community Assistance Corporation
Sarah Wochele, Mining Justice Organizer, Progressive Leadership Alliance of Nevada
Kassandra Lisenbee, Great Basin Resource Watch
Mary Gibson, Director, Noowuh Knowledge Center
Fermina Stevens, Director, Western Shoshone Defense Project

CHAIR PAZINA:

We will open the hearing on Senate (S.B.) Bill 76.

SENATE BILL 76: Establishes provisions governing certain products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances. (BDR 40-291)

SENATOR DINA NEAL (Senatorial District No. 4):

The Environmental Protection Agency (EPA) has a strategic plan for perfluoroalkyl and polyfluoroalkyl substances (PFAS), a group of synthetic chemicals. Their plan dates from 2021 to 2024. However, these PFAS have been in use since as early as 2002. Some of the most significant research started in 2007; as the years passed, interest grew in these chemicals called "forever chemicals." Perfluoroalkyl and polyfluoroalkyl substances are a large class of synthetic organic compounds used by manufacturers in several industries. They repel oil and water. They can be found on surface treatments for soil stain, water resistance, textiles, papers, metal food packaging and juvenile products.

Some agencies have advanced regulations, and lawsuits have been filed. For example, Maine's work has been widespread. A law was passed in 2021 that banned all new products that had PFAS. Maine's actions were considered a landmark moment. The bill will take effect in 2030. Colorado passed a bill enacting controls over food packaging, cosmetics, firefighting foam and textiles. I used Colorado's bill to initiate S.B. 76. In addition to Colorado, legislation has passed in Hawaii, California and Washington State. The states that have passed legislation focused on narrow targeting versus passing expansive legislation. Maine concentrated on fire foam; others concentrated on cosmetics, juvenile products or textiles, all targeted items. Washington agencies empowered their Department of Ecology to pass regulations within three years. These regulations limited the manufacturers by targeting specific products and trying to restrict their actual use within the market.

Most of the bills passed have been a mix of bipartisan legislation. Michigan passed PFAS regulations to focus on contamination in Michigan. For example, over several years, the regulators crafted rules on PFAS compounds and drinking water, groundwater and surface water. They collaborated with seven state agencies to form the Michigan PFAS Action Response Team known as MPART. Florida has also passed a bill requiring their Department of Environmental Protection establish rules by 2025 to target cleanup levels if the EPA has not set a national standard.

This bill is not unique to Nevada. Other states are having a conversation about the fact that PFAS are forever chemicals found in humans; that they are causing significant harm to individuals, such as cancer, conditions with the liver, enhanced puberty and other hormonal issues. Several reports on EPA's website show chemical reports and assessments. In 2021, the EPA issued a statement about peer-reviewed research and the harmful effects of forever chemicals.

It is our job as the government to protect people. Sometimes, when we are protecting people, we are on the opposite side of businesses. But we must find the balance between government and business as to what is going on with the contaminants in our environment. Senate Bill 76 targets some of the common places where PFAS are found in certain materials.

Sections 3 through 5, respectively, define "adult mattress," "carpets" and "children's product."

Section 7 defines “cookware.”

Section 8 defines “cosmetic” as:

A product that is intended to be rubbed onto or introduced into, poured, sprinkled, sprayed on or otherwise applied to the human body for the purposes of cleaning, cleansing, beautifying, promoting or altering the appearance of a person, including, without limitation, any skin moisturizer, perfume, lipstick, nail polish, eye or facial makeup, shampoo, conditioner, permanent wave, hair dye or deodorant.

Subsection 2 identifies terms the bill does not include.

Section 9 discusses “fabric treatment.” Everybody grew up with Scotchgard. I went to the EPA website to see if Scotchgard caused any long-term effects since I have it in my household. I remember my mom going in and spraying Scotchgard to prevent Kool-Aid stains we would find on our couch. Now we have sprays that, because they are water and oil repellent, have PFAS in them and are harmful to use. Senate Bill 76 continues to include “food packaging;” if you have food packaging that is water resistant, that food packaging has some element of PFAS.

Senate Bill 76 addresses anyone intentionally manufacturing any of these items. They would need to label, restrict and limit the use of the PFAS during manufacturing. The bill mentions the package components.

Sections 13 and 14, respectively, define “package” and “packaging.”

Section 16 defines “product” and exclusions thereof. I have accepted an amendment to subsection 2 that will be addressed during neutral testimony.

Sections 17 through 19, respectively, defines “textile,” “textile furnishing” and “upholstered furniture.”

Section 21 describes rules for the manufacturer: “shall not sell, offer for sale, distribute for sale or distribute for use in this State any product in the following categories: “carpets or rugs; fabric treatments; food packaging; or children's products,” which we will change to “juvenile products.”

Section 22 details the restrictions on cookware in conjunction with chemicals.

Section 25 talks about the effective date.

There are two proposed amendments ([Exhibit C](#) and [Exhibit D](#)). I am still considering an amendment suggested by the chemistry industry that appears to strike out the 2021 statute from which this bill was constructed. Assemblyman Howard Watts passed a bill last Session to remove firefoam.

SENATOR SCHEIBLE:

We use these products in various ways. The way we use cookware is not the same way we use a rug. Can you give me more background on the health effects? If you cook with cookware that might have PFAS, then you ingest them. That is bad. With the carpet can you be affected by touching the carpet, or is it environmental and you breathe it in? How does the contaminant go from the material to the human body?

