STATE OF IDAHO

STATEMENT OF RESPONSIBILITIES

February 1996

IDAHO JOINT REVIEW PROCESS
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INTRODUCTION

When mineral development is proposed on public land, it starts a complex interaction of law, regulation and agencies. Because currently there is no agreement on how to coordinate these permitting requirements, the process is rather like the proverbial blind men describing the elephant. Some agencies regulate part of the operation or a single issue like tailings ponds, air quality, wetlands, or threatened and endangered species. Others are responsible for activities like reclamation that cut across individual issues. Still others must approve plans or permits for the entire project. Needless to say this scattering of authority is confusing to the mining company, as well as the agencies themselves.

The lack of an overall process to implement these laws results in conflicting and confusing messages to the proponent and the public; needless controversy and delay; increased costs to agencies, industry and consumers; and incomplete and sometimes inadequate analysis and administration of projects.

Beginning in 1992, an Idaho Mining Advisory Committee (MAC) consisting of agency and industry representatives agreed to try and change this situation in Idaho, by developing a joint review program (JRP) for mineral development. The effort had two simple goals:

To assemble a single source of permitting information for the mining industry, state and federal agencies, and the public...

To provide structure and certainty to an otherwise fragmented and unstable set of requirements, procedures, time frames and interagency relationships.

Achieving these two primary goals should lead to increased communication and cooperation between industry government and the public, and reduced conflict, delay and costs in the permitting process.

This effort to develop a joint review program had the following sideboards:

- Although it initially focused on large mining proposals, typically those requiring the preparation of a federal environmental impact statement and record of decision (EIS/ROD), a component addressing smaller proposals was added.
- It was developed for hard rock mining operations (gold, silver), but should be easily adaptable for leasable minerals (phosphate, oil and gas, coal) as well.
- It would not require changes in existing agency authority.
- It would cover the entire permitting process from the initial exploration to mine closure.

We found that there were three important ingredients needed for a successful JRP.

Permit Information - First it was necessary to describe the legal requirements for permitting mines in Idaho. This was done by asking each state and federal agency with jurisdiction over some aspect of mining, to describe their legal requirements in "statements of responsibility" (SOR). These SOR describe legal authorities, application information, analysis procedures; bonding and closure requirements in Idaho. Timelines or critical paths are provided for major permits or plans.

These SOR help define the individual **"rules" and "players"** in the permitting game. The JRP Statement of Responsibilities describes each of these permits, approvals and requirements in detail.

A Common Review Process - Based on the agencies SOR, a **common** review process was developed to coordinate the various state and federal requirements. This Review Process is described under the following headings:

PRE-ANALYSIS STAGE	ANALYSIS STAGE	ADMINISTRATION STAGE
Prospecting Exploration Development	Plan of Operations Submittal Scope of Work Data Collection Analysis Permit Review Permit Issuance/Bonding	Administration/Compliance Plan of Operations/Permit Modification Reclamation/Closure

These steps are common to either mine development, permitting, or both. They were selected because coordination between operator and agencies at these times is either beneficial, or necessary to permit mines in Idaho. In a sense, the Review Process is the "**game plan**" or strategy which unites the separate legal requirements and agencies described in the SOR.

Along with the narrative, **Figure 1** on Page 9 shows how timelines for major permits, including the federal NEPA process, can be combined using the Joint Review Process. Each of the SOR for major permits/plans have similar figures which show how that particular permitting process fits with the JRP and NEPA process.

The Joint Review Subcommittee received many comments from reviewers who thought the JRP should be expanded to cover small locatable mineral operations including exploration.

We did this by adding a section on joint review of small operations. The joint review for small operations is organized into the same Pre-Analysis, Analysis and Administration stages and emphasizes much of the same interagency coordination. However because small operations range from exploration to small placer, surface and underground mines, the joint review process for them differs from large mines in two important ways: 1) The variation in permitting processes from 30 days to over a year make it impractical to develop a "typical" timeline for concurrent permitting of small operations; 2) Also because of the variability in time frames, informal rather than formal interagency coordination is emphasized.

Inter-agency Agreement - Agency agreement to participate in the JRP is the final ingredient to a successful process. At present agency agreement to use the JRP is obtained on a project by project basis. However, a formal Memorandum of Understanding has been developed, which if signed by agency officials, would implement the JRP on a statewide basis.

Implementing Idaho's Joint Review Process

Idaho's Joint Review Process is meant to be a tool that is continually refined and updated by those who use it. Just as it evolved out of past experience, we expect it to continue to grow in response to new information and ideas.

Changes in environmental laws, agency policy and/or regulations may trigger changes in the Joint Review Process, SOR, or in rare instances, the Interagency MOU. Agencies may initiate such changes at any time by notifying the Idaho Department of Lands. IDL will make such changes in consultation with all participating agencies.

A JRP Users Guide is planned in the future to provide additional information about the Process. It may contain examples or guidance drawn from projects whch have been permitted using the JRP. Such guidance or examples may address topics as plan completeness, use of third party consultants, scopes of work and others.

