

## **Advocacy Requests Comment Period Extension from OSMRE for Stream Buffer Zone Rule Revisions**

On December 16, 2009, the Office of Advocacy (Advocacy) filed comments with the Office of Surface Mining Reclamation and Enforcement (OSMRE) regarding its Advanced Notice of Proposed Rulemaking to revise its regulations concerning the conduct of mining activities in or near streams. A copy of Advocacy's comments may be viewed at [www.sba.gov/advo](http://www.sba.gov/advo).

- On December 12, 2008, OSMRE published a final rule modifying the circumstances under which mining activities may be conducted in or near perennial or intermittent streams. At that time OSMRE certified that the rule would not have a significant economic impact on a substantial number of small entities, as required by the RFA. OSMRE concluded that a while a substantial number of small entities would be affected by the rule, the rule would not have a significant economic impact on those entities.
- On November 30, 2009, OSMRE published an ANPRM asking for public comments regarding ten alternatives for revising the 2008 stream buffer zone rule and related rules. The ANPRM is OSMRE's first step toward revising the 2008 rule in order to further reduce the impacts of Appalachian surface coal mining operations on streams. The public comment period for the ANPRM will close on December 30, 2009.
- Because the alternatives presented in the ANPRM could present significant regulatory changes, Advocacy requested that OSMRE extend the public comment period for another sixty days. Advocacy believes that extending the comment period will allow small businesses adequate time to thoroughly assess the ten alternatives and provide meaningful feedback to OSMRE. Furthermore, Advocacy believes that providing small businesses with more time to address the ANPRM will assist OSMRE in developing the requisite RFA analysis when it publishes its proposed rule.

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