SENATOR NEAL:

The chemicals can be absorbed through the skin and in drinking water and in blood samples as described in the research paper ([Exhibit E](#)) "Testing Carpet for Toxics".

When nonstick cookware is heated, a certain amount of the chemical seeps into the food and is ingested. According to the Paper from the National Institute of Environmental Health Sciences, ([Exhibit F](#)), the PFAS are considered forever chemicals because it takes so long to leave the body. Hawaii studied its groundwater and discovered fish found in the water had PFAS which people then consumed. The latest EPA peer review study in 2021 can be found on its website.

SENATOR FLORES:

As you were doing your research, did you find out how many manufacturers in Nevada are engaged in this space? Do we know what safety precautions are in place at these businesses?

SENATOR NEAL:

I do not have a list of Nevada manufacturers. The EPA has a list of the chemicals and is opening its testing site and starting to register manufacturers. The categories of the chemicals used will determine what manufacturers are in

Nevada. I can only go by what the EPA has delineated for manufacturers. The EPA researched manufacturers including importers, processors, distributors and users that dispose of, or have containers that dispose of, or have PFAS. The EPA is registering manufacturers.

SENATOR FLORES:

The EPA was the industry regulating itself. We have seen a host of issues supported by caselaw wherein, either intentionally or not, an industry could have an incentive to consider something not dangerous when, in fact, it could be dangerous. Where is the federal level of conversation, and why is it a necessity for states to individually act? Is there a stalemate at that level?

SENATOR NEAL:

I do not think the federal government is stalling the process. The EPA wants to take the time to research and get peer-reviewed data before making decisions. There has been information that certain chemicals are harmful. There is a set of chemicals that phased out; then the EPA had a category that became inactive; and now there is a category of GenX chemicals that contain PFAS. As the first set phases out, a new set is discovered, and the conversation is how to phase out and find alternative chemicals safe for human consumption. The EPA has said it has a road map to restrict the actual use of the chemicals in the environment.

I do not think it is inaction on the part of the EPA, but PFAS are everywhere; it is hard to take them out of the mainstream. It must be established that the research proves the toxicity. It takes a long time to research and see the effects on humans. That is where the slowdown happens. The federal government is investing \$2 billion in infrastructure. Funding for new and emerging contaminants in drinking water is included in this investment to regulate and restrict the use of PFAS.

SENATOR GOICOECHEA:

How are we going to enforce the law?

SENATOR NEAL:

The bill only states that PFAS cannot be produced in Nevada. There is no enforcement mentioned. Section 23 of the bill reads "A person who willfully and knowingly violates the provisions of section 21 or 22 of this act is subject to a civil penalty not to exceed \$1,000."

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SENATOR SCHEIBLE:

Will a statute on the books open the avenue for civil litigation once you cannot sell anything containing these chemicals?

SENATOR NEAL:

Yes, other states have been involved in lawsuits on the intentional use of PFAS in their products. It would have to be based on “willful and knowing” which is a high standard.

CHAIR PAZINA:

Is there anything in this bill regarding notification to people who already have items that contain PFAS in their homes?

SENATOR NEAL:

No, there is not.

PATRICK DONNELLY (Great Basin Director, Center for Biological Diversity):

We support this bill. My colleagues in the environmental health department tell me this is an important next step toward regulating these toxic chemicals.

BARI LEVINSON (Sierra Club, Toiyabe Chapter):

We support S.B. 76 as detailed in my written testimony ([Exhibit G](#)).

AMINA STEVENS (Western Shoshone Defense Project):

The Western Shoshone Defense Project in Elko has been striving to protect land, air, water and sun from the harmful effects of any toxic chemicals to our environment for over 30 years. We are in support of this bill as it seems to be on the right track of protecting the land, air, water and sun from harmful effects of these forever chemicals.

TRAY ABNEY (American Chemistry Council):

The American Chemistry Council has been discussing this bill with Senator Neal for quite some time. Since the bill dropped, the team at American Chemistry Council has been diligently working its way through the legislation to figure out what the bill does. We do not oppose the idea of the bill; we just want to clarify the wording. Senator Neal received our suggestions this morning; consequently, the amendment we offered is technically an unfriendly amendment. We want to work with the Senator on this amendment to see if we can come to some

agreement. We appreciate the idea behind this bill. We have a team of health and safety scientists who can talk with Senator Neal to work on the wording.

BRYAN WACHTER (Senior Vice President, Retail Association of Nevada):

I have some concerns regarding several sections, starting with section 12, the definition of "manufacturer." Many marketplaces where people can purchase products are facilitated through third-party vendors. Those vendors often use warehouse space for storing these purchases. If the first place a product is received from an importer is a warehouse, the warehouse would become a "manufacturer" per this bill.

Section 15 refers to *Nevada Revised Statutes* (NRS) 459.678, which describes perfluoroalkyl and polyfluoroalkyl substances. The definition in NRS identifies "perfluoroalkyl and polyfluoroalkyl substances" as being "a class of fluorinated organic chemicals that contain at least one fully fluorinated carbon atom." Thousands of chemicals fall under this umbrella. Many prescription drugs contain one or more of the chemicals that fall under the category of PFAS, which is why the bill needs to exclude prescription drugs. We understand the definition that Senator Neal used appears in other bills in other places. We recommend narrowing the definition, thus making compliance to the bill easier.