TABLE 1 - ELEMENTS OF IDAHO'S JRP - OUTLINE

STATEMENTS OF RESPONSIBILITIES	JOINT REVIEW PROCESS	MOU/PLANNED EXHIBITS
Major Permits COE 404 Permit (Wetland) EPA 402 Permit (NPDES,Stormwater) IDHW Cyanide Permit FS Plan of Operations BLM Plan of Operations IDL Surface Mining Permit IDL Dredge & Placer Mining Permit IDHW Air Quality Permit IDWR Dam Safety Permit IDWR Stream Channel Alteration and Well Drilling Permits **Critical Approvals** IDWR Water Rights IDHW 401 Certification IDHW Sewage IDHW Drinking Water County Building Permits IDHW Septic Tank/Leach Fields Federal Cultural Mitigation Plan Federal NEPA Decision NMFS/USFWS Endangered Species Act Consultation **Legal Considerations** CERCLA SARA RCRA & HSWA MSHA HMTA FIFRA SPCC BATF	**Pre-Analysis** Prospecting Assess Environmental Issues Agency Coordination Exploration Identify/Discuss: Permits/Issues Ore/Waste Characteristics Long-Term Data Needs Permitting costs/timelines Development Refine Ore/Waste Characteristics, Continue to Collect Data Define Initial Plan of Operations Discuss Analysis Options **Analysis** Submit Proposal Completeness Determination Interagency Agreement Determine Scope of Work (SOW) Agency Coordination Public Scoping Interagency Agreement Data Collection Field Review Review Technical Reports Interagency Agreement Alternative Analysis Predict Effects Analyze Alternatives Interagency Agreement Permit Review Draft Permit Review Review Public Comment Final Permit Permit Issuance & Bonding Revise Plan of Operations/Permits Post Reclamation Bonds Approve Plan of Operations/Permits **Administration** Administration & Compliance Agency Quality Assurance Operator QA/QC Plan of Operations/Permit Modification Scheduled Updates/Changes Unanticipated Update/Change Reclamation & Closure Concurrent Seasonal Interim Final	**Interagency MOU** Purpose/Scope Responsibilities Coordination Communication Training Limitations/Modification/Cancellation Signatures **Planned Exhibits to JRP** - Paper on Selection and Use of Third Party Contractors - Scope of Work - Interagency Agreement for Project Administration - Agency Contacts in Idaho

IDAHO JOINT REVIEW PROCESS

FOR MAJOR MINING PROJECTS

PRE-ANALYSIS COORDINATION

Approve/Administer Exploration Permits
Provide Informal Agency Advice on...
- Mining Permits/Plans & Env. Issues
- Ore/Waste Characterization
- Long-term Data Collection
- Environmental/Reclamation Standards

DURING MINE PLAN ANALYSIS...

Interagency Agreement on...
- Plan Completeness
- Scope of Work
- Data Collection
- Alternatives Considered
- Predicted Effects of Alternatives
- Draft and Final Permits/Plans
- Bonding

Interagency Coordination of...
- Public Involvement
- Processing Plans/Permits

DURING PROJECT ADMINISTRATION...

Interagency Coordination of...
- Administration/Inspection/Monitoring
- Compliance Actions
- Plan/Permit Changes
- Reclamation/Closure

I.1 PRE-ANALYSIS STAGE

This stage begins with prospecting and ends with the development of an initial mining proposal.[4] The length of time between initial prospecting and proposal may vary from one to several years. During this time the operator hopes to find a valuable mineral deposit that can be mined, removed and marketed at a profit. If a valuable mineral deposit is found, the operator will conduct development activities to gather more information on the dimensions, orientation and grade of the ore body. Such information is necessary for mine design, production and plan of operation development.

I.1.1 Prospecting

Prospecting, mineral reconnaissance or mineral exploration are all terms that describe investigations normally done in the initial stages of property evaluation. These investigations may include researching existing information on an area's geology, past mining history and production records. It will involve some level of field reconnaissance, geologic mapping and investigation of historic workings.

Although these activities cause little or no disturbance of surface resources, there may be contacts with land management or regulatory agencies. Sometimes this is to obtain maps, historical records or research information. Other contacts may be made to determine the key environmental issues in an area.

Opportunities to identify potential environmental issues should not be overlooked by agencies or operators. **Indications of potential problems may be found in historic records, existing mine workings, or may be inferred from the geochemistry of certain ore deposits.** An area's historic pollution problems and the presence of other highly valuable resources may be as important as its mineral potential when deciding whether to acquire a property, or in designing an exploration program.

I.1.2 Exploration

Exploration activities typically occur after control of a property has been secured, and include planning, indirect sampling methods like geochemical and geophysical testing, as well as direct methods like trenching and drilling, bulk sampling, pilot studies and preliminary feasibility analysis.

