NEVADA DIVISION OF MINERALS Commission on Mineral Resources

NEVADA'S DISSOLVED MINERAL RESOURCE EXPLORATION REGULATIONS

&

LITHIUM BRINE EXPLORATION ACTIVITY

NWRA Mine Water Management Symposium



Sparks, NV
January 30, 2023
Mike Visher, Administrator



Lithium in the 1872 Mining Law

- NEVADA DIVISION OF MINERALS
- Lithium is a locatable mineral on Federal land under the General Mining Law of 1872
- Placer claims are generally used to locate potential lithium brine deposits
- Lode claims are generally used to locate potential lithium clay or hardrock resources
- Initial exploration performed under a BLM Notice (not a permit) which is a quick process
 - Only 15 days advance notice
 - Bond required before commencement of surface disturbance activities
 - Non-discretionary, not a permit

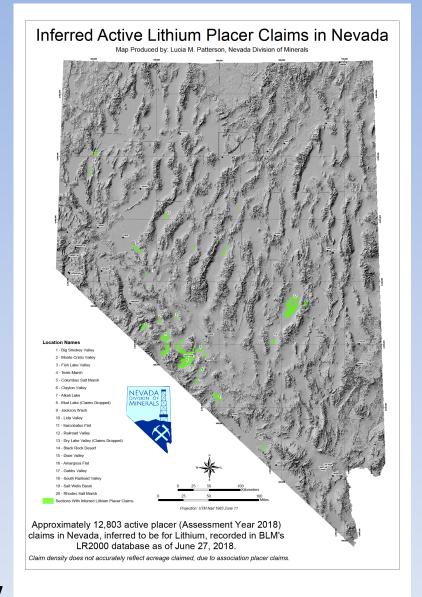
The Challenge to Lithium Brine Exploration in Nevada

NEVADA DIVISION OF MINERALS

- Water belongs to the State of Nevada.
- The State Engineer regulates quantity and beneficial use.
- To pump and test for lithium in brine you need a water right, which is not a quick process and is subject to appeal.
- Some lithium brine projects located on top of active oil and geothermal leases.
 - Each party is entitled to explore but are regulated under two different "rulebooks".
 - BLM can't require lithium brine explorer to use blowout prevention equipment – potential safety issue in geothermal areas.
- Typical locatable mineral explorers not accustomed to drilling and designing wells for testing of water or use of precautionary measures for hot water.
- New law was needed to create a streamlined path for safe exploration of lithium brine with limited pumping.

DISSOLVED MINERAL RESOURCE EXPLORATION (DMRE) - STATUTES AND REGULATIONS

- Sponsored by Governor Sandoval, Assembly Bill 52 was passed by the Nevada legislature in 2017.
- Created Chapter 354B in Nevada Revised Statutes, effective January 1, 2018.
- Established authority for the Division of Minerals to regulate exploration of dissolved mineral resources – NDOM regulates oil, gas, and geothermal exploration and development.
- NDEP, NDWR and NDOM jointly developed regulations.
- Regulations became effective May 16, 2018.
- First DMRE well approved January 10, 2018.
- First DMRE borehole approved February 1, 2018.



What is in the Statute?

- Defines a "dissolve mineral exploration borehole" and allows for sampling of water in exploration boreholes.
- Defines "dissolved mineral resource exploration well" and enables an application process by NDOM
- DMRE approved well permits expire after 2 years, can be extended for 2 more years.
- Defines a "dissolved mineral resource exploration project" as a notice or plan-level approved project on Federal lands (claims), or a defined project area on nonfederal lands.
- Requires a Nevada licensed water well driller to drill DMRE boreholes and wells.

What is in the Statute?



- NDOM Administrator or State Engineer may call a public hearing if they deem it necessary to gather facts.
- Allows for up to 5 acre-feet (6,165 cubic meters) of water to be pumped for testing per project (not annually).
 - This volume is considered adequate to determine presence of a resource but not necessarily to quantify and fully model it.
- > 5 acre-feet requires a water right from NDWR.
- Must comply with NRS 445A for discharges during pump tests
- Does not change the appropriation procedures in NRS/NAC 533, 534
- Allows for application fee for wells and fines for violations

What is in the Regulations?