Section 25 has the implementation date. Manufacturers included in this bill do not have enough time to make changes with an implementation date of 2024.

SENATOR FLORES:

Senator Neal mentioned several states have addressed this issue. There is some harm here that needs to be addressed. Have you had the opportunity to speak to manufacturers in other states where this is an issue?

MR. WACHTER:

We have had the opportunity to talk to manufacturers both out of state and in Nevada. We talked especially to the smaller retail manufacturers and found that many provisions Senator Neal has requested have not been started because the implementation date has not been met. Maine has had significant problems, having to exempt manufacturers that cannot comply. Although Senator Neal has removed many of the issues, we are still concerned about the implementation date of 2024. Due to global supply chain issues, manufacturers have items for Christmas 2023 in the pipeline that may be affected by this bill.

JIMMY LAU (Merck, Sharp and Dohme):

Our proposed friendly amendment ([Exhibit H](#)) modifies section 16 to add exemptions from specific federal operating statutes of certain manufactured animal products.

ERIN RADEN (The Toy Association):

The Toy Association has a long history of leadership in toy safety. Having helped develop the first comprehensive toy safety standard more than 40 years ago, we remain committed to collaborating with medical experts, government, consumers and industry on ongoing programs to ensure safe and fun play. We have been working with Senator Neal to clarify that the bill applies to juvenile products and not to toys. We support the amendment offered by the American Chemistry Council.

SENATOR NEAL:

Comparing all the states that have passed bills—Maine, Hawaii, Washington and California—Maine passed the most extensive law. Maine included all new products, banning them under its law, effective 2030. I will work with those who have amendments that do not water down the intent of the bill. I take note of the fact that the bill does not have notice provisions.

SENATOR PAZINA:

I will now close the hearing on [S.B. 76](#). We will hear a presentation from the Nevada Mining Association for Mining Day ([Exhibit I](#) contains copyrighted material. Original is available upon request of the Research Library).

NIKKI BAILEY-LUNDAHL (Nevada Mining Association):

The Nevada Mining Association (NVMA) mission is to unite, educate, advocate and serve as the public voice of Nevada's modern mining industry. We have over 500 member companies representing every part of the mining supply chain: operators, explorationists, suppliers and individuals. We have 10.3 percent of all U.S. nonfuel mineral production. Nevada produces 20 essential minerals critical to our daily lives. In 15 of the 17 counties, we have active mining operations. The mining supply chain has a presence in all 17 counties and we generate about \$14.8 billion in annual economic activity in Nevada. Over 38,000 families across the State rely on the mining supply chain for employment throughout Nevada, with an average salary of \$94,000 annually. The employees and their families receive health care, retirement and

sick leave. That average salary is not just for someone who has a college degree, it is the average salary for everybody within the industry.

The mining industry is responsible for 1 percent of employment in Nevada, 1.9 percent of all sales and use taxes, 3.1 percent of Nevada's General Fund and 4.1 percent of the GDP. Our total estimated major tax paid in 2021 was \$348.4 million, not including the mining education tax. The mining education tax is in its inaugural year. When combined with the Net Proceeds of Minerals Tax, it totals \$169.4 million, making the annual per pupil contribution \$344 and the ten-year per pupil contribution \$3,441, which aggregates to \$1.7 billion over a ten-year period.

JOSEPH RINEY (Vice President of Operations, Nevada Mining Association):

In 2021, Nevada miners worked 28 million hours with one of the lowest Statewide injury rates in the Nation. Safety regulations are the minimum standard when it comes to mine operations with most mine operators' goals set far above and beyond the regulatory standards. Nevada leads in exploration technology that enhances safety and health, using autonomous equipment throughout the State to eliminate exposures to potential hazards.

The collaborative environment provided through the NVMA allows federal and State regulators to have direct conversations with mines and the mines to communicate with one another. They can then move forward with a proactive rather than reactive manner of correcting potential issues.

Our emergency response preparedness is comprehensive. Mine rescue team members train over 100 hours each year in emergency preparation. Miners participate as volunteers above and beyond their daily work activities. Mine rescue teams train in surface and underground mining, firefighting and hazardous material response. They all have medical technologist certifications. The NVMA hosts several mock-training events throughout the year. There are few situations in which miners need to react, so practice and mock preparation is helpful. Most emergency response situations occur off the mine sites, such as assisting public motorists between the I-80 Corridor to Elko with not a lot of people out on the road. When somebody has an incident or car accident, miners are usually first on the scene.

The NVMA works with the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) to respond to wildfires that occur in or near the mine.

KYLE DAVIS (Nevada Mining Association):

Nevada has been a clean energy leader for many years. I have worked with many Legislators to build on new technologies and expand the clean energy capacity in Nevada. Modern technologies are important. The minerals that build technologies, such as solar panels and electric vehicles, are mined here in Nevada. We have the opportunity to do so much more and lead the clean energy revolution in this Country.

People think of mining operations as big; certainly, when you are on a mine site, it feels big. There are over 70 million acres of land in Nevada, and the total permitted mining acres is only about 200,000 acres. The amount of land for mining is only about 3 percent of the State's overall land area.

Water is another important issue. The amount of groundwater consumptively used by mining operations is about 8 percent, according to the Division of Water Resources.