During these activities geologists record geologic information and select samples of soil, vegetation, sediments or rock to send to laboratories for chemical and/or physical analyses. Geologic data gathered in this way to define an ore body are often useful in defining environmental issues. For example, igneous and host rock associations, wall rock alteration, gangue and trace metal associations, structural controls, weathering effects and ore mineralogy may help to define acid or heavy metal drainage potential. The depth, quantity and quality of ground water encountered in drill holes may help define the ground water system. **Agency/Operator communication at this time helps ensure that data collected can be used to address potential mine development issues like acid or heavy metal drainage potential, location and quality of ground water, and geotechnical stability.**

As drilling defines the ore body, the operator will often extract bulk samples of ore and conduct bench and/or pilot scale testing. This is done to determine a suitable mineral extraction process and to help design the mining and milling facility. **Agency/operator coordination during this stage is recommended to allow full use of such testing to define the chemical and physical nature of spent ore, tailings, and process leachates.** Tests to define the acid and heavy metal drainage potential will be particularly useful. This may reduce the need for such analysis later during permitting.

The operator defines preliminary mining, process, and support systems for the project based on

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[4] The stages in mine development discussed here follow the process as described in "Anatomy of a Mine From Prospect to Production", USDA Forest Service Technical Report INT-35.

information from exploration and metallurgical testing. The cost of mining combined with market projections are the basis for decisions to continue with exploration, move forward with detailed project design and permitting, or drop the project. **Agency/Operator coordination at this point is recommended so that environmental mitigation, reclamation, and permitting costs are considered in this analysis, along with probable time required to obtain the necessary mine development permits.**

I.1.3 Development

Once a valuable mineral deposit is found, development or infill drilling is done to quantify the grade, size, orientation and physical and chemical characteristics of the deposit. Hundreds of holes may be drilled and thousands of drill cutting or core samples may be obtained and analyzed. Computer models of the deposit are developed based on the data obtained from drill logs and laboratory tests. These models are used by the operator to analyze alternative mining and process methods.

At this point the operator will also gather information necessary for mine design, production and plan of operation development. This may include information on access, power, communications, water supplies and other facilities which will be needed to support a mining operation.

Coordination between agencies and the operator is recommended to ensure that data collected can be used to address potential mine development issues. At this point an operator should also begin long-term data collection, (ie., water, air quality) if they have not been already started. Early agreement on data collection will result in better and more timely project analysis.

I.1.4 Initial Plan of Operations, Scope of Work, Third Party Process

The operator and lead agency often begin discussing the cost and personnel that will be required for the permitting process. Most large mines are permitted using some combination of operator, lead agency and consultant expertise.

Decisions on consultant use are usually made after a plan of operation is submitted and scope of work developed (JRP Analysis Stage). However, in some cases an operator and lead agency may develop a preliminary mining plan and scope of work respectively to help select a consultant during the Pre-Analysis Stage. The consultant selection process is discussed in more detail in the Analysis Stage.

I.1.5 Operator/Agency Roles & Responsibilities

Table I.1 outlines the recommended operator/agency coordination during the Pre-Analysis Stage.

TABLE I.1 - RECOMMENDED COORDINATION - PRE-ANALYSIS

Operator	LEAD AGENCY	COOPERATING AGENCY
	PROSPECTING	
Identify potential environmental issues which could affect property acquisition or design of the exploration program.	Assist operator in identifying historic pollution problems and/or the presence of other highly valuable resources.	Assist operator in identifying historic pollution problems and/or the presence of other highly valuable resources.
	EXPLORATION	
Obtain permits for exploration drilling and the removal of ore for bench scale or pilot testing from appropriate agencies.	Identify permits that may be required. Invite permitting agencies to comment or participate in the analysis and approval of exploration plans or permits.	Review and comment on exploration plans/permits. Forward comment letters and appropriate applications to the operator.
	Complete and coordinate permit/plan approval with other state or federal agencies to the extent practicable.	Complete and coordinate permit/plan approval with other state or federal agencies to the extent practicable.
	Inspect the approved operation.	Coordinate field inspections with the lead agency.
Discuss mine permitting and baseline data with lead agency. Initial contact is recommended after a potential ore body has been identified, but prior to metallurgical testing or feasibility studies.	Meet with the operator and cooperating agencies. The purpose of these meetings is to share information on: 1) permit time frames and costs; 2) baseline data requirements, particularly that which can be collected during exploration, including metallurgical testing and feasibility studies (acid or metal drainage potential; 2) existing agency standards and guidelines for environmental protection including alternatives, mitigation or reclamation measures.	Participate in coordination meetings at the request of the lead agency. At these meetings the agencies will explain potential permitting requirements including: 1) permitting costs and time frames; 2) data which can be collected in the drilling or metallurgical programs or which may require long term data collection (air, water)
	DEVELOPMENT STUDIES	
Continue to discuss results of exploration data collection relative to potential permit issues. Share development data collection including infill drilling, and formulation of the initial plan of operation.	Meet with the operator and cooperating agencies to discuss permit issues which raised by data collected as part of exploration, metallurgical testing or feasibility studies. Advise operator on permit issues which could be addressed by data gathered as part of development studies including infill drilling.	Advise lead agency and operator on permit issues which raised by data collected as part of exploration, metallurgical testing or feasibility studies or which could be addressed by data gathered during development studies including infill drilling.
Submit corrections to meeting documentation to the lead agency, if necessary.	Document discussions on data collection and distribute documentation to the operator and cooperating agencies for review and comment.	Submit corrections to meeting documentation to the lead agency, if necessary.
Begin discussions with lead agency regarding use and selection of Third Party Contractors.	Discuss use and selection of Third Party Contractors. Contractors may be selected during Pre-Analysis if a preliminary plan and scope of work are developed. (See discussion under **I.2.3 Analysis**)	

