2016 SMARA Reform and Rulemaking Overview

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Executive Officer
State Mining and Geology Board
Regulatory Implementation

SMGB

Stakeholders

Department of Conservation

2016 SMARA Reform
Pre-Rulemaking

• Informal comment period to solicit input from stakeholders and public on proposed regulatory changes.

• Input received used to revise proposed regulations prior to commencement of general rulemaking.
Initial Rulemaking

In accordance with the Administrative Procedure Act (APA) the following documents shall be submitted to the Office of Administrative Law (OAL):

• Text of Proposed Regulations
• Notice of Proposed Action (NOPA)
  – Describes statutory authority and impact on business
• Initial Statement of Reasons (ISOR)
  – Describes condition being addressed and alternatives considered
In accordance with the Administrative Procedure Act (APA) the following documents shall be submitted to the Office of Administrative Law (OAL) (Cont.):

• Economic and Fiscal Impact Analysis (Form 399)
  – Estimate of economic impact to industry and local and state government

• Form 400 – Cover/Signature tracking sheet
Initial Rulemaking (Cont.)

- Initial rulemaking documents submitted to OAL subject to 45 day public comment period
- Public comment hearing required following close of comment period if requested by a member of the public
Final Rulemaking

• Final Text of Regulations
• Final Statement of Reasons (FSOR)
• Public Comment Summary and Response
• Updated Informative Digest
• **Date Certain Rulemaking.**
  – Statute requires rulemaking by date certain.

• **No statutory deadline but process critical to ongoing SMARA administration or new authorities.**

• **On-going Rulemaking (without statutory deadline).**
  – “Clean-up” of existing regulations.
Rulemaking Packages

1. Fee Schedule
   – In progress

2. Financial Assurance Cost Estimate Form and Guidelines
   – In progress

3. Inspections
   – Pre-Rulemaking to begin November 10th, 2016

4. Revised Financial Assurance Cost Estimate and Reclamation Plan Appeals process
   – Pre-Rulemaking to begin January 12th, 2017

5. Revised Financial Assurance Mechanism Forms
   – Deadline July 1st, 2018
   – Pre-Rulemaking to begin February 09th, 2017
Rulemaking Packages (Cont.)

6. Revised Enforcement/Order to Comply Process
   - No Statutory Deadline
   - Pre-Rulemaking to begin April 13\textsuperscript{th}, 2017

7. Revised Financial Assurance Mechanism Forfeiture Process
   - Pre-Rulemaking to begin May 11\textsuperscript{th}, 2017

8. Corporate Financial Test for Financial Assurances
   - Pre-Rulemaking to begin August 10\textsuperscript{th}, 2017

9. Regulatory Clean Up
   - No Statutory Deadline
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<tr>
<th>BOARD MEETING</th>
<th>1 Fee Schedule</th>
<th>2 FACE Form</th>
<th>3 Inspections</th>
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## Rulemaking Package Timelines (Cont.)

(Board Meetings)

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