The ore body operators are trying to access may exist below the water table. If it is a surface mining operation, the operator digs below the water table to access the ore body. The operator then needs to move that water out of the way to access the ore body. The term for that is "dewatering." The water is pumped out of the pit and put right back into the ground nearby. The water is moved out of the way of the mine. After mining operations end, water will start to fill the pit. That pumped-out water still exists in the State water system and is available for appropriation under the State water law.

A relatively new component discovered is an evaporation component. When groundwater is pumped from a pit to a pit lake, there is some evaporation. The State Engineer issued an order stating that any new pit lake created needs the water rights for the consumptive portion of water that does not evaporate.

Some pits are backfilled and some are not. In some instances, backfilling can create other problems. Public access can be problematic. The Sparks Marina, which was an old gravel pit, is now a recreation resource for the people in northern Nevada. But there are cases with erosion or water quality concerns.

These are sometimes only temporary but sometimes lengthy. Each one needs to be evaluated on a case-by-case basis. This issue came before the Legislature in 2013. Then-Assemblyman David P. Bobzien brought forward A.B. No. 346 of the 77th Session that required an evaluation of potential public access for existing and future pit lakes over 200 acres. He worked with the industry and environmental groups. The law requires consultation with the land manager and State regulatory agencies.

Reclamation is an important part of mining required by law. The mining industry, along with the State, worked on reclamation laws in Nevada to develop laws that are the model for the Nation and the world in terms of how mine sites are reclaimed for productive post-mining land use. The mining companies are responsible for reclamation. To ensure they fulfill that responsibility, they must post financial instruments in the event of a default so State and federal entities can complete the work. Nevada holds about \$3.4 billion in bonding funds; that figure is updated every year when a new analysis is completed to show how much it would cost to do reclamation. If the reclamation costs are more than the current bond, the mining company is required to increase the bond.

The mining industry works with regulators at the State and federal level to ensure laws are respected as they relate to air pollution management of solid and hazardous waste, protection of wildlife, cultural resources, vegetation management, and spills and land contamination.

MR. RINEY:

I have the honor of talking about some of the NVMA programs throughout the State. The first of those programs is Hope for Heat that raises money for the Boys and Girls Clubs in northern and southern Nevada, as well as Elko and Winnemucca, and for other charities, based on the temperature in Las Vegas. Any day the temperature is over 100 degrees, NVMA donates \$100 and Granite Construction donates \$30.

Another program, Mining Vegas for Talent, creates several opportunities to poverty-stricken areas in the North Las Vegas area. In a partnership with Nevada Partners in Nevada Careers, we have built an on-boarding system where people can come in with absolutely no experience and get fast-tracked right into the industry. Housing is provided to help them get their feet on the ground. About 20 people who have finished the program are now making \$100,000 or more per year. Some of our people are recently out of incarceration and are

receiving leadership training to be supervisors at the mines. It is a program we are proud of and looking to scale up.

We have the NVMA 360 Internship Program, which is a partnership between several mine operators and the BLM. College students who are working on engineering or environmental degrees spend several weeks working for the BLM through the summer. They also work at a mine operation, which allows them to learn the pitfalls plus the pros and cons of working on the industry side.

An annual teacher workshop has been held for over 30 years in the north and the south. Approximately 100 teachers attend one of these free workshops each year for a professional development education credit. They go to a mine site and receive information about rocks and minerals.

SENATOR HANSEN:

I represent a huge section of mining. The importance to the rural economy just cannot be overemphasized. I have a question for Kyle Davis: How important has the Coeur Rochester mine been in the last 30 years for the City of Lovelock and Pershing County?

MR. DAVIS:

I grew up in Lovelock. Coeur Rochester is an important part of the community. It is always the first company that everybody in Lovelock goes to when an event is happening that needs sponsorship. Coeur Rochester is always there to assist with events for schools and others. People I went to high school with are still working at Coeur Rochester and making good wages. Coeur Rochester is embedded in the fabric of the community and still involved after more than 30 years.

SENATOR HANSEN:

Winnemucca, Battle Mountain and Austin—every small town in Nevada that has a mine nearby—would have people repeat what Mr. Davis just said. Mining is vitally important to rural Nevada. In the absence of mining, we would have the worst poverty-stricken towns in the Nation. Two counties in my district that do not have a mine, Esmeralda and Mineral, are in extreme poverty. New mining is in Mineral County, so it has a little trend going up but nothing yet in Esmeralda County.

CHAIR PAZINA:

We will hear a presentation from the Nevada Commission on Mineral Resources and Division of Minerals ([Exhibit J](#) contains copyrighted material. Original is available upon request of the Research Library).

MIKE VISHER (Administrator, Nevada Commission on Mineral Resources, Division of Minerals):

The Commission on Mineral Resources is a seven-member body appointed by the Governor for knowledge and expertise in various facets of the mineral industry. That knowledge includes oil, gas and geothermal, as well as mining and exploration. The Commission directs mineral-related policy for the Division, advises the Governor and Legislature on matters relating to mineral policy, and approves any regulations or changes charged to the Division. The Commission is a non-cabinet Executive Branch agency, as defined in NRS 513. The Division of Minerals is a part of the Commission on Mineral Resources. We administer programs and activities for abandoned mine land, public safety, minerals education, reclamation performance bonds and annual reporting of all mineral production in Nevada. We also function as a cooperating agency in federal land use planning analyses. In addition, the Division is the regulatory agency for geothermal and oil and gas drilling and production, as well as dissolved mineral resources, so think of lithium brine.

