

STATE OF NEVADA  
COMMISSION ON MINERAL RESOURCES  
**DIVISION OF MINERALS**  
400 W. King Street, Suite 106  
Carson City, Nevada 89703  
(775) 684-7040 • Fax (775) 684-7052  
<http://minerals.nv.gov/>



**JOE LOMBARDO**  
Governor

**Las Vegas Office:** 375 E. Warm Springs Rd. #205, Las Vegas, NV 89119  
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**ROBERT GHIGLIERI**  
Administrator

**NOTICE OF WORKSHOP TO SOLICIT  
COMMENTS ON PROPOSED PERMANENT  
REGULATIONS**

The Nevada Division of Minerals is holding a public workshop to solicit comments from interested persons regarding the regulations pertaining to chapter 534B of the Nevada Administrative Code. A workshop has been set for:

Date: Tuesday, December 12, 2023  
Time: 1:00 PM  
Location: Nevada Division of Minerals  
400 W. King St. Suite 106  
Carson City, NV 89703  
Virtually:

Join Zoom Meeting

<https://us02web.zoom.us/j/9712825638?pwd=YkZPbHJldUQ0cUo3bldzb2k3aS9UUT09&omn=84351535681>

Meeting ID: 971 282 5638  
Passcode: NDOM

Meeting materials are available on the Nevada Division of Minerals website at:  
<https://minerals.nv.gov/>

The purpose of the workshop is to solicit written/oral comments from interested persons on the following general topics that may be addressed in the proposed regulations:

1. NAC 534B.100 "Responsibilities of a well driller of exploration borehole or exploration well."
2. NAC 534B.125 "Requirements for plugging; exception if application for permit for exploration well is filed; filing and posting of plugging reports."

This workshop will be conducted in accordance with Nevada Open Meeting Law, NRS Chapter 241.

Persons wishing to make oral comments on the proposed regulation of the Division of Minerals are encouraged to participate in the scheduled workshop, either in person or via Zoom. Persons wishing to submit written testimony or documentary evidence may submit the material by

emailing [rtims@minerals.nv.gov](mailto:rtims@minerals.nv.gov) or by mailing to the following address:

Nevada Division of Minerals  
Attn: Rebecca Tims  
400 W. King St. Suite 106  
Carson City, NV 89703

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Division of Minerals, 400 W. King Street, Suite 106, Carson City, NV 89703 or contact Rebecca Tims at (775) 684-7043 or by email at [rtims@minerals.nv.gov](mailto:rtims@minerals.nv.gov).

A copy of the notice and proposed regulation are available at the Nevada Division of Minerals website at <https://minerals.nv.gov/> and the Nevada Public Notice website at <http://notice.nv.gov>. This notice and the text of the proposed regulation are also available at the State of Nevada Register of Administrative Regulations at <https://www.leg.state.nv.us/App/Notice/A/>, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.nv.us/>.

The agency's small business impact statement is attached.

Notice of this meeting was posted on or before 9:00 am, fifteen days before the meeting. As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, the public notice for this hearing was posted at the following locations:

- Division of Minerals, 400 W. King St. Suite 106, Carson City, Nevada
- Nevada State Legislature, 401 S. Carson St., Carson City, Nevada
- Grant Sawyer Building, 555 E. Washington Ave, Las Vegas, Nevada
- Nevada State Library and Archives, 100 N. Stewart St, Carson City, Nevada

Posted on: November 20, 2023

**AGENCY DRAFT**

**PROPOSED ADMINISTRATIVE REGULATIONS OF THE  
NEVADA DIVISION OF MINERALS**

**CHAPTER 534B**

**DISSOLVED MINERAL RESOURCE EXPLORATION**

EXPLANATION - Language proposed for removal in red and bracketed - **{remove}**, additions in blue italics - *addition*

AUTHORITY: NRS 534B

**NAC 534B.100 Responsibilities of well driller of exploration borehole or exploration well. (NRS 534B.120)** A well driller:

1. Must be:
  - (a) Licensed to drill wells pursuant to [NRS 534.140](#); and
  - (b) Present at the site of the drilling of a dissolved mineral resource exploration borehole or dissolved mineral resource exploration well **{at all times when the drill rig is in operation and}** when any activity involving the construction, reconditioning or plugging of the borehole or well is conducted. If the Division determines that drilling operations occurred during any period in which a well driller was not present at the site:
    - (1) The Division may order the drilling operation to cease and conduct an investigation; and
    - (2) The drilling operation may not recommence until the Division approves the recommencement of the drilling operation.
2. Shall ensure that the drilling of the dissolved mineral resource exploration borehole or dissolved mineral resource exploration well complies with:
  - (a) The terms and conditions of the notice of intent approved by the Division or permit issued by the Division, as applicable; and
  - (b) The requirements of all federal, state and local agencies which have jurisdiction over the land on which the dissolved mineral resource exploration borehole or dissolved mineral resource exploration well is drilled.
3. Shall carry his or her well-drilling license when he or she is present at the site of the drilling and produce the license when requested to do so by a representative of the Division.
4. Shall have in his or her possession at the site of the drilling the documentation of the approval by the Division of the notice of intent to drill or a permit issued by the Division, as applicable, and shall produce such documentation upon request by a representative of the Division.  
(Added to NAC by Comm'n on Mineral Resources by R109-17, eff. 5-16-2018)

**NAC 534B.125 Requirements for plugging; exception if application for permit for exploration well is filed; filing and posting of plugging reports. ([NRS 534B.120](#))**

1. A dissolved mineral resource exploration borehole must be plugged by a well driller not later than 60 days after the borehole is drilled unless an application for a permit for a dissolved mineral resource exploration well is filed not later than 60 days after the completion of the drilling of the borehole.

