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Monday, October 24, 2022

1:00 P.M.

Held at the Nevada Division of Minerals Conference Room, 400 W. King St. #106, Carson City, NV and via Zoom

**MINUTES**

Commissioners	Staff	Public
Josh Nordquist via Zoom	Mike Visher	
Mary Korpi via Zoom	Rob Ghiglieri	
Art Henderson via Zoom	Jessie Dumas	
Bob Felder via Zoom	Sean Derby	
Nigel Bain via Zoom		
Randy Griffin via Zoom	Anthony Walsh, DAG	
Stephanie Hallinan via Zoom		

**CALL TO ORDER**

1:00 PM

**ROLL CALL**

All commissioners present

**PLEDGE OF ALLEGIANCE**

**COMMENTS BY THE GENERAL PUBLIC**

There were no comments. No public in the room or online.

**AGENDA**

A. **Approval of the Agenda**

**Motion to approve by:** Mary Korpi

**Seconded by:** Randy Griffin

**Unanimously approved**

II. **MINUTES**

A. **Approval of the August 10, 2022, quarterly meeting minutes**

**Motion to approve the August 10, 2022, minutes made by:** Mary Korpi

**Seconded by:** Stephanie Hallinan

**Unanimously approved**

III. **NEW BUSINESS**

**A. Proposal to Develop New Contract for Biological Surveys**

Rob Ghiglieri reviewed a proposal to develop a new contract for biological surveys at abandoned mine features proposed for closure (see attached proposal).

**Art Henderson:** I think this is the responsibility of NDOW and if they want us to do the surveys for them, they should pay us to do them.

**Rob Ghiglieri:** NDOW isn't tasked with AML; we just had a good deal where they were able to do it due to having the biologists that want to study bats. They are not required to perform the work since it's not under any of their statutes.

**Art Henderson:** I still stand by my position.

**Josh Nordquist:** To put into context, are you saying that before, we would pay NDOW \$200- \$300 per hazard per year? At \$24,500 a year with 50 hazards that is about \$400 a hazard?

**Rob Ghiglieri:** We expect a potential increase of about 80 hazards a year getting close to that \$300 figure.

**Art Henderson:** Clarify what Josh asked, were we paying those \$300 a year?

**Rob Ghiglieri:** No, they were funded through BLM agreements or through deals with Forest Service. Which personnel in those positions have retired as well. Built in current agreements, Forest Service, Park Service, and BLM, they would be able to charge wildlife surveys we needed to their existing agreements.

**Josh Nordquist:** Just for clarity, we're billing a charge back if we hired a contractor?

**Rob Ghiglieri:** Yes. If we were to hire Christopher Newport University was if they were awarded a contract, for example, if they did \$24,000 a year worth of surveys, \$14,000 dollars on BLM and \$10,000 on Forest Service. We would then be able to go back to the existing agreements and perform a reimbursement to those agencies to get that money back.

**Art Henderson:** That's 100% guaranteed that they will pay us back?

**Rob Ghiglieri:** As long as, it doesn't exceed the agreement already in place. Which with the BLM is at \$200,000 a year. Right now, it's \$140,000 for Forest Service for closures, potential surveys and cultural surveys. We've already charged BLM for cultural surveys on BLM lands.

**Josh Nordquist:** These amounts not already allocated or obligated for other reimbursements.

**Rob Ghiglieri:** It's for the BLM if they're meeting the goals outlined in the agreement which includes everything. Forest Service has it built out specifically for wildlife surveys.

**Josh Nordquist:** They will cover these amounts?

**Rob Ghiglieri:** Yes. With the potential upcoming Section 40704 funding, it will also be eligible for wildlife surveys, cultural surveys and any NEPA work. The problem is that is we don't know how much funding there will be and when it is coming.

**Art Henderson:** If there is a problem with the surveys, who has liability?

**Rob Ghiglieri:** The appropriate federal land manager or private property owner.

**Art Henderson:** If we contract this out and a couple years later there's a problem with these surveys or what we have done, is the liability with those who reimburse us or with us?

**Rob Ghiglieri:** To clarify, you're saying we go in for our surveys and a few years later, someone says that wasn't valid and we closed a major feature off that had a habitat. Yes, that would be up to the land manager who signed off on the surveys. Surveys would be performed by our contractor provided to the district office who provides signature that they agree with surveys.

**Stephanie Hallinan:** This is all in regard to NEPA action?

**Rob Ghiglieri:** Yes.

**Stephanie Hallinan:** The agreements that you mentioned that NDOM is a part of what is the timeline of reimbursement, within the same fiscal year or years later?