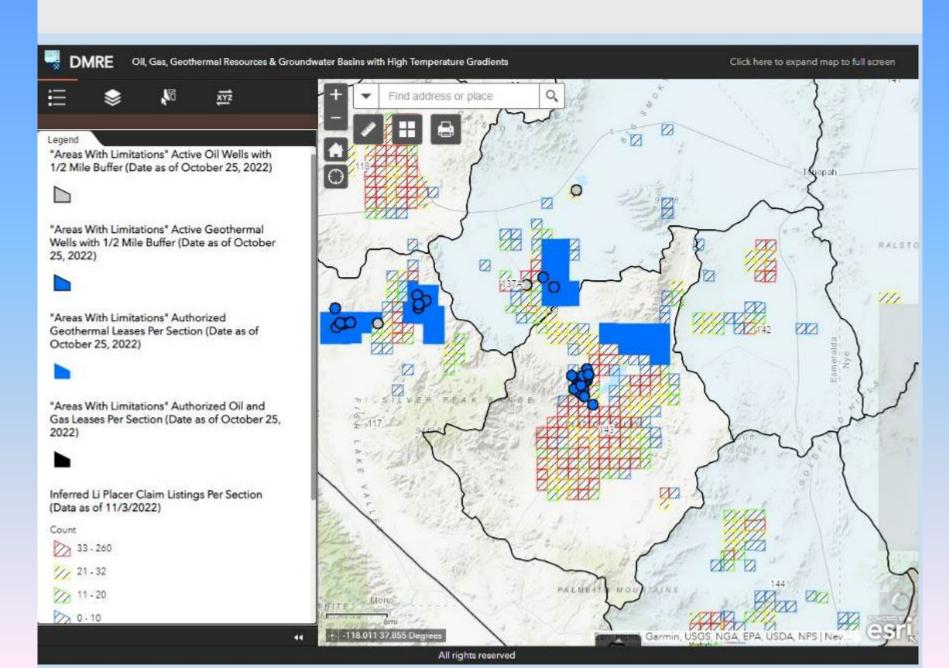
- Exploration Boreholes: notice of intent form required, no fee, allows for sampling (e.g. HydraSleeve) but not pumping
- DMRE wells: permitting process, application fee (\$1,000/well)
- Well design approval required: casing, seals, etc.
- Regulations are very similar to those for NDWR
- Well permits <u>not</u> retroactive to existing MM waivers <u>or</u> existing permitted rights issued by NDWR

What is in the Regulations?

- Drilling within "Areas with Limitations" subject to additional conditions
- 100' setback from existing oil, geothermal or water wells.
- No limit on number or boreholes or wells, but total pumping for sampling is limited to <5 AF per project
- Plugging logs signed by licensed water well driller to be submitted for all boreholes and wells
- Reclamation bonding required
 - Held by BLM if on federal land
 - Held by NDOM if on private land
- Penalty of up \$1,000 for each violation and for each day violation continues

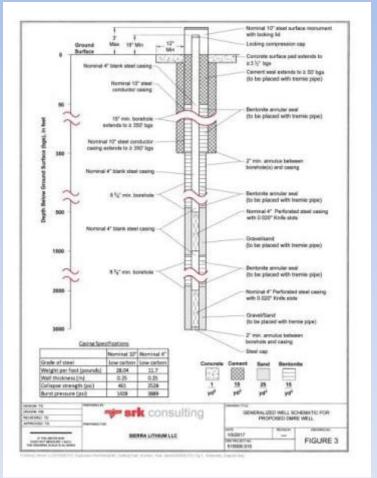
Areas With Limitations

- Regulatory mechanism for additional review to ensure proposed DMRE activity is safe and doesn't impact permitted oil, gas, and geothermal (OGG) wells and resources.
- Uses map published on NDOM website depicting:
 - NDOM-permitted OGG wells
 - Federally-authorized oil, gas, and geothermal leases
 - Groundwater basins having increased thermal gradient (125F at 1,500ft or 52C at 460m, using gradient of 67.42C/km)
- Depth limitations for drilling without Blowout Prevention Equipment
- Monitoring of drilling mud temperatures with requirement for cooling equipment when mud is >125F/52C



