

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF PROPOSED EXEMPT RULEMAKING

TITLE 11. MINES

CHAPTER 1. STATE MINE INSPECTOR

PREAMBLE

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| <u>1. Sections Affected</u>
R11-1-1402 | <u>Rulemaking Action</u>
New Section |
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- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: Laws 2002, Ch. 224, § 6 (second regular session)
Implementing statutes: A.R.S. § 27-441 through 27-448
- 3. The effective date of the rules:**
The rule becomes effective immediately upon filing of the Notice of Final Exempt Rulemaking with the Office of the Secretary of State.
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**
None
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Arizona State Mine Inspector
Address:	1700 W. Washington, Suite 400 Phoenix, AZ 85007
Telephone:	(602) 542-5971
Fax:	(602) 542-5335
E-mail:	kugalde@mi.state.az.us
- 6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:**

The Mine Inspector Office is adding this Section to establish a fee to cover the expenses of implementing Laws 2002, Ch. 224, § 6 (second regular session). This statute allows counties to form Aggregate Mining Districts and the Mine Inspector is to process community notice applications and conduct public meetings. The Mine Inspector will collect an application fee from aggregate mining operations that meet the requirements of the Section.

This fee rule is exempted from A.R.S. Title 41, § 6. The Inspector shall provide reasonable public notice and comment on the rules and file the final rule with the Office of the Secretary of State.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
None
- 8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. The summary of the economic, small business, and consumer impact:**
Not applicable (see Laws 2002, Ch. 224, § 6 [second regular session])

Notices of Exempt Rulemaking

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Not applicable (see Laws 2002, Ch. 224, § 6 [second regular session])

11. A summary of the comments made regarding the rule and the agency response to them:

The Mine Inspector's Office will wait 30 days to receive public comment before filing the Notice of Final Exempt Rulemaking with the Secretary of State.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously made as an emergency rule?

This rule was not an emergency rule.

15. The full text of the rules follows:

TITLE 11. MINES

CHAPTER 1. STATE MINE INSPECTOR

ARTICLE 14. SAND AND GRAVEL OPERATIONS

Section

R11-1-1402. ~~Reserved~~ Aggregate Mining Operation Community Notice Fee

ARTICLE 14. SAND AND GRAVEL OPERATIONS

R11-1-1402. ~~Reserved~~ Aggregate Mining Operation Community Notice Fee

The application fee for a community notice for a new aggregate mining operation or for a major modification of an approved community notice filed pursuant to A.R.S. § 27-442 is \$1,000.