The Division has two offices, one in Carson City and one in Las Vegas. We have 11 full-time employees, 8 of whom are unclassified. We do not receive General Fund monies. Most of our funding, 70 percent to 80 percent of all the revenue we receive, comes from mining claim filings at the counties. We also get money from fluid mineral production and permit fees, and grants and assistance agreements from the BLM, the National Park Service (NPS) and the USFS. We do get a one-time surface disturbance fee for public land issued by the BLM or NPS.

We spend the most money on the Abandoned Mine Lands Program for public safety. This large program is assigned with a daunting task to identify all abandoned mines in the State—over 300,000—that may pose a physical safety risk to the public. We then try to determine who owns the property. If it is on private property or on a mining claim, under State law at a bare minimum, that person is responsible for putting up a fence and a sign to warn the public about the hazard. If there is no responsible party, we are tasked with securing those properties. We go a bit further if the sites are near recreation areas; we might

do more closure, a hard closure, or fill them in. If it is on public land, we have a process for that. We make sure our project and hard closing does not impact significant biological habitat or cultural resources while doing that work.

The Abandoned Mines Program is funded by \$4 of the \$10 county mining claim filing fee, and \$20 per acre fee on public land for surface disturbance. The work gets done by our contractors, owners and claimants, as well as the federal government and some good Samaritans who assist us. Most properties are located on federal land. We work quite closely with the USFS and the BLM to get the work done.

The Abandoned Mine Lands Program started in 1987. The Division has completed about half the number of known and anticipated hazards found. We still have a lot of work to do now that most of the low-hanging fruit is gone. It takes more effort, more work, to find the features further away from easy access. Currently, 83 percent of nearly 25,000 hazards have been secured.

How do we take care of these properties? At bare minimum, we put up a fence and a sign. But if we can get the money and coordination with the federal land agencies, we will close these things for good as best we can. The easiest way is to take a pile of rock and push it into the hole. Sometimes, if that is bad for the local wildlife, we need to produce an alternative closure that does not impact the biological habitat. We have grates designed to keep people out but allow bats to fly in and out. If we are not allowed to interact with the surface, we might use unique headframe timbers or expansive foam covered with dirt. That seals a mine and protects the public.

The Forman Shaft is a unique one; we finished it last year after over two years in the making. It was part of a large project in Virginia City, which is a National Historic Landmark. Since it is a historical landmark, the landscaping cannot change; dirt cannot be pushed back into all the holes. That poses a difficult challenge. After years of planning and coordination, the archaeologists with the BLM, the State Historic Preservation Office and our Division produced a design to cover this shaft without interacting with the historical blocks and to protect the bat habitat. A large crane was rented to bring up large steel beams and put them in place. It took years of planning and coordination and four months to complete, with less than 120 square feet of surface disturbance at that site.

We just finished the Arden Project in Clark County. This old gypsum mine, abandoned quite some time ago, had challenging land status. The BLM had the mineral rights, but Clark County had the surface rights. The County wanted to use the area as a regional hiking trail. People hiking, camping, attending rock concerts and filming in an area never considered for use as a public recreation area was interesting. We backfilled the hazardous areas, filling them and covering all the openings. Clark County partners assisted with this project because homeless people were living there, and we needed to find alternative places for them to live. Our activity was right next to a school and a housing development. Everybody wanted to come by and see what we were doing, posing a risk to them and to us as well. The cost of this project was just over \$300,000. This project can be seen anytime you fly into Las Vegas; you fly right over it.

When we fence a property, the life of that fence is about five years because of the nature of the weather and environment in Nevada. Signs are targets for shooters and need to be repaired about every five years. The more fencing we do, the more revisits we do. That is the reason we want to limit fences and signs and get more of the hard closure work done. Work is prioritized based on accessibility by the public. If an area is near recreation trails, including off-road trails, hiking trails, bicycling trails and any parks and recreation areas, we get those areas done in advance, then they become a point of interest that people want to use.

The Division of Minerals has eight summer interns and about three to four in the winter during school breaks. This is a great job for them. They make quite a bit of money, get to see the entire State and get a lot of work done during this time. They are usually sophomores or juniors in college who may not have realized the length, breadth and diversity of Nevada.

A database with a map shows 639 hazards inventoried, 872 hazards secured and 1,392 hazards revisited. Personnel in the field can access this information via the Internet on digital tablets with built-in GPS and cameras. They have access to the history of our programs since 1987.

Permanent closures are a lot more expensive and require coordination with the land manager. These take more planning, but we have 7 that concluded in 2021, and 33 in 2022. Five to six projects are planned for 2023, and five more

in 2024. The Division has a contract with Environmental Protection Services to do the bulk of these closures.

Most of the oil and gas wells in Nevada are located on federal land. We permit fluid mineral resources on public and federal land. If they are on federal land, we wait for the BLM to complete its process and issue a permit before we issue our permit. We work in lockstep to make sure we are addressing the same issues; the operators must follow whichever regulatory framework is the most stringent. We also permit all the geothermal drilling in Nevada. Geothermal resources are 60 percent on private land and 40 percent on federal land. There is a growing interest in geothermal. The last BLM lease sale was quite large, and we expect to see more permitting applications.