**Rob Ghiglieri:** There is no timeline built into it. It's before the contract or agreement expires. Both are 5-year agreements, which are fairly new. 4 years left on BLM, and 4 -5 years on the Forest Service. As long as we are requesting reimbursing before end of contract, we should be able to get the money back.

**Josh Nordquist:** To restate, currently NDOW is contracting out to do the surveys, are they using same contractor and potential vendors listed?

**Rob Ghiglieri:** Yes, they are using Christopher Newport University, Rich Sherwin. The book for mitigating abandoned mines for bats was written by Dr. Sherwin. Western EcoSystems Technology is a company that I wasn't aware of, and they do have significant amount of bat research. Wildlife Resource Consultants is a small group out of California that has done a lot of surveys in Nevada for mining clients.

**Randy Griffin:** Just for my curiosity, have we ever had abandoned not close because of these surveys?

**Rob Ghiglieri:** Yes, we have recently, it was due to a bear habitat. There were signs that bears were using it as a den for a number of years. We did not close it and will continued with a barricade. Still secured by our standards but not permanently closed. If there is wildlife habitat, we will build a wildlife enclosure. Wildlife habitat dictates the type of enclosure.

**Nigel Bain:** Question for Stephanie Hallinan: you've done permitting and had discussions about the different liability with BLM or Forest Service, do you agree with Rob of who's liable if we close an area and someone later states that the closure went forward with invalid data. Do you agree with the liability?

**Stephanie Hallinan:** Yes, the land manager is, as an operator on public lands. Agency do gives authorization to proceed, through NEPA they include and agree to studies and allow NDOM to proceed with the closure, land manager ultimately will have to come up with explanations.

**Nigel Bain:** Thank you, appreciate your explanation.

**Rob Ghiglieri:** Recently on a project, the BLM contracted Bat Conservation International to perform wildlife surveys, BCI provided BLM the data, there were questions in specific areas. They had to work with BCI as well as our contractor to agree before signing. If they don't agree that's when they say we have to change it or re-survey it.

**Josh Nordquist:** One more question, instead of NDOW contract these groups, we would potentially contract them directly, NDOW is involved to approve the scope?

**Rob Ghiglieri:** NDOW will still continue with their BLM agreement; the main focus for this is to have the flexibility to work on non-BLM lands. The key person who has been doing it for the last 15 years is retiring from NDOW.

**Josh Nordquist:** At the heart of this is to be able to perform survey work on other than BLM lands?

**Rob Ghiglieri:** Yes, other than BLM, Forest Service and Park Service.

**Stephanie Hallinan:** Who would be an example of private?

**Rob Ghiglieri:** Private it could be a county or a private landowner who agrees or disagree with surveys and suggestions.

**Nigel Bain:** Litigation, the discussion points on how much jeopardy we can create on closing a site where there's a bunch of land holders and the future use obscured. I think we want to careful, what we do don't want us in fear of litigation.

**Josh Nordquist:** Valid point, we expect to be fully reimbursed for the federal lands.

**Rob Ghiglieri:** I did not want to exclude the private land surveys to build flexibility. Private land could be brought to the front provided there is some Section 40704 funding. All work under that will be paid for by that money when it comes our way.

**Josh Nordquist:** Contract will be constructed for the job not annual. As needed.

**Rob Ghiglieri:** Yes, the contract will be on an as needed basis.

**Approval requires a motion**

**Motion to approve by:** Randy Griffin

**Seconded by:** Nigel Bain

**Josh Nordquist:** Any discussion?

**Art Henderson:** To receive my vote, I'd like to add an amendment that this will be a net \$0 to NDOM with funds spent to 3<sup>rd</sup> parties are reimbursed. I would like us to be fully reimbursed for our work.

**Rob Ghiglieri:** Able to amend.

**Josh Nordquist:** Motion to amend previous motions to add statement of funds spent under contract will be reimbursed by existing or future agreements.

**Motion to approve amendment by:** Art Henderson

**Seconded by:** Nigel Bain

**Unanimously approved**

**IV. Digital Market Campaign**

Sean Derby shared progress of Digital Market Campaign (see attachment).

**Josh Nordquist:** Are you still on budget?

**Sean Derby:** Yes, we did everything within the confines of field work. Talked about the idea of edit being ready for television locally after election season. Dustin, our Field Specialist, has a contact at local Fox and NBC. Found out it is affordable to run on television when formatted correctly.