I.2 ANALYSIS STAGE

The JRP Analysis Stage begins with submission of a Plan of Operations, and ends with agreement on acceptable permit or plan conditions. It is modeled after the National Environmental Policy Act (NEPA) requirements for environmental impact statements (40 CFR 1500-1508). All federal agencies use a similar NEPA process to reach decisions on plans/permits that require an environmental impact statement (EIS), and state agencies participate in such analyses even though it is not required for their permits.

Figure 1 on Page 9 shows the relationship between stages in the Joint Review Process and the NEPA process for a large mine requiring an EIS. (time frame shown is approximately two years but may vary from one to several years depending on the project). Figure 1 also shows typical State permits which would be required for a large mine. These permits typically require less time to complete than a federal NEPA analysis for a large mine. It is this fact that allows state and federal permits to be processed concurrently for large mines that require preparation of an EIS.

The JRP Analysis Stage is designed to achieve interagency agreement on the following:

- **Plan of Operations Completeness;**
- **Scope of Work;**
- **Data Collection;**
- **Project Alternatives;**
- **Review of Draft Permits/Plan of Operations;**
- **Permit Issuance & Bonding.**

I.2.1 Plan of Operations Submittal

If mine development is feasible, the operator submits a plan of operations to the lead agencies. with a request that it be processed using the Joint Review Process. The plan of operations should contain baseline and project information sufficient information for agencies to define permitting and environmental issues. A Plan of Operations will normally include:

- Mining and milling methods and rates including waste water treatment and disposal;
- Workforce and schedule;
- Access and power requirements;
- Quantities of ore and mine waste produced;
- Physical and chemical characteristics of ore and mine waste;
- The type and amounts of materials/supplies to be used, including hazardous materials;
- Preliminary engineering and geotechnical studies for ore processing, waste disposal;
- Solid or hazardous waste generated, transported or disposed of;
- Project facilities to be constructed and their location;
- Environmental protection measures including mitigation, spill response, monitoring and reclamation;
- A summary of baseline water, climate, air, and geochemical data, (from long-term studies);
- Land status, project ownership.

After receiving the proposal, lead federal agencies will determine whether the approval of the project will be a major federal action as defined in NEPA regulations (40 CFR 1502.4). Major federal actions require the preparation of a federal environmental impact statement (EIS) and are candidates for use of the JRP.

For projects which are not "major" actions, lead agencies may use the Joint Review Process on an informal basis to plan and coordinate interagency review and permit issuance to the extent possible.

I.2.2 Scope of Work (SOW)

After a determination that a project will be processed using Joint Review, lead agency project coordinators will be selected. Next a draft Scope of Work (SOW) will be developed by the lead agency. The scope and content of this document is similar to "Scopes of Work", "Project Plans", or "Study Plans" that are developed by federal agencies responsible for preparing environmental impact statements. Where NEPA is not applicable, the SOW may simply be a letter from the lead agency to other cooperating agencies, describing the proposed permit review and coordination process.

In the Idaho JRP the Scope Of Work will be the basis for interagency agreement on all permit and review requirements in the Joint Review Process. Portions of the SOW will may also be used to provide information to the public or to document agreement between lead agencies and environmental contractors. In general it should contain:

- The mining proposal;
- State and federal permits required;
- Public involvement plans;
- Preliminary issues and project alternatives;
- Data and analyses needed to address preliminary issues and alternatives;
- Organization including primary agency, operator and consultant contacts; lead agency interdisciplinary teams, consultant, operator and cooperating agency personnel assigned to the project;
- Anticipated schedule.

These sections of the SOW may be summarized as follows:

The Mining Proposal - This section will summarize the mining proposal.

State and Federal Permits and Analysis Process - This section will describe the state and federal permits required for the project. It represents a first estimate of the state and federal agencies which will be involved in the JRP for the project.

Public Involvement - The public involvement strategy for the project will be described, including plans for mailing lists, meetings, and news releases. Public notices, meetings or review of draft documents required for all needed permits will be consolidated if possible.

Issues and Alternatives - Early on, state and federal agencies will agree on an initial set of issues and alternatives based on the anticipated project effects. Preliminary issues are based on experience with similar projects, as well as input from the operator and legal and regulatory requirements. Preliminary alternatives are developed at this point to ensure that the scope of baseline data collection is adequate to support subsequent analysis. Preliminary alternatives are often changed or dropped as information and analyses are completed.