2. If an application for a permit for a dissolved mineral resource exploration well is denied by the Division, the dissolved mineral resource exploration borehole must be plugged not later than 30 days after the date that the Division denies the application for the permit.

**{3. Any pipe or tubing used for ground control or sampling must be removed by the well driller before plugging a dissolved mineral resource exploration borehole.}**

**3 {4}.** A dissolved mineral resource exploration borehole must be plugged:

(a) Except as otherwise provided in subsection 5, if the uppermost saturated groundwater layer is above the bottom of the borehole:

(1) By placing concrete grout, cement grout, neat cement or bentonite grout by tremie pipe in an upward direction from the bottom of the borehole to within 20 feet of the surface and by placing concrete grout, cement grout, neat cement or bentonite grout from 20 feet below the surface to the surface;

(2) By placing bentonite chips specifically designed to plug boreholes from the bottom of the dissolved mineral resource exploration borehole to within 20 feet of the surface and by placing concrete grout, cement grout or neat cement from 20 feet below the surface to the surface; or

(3) By placing any of the plugging material described in this subsection from the total depth of the dissolved mineral resource exploration borehole to 50 feet above the uppermost saturated groundwater stratum and by placing concrete grout, cement grout or neat cement from 20 feet below the surface to the surface.

(b) If the uppermost saturated groundwater stratum is below the bottom of the dissolved mineral resource exploration borehole by:

(1) Backfilling the dissolved mineral resource exploration borehole from the bottom of the borehole to within 20 feet of the surface with uncontaminated soil; and

(2) Placing concrete grout, cement grout or neat cement from 20 feet below the surface to the surface.

**4 {5}.** If the concrete grout, cement grout, neat cement, bentonite grout or bentonite chips are not brought to within 20 feet of the surface pursuant to paragraph (a) of subsection 4, the well driller must:

(a) Measure the depth of the top of the lower plug with the appropriate equipment after he or she has allowed sufficient time for the lower plug to set up;

(b) Continue to install concrete grout, cement grout, neat cement, bentonite grout or bentonite chips until the top of the lower plug remains at least 50 feet above the top of the uppermost saturated groundwater stratum;

(c) Install uncontaminated fill material or concrete grout, cement grout, neat cement, bentonite grout or bentonite chips from the top of the lower plug to within 20 feet of the surface; and

(d) Place concrete grout, cement grout or neat cement from 20 feet below the surface to the surface.

**5 {6}.** If bentonite chips or uncontaminated soil are placed in the dissolved mineral resource exploration borehole, the chips or soil must be screened to eliminate the fines. The bentonite chips must be placed in the dissolved mineral resource exploration borehole by tremie pipe.

**6 {7}.** If there is evidence that water-draining formations or water-bearing formations of different water quality or hydraulic head were encountered during the original construction of the dissolved mineral resource exploration borehole and bentonite chips or bentonite grout is used as the plugging material, the well driller must, in addition to any other applicable requirements of this

section, place neat cement across the water-confining formations so that the plugging fluid penetrates the geologic formation to prevent the vertical movement of water. Any pipe or tubing that does not break free and occludes the placement of neat cement across a water-confining formation must be perforated so that the plugging fluid penetrates the annular space and the geologic formation in that interval to isolate formations and to protect the fluids in those formations from interzonal migration.

7 {8}. The owner and lessor of the land on which a dissolved mineral resource exploration borehole is located, the operator and the well driller are jointly and severally responsible for plugging a dissolved mineral resource exploration borehole.

8 {9}. A plugging report must be filed with the Division not later than 30 days after the plugging of the borehole is completed by the well driller or operator, on a form designated by the Division, and signed by the well driller. The report must include, without limitation, documentation that the dissolved mineral resource exploration borehole was properly plugged.

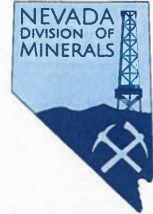
9 {10}. The Division shall post all plugging reports for dissolved mineral resource exploration boreholes on the Internet website of the Division.

(Added to NAC by Comm'n on Mineral Resources by R109-17, eff. 5-16-2018)



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## NEVADA DIVISION OF MINERALS SMALL BUSINESS IMPACT STATEMENT

November 20, 2023

RE: Proposed Permanent Changes to Nevada Administrative Code 534B

I, Robert Ghiglieri, Administrator, Nevada Division of Minerals, do hereby certify that, to the best of my knowledge or belief:

Pursuant to NRS 233B.0608, the proposed administrative regulation changes are not likely to (a) impose a direct or significant economic burden upon a small business, or (b) directly restrict the formation, operation, or expansion of a small business.

The first proposed regulation change will clarify the requirement of a licensed water well driller during the entire process of dissolved mineral exploration and only require their presence when the drill rig is in operation. The second proposed regulation change will place an industry standard operating procedure into NAC resulting in no change to a business. There will be no cost to the agency to enforce the proposed regulations nor are the proposed changes more stringent than existing state, federal, or local standards.

Comments have not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by these regulations and thus a burden or economic impact cannot be assessed.

Respectfully,

A handwritten signature in blue ink, appearing to read "R. Ghiglieri".

Robert Ghiglieri  
Administrator  
Nevada Division of Minerals