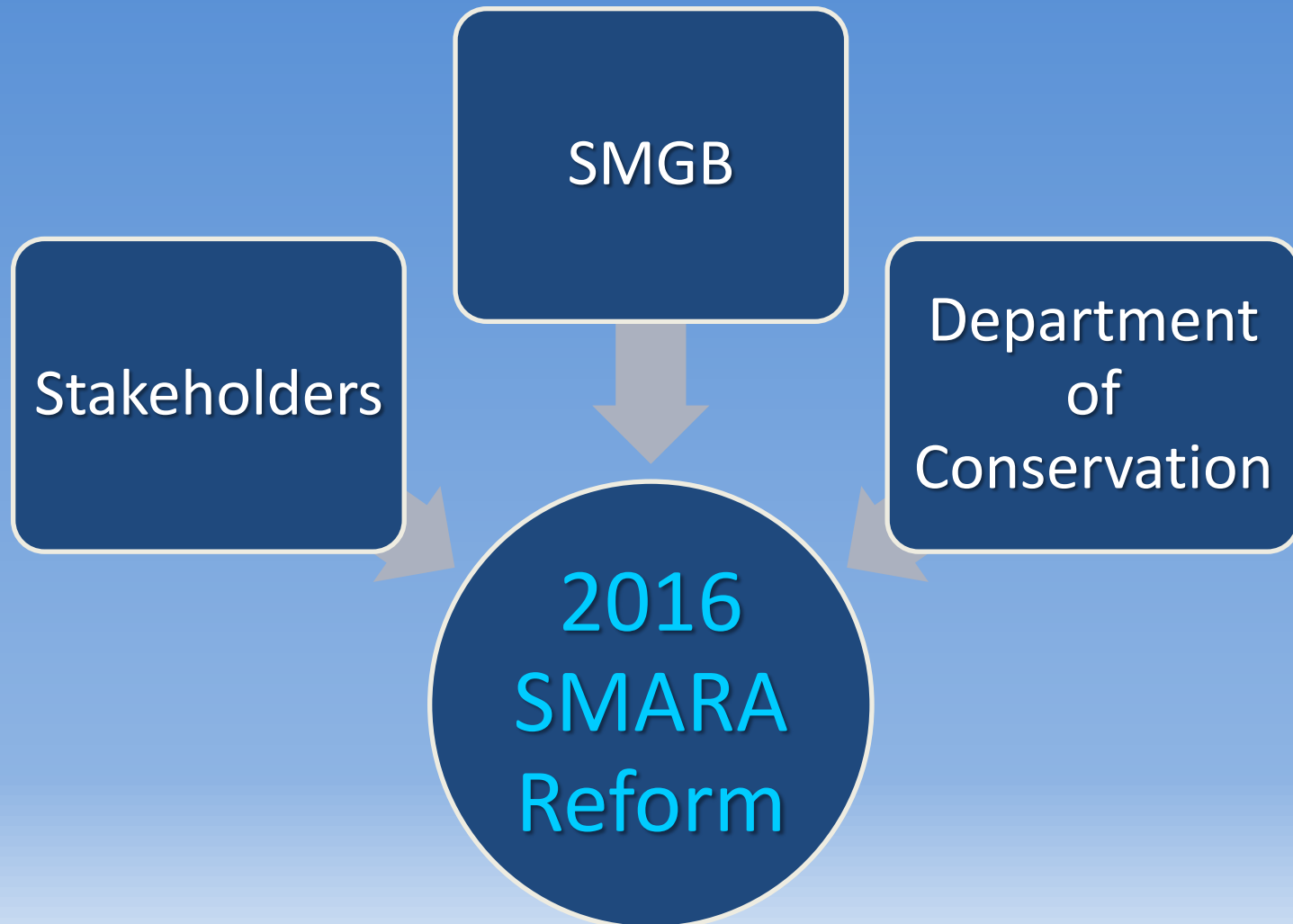


2016 SMARA Reform and Rulemaking Overview

Jeffrey Schmidt
Executive Officer
State Mining and Geology Board



Regulatory Implementation



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

Initial Rulemaking (Cont.)

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

Rulemaking Prioritization

- 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 13th, 2017
7. Revised Financial Assurance Mechanism Forfeiture Process
 - Pre-Rulemaking to begin May 11th, 2017
8. Corporate Financial Test for Financial Assurances
 - Pre-Rulemaking to begin August 10th, 2017
9. Regulatory Clean Up
 - No Statutory Deadline

Rulemaking Package Timelines

(Board Meetings)

BOARD MEETING	1 Fee Schedule	2 FACE Form	3 Inspections	4 FACE/Reclamation Plan Appeals
October 13, 2016	Final Rulemaking Package	Initial Rulemaking Package		
November 10, 2016			Pre-Rulemaking Package	
December 8, 2016			Initial Rulemaking Package	
January 12, 2017		Final Rulemaking Package		Pre-Rulemaking Package
February 9, 2017				Initial Rulemaking Package
March 9, 2017			Final Rulemaking Package	
April 13, 2017				
May 11, 2017				Final Rulemaking Package

Rulemaking Package Timelines (Cont.)

(Board Meetings)

BOARD MEETING	5 FAM Forms	6 Enforcement/ OTC Appeals	7 FAM Forfeiture	8 Financial Test
February 9, 2017	Pre-Rulemaking Package			
March 9, 2017	Initial Rulemaking Package			
April 13, 2017		Pre-Rulemaking Package		
May 11, 2017		Initial Rulemaking Package	Pre-Rulemaking Package	
June 8, 2017	Final Rulemaking Package		Initial Rulemaking Package	
July 13, 2017				
August 10, 2017				Pre-Rulemaking Package
September 14, 2017		Final Rulemaking Package		
October 12, 2017			Final Rulemaking Package	Initial Rulemaking Package