Issue development is a critical step in the analysis process. Collection of baseline data, prediction of environmental effects, development of alternatives, mitigation, reclamation and monitoring requirements are all "issue driven", that is they are developed to address specific project issues or concerns.

Data & Analyses Needed - Data collection and subsequent analysis is limited to that needed to address the social, economic and environmental issues identified for the project. The kind, location, methods and level of sampling or inventory is specified. Analysis techniques will be specified including the quantitative and qualitative units that will be used to measure effects and compare alternatives. Often certain resource disciplines have required data collection and analysis techniques for certain projects.

Organization - The organization for the JRP should be documented. This includes agency, operator and

consultant project coordinators, specialists and interdisciplinary team members. This information is important so that each participant has a clear picture of who is working on operator, agency and third party contractor teams.

It is equally important that the lines of communication are clearly defined. The objective is to encourage frequent and open communication among resource experts agency while ensuring that agency and contractor representatives communicate final decisions on the scope and adequacy of the analyses.

Lead and cooperating agencies should be identified based on legal jurisdiction and special expertise. The criteria for identifying lead agencies for NEPA is discussed under the NEPA SOR on Page 28 in the JRP Statement of Responsibilities.

Upon request of the LA, state or federal agencies with legal jurisdiction or special expertise with respect to some environmental issue may be a cooperating agency in the preparation of the federal EIS (43 CFR 1508.5). For projects being permitted using the Joint Review Process the LA shall identify potential cooperating agencies in the draft SOW.

Schedule - An initial JRP schedule will be developed. It will describe the commitment of time and personnel necessary to implement the process, and is a key element of the JRP agreement between lead and cooperating agencies, and the operator.

The lead agency will send the plan of operation and draft SOW to the cooperating agencies. Cooperating agencies will review these documents and confirm whether a permit/review process is required by their regulations; identify agency representatives for the project; and to ensure the issues alternatives and data are adequately address their permit requirements. **An interagency coordination meeting should be called by the lead agency to discuss the Scope of Work.**

After receiving agency comments, the lead agency will request additional information from the operator and/or make changes or additions in the SOW. **After it has been modified, the final SOW may be adopted as a project-specific, interagency agreement for review of the proposal. Written interagency agreement on the Scope of Work must be developed for major projects using the JRP.**

I.2.3. Consultant Use and Selection

Operators use both engineering and environmental consultants to design facilities and prepare permits and plans of operation. Likewise, agencies can contract some of the work involved in analyzing large or complex mining projects. For example:

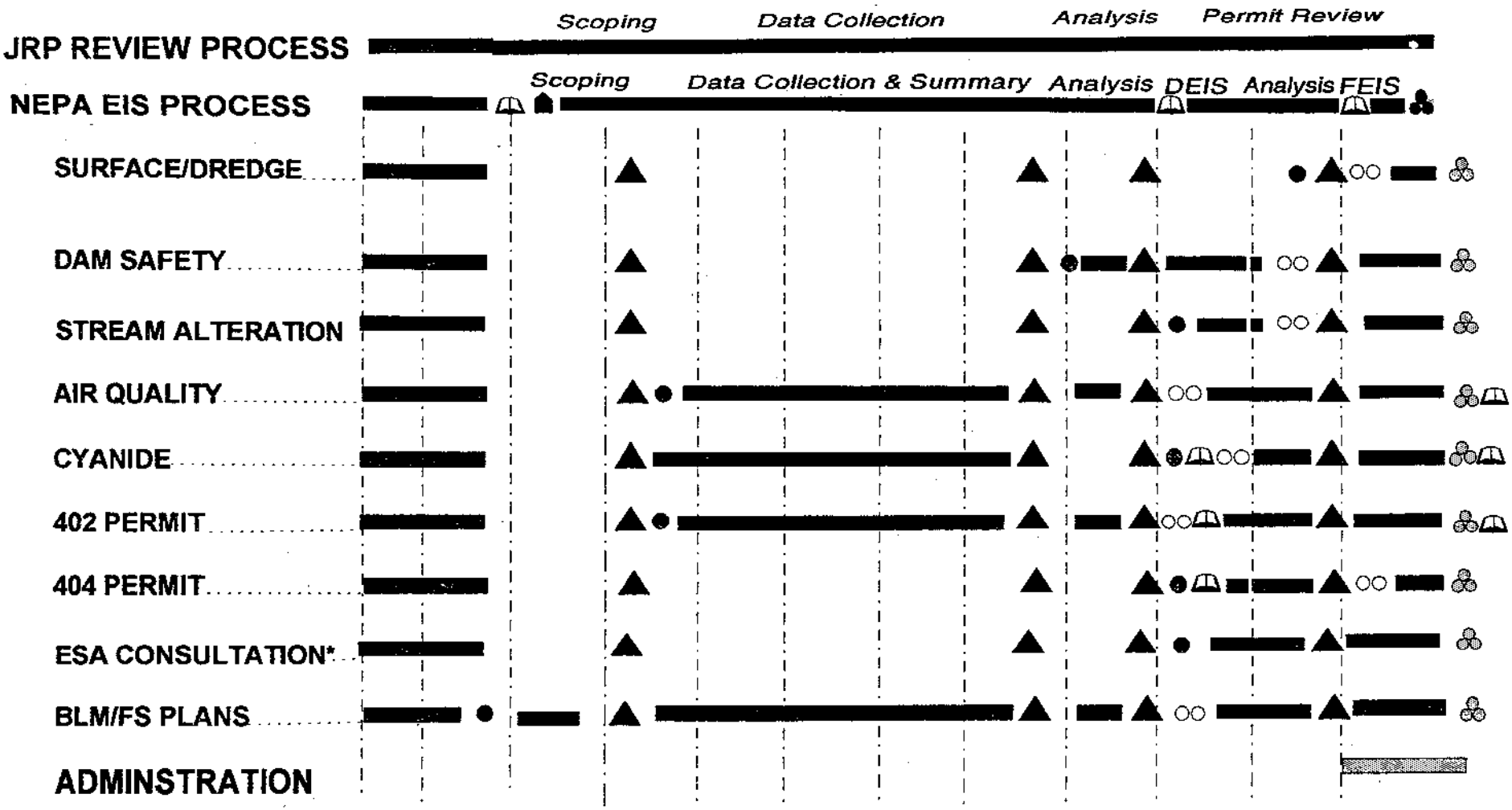
- Consultants can be used by the applicant to develop environmental information for agency use in preparing an federal EIS, 40 CFR 1506.5(a).
- Applicants and their consultants can prepare federal environmental assessments, 40 CFR 1506.5(b).
- Consultants may prepare an federal EIS under agency direction, 40 CFR 1506.5(c).