**Art Henderson:** Don't these television stations run public service for less or free?

**Sean Derby:** Yes, at a discount.

**Rob Ghiglieri:** After election under \$100-\$200 on prime time showing. During election cycle it is up to \$2,000 for 30 seconds. Wouldn't run for a long time but looking for a PSA option for free.

**Sean Derby:** The longer cut will live on landing page on NDOM website under the AML program. Additionally adding to YouTube page. Shorter films will appear on social media site and ad buys to channel to those people to our webpage. Draft videos were played.

**Randy Griffin:** Very good, it's great.

**Stephanie Hallinan:** I liked it. As someone working in the mining industry, that video should resonate with a lot of people.

**Sean Derby:** Art, do you think we are stepping over a line with the peeing on the fence thing?

**Art Henderson:** I think so, personally. all types of people children or children of that age cross that line.

**Randy Griffin:** I have to go along with Art, maybe we can cut that part out.

**Art Henderson:** There's going to be all types of people watching that. Children of that age, it crossed the line a little bit.

**Mike Visser:** Remember the demographic that we are looking at are exactly these kinds of guys going out there egging each other on to go inside abandoned mines. We're not targeting school kids.

**Art Henderson:** Schools kids might see it.

**Art Henderson:** I think there's a lot of people who do not want to have kids see that one-minute spot on TV. When are you going to air these?

**Rob Ghiglieri:** The long version is designed only for YouTube and online like the websites Sean was talking about. That would not be on the 30 sec ads buy, that one would be different to exclude that one.

**Sean Derby:** The rest of these are 15 second ads that will appear on social media and apps developing a profile.

**Rob Ghiglieri:** If you search, “Where to explore abandoned mines” on YouTube, the ads are automatically applied to what your search history was.

Videos were played.

**Josh Nordquist:** What Mike stated, the target of these ads are people are putting themselves in danger. The highest audience numbers are not on the news they are on YouTube.

Videos played.

**Josh Nordquist:** Question for Rob or Mike, these types of ads, do they have to go through another level with the State?

**Mike Visher:** No

Videos played.

**Sean Derby:** Tagline is, these signs mean don't be stupid.

**Bob Felder:** The lead in on the one with no hitchhiking and the one with radiation, I didn't get.

**Sean Derby:** Idea is that these will be viewed as a visual hook. Showing more interest once visiting the page or watching on YouTube, then they get the full explanation. Found it Difficult to get smaller ads to really tell the story, so we give a shot of the bad decision the character made. It's followed up by a click and look for more information.

**Bob Felder:** The one with the radioactivity sign, what did he take a bite out of?

**Sean Derby:** An apple, the production company pitched us these ideas. All of our shoot site had to be close together, so we ended up with apple stand near a radiated site. All within about a square mile from the Johnnie Mine in Pahrump.

**Art Henderson:** What's the age group you're targeting?

**Sean Derby:** 16 – 24-year-old Caucasian and Hispanic males.

**Art Henderson:** I guess that's why I don't get it.

**Rob Ghiglieri:** I showed this to people at the National Association of Abandoned Mines, they had 32 States and Tribes as well as the Washington DC BLM and USFS leads, the stated they wanted to share this, they're who they want to target. Those 16–30-year-olds, they may not know what an abandoned mine is, they only see what's on YouTube other going in exploring and how cool it is.

**Sean Derby:** The language and framing didn't make send to us immediately either, but the feedback we've received has been good, production company presented in a way that easy for us to take next step. A lot of confidence that this will really capture the attention from that demographic.

**Stephanie Hallinan:** After the 30 second and the longer one said NDOM, the 15 second bites, do they also say NDOM.

**Sean Derby:** There is editing going on right now, I don't think there is not enough time to feature that, instead, you'll be able to click on the ad to go direct to our page.

**Mike Visher:** They're already being directed to us.

**Sean Derby:** Viewing will direct them to the next step.

**Nigel Bain:** I was one of the least supportive of these at the start, but I think you've done a good job. It will work positive for us. People worried about the urination part, on prime time, you're going to get someone who is offended, I'd leave it out. A lot of good stuff there as well. Hear the advice, you'll have this in prime time after the election, you'll still get a reaction from other administrators. Asking what NDOM is up to getting on primetime with videos. Get more than the targeted audience. I would advocate you to hear Art's advice.

**Sean Derby:** Their edit for TV spot has not begun final edit. We have other scenes, there's a lot of good contact we plan on using.

**Josh Nordquist:** Was for review today, was there any action that we are proposing today?

**Mike Visser:** It was possible just in case there was something you wanted to direct staff to do, left to maintain flexibility for the Commission.

