

SECTION III. GUIDELINES FOR CLASSIFICATION AND DESIGNATION PETITIONS

1. Classification Petitions

Petitions may be brought before the SMGB by any individual or organization to classify mineral lands that are claimed to contain significant mineral deposits. A petition form is provided in Appendix A.

It should be recognized that petitioning does not create an instantaneous action, but rather starts in motion the classification process which requires actions by the State Geologist, the SMGB, and lead agencies prior to a final land-use decision.

A. *Criteria for Consideration of Classification Petitions*—

(1) Petitions will be preliminarily reviewed by the State Geologist to determine if the deposit meets the threshold value and other criteria required to qualify as MRZ-2a or MRZ-2b as in Section I.2. If these criteria are met, the State Geologist will recommend acceptance of the petition by the SMGB. Upon acceptance of the petition by the SMGB, the State Geologist will conduct a study sufficient in scope to classify mineral deposit areas that are the subject of the petition.

(2) The petitioner must supply sufficient geologic and economic data to enable the State Geologist to classify the mineral deposit areas that are the subject of the petition. The State Geologist may rely on proprietary data supplied by the petitioner. Such data, as requested of the petitioner and clearly marked, shall remain proprietary.

B. Priority Considerations for Classification Petitions—Prior to submitting a petition application, the petitioner should contact the SMGB or the State Geologist to find out about any current or pending classification studies by the State Geologist in the area of the petition deposit and the scheduled completion dates.

After acceptance of a petition by the SMGB, it will be ranked according to priority for classification based on the chronological order of acceptance unless otherwise specified by

the SMGB. The petitioned classification report will be completed as determined by its priority ranking after receipt of all of the petition fees.

The SMGB will notify affected lead agencies after formal acceptance of a petition for classification and each petition's assigned priority for classification. The SMGB will also provide them with a copy of the accepted petition.

C. Classification Petition Fees—There are two fees to be paid by the petitioner:

(1) A fee of \$5,000 for conducting the preliminary review of the petition application.

(2) A processing fee for conducting the classification study. Prepayment of the processing fee to cover the costs of conducting the classification study will be required if the petition is accepted. The petitioner will be provided with an estimate of the cost of conducting the classification study. Any funds in excess of the amount actually needed for conducting the study will be refunded to the petitioner. Any undercollected funds must be submitted prior to the official release of the report.

2. Designation Petitions

A. Prior to permitting a use that would threaten the potential to extract minerals classified by the State Geologist as MRZ-2a or MRZ-2b but not yet designated, the lead agency may petition the SMGB for a designation hearing.

B. Petitions for a designation hearing may also be brought before the SMGB by any other party provided that the SMGB has received and approved land classification information that indicated that the area in question is classified MRZ-2a or MRZ-2b and that the SMGB has not yet considered designation. A petition form is provided in Appendix A.

C. SMGB shall then forward the data to the State Geologist who will evaluate it as to its accuracy and sufficiency and make a recommendation to the SMGB for or against designation of all or part of the area petitioned for designation.

D. If the SMGB finds that the petition contains sufficient information and arguments to require a public hearing, then the SMGB shall schedule such a hearing and proceed as outlined in Section II. 1. and 2.