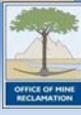




# LEAD AGENCY REVIEW AND ASSISTANCE PROCESS

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March 4, 2016  
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## LEAD AGENCY REVIEW AND ASSISTANCE

### TOPICS COVERED

- Goals
- Lead Agency Review History
- Review Order
- Major Changes
- Potential Violations
- Revised Lead Agency Review and Assistance Process Details
- Positive Outcomes, Goals and Summary



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## REVISED LEAD AGENCY REVIEW PROCESS

### GOALS

- Establish a complete and accurate administrative record for each mine
- Improve quality of mine inspections
- Verify adequacy of final assurances and reduce liability to Lead Agency, State, public and environment
- Achieve greater compliance with SMARA



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## HISTORY OF LEAD AGENCY REVIEW PROGRAM

- Lead Agency Review Program initiated in 2007
- Reviewed 47 lead agencies
- Program idled in 2012 for revision



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## REVISED LEAD AGENCY REVIEW PROCESS

### REVIEW ORDER

- The order of review will be derived from the following documents submitted by lead agencies during the previous year:
  - Annual mine inspections
  - Financial assurance cost estimates
  - Financial assurance mechanisms



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## REVISED LEAD AGENCY REVIEW PROCESS

### REVIEW ORDER

The following formula will be used to establish the rating percentage for each Lead Agency based on the absence or presence of the following three documents for each mine in a lead agency jurisdiction for the latest reporting year:

- (1) Inspection Report,
- (2) Financial Assurance Cost Estimate,
- (3) Financial Assurance Mechanism.

$$\text{Rating \%} = \left[ \left( \frac{\text{\# mines x 3} - \text{\# missing documents}}{\text{\# mines x 3}} \right) 100 \right]$$



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## REVISED LEAD AGENCY REVIEW PROCESS

### REVIEW ORDER

Example: 10 mines in Lead Agency jurisdiction,  
4 total documents missing from file = 86% rating

$$86\% = \left[ \left( \frac{(10 \text{ mines} \times 3) - 4 \text{ missing documents}}{10 \text{ mines} \times 3} \right) 100 \right]$$



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## REVISED LEAD AGENCY REVIEW PROCESS

### REVIEW ORDER

- Reviews will proceed from lowest to highest rated lead agencies
- Lead Agencies reviewed during LART will be moved to the bottom of order.



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## REVISED LEAD AGENCY REVIEW PROCESS

### MAJOR CHANGES

- LARA will seek to assist in improving Lead Agency SMARA administration
- Mineral Resource Management Plans will not be reviewed
- Detailed review of OMR's active mine files within Lead Agency's jurisdiction
- Establish accurate administrative record with Lead Agency cooperation



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## REVISED LEAD AGENCY REVIEW PROCESS

### MAJOR CHANGES

(cont)

- Provide one-on-one training for inspector
- Inspection process review will focus on lead agency performance at representative number of mines
- Exit conference to discuss Lead agency response to Initial Report of Findings prior to finalization
- Final Report will provide broad overview, noting areas of successful SMARA implementation and where Lead Agency has potential for improvement



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## REVISED LEAD AGENCY REVIEW PROCESS

### POTENTIAL VIOLATIONS

- OMR expects the Lead Agency will initiate appropriate actions to address potential violations encountered during the review process.
- Violations that present an imminent and substantial endangerment to public health or the environment will be acted on by the Department.



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## REVISED LEAD AGENCY REVIEW PROCESS

### OVERVIEW OF REVISED PROCESS

- Phase 1: Entrance conference
- Phase 2: Compare files between OMR and lead agency
- Phase 3: Lead Agency performance review
- Phase 4: Initial Report and Exit Conference
- Phase 5: Final Report



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## REVISED LEAD AGENCY REVIEW PROCESS

### PHASE I

#### ENTRANCE CONFERENCE

- Engagement letter to Lead Agency
- OMR will conduct an in-person entrance conference to describe review process to Lead Agency
- Lead Agency to assign relevant staff to work with OMR during review
- OMR will designate a Senior Engineering Geologist to be the main point of contact during review



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## REVISED LEAD AGENCY REVIEW PROCESS