The fluid mineral side includes exploration for lithium brine. The wells for lithium brine exploration include a permit process. An operator who wants to pump the water to test it for constituents must permit through us; an operator who wants to drill a temporary borehole must notify us and is required to plug and abandon the hole within 60 days. Most importantly, whether it is a borehole or a well, it must be drilled by a licensed water well driller since the process impacts waters of the State that need protection. We have seen an increase in this exploration. Over 22 boreholes and 14 wells were permitted last year. We expect the trend to continue.

Production of oil in Nevada continues to decline, with not a lot of interest in new exploration, unless the price of oil is greater than \$70 per barrel. There is a lot of leasing of potential oil sites, but having a lease or purchasing property does not automatically grant you the authority to drill. A company or person still must complete the permitting process.

Geothermal production continues to increase. Nevada is second in the United States, behind California, for production. The amount of production continues to increase in Nevada. Modern technology is being applied that may make that even more widespread.

Dry lakes in Nevada generate interest. Year after year, lithium mining claims increase. There was a 42 percent increase in the number of mining claims for lithium last year, and recent news will probably make that increase more. Most claims were staked between 2010 and 2012. Exploration continued at a relatively slow pace until recently when everybody began realizing the

importance of lithium for electrifying the Nation. Recognizing where the lithium assets are, investors are waiting for technologies to make those assets more viable.

STEVE COCHRANE (U.S. Sales Manager, Cyanco):

Cyanco is a sodium cyanide manufacturing company in Winnemucca, Nevada. In 1990, Cyanco started the first sodium cyanide plant to support the gold and silver industry in the State and the region. We have grown since then to be the largest supplier of sodium cyanide to mining businesses throughout the world. We know that industry would not exist if it were not for the use of sodium cyanide. Over the years, the industry has developed ways to safely manufacture, transport and promote the safe use of sodium cyanide at mine sites. That effort is demonstrated by the international cyanide management code. This standard is above and beyond regulatory standards for safe manufacture, use and transportation of sodium cyanide. I grew up in Winnemucca and would echo Senator Hanson's comments about the positive impact to rural Nevada in an environment provided by the mining industry.

RYAN SNOW (CFO, i-80 Gold Corp):

I have been in mining for 17 years and serve on the Nevada Mining Association Board of Directors. My family of five and I live in Reno where i-80 has its corporate headquarters. A startup company, i-80 was founded in April 2021. We acquired the Lone Tree autoclave and pit lake outside of Golconda, making us one of only three companies with autoclave facilities in Nevada. We are examining the feasibility of putting this mill and autoclave facility back in use, which will allow us to process material from our mine sites at Granite Creek, McCoy-Cove and Ruby Hill as the company grows.

i-80 is here to support Nevada families with jobs and investment across the State. We employ 114 Nevadans in our rural communities of Winnemucca, Battle Mountain and Eureka. Our employees are active members of these communities who shop, dine and often volunteer their time to community efforts. The Company injects millions of dollars in wages and benefits into these communities. We also invest in Nevada by using hundreds of Nevada-based contractors.

ALISSA WOOD (Nevada Gold Mines):

We recognize that to be successful, we have an obligation to be responsible stewards of the environment, good neighbors and conscientious community

partners. Our approach is simple. We foster solid long-term relationships with community stakeholders that are built upon trust, transparency, respect and partnership. These relationships constitute our social license to operate and are critical to our business model.

Our company is managed through four primary methods to ensure that contributions made are effective now as well as sustainable for the long term. We make a point to collaborate with and learn from community and tribal leaders, businesses and employees to gain insight into community needs. It is through partnership that Nevada Gold Mines (NGM) fosters relationships between community members, nonprofits, small businesses, schools and local groups to maximize economic and social benefits, and to encourage philanthropy in others. Our business model focuses on sourcing goods, services and employment locally.

In 2022, NGM business expenses, including local tax contributions, totaled \$2.7 billion. That same year, NGM contributed \$17.9 million to community programs and initiatives, the majority of which are aimed at long-term sustainability. Central to our operations is a commitment to being profitable in a socially responsible way. We understand the importance of adding value to the communities of Nevada where we live and where we operate.

KEVIN MARTINDALE (Director of Business Development, Millcreek Engineering):

I live in the rural area of Spring Creek, Nevada. Nevada Gold Mines has given us the opportunity to bring high-speed Internet with fiber optic to our area. The company is working to bring natural gas to the area. A lot of people do not understand that rural Nevada runs everything with propane. I appreciate all the investment NGM has given to our communities. I want to echo the sentiments shared here today. Most of these mines do a feasibility study to determine the economic, environmental and community impact before they ever do any kind of activity. It is not something they just jump right into. I commend them on that work. Millcreek Engineering has helped with several of the feasibility studies on environmental and engineering practices that serve all of us as NGM continues mining.

SAMANTHA FAGA (Corporate Social Responsibility Specialist, Kinross Gold):

Life is hard at times in our rural and urban communities. Kinross went to these underserved communities and provided jobs, opportunities, safety, and security where there had been none. That is what mining does, providing local jobs for

Nevada graduates. Kinross has a saying: "It is every corner, every county, every community we impact, not just our local benefit footprint but every county gets to have some kind of impact from mining." We team up with Jobs 4 Nevada Graduates program and work with students; we provide scholarships; we work with the University of Nevada, Las Vegas and have a lecture series. We sponsor professorships. We make sure we spread that information across our State, and we do that through education.

