

# NEVADA

## Mining Association

### *The Champion of the 21<sup>st</sup> Century Mining Industry*

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USDA-Forest Service  
Attn: Director, MGM Staff  
1617 Cole Blvd, Building 17  
Lakewood, CO 80401

Subject: Comments concerning Forest Service Advance Notice of Proposed Rulemaking

Also submitted to: [www.regulations.gov](http://www.regulations.gov)

Dear Director:

The Nevada Mining Association (NvMA) respectfully submits the following comments related to the Forest Service Advance Notice of Proposed Rulemaking as to the need for revisions to locatable minerals regulations under 30 CFR Part 228A. The Nevada Mining Association strongly supports regulatory reforms in this area and greater consistency with the Department of the Interior's Bureau of Land Management (BLM).

First organized in 1913, NvMA consists of more than 450 companies that comprise Nevada's mining industry and rely, in whole or in part, on this state's foundational industry. These member companies are engaged across the broad spectrum of the industry in Nevada, from exploration and discovery, to development and construction, to operation and production, to closure and reclamation. NvMA provides a voice for Nevada's mining industry in federal, state, and local policy matters, community engagement, public education, and workforce development.

It should be noted that the majority of locatable mineral activities in Nevada occur on lands administered by the BLM. Nevertheless, federal land management policies and regulations should be streamlined overall and made consistent across agencies.

The existing federal processes for mining permitting is plagued with inefficiencies and is acknowledged as a significant barrier to mining. Recent Executive Orders (13777, 13783, 13807 and 13817) direct federal agencies to undertake regulatory reforms, streamline environmental reviews and recognize the economic and strategic importance minerals have in the US. Past attempts have been made for reform, but the reality is that it now takes as long as a decade to permit a new mining operation. These kinds of delay put Nevada and the US at a disadvantage for securing investments and can erode projected net present value.

The NvMA encourages the Forest Service to embrace the spirit and direction of the EOs and pursue relevant and effective reform. To that end, the NvMA suggest the agency initiate rulemaking in the following areas:

1. The Forest Service should review previous Government Accountability Office reports on delays in the permitting process. Concerns such as agency resources, internal coordination and the need for better communication and decision making with federal, state and tribal permitting authorities have been highlighted in the past.
2. We encourage the Forest Service to undertake a comprehensive review of all aspects of the internal permitting process. Experiences with the BLM have identified numerous internal agency reviews that add no value to the process or the end product and only serve to cause delay. While regulatory reform is necessary, the Forest Service must also review and modify its internal policies, guidance, and procedures for efficiencies.
3. The Forest Service should, to the extent possible, establish clear regulatory standards (both for time and analysis criteria) for permitting. This would provide agency staff the guidance they need for the permitting process while providing industry some degree to certainty as to permitting timeframes.
4. The NvMA strongly supports streamlining the review of proposed exploration operations impacting 5 acres or less. This is perhaps the greatest opportunity to harmonize the BLM and Forest Service processes. Adoption of a process similar to BLM's notice level categories would provide consistency among the federal land management agencies.
5. Similarly, the NvMA strongly supports the adoption of Forest Service regulations that mirror BLM's requirement that categorize operations for permitting purposes. For Nevada operations, the BLM's classification of casual use, notice level and plan level operations are clearly defined and understood. In contrast, the Forest Service classification system is less well defined and allows subjective decision-making by Forest Service staff.
6. Notice level activities open for mineral entry under the Mining Law should be allowed to proceed without regard to land status, environmental conditions or the types of proposed mineral activities.
7. NvMA operators and federal and state permitting entities have recognized that the first step in an efficient permitting process is the submittal of a quality permit or plan application. Pre-application meetings are essential. To this end, the NvMA encourages the Forest Service to take steps in regulation and policy to encourage better dialog between the project proponent and the agency. In Nevada, the BLM has a long established a liaison position within the Nevada Division of Environmental Protection. This coordination between the two agencies and explorers and miners has time and time again proved invaluable in ensuring an efficient and timely permitting process. Similar liaison positions should be considered by the Forest Service.
8. The NvMA encourages the adoption of recommendations related to modifications to approved Plans of Operations to mirror those of BLM.

9. Similarly, the NvMA supports the harmonization of noncompliance and enforcement provisions with those of BLM and, to the extent possible, with the states.
10. The NvMA encourages the Forest Service to revisit its financial guarantee requirements and ensure consistency with the BLM and the states. This must include a clear identification of the types of guarantees allowed, and the methodologies used to determine guarantee amounts. The regulations should also specify the time frames for periodic review of the assurances and conditions for reevaluation (i.e. major plan modification, change in operations, changes in ownership).

Thank you for your consideration of these comments.

A handwritten signature in blue ink, appearing to read 'Dana Bennett', with a horizontal line extending to the right.

Dana Bennett, PhD  
President, Nevada Mining Association