### PHASE II

#### COMPARE FILES BETWEEN OMR AND LEAD AGENCY

- Detailed review of active OMR mine files within Lead Agency jurisdiction.
- Focus on the following documents:
  - Environmental impact report mitigation measures pertaining to reclamation
  - Approved reclamation plans, interim management plans
  - Vesting determinations, permits and conditions of approval
  - Lead agency annual inspection reports



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# REVISED LEAD AGENCY REVIEW PROCESS

## PHASE II

### COMPARE FILES BETWEEN OMR AND LEAD AGENCY

(cont)

- **Focus on the following documents:**
  - Operator annual reports
  - Financial assurance mechanisms
  - Financial assurance cost estimates
  - Lead Agency enforcement actions



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# REVISED LEAD AGENCY REVIEW PROCESS

## PHASE II

### COMPARE FILES BETWEEN OMR AND LEAD AGENCY

- Provide summary of needed documents to lead agency
- Confirm OMR and lead agency have complete set of operative documents
- Establish accurate administrative record



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# REVISED LEAD AGENCY REVIEW PROCESS

## PHASE III

### LEAD AGENCY PERFORMANCE REVIEW

- Areas of Review
  - Administration
  - Reporting
  - Inspections
- Review period of previous 5 years



# REVISED LEAD AGENCY REVIEW PROCESS

## PHASE III

### LEAD AGENCY PERFORMANCE REVIEW

#### Examples of Administration Questions

- Do operations have required permits or vested rights determination and reclamation plans?
- Has the lead agency certified the adequacy of reclamation plans?



## REVISED LEAD AGENCY REVIEW PROCESS

### PHASE III

#### LEAD AGENCY PERFORMANCE REVIEW

Examples of Administration Questions – Cont'd

- Have reclamation plans been submitted for OMR review and comment prior to lead agency approval?
- Has the lead agency responded to OMR comments?



## REVISED LEAD AGENCY REVIEW PROCESS

### PHASE III

#### LEAD AGENCY PERFORMANCE REVIEW

Examples of Administration Questions – Cont'd

- Has appropriate enforcement action been taken for reported violations?
- Have mines been reclaimed?



# REVISED LEAD AGENCY REVIEW PROCESS

## PHASE III

### LEAD AGENCY PERFORMANCE REVIEW

Examples of Reporting Questions

- Have Financial Assurance Cost Estimates been annually adjusted and submitted to OMR for comment?
- Have adequate Financial Assurance Mechanisms been maintained?
- Have Financial Assurances been properly released?



# REVISED LEAD AGENCY REVIEW PROCESS

## PHASE III

### LEAD AGENCY PERFORMANCE REVIEW

Examples of Reporting Questions - Cont'd

- Are Inspections conducted annually?
- Are inspections reports complete and accurate?
- Have annual reports and fees been submitted to OMR?



## REVISED LEAD AGENCY REVIEW PROCESS

### PHASE III

#### LEAD AGENCY PERFORMANCE REVIEW

##### Mine Inspection Training and Review

- Provide one-on-one training for inspector:
  - pre-inspection preparation, field techniques, completing the inspection report
- Inspect a representative number of mines that reflect nature and type of mining operations existing in the jurisdiction
- The field review of the lead agency inspector will consist of approximately one to five days of field inspections, depending on size of program.



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## REVISED LEAD AGENCY REVIEW PROCESS

### PHASE III

#### LEAD AGENCY PERFORMANCE REVIEW

##### Mine Inspection Training and Review

- Accompany lead agency inspector during inspections
- Focus of inspections:
  - Are mines being inspected with respect to operative reclamation plan requirements?
  - Are SMARA violations being noted if observed? (i.e. depth, area, slope aspects, topsoil salvage, revegetation, phasing/concurrent reclamation, offsite discharge, and erosion control)



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# REVISED LEAD AGENCY REVIEW PROCESS

## PHASE III

### LEAD AGENCY PERFORMANCE REVIEW

Mine Inspection Training and Review  
(cont)

- Focus of inspections:
  - Is the entire mine site being inspected?
  - Is the appropriate SMARA status being noted?
  - Is active and reclaimed disturbance being accurately documented?