We can talk about tax dollars and other things, but when a family is struggling to pay their power, when they are struggling to put food on the table, all of that talk means nothing to them. What means something to them is mining coming to their community and saying we can give your child a trade and a scholarship for a career earning \$95,000 a year. That tells our communities they can exhale because that is Kinross, and that is also mining in general. We take care of people.

FREDERICK PARTEY (Environmental Manager, Robinson Gold):

I want to talk about how mining practices used at Robinson are updated to clean up all the legacy issues left behind from the mid-fifties. Mining in the 1950s was not as regulated as it is now. What Robinson Mining has done to clean up all these legacy sites is wonderful. If you go to the Robinson Mine today, it is amazing how it has changed in the last ten years. I invite the Senate Committee on Natural Resources to visit the mine and see how modern practices in mining are used to clean up the legacy issues and still provide a lot of employment to the people in White Pine County.

RANDY MILLER (Vice President, Broadbent and Associates):

We are an environmental consulting firm. We employ about 120 people, most of whom are in Nevada. Our firm started in Boulder City, Nevada. I want to reiterate how important mining is to all the families we employ in the mining industry. We provide due diligence, compliance and remediation services to the mines and many other industries in Nevada. Most of our folks are in Reno and in Las Vegas. There is a misconception that the mines just affect rural Nevada; that is not the case. Our work and our employees are across this entire State and are important to us.

CHAIR PAZINA:

We are open to public comment.

MARY KERNER (CEO, Rural Nevada Development Corporation):

I am the wife of a miner in White Pine County. I also have a son who is a miner in Elko County. I am proud of Nevada mining, not only for the many jobs and careers they offer throughout Nevada, but also for the corporate and social responsibility programs they run from promoting employee volunteerism to the many ways they give to their employees' communities.

For example, the mine here in White Pine County spends thousands of dollars in local businesses and awards programs. These dollars are then recycled back into the community promoting a shop local program. Another example is Nevada Gold Mines in Elko County that seeded the I-80 Fund with a \$5 million contribution to Rural Nevada Development Corporation to manage the fund. It is an amazing economic development tool in the four counties in the north part of Nevada. Over \$6.3 million in small business loans have been given with 125 jobs created.

Money from mining has helped fund education, large-scale broadband projects, daycare facilities, environmental and health programs, and much more. I value the partnerships our mines have with our system of higher education, not just with scholarships but summer internships for high school students and science programs in middle and elementary schools. Mining is not just a career, but a way of life. Economic development spurred by mining the minerals in our State is hugely important to Nevada's overall economic health. I am proud to be connected to the Nevada mining community.

JOHN HATTER (Director, Great Basin Resource Watch):

We are a public interest organization in Nevada that collaborates with communities to protect their land, air, water and cultural values from the negative effects of mining. I encourage everyone on the Committee who is part of the Legislative Branch regulating the mining industry to look for other sources of information besides that from the mining industry and its employees. I urge you to find out what is really happening on the ground, who is affected and how our laws can be improved.

Let me give you an example. You heard a presentation about mining pit lakes and were told that pit lakes are groundwater and part of the groundwater system. What they did not tell you is that most mining pit lakes are of a lower water quality than surrounding groundwater. This means that as water infiltrates into the pit lake, it becomes degraded, and a violation of State law.

The pit lakes need attention. I encourage you to look for those directly affected by the mining industry, as well as to get comments from organizations like ours. We are happy to come anytime and talk to the Legislature about what we understand about mining and its effects on the environment and communities.

JONI EASTLEY (Nevada Mining Association):

I am a 39-year resident of Nye County, currently living in Tonopah. I am a former three-term Nye County Commissioner and a former 14-year member of the Nevada Mining Association. An accepted thought that mining contributes little to sustained economic growth is untrue. Without mining, the products we use every day simply would not exist. Mining plays a crucial role in everything from transportation to communication, medical technology, defense and renewable energy. The industry is an important stakeholder in our Country's economic progress and our ability to be self-sufficient. It is one of the most important factors that influence the survival of all other industries. Having been a resident of two mining towns, I have seen and experienced firsthand the industry support of their employees and nearby communities. It is my pleasure to offer them my support in return.

CARMEN GONZALES (Rural Community Assistance Corporation):

I am an environmental specialist bringing attention to the impacts of the mining industry experienced by the Indigenous communities in Nevada. Presently, tribes across Nevada are standing in strong opposition to the lithium mine in Humboldt County. I want to remind you of the detrimental impacts to water, air quality and ecosystems from proposed mining activity that is to be located on land that is sacred to Native-American people. The ability of Native-American people to practice traditional ways of life, pray and gather medicine and food, will be impacted by the mine.

The tribes have been deeply impacted by copper mines near tribal lands. Water pollution, including uranium and arsenic, has extended to the tribal reservation and caused a tribe to require bottled water in place of domestic water due to contamination. Cleanup activities required at the mine site meant it was originally intended to be listed on the National Priorities List as a Superfund site cleanup. Activities are now overseen by the State. The tribe still does not have a clean source of domestic water due to contamination at the site.

It is not only mining activities that Nevada tribes are concerned about, but the processing of mine materials also poses a threat to human life and environments

across the State, including on tribal lands. As decisions are being made, I urge you to consider the current and long-term impacts of mining on the Native-American peoples of Nevada and on the health of watersheds and ecology that we all depend on.