Applications, approved permits and notices, plugging reports, and quarterly flow reports posted on NDOM website

X	400 W. King Street, Suite 106 Carson City, Novada 89703	
	(175) 684-7040 Fax (175) 684-7052 http://minerals.nv.gov	NDOM Permit Number W 600 3
DISSOLVED MINERAL	RESOURCE EXPLORATION WELL	PERMIT APPLICATION
Applicant/Operator Name: 3Pl, Op Street Address: 1802 N. Carson Stre	erating his	
City: Canson City	State/Prov : NV	
Country USA	Zip Code: 89701	
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If applicant is a corporation, show s	date and date of incorporation; if a partne	rship, list names of partners.)
October 4, 2017		
Well Name LD #1-32		
This application 🖸 New Exploration		
s for a: Permit Extensio Permit Extensi		elow any changes to original permit)
Applicant is: Tand Owner	S Lease/Claim Holder	
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Cooperating Agencies

- Pre-existing Memorandum of Understanding (MOU) between NDOM and BLM for permitting and field activities for oil, gas, and geothermal was modified to include DMRE.
 - BLM Field Offices provide submitted Notices for lithium brine exploration to NDOM
 - NDOM and BLM coordinate on review of proposed activities
 - Coordinate on field inspections for compliance
- DMRE Notices and Well Permit applications shared with NDWR for notification and review.
- Ongoing discussions with NDEP-BMMR, NDEP-BWPC, and NDWR to ensure regulatory oversight of future activities as operators move from exploration to mine development.
- New NDWR-NDOM "permitting matrix" for proposed activities

NDWR-NDOM Activity Matrix

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Activity	Agency Lead	Paperwork Required	Timeframe	Required Action	Approval Required
Application for Approval of Notice of Intent	NDOM	DMRE Borehole or Exploration Permit	Must be abandoned 60 days after	Submit Notice	Yes, if application is complete, NDOM
to Drill Exploration Borehole		Application	completion	5	accepts it, no fee
Well Driller drills DMRE Borehole	NDOM	DMRE Borehole or Well Driller's Plugging Report	30 Days after Plugging	Submit Report to NDOM	No
Application for Permit to Drill a DMRF Exploration Well	NDOM	OMRE Borehole or Exploration Permit Application	Well is allowed to remain open for 2 years after completion with possibility of one 2 year extension. Well must transferred to NDWR or P&A after maximum of 4 years	Complete application including all needed data, bond and fee payment	
Extension for Exploration Well	NDOM	Written notice to the Administrator	60 days before permit expires	NDOM with good cause	Application for Permit to Drill an Exploration Well
Well Driller Completes DMRE Exploration Well	NDOM	DMRE Well Driller's Report	30 Days after Completion	Submit Report to NDOM	No
Well Driller Plugs DMRF Exploration Well	NDOM	DMRE Borehole or Well Briller's Plugging Report	30 Days after Plugging	Submit Report to NDOM	N¢.
Operator has active or idle DMRF Exploration Well	NDOM	Quarterly Flow Report for DMRF Well	Once every quarter	Submit Report to NDOM regardless if there is zero production	No
Pump testing for brine not more than 5 acre/ft	NDOM	Quarterly Flow Report for DMRE Well	Once every quarter	Submit Report to NDOM regardless if there is zero production	No
Project to utilize more than 5 acre-feet of water for the exploration project or project starts consumptively using water	NDWR	Water Right Application	Minimum of 3 Months, DWR cannot review application until publication notice and protest period are complete as required by statute	Submit application and water right map to Division for review	Yes, required prior to drilling well in designated basin or using any water for the proposed use on the application.
Use of water for mineral exploration. This is only for drill water for the drilling of the exploration wells	NDWR	Mining and Milling (MM) Waiver	None provided by regulation or statute	Submit Mining and Milling (MM) Waiver request for NDWR review	Yes, prior to submitting NOI to drill a new well or prior to using water from an existing well
Drill or plug production well	NDWR	Notice of Intent to Drill	3 working days prior to drilling	Licensed Well driller submits a Notice of Intent to the Division for review	Yes required prior to drilling or plugging well
Licensed Well Driller completes well	NDWR	Well Log Form	Within 30 days after completion of well	Well driller submits Well Driller's Report (Well Log) to the Division within 30 days of completing the well	No
Consumptively using water under the terms of water right Permit.	NDWR		Up to 10 years	Comply with terms of permit including any filing of proofs or submission of data.	Yes, for certain filings.