The agreement between operator and lead federal agency to use a third party consultant is documented in a Memorandum of Understanding (MOU). The MOU describes the work to be performed, and responsibilities of the lead agency, operator and consultant. It also specifies the procedures which will be used to guarantee the objectivity of the analysis. This agreement may come late in the Pre-Analysis or early in the Analysis Stage of the JRP.

Once the MOU is signed, a Request for Proposal goes out to prospective consultants, inviting them to submit them to submit a proposed plan of work for completion of the EIS and associated studies. The plan of operations, SOW and MOU are important parts of the RFP and will greatly assist consultants in

IDAHO JOINT REVIEW PROCESS

Concurrent Analysis Timelines

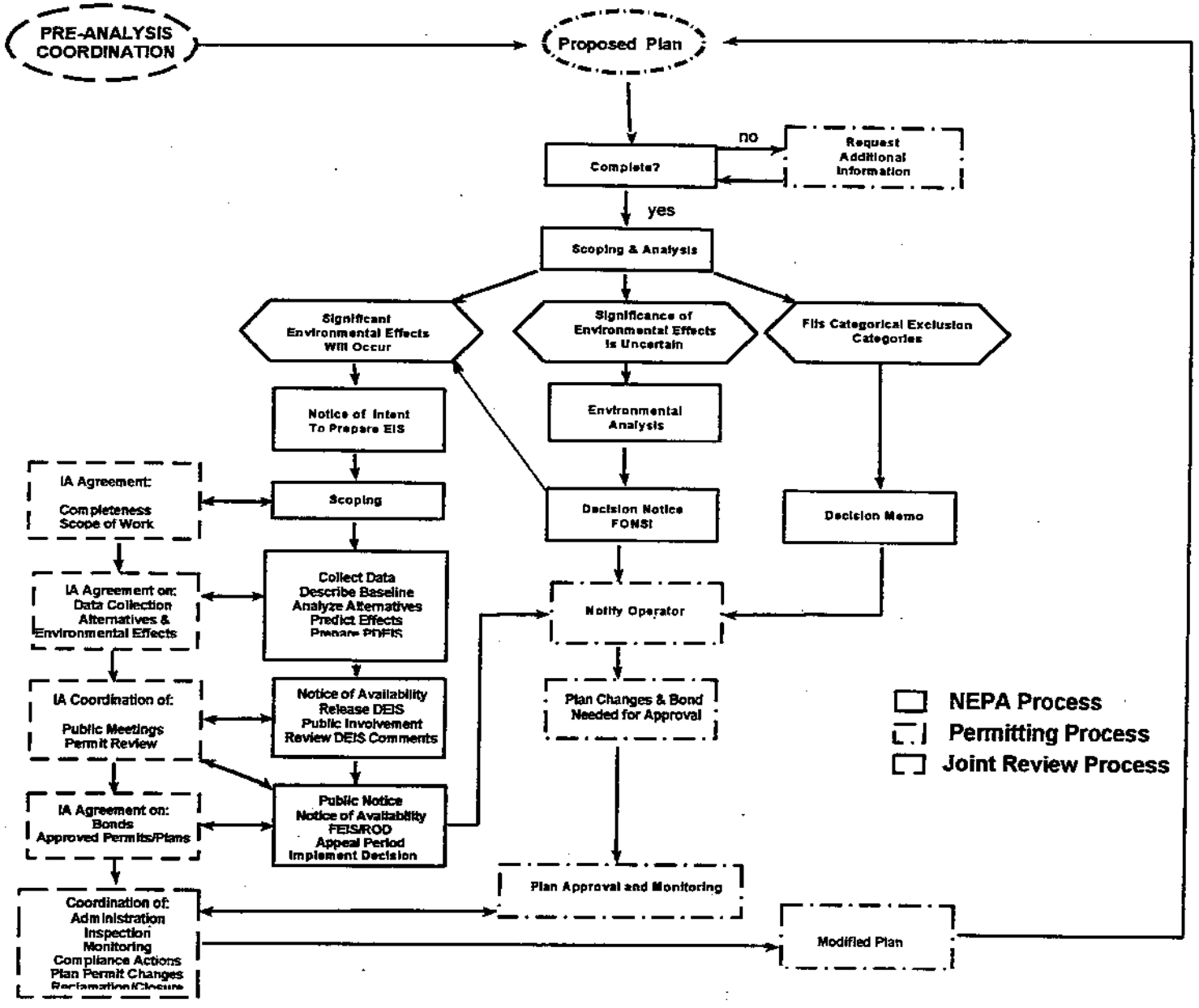


- Pre-Analysis Coordination
- Public Review Periods
- Public Meeting/Hearing
- Agency Comment, POO, SOW
- Agency Comment, Alternatives, Effects
- Collect Data
- Permit/Plan Analysis
- Public Notice
- Agency Comment, Tech. Repts.
- NEPA Record of Decision
- Permit Application
- Permit/Plan Approval
- Permit Completeness
- Begin Plan/Permit Update

* ESA Requires Consultation, Not a Permit

IDAHO JOINT REVIEW PROCESS

FEDERAL PLAN OF OPERATIONS



developing sound, comprehensive proposals. If the RFP goes out during the Pre-Analysis Stage of the JRP, preliminary plans and scopes of work are must be developed to assist in consultant selection. Such preliminary plans and SOW are likely to change as a result of scoping and may also require changes in consultant proposals and contracts.

After the lead agency selects the third party consultant, the consultant works on scoping, data collection, alternative analysis and permit/plan documentation under the direction of the lead agency.

I.2.4. Data Collection

Environmental and engineering data must be collected as agreed to in the SOW for the project. This requirement applies to all data collection and analyses, whether done by the operator, consultants or agency personnel. If long term baseline data collection began during the Pre-Analysis Stage and meets the requirements in the SOW this stage may be shortened over that shown in Figure 1.

The data collection effort should be closely monitored by the lead and cooperating agencies to ensure that the right data is collected using acceptable methods and qualified personnel. The lead agency will arrange field reviews with cooperating agencies. Where a need for change in the data collection program is identified, it must be made through the agency JRP representatives with the concurrence of the lead agency. Besides resource specific coordination, a field review or meeting involving all or part of the JRP Team will be encouraged to ensure familiarity with the project site. Following the completion of the baseline program, technical reports or memoranda which document the results of data collection and analysis are prepared. For large projects these documents are typically prepared by consultants working for the lead agency or operator, and approved or accepted by the lead agency for use in preparing the EIS. A typical report will contain discussions of:

- Data Collection and Analysis Methodology including QA/QC Plans;
- Description of the Affected Environment (from baseline data);
- Assessment of Potential Effects (by issue and by alternative);
- Mitigation and Monitoring Recommendations;
- Literature Cited and Contacts.

The lead agency will distribute draft technical reports to cooperating agencies, based on their expertise and legal jurisdiction. Cooperating agencies will review and comment on the adequacy of the reports, and the lead agency will respond to agency comments, revising the technical reports if necessary. **It is critical that agreement be reached on the adequacy of the data collection effort before proceeding with the analysis.**

I.2.5 Alternative Analysis

After reviewing the information presented in the technical reports, **the federal lead agency will compare project alternatives on the basis of their predicted social, economic and environmental effects.** This analysis will focus on the differences caused by each alternative's unique set of management requirements, mitigation measures, and monitoring programs. State and federal permit requirements should be part of the alternatives and considered in the analysis.

When this analysis is documented it will be sent to cooperating agencies for review and comment. Where a federal EIS is being prepared this draft normally takes the form of a preliminary draft EIS (PDEIS).

The lead agency will schedule interagency coordination meetings if needed to discuss agency comments on the alternatives and their predicted effects. Additional alternatives, mitigation measures or monitoring programs may be proposed by agencies at this time based on their permitting requirements. **The objective of this review is to ensure that all permit issues and requirements are adequately**

addressed by alternative analysis.

Following interagency review of the alternatives and their predicted impacts, federal lead agency will issue a Draft Environmental Impact Statement (DEIS) for the project. The lead agency(s) have the option of identifying a preferred alternative in the DEIS or may defer that selection until the Final EIS and Record of Decision is issued.

At this time the operator will normally complete remaining permit applications. This allows agencies to coordinate public notices, meetings and hearings to greatest extent possible. Completing permit applications at this time is necessary if they are to be approved concurrently as described below.