**Josh Nordquist:** Commissioners, can you give us some good feedback? See any action necessary at this time?

**Art Henderson:** You could show speeding and other things, I know everybody in that age group will laugh really hard. There will also be people not in that age group that will be vocal. Other won't like it in a different age group. Conservative people will make comments.

**Stephanie Hallinan:** It's funny, but I think Art is correct.

**Josh Nordquist:** Good feedback.

**Mike Visser:** Thank you Commissioners, when you approved this ad campaign, one of the requirements was for you to see before it went live. We don't have the opportunity to do any re-shoots, but we have a lot of videos that can be incorporated. We will continue to tinker to get message on point for the public safety message.

**Josh Nordquist:** good feedback, any other show and tell points? More content coming?

**Mike Visser:** You'll see the finals at the next meeting, you'll see the Johnnie Mine on the tour. Site not too far from Vegas and is being explored by the public regardless of property owner's intents. Public agency hard closure fund will be used. They'll be one of the first to officially take advantage of that. It was a challenging site to use, one needed to be close to Vegas for logistics, two, it couldn't be so close that someone could figure out where it was filmed. They did a good job protecting the location. Everything was done in two days.

**Art Henderson:** Any videos of the behind-the-scenes Want to see the small army.

**Mike Visser:** We do have a photo of the entire crew.

**Sean Derby:** (Described photo) Key players, lights sound, stunts, and effects guy. Nye county let us film the gas scene, NDOT was supportive and got us a temporary occupancy permit to shoot scenes.

**Rob Ghiglieri:** This was an actual real crew.

**Josh Nordquist:** Look forward to you sharing more at the next meeting.

#### **COMMENTS BY THE GENERAL PUBLIC**

There were no public comments.

#### **Next CMR Meeting:**

Next meeting November 30 at 1pm in Las Vegas at the Grant Sawyer Building on the first floor. Then tour Jonnie Mine next morning, December 1<sup>st</sup>. Anticipated return to Las Vegas around 2:30pm. Zoom capability for those who can't attend in person.

#### **ADJOURNMENT**

2:10 P.M.

# New NDOM AML Biological Contract Proposal

Rob Ghiglieri

Commission on Mineral Resources Meeting

October 24, 2022

## Background

- All AML closures require biological surveys (mainly bats) before closures can be completed.
- NDOW has historically performed the majority of NDOM closure surveys.
- In some cases, the wildlife surveys have been performed by the BLM District Office staff, but with current staffing shortages, it has been very rare.
- In recent years with the increased amount of closure work, NDOW has contracted out wildlife surveys to a 3<sup>rd</sup> party. The contractor is given a list of 100-200 sites for a calendar year and will coordinate trips to cover as much as possible in a single trip to save costs.

## Need for New Contract

- NDOW funding agreement with BLM is for BLM Lands only
- The need for surveys on non-BLM lands has increased
  - USFS
  - Private
  - State
  - NPS
- NDOW biologists are performing less and less AML surveys
- Key NDOW bat biologists are no longer in their Diversity Group
- Upcoming IJA Section 40704 funding

## Anticipated Number of Surveys and Costs

NDOW has estimated that over the past few years, their contractor was able to survey and provide closures recommendations for \$200-\$300 per hazard. This cost does not factor in the Division's time for project planning or NDOW's time for contract coordination.

The current workload for non-BLM surveys is around 50 hazards a year. This number could increase with time to near 80 hazards a year.

## Contract proposal

- 4-year contract
- \$24,500 a year
- \$98,000 total life of contract

## Potential Vendors

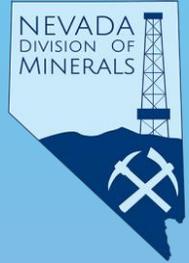
Christopher Newport University (Richard Sherwin)

Wildlife Resources Consultants LLC

Western EcoSystems Technology

Bat Conservation International

# AML DIGITAL MARKETING CAMPAIGN



## *Campaign Progression and Expenditures*

**July**

**1. Film Concept**

*Production Contractor, Territory 6 Proposed initial film and commercial concept to NDOM and received feedback*

**August**

**2. Script, Casting, Location**

*Territory 6 and NDOM evaluated shoot location at Johnnie Mine, choose cast, and developed script*

**September**

**3. Shooting**

*Territory 6 and NDOM Shot "Jimmy King – King of Bad Decisions"*

**October**

**4. Editing**

*Territory 6 and NDOM completed film and voice editing for final cut*

**November**

**5. Ad Buy and Launch**

*Motus Media preforms film and photo formatting and completes ad buy for content launch, NDOM select data metrics for digital dashboard*