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# REVISED LEAD AGENCY REVIEW PROCESS

## PHASE III

### LEAD AGENCY PERFORMANCE REVIEW

Mine Inspection Training and Review  
(con't)

- Compare conditions observed by OMR to those reported by lead agency inspector
- Identify areas where the Lead Agency could improve the quality and performance of their inspection



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## REVISED LEAD AGENCY REVIEW PROCESS

### PHASE IV INITIAL REPORT & EXIT CONFERENCE

- Provide Initial Report findings
- Lead agency has up to 90 days to review and respond
- Lead agency may request exit conference to discuss Initial Report findings



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## REVISED LEAD AGENCY REVIEW PROCESS

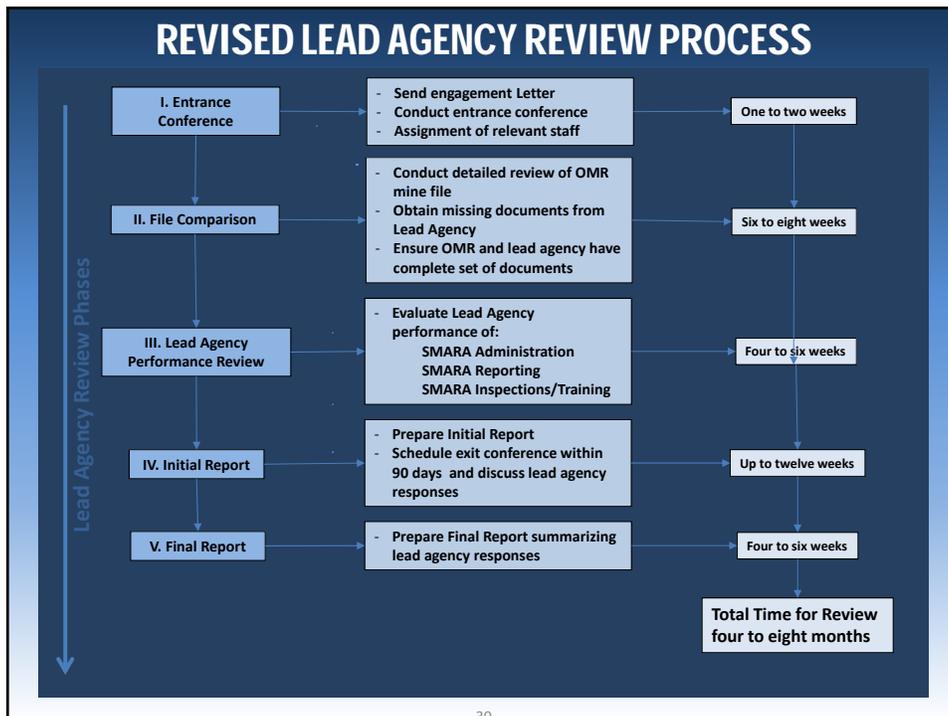
### PHASE V FINAL REPORT

- Prepare Final Report including summarization of lead agency responses
- Final Report will highlight mines that have been reclaimed and adaptable to a beneficial secondary end use
- State Mining and Geology Board has made a standing request for completed LARA reports



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HISTORIC PROCESS	REVISED PROCESS
Entrance Conference	Entrance Conference
Review of SMARA II database	Detailed file review of <u>all</u> mines within lead agency's jurisdiction
Detailed file review of <u>half</u> of the mines within lead agency's jurisdiction	
Perform inspections of operations that received detailed file review to <u>evaluate conditions at mine site</u>	Train and accompany lead agency inspectors through entire inspection process. Compare conditions observed by OMR to those reported by lead agency inspector
Report of findings based on SMARA II database, file review, and inspections provided to lead agency	Initial Report based on review of files and lead agency inspections.
Exit conference	90 day lead agency response period with exit conference at lead agency request
Draft Final Report and 6-month (or longer) period for lead agency to respond	Final Report
Final Report	



## REVISED LEAD AGENCY REVIEW PROCESS

### POSITIVE OUTCOMES

- Ensures complete, accurate administrative record for each active mine within Lead Agency jurisdiction
- Facilitates lead agency participation in the development of the report
- Forges stronger working relationship between Lead Agency and OMR



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## REVISED LEAD AGENCY REVIEW PROCESS

### SUMMARY

- Provides a process for monitoring the overall effectiveness of Lead Agency SMARA programs
- Provides a statewide, systematic approach for assistance and review of local SMARA programs



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# QUESTIONS

