

Small Entity Regulatory Analysis

1. Was establishment of less stringent compliance or reporting requirements for small entities considered? **Yes.** To what result? **Current definitions in N.D.A.C. § 89-08-01-01 for dam hazard classification are less stringent. The proposed definitions enable North Dakota to join the majority of states in advancing the national state of the dam safety practice.**
2. Was establishment of less stringent schedules or deadlines for compliance or reporting requirements considered for small entities? **Yes.** To what result? **The selected schedule for compliance results in a small entity-driven timeline, due to compliance activated through small entity-driven permissible dam modification actions.**
3. Was consolidation or simplification of compliance or reporting requirements for small entities considered? **Not applicable** To what result? **Not applicable**
4. Were performance standards established for small entities for replacement design or operational standards required in the proposed rule? **Yes.** To what result? **Proposed definitions in N.D.A.C. § 89-08-01-01 for dam hazard classification associate with commensurate infrastructure design and performance standards. The associated performance standards based on proposed changes would become relevant if a small entity chooses, on its own, to pursue permissible dam modification actions.**

5. Was exemption of small entities from all or any part of the requirements in the proposed rule considered? **No.** To what result? **Proposed definitions in N.D.A.C. § 89-08-01-01 for dam hazard classification are associated with the intersection of infrastructure development and public life safety. This is specific to the type of infrastructure developed and not the pursuing public entity.**