SARAH WOCHOLE (Mining Justice Organizer, Progressive Leadership Alliance of Nevada):

Everyone has the right to live in a clean and healthy environment regardless of race, gender, income or location in Nevada. Addressing our dependence on an extractive economy is central to our environmental justice campaign. It is important as we discuss our State's extractive economies that we also talk about the communities negatively impacted by mining and the lack of meaningful input from them in the process.

Just recently, Reno-Sparks Indian Colony, Burns Paiute Tribe and the Summit Lake Paiute Tribe filed an additional federal lawsuit alleging that the BLM withheld information. It alleges the BLM lied about the extent of tribal consultation to secure legally required concurrence about historic properties and misled the tribes about other aspects of the proposed lithium mining at Thacker Pass, a location of spiritual and cultural significance known as Peehee Mu'huh. Today, you look at one side of the story related to the mining industry, but it is essential that all frontline communities be consulted and included in these conversations.

KASSANDRA LISENBEE (Great Basin Resource Watch):

The information you should be receiving is more diversified. It has been heavily skewed in one direction. The Nevada Mining Association has its views, but diversity of information is the best way to move forward together.

The Division of Minerals talked about abandoned mine closures. How many mines are abandoned across Nevada due to poor permitting and environmental regulations? Full closure was usually determined by backfilling rock material into the pit or filling it with foam, as fences in our harsh Nevada climate only last about five years. We are asking for mines to be fully backfilled and for fences to be taken down so the reclamation of land and water can be available for all Nevadans.

I am from a mining community. I have family in Elko and I urge the Committee to think about mining communities past and how much money they can make

while the miners are healthy. Unfortunately, my family has seen a lot of sickness because of working on tailings facilities at mines for many years. Tailings facilities have large air pollution and cyanide leachings. I ask the Committee to consider that aspect as we talk about education and mining.

MARY GIBSON (Director, Noowuh Knowledge Center):

I am Noowuh or Western Shoshone. The Noowuh Knowledge Center is a cultural preservation organization. I am here today to talk about the Western Shoshone and our connection to our earth mother. Numerous rural towns and mining operations in Nevada occupy land within the boundaries of Western Shoshone unceded ancestral territory. Unfortunately for the Western Shoshone, the federal government gradually assumed control of Western Shoshone land through precedent and racist laws, benefitting from the theft of land. The Western Shoshone have lived upon the land since time immemorial. Our ancestors were here long before the United States. Our spiritual and religious beliefs center on the natural world. The Western Shoshone consider all forms of life as our relatives.

Mining causes so much destruction to the land, water and environment. My elders have told me that the land, Mother Earth, is female. With this teaching, I see the mining industry as a colonial power that assaults our earth mother with heavy machinery, like bulldozers that dig into the soul of a living being, dynamiting blasts to our mother's body and then removing her soul and spirit. She is raped, wounded, sick and dying in a world of patriarchy adorned with power, money, greed and sex. This is what colonization of Indigenous lands and peoples looks and feels like. Our precious life source, our medicine, is relative and impacted by mining. We live in one of the most arid states in the Nation. We are experiencing decades of drought; yet mining companies can waste, poison, alter and divert our water system.

FERMINA STEVENS (Director, Western Shoshone Defense Project):

Over the past 30 years, we have been striving to protect land and water for future generations. We have been to the U. S. Supreme Court and to the United Nations regarding the elimination of racial discrimination. Those who determined the taking of western territory did so without due process and in violation of our human rights. In short, the 1863 Treaty of Ruby Valley is still in full force and effect since the coming of white man nearly 200 years ago. My people have watched destruction of food and water sources. This destruction

has increased over the past 50 years or so with new technology and bigger machinery.

We all know that clean mining is not clean when it destroys the environment. It looks like Nevada is a hot spot for mining these days and that it will increase. While we can appreciate the economic value of mining, there should be more emphasis, thoughts and caring put into the protection of plant and animal life. Money means nothing without healthy land, air, water and spirit. Nevada does not have clear or updated data on the amount of groundwater. In our drought-stricken State, it is irresponsible to continue this increased mining that, in the long run, only benefits corporate America and foreign corporations, and the water is gone.

Who will be left with the land? The Western Shoshone people, because we have nowhere else to go. This is our home. Many claim to love Nevada, but destroying the environment is not love. In conclusion, you are mining within Western Shoshone territory. Our treaty is still in full force and effect, and we are here to protect land and water for future generations of all people.

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CHAIR PAZINA:

Leslie Fry Sonné emailed her testimony ([Exhibit K](#)).

That concludes our meeting. The Committee is adjourned at 5:47 p.m.

RESPECTFULLY SUBMITTED:

Donna Crawford Kennedy,
Committee Secretary

APPROVED BY:

Senator Julie Pazina, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Introduced on Minute Report Page No.	Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B.76	C	5	Bobby Patrick, Director State Medical Technology Alliance	Proposed Amendment
S.B.76	D	5	The Toy Association	Proposed Amendment
S.B.76	E	5	Senator Neal	Testing Carpet for Toxics
S.B.76	F	5	Senator Neal	Perfluoroalkyl and Polyfluoroalkyl Substances.
S.B.76	G	7	Bari Levinson Sierra Club	Letter of Support
S.B.76	H	9	Merck, Sharp & Dohme, L.L.C.	Proposed Amendment
	I	9	Nevada Mining Association	Presentation
	J	14	Commission on Mineral Resources, Nevada Division of Minerals	Presentation
	K	26	Leslie Fry Sonn�	Testimony