DMRE Information - https://minerals.nv.gov/Programs/DMRE/DMRE/

Home + About Us + Commission + Programs + Data News FAQs + Contact Us

Programs

Abandoned Mine Lands (AML)

Bond Pool (Reclamation)

Dissolved Mineral Resource Exploration (DMRE)

- DMRE Forms
- · Approved Notices
- · Approved Permits
- · Filed Permit Applications
- Filed Reports

Education and Outreach

Geothermal

Mining

Oil & Gas

Dissolved Mineral Resource Exploration (DMRE)

Dissolved Mineral Resource Exploration Program Sub-Pages

If you are on a cellphone and cannot see the left-side submenu page links, please select the <u>Programs Page link</u> to see all submenu pages.

Dissolved Mineral Resource Exploration Program

Assembly Bill 52 of the 2017 session was signed into law in June, 2017. The purpose of this legislation is to define a permitting path for dissolved mineral exploration, including lithium brines, and to develop regulations to ensure exploration drilling for dissolved minerals is protective of groundwater, as well as oil and geothermal resources. The legislation authorizes regulation by the Division beginning on January 1, 2018. The Division of Minerals is now accepting applications for Dissolved Mineral Resource Exploration (DMRE) wells and notices of intent for DMRE exploration boreholes. All forms for the program are located below, can be picked up at the Division office, or mailed to the public upon request.

- NRS 534B
- NAC 534B (codified).
- Oil, Gas, and Geothermal Resources and Groundwater Basins with High Temperature Gradients - Areas with Limitations Map 11/04/2022A
- NDEP BMRR Permitting Requirements for Lithium Exploration and Extraction Activities (2019 edit)
- . NDWR-NDOM Matrix for DMRE Activities,

Areas with Limitations Interactive Map

This map is to be utilized in order to determine if a proposed dissolved mineral resource exploration well is located within a boundary designated by the Division as an "area with limitations" pursuant to NAC 534B.

Areas with Limitations Interactive Map Viewer

Dissolved Mineral Resource Exploration Contact

Dustin Holcomb, dholcomb@minerals.nv.gov or Mike Visher, mvisher@minerals.nv.gov DHolcomb 775-684-7046 or MVisher - 775-684-7044

Statute & Regulations

NRS 534B

NAC 534B (codified)

Mining Links

State and Federal Permits Required Before Mining or Milling Can Begins

DMRE Frequently Asked Questions (FAQ)



Forms – NOI and Plugging



STATE OF NEVADA COMMISSION ON MINERAL RESOURCES. **DIVISION OF MINERALS**

400 W. King Street, Suite 108. Carson City, Nevada 89703 (775) 684-7040 | Fex (775) 684-7062 http://minerals.nv.gov

Date Received:
Approved By:
Date Approved:
NDOM NOIR:

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Forms – Well Permit



STATE OF NEVADA COMMISSION ON MINERAL RESOURCES

DIVISION OF MINERALS

100 W. King Street, Suite 108 Carson City, Nevada 89703 (775) 684-7040 — Fax (775) 684-7052 http://minorals.nv.gov

Date Received	_
County	
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Country:		State/Prov.:			
		Zip Code:			
hereby makes application	for a dissolved mineral r	resource exploration w	ell permit.		
(if applicant is a corporate	on, show state and date	of incorporation: if a p	arthership, list n	names of partners.)	ŝ
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Forms – Quarterly Flow Report



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

QUARTERLY FLOW REPORT FOR DISSOLVED MINERAL RESOURCE EXPLORATION WELL

Operator Name	::				
Address:					
City, State/Prov	, Country, Zip:				
Well Name:	59. (45%) MTVOV				
NDOM Permit N	Number:				
Project Name/E	BLM NVN#:				
Reporting Quar	ter/Year (ex. Q3/2018):_				
Monthly flow vo	olume information must	be provided to the Div	ision of Miner	rals on a qua	arterly basis until the
permitted well	has been plugged in acco	rdance with Nevada A	dministrative	Code (NAC)	534B. File not later
than last day of	the month for the prece	ding quarter (ex. Octol	ber 31 for qua	rter ending	September 30).
Flow Meter Spe					
	llation:			-	
Check if Re		United F	S C-11	D	
	ial No.:		Gallons	O Acr	e-reet
Model:	0.0004300 10.0443				
vianutacturer:_		Diameter	31 <u>0</u> 30		
0.0000000000000000000000000000000000000	Initial Reading for	Final Reading for	200	vos seconoseneos	
Month	Month	Month	Monthly N	et for Well	Cumulative for Well
				· ·	
To the case that	t Initial Deading and Final	Donalium for Month de		s Manshlir N	
In the case that	t Initial Reading and Final with supp	readings for Month do orting data or calculation			et provide explanatio
		or ting data or careara			
Reporting Oper	ator Representative:				
					>
UARTERLY FLOW	REPORT FOR DISSOLVED MII	NERAL RESOURCE EXPLORA	ATION WELL		v1/10/20

- Remember that that under DMRE regulations the maximum quantity of brine allowed to be pumped is 5 acre-feet and that is cumulative for the *project* and *not* per well.
- It is the operator's responsibility to ensure project remains in compliance.
- A DMRE well permit expires 2 years from the date issued, not completion date.
- A 2-year extension can be granted once for good cause shown, however the request and justification must be received not later than 60 days prior to the expiration date.

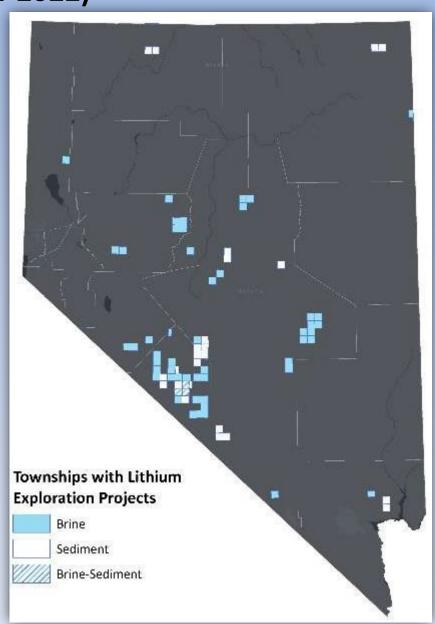
FAQ's

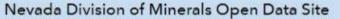
- Q: Do I need a DMRE borehole NOI approval to sample Li clays and I do not intend to sample Li brines?
 - A: No.
- Q: If I have an existing water right, do I need to permit a DMRE well through NDOM?
 - A: If it is a production well, no.
 - A: If it was an exploration well permitted before 1/1/2018, no.
 - A: If it is a new exploration well that was not permitted by NDWR before 1/1/2018, yes.
- Q: Can I instrument a DMRE borehole?
 - A: Yes, but:
 - it must be plugged within 60 days, with instrumentation in place if desired, or
 - if is intended to be left open it must be converted to a DMRE well and the design must meet requirements for DMRE wells.
- Q: How do I permit an exploration well to be tested for injection?
 - A: Same process as for exploration production well. Submit quarterly flow report quantifying monthly amount injected.
- Q: Can I keep a DMRE well open for more than 4 years?
 - A: No. The well must be permanently plugged or the well would have to be transferred to NDWR under an <u>existing</u> water right using a change application.

LITHIUM EXPLORATION

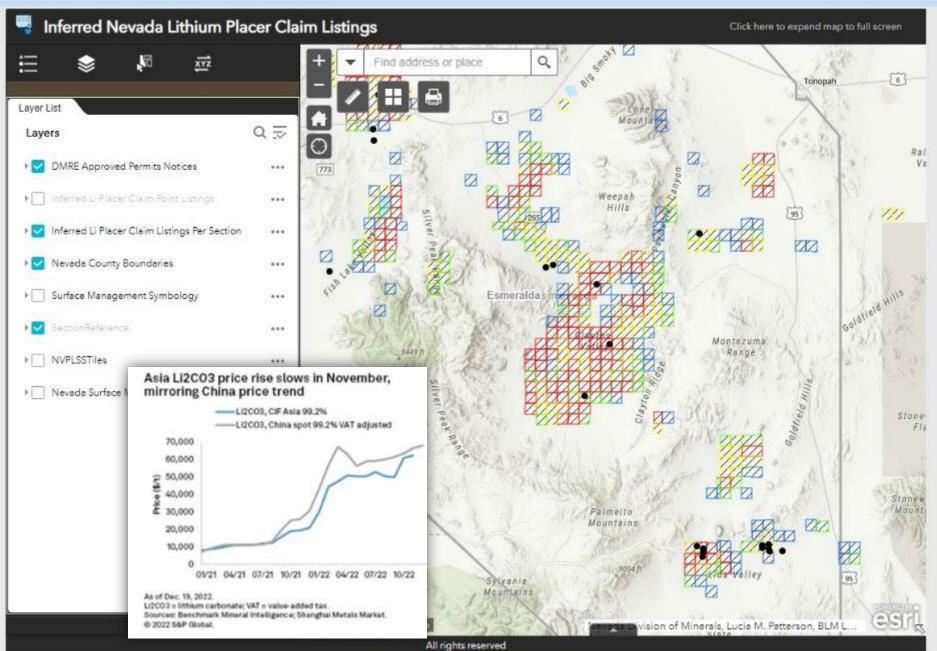
(As of November 2022)

- > > 44 companies in various stages of exploration; ~35,000 mining claims (~13% of total mining claims in NV)
- ➤ 28 current authorized or pending lithium notices, 10 in 2022 alone
 - Compared to 254 for Au and Ag
- **▶ 2 Exploration and 8 Mining Plans for lithium**
 - Compared to 134 mining plans for Au and Ag
- > 18,281 placer claims for lithium, +47% YOY
- ➤ ~30 different companies involved in Clayton Valley alone, through numerous joint ventures and/or agreements
- > ~26 lithium in sediment projects (open pit)
- > ~35 lithium brine projects (DLE?)
- ➤ Advancements in Direct Lithium Extraction (DLE) are critical to the future of lithium brine production in Nevada
- ➤ A total of 47 DMRE Notices and 17 Well permits approved by NDOM
- > 25 Notices and 9 Well Permits in 2022 alone







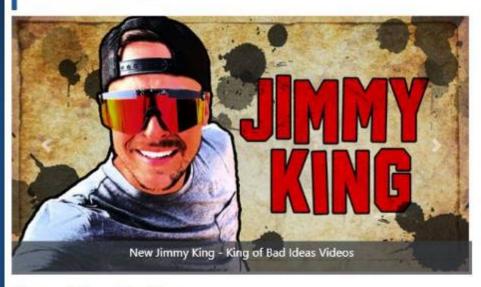


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Home - About Us - Commission - Programs - Data News FAQs - Contact Us

Home

Welcome to the Division of Minerals & the Commission on Mineral Resources



Current Information

2022 Nevada Excellence in Mine Reclamation Award presented to KG Mining (Bald Mountain), Inc.

Release of New Jimmy King -King of Bad Ideas Video

Distance Learning -Educational Videos

Recent Presentations page

Information Related to Proposed Land Use Plans and Withdrawals

Current Open Positions

- · Fluid Minerals Program Manager, Division of Minerals
 - o Posted: January 9, 2023
 - o Location: Carson City, Nevada
 - Unclassified Position
 - Announcement Details for Fluid Minerals Program Manager NDOMA

Public Meeting(s)

- · Commission on Mineral Resources, Division of Minerals
 - CMR Quarterly Meeting
 - o Date/Time: February 1, 2023 at 1:00pm
 - Location: Great Basin Science Sample and Records Library 2175 Raggio Pkwy (NV Bureau of Mines and Geology) Reno

