

## Summary of Proposed Changes to Rule Package 1-S and Statement of Reasons

### Proposed Changes to Rules and Statement of Reasons as Submitted to EQC (8-28-08 draft)

#### A. Typographical or Grammatical Errors

1. Chapter 1, Section 2(m) – the “belt transect” definition was revised as a result discussions during Advisory Board meeting, however changes did not make it into clean and strike & underline attachments. Definition as presented in SOR was correct. (WMA)
2. Chapter 1, Section 2(df) – the “quadrat” definition contained in SOR correct, however attachments Chapter 1 (Clean) and Chapter 1 (Strike & Underline) required typo correction of “side” to “sized”. (Buckskin & Intermountain Resources)
3. Chapter 2, Section 3(j) – typo, comma change, moved from after “description” to after “revegetation” in Statement of Reasons (SOR) and associated attachments. (Intermountain Resources)
4. Chapter 2, Section 6(b)(iii)(J) – change in chapter citation, proposed rule cites to incorrect section, “Section 2(d)(xi)” changed to “Section 2(d)(i)(J)”. (Buckskin)
5. Several editorial changes were necessary to SOR as a result of the LQD pulling Appendix 4A (8-28-08 draft) from the rule package. Proposed Appendix 4B (8-28-08 draft) was renamed 4A and references to proposed Appendix 4B were revised to 4A where appropriate

#### B. Changes to Rules As a Result Comments Received

1. Chapter 1, Section 2(bm): “Husbandry practice” means, when preceded by the word “normal”, those management practices that may be used to achieve revegetation success without restarting the bond responsibility period. Normal husbandry practices are sound management techniques which are commonly practiced on native lands in the area of the mine and, if discontinued after the area is bond released, shall not reduce the probability of permanent vegetation success.

*Current definition of “good husbandry” brought into “husbandry practice” definition.*  
(WOC)

2. Chapter 4, Section 2(d)(ii)(B)(I) Revegetation shall be deemed to be complete when: (1) the vegetation cover of the affected land is shown to be capable of renewing itself under natural conditions prevailing at the site, and the absolute total vegetative cover ~~and total ground cover are~~ is at least equal to the cover on the reference area or technical standard before mining, (2) the annual herbaceous production productivity is at least equal to the annual herbaceous production productivity on the reference area or technical standard, (3) the

species diversity and composition are suitable for the approved postmining land use, and (4) the requirements in (1), (2) and (3) are all met during the same ~~for the last two consecutive years of the bonding period for those mines using native area comparisons or the requirements in (1), (2), and (3) are met for~~ two out of four years beginning no sooner than year eight of the bonding responsibility period for those mines with technical standards. ...

*Proposed changes in response to comments received on timing of vegetation sampling. (BKS, Rio Tinto, WGFD)*

3. **Current proposed rule:** Chapter 4, Section 2(d)(ii)(B)(I):...”The species diversity and composition standard must be demonstrated using the semi-quantitative standards defined in Appendix 4A of Chapter 4 which do not require statistical analysis, or demonstrated using other alternative methods as approved by the Administrator.

**Revised proposed rule:** Chapter 4, Section 2(d)(ii)(B)(I):... Species diversity and composition suitable to the postmine land use must be demonstrated using methods approved by the Administrator.

*Chapter 4, Appendix 4A – LQD proposes to delete the entire appendix. The methods will be available in guideline. Until numeric standards are developed, operators using this method will use standards approved by the Administrator. (WMA, Rio Tinto, Intermountain Resources, WGFD, WOC and Buckskin)*

4. Chapter 4, Section 2(c)(xii)(D)(II) If the impounding structure meets the criteria of 30 CFR § 77.216(a), the combination of principal and emergency spillways shall be able to safely pass or control runoff from the probable maximum precipitation of a 6-hour precipitation event ~~the 100-year, 6-hour design precipitation event~~ or a storm duration having a greater peak flow, as may be required by the Administrator.

*The above change is proposed to correct an omission to rules presented at April Advisory Board meeting. This section is a counterpart or tandem to rules presented on page 121 of 149 of the Statement of Reasons. (LQD)*