I.2.6 Permit Review

Agencies will provide for public review of analyses and permits as required by their respective permitting process. Federal agencies must complete the NEPA process and issue a Record of Decision prior to approving plans or permits. **In these cases it is important to remember that substantive requirements of the NEPA decision is not binding upon the operator unless implemented through an approved plan of operations or Permit.** The discussion in the BLM and FS SORS describes the relationship between the NEPA Decision and plan/permit approval.

Cooperating agencies may comment on other agency permits or analyses. However, most permitting issues should have been resolved prior to release of draft NEPA documents or permits. **Agency agreement on the final range of project alternatives is one of the key goals of the Joint Review Process.** However, decisions on permits and plans are ultimately the responsibility of the individual agency(s) and cannot be shared or delegated with cooperating or lead agencies.

After public review, agencies will evaluate and respond to comments received. The amount of time needed to evaluate and respond to public comments is described in the SOR for the various permits/plans. **Figure 1 shows how review of draft analysis documents and permits should be completed to allow permits/plans to be approved concurrently.**

I.2.7 Permit Issuance & Bonding

Once plans and permits have been updated to reflect the outcome of the analysis and permit review process, they will be approved by the respective agencies. The JRP Statements of Responsibility describes the individual permit approval processes. Once approved, the cooperating agencies should forward copies of final permits to the Lead and other cooperating agencies if requested to do so.

Reclamation bonds are required prior to approval of several state and federal plans and permits. Bonding will be completed as described in the MOU for the Joint Review Process. In most cases, mining operations on federal lands will be bonded for the actual cost of reclamation. There is a discussion of actual cost bonding in the JRP Statements of Responsibility.

Although bond calculation is an agency responsibility the operator often provides the initial bond estimate for the reclamation plan. This will be reviewed and modified or approved by agency personnel. For large mines, bond review and approval is a complex and demanding job. The JRP Statements of Responsibility includes descriptions of the bond calculation process and stresses the importance of obtaining specialized engineering expertise.

I.2.8 Typical Agency and Operator Roles During JRP Analysis Stage

Table 11.2 describes the typical agency roles and responsibilities during the JRP Analysis Stage.

TABLE I.2 - ROLES & RESPONSIBILITIES** - ANALYSIS

Operator	LEAD AGENCY	COOPERATING AGENCY
	PLAN OF OPERATIONS SUBMITTAL	
Submit plan of operations to the lead agency.	Receive the plan of operations/Permit, notify operator as required by its regulations.	
	*Determine whether an EIS is needed.	
	SCOPE OF WORK	
	Develop a draft SOW including a project monitoring plan.	
Review and comment on the Scope of Work.	Distribute copies of the plan of operations and draft SOW to the JRP Coordination Group for review and comment.	Review plan of operations/Permit and comment on completeness. Provide input to Draft SOW.
Provide additional plan of operations information.	Advise the Operator of additional plan of operations information needed to proceed with the analysis.	
Participate in public meetings if requested.	*Complete NEPA scoping requirements. Establish a project contact list, conduct scoping and public meetings if necessary.	Participate in public meetings if necessary.
	Using public, government and agency comments draft a final scope of work (SOW) for the Project.	
	DATA COLLECTION	
Participate in field reviews at the request of the LA	Schedule field reviews to collect or monitor data collection as described in the SOW.	Participate in data collection effort.
Submit technical reports prepared in-house to LA. Review and comment on draft Technical Reports produced by the LA	Distribute Technical Reports to operator and Coordination Group for review and comment.	Review and comment on draft Technical Reports.
	Prepare final Technical Reports/Memoranda incorporating Coordination Group comments.	Accept final Technical Reports/Memoranda
	ALTERNATIVE ANALYSIS	
Provide input on technical and economic feasibility of alternatives	*Evaluate project alternatives based on their environmental effects.	
	*Identify a preferred alternative (optional)	
*Review and comment on (PDEIS) or permit. Meet and discuss Preliminary Draft EIS.	*Prepare a preliminary draft EIS (PDEIS) and distribute to the Coordination Group for review. Conduct a JRP coordination meeting to discuss the PDEIS or permit.	*Review and comment on (PDEIS) or permit. Meet and discuss Preliminary Draft EIS.
Submit remaining permit applications	*Incorporate Coordination Group comments and prepare the Draft EIS.	Receive and process permit applications.

TABLE I.2 - ROLES & RESPONSIBILITIES** - ANALYSIS

Operator	LEAD AGENCY	COOPERATING AGENCY
	PERMIT REVIEW	
	*Publish the Draft EIS or permit. Prepare news releases, mail DEIS to public, and conduct public meetings if needed. Coordinate public notice and review activities with requirements of other permits to the extent feasible.	*Coordinate public notice and review activities with DEIS review if feasible.
Provide input as requested by LA, on public comments, responses to comments and proposals for additional analyses, changes in the preferred alternative or Final EIS or permit	*Analyze public comments and prepare responses and plans for additional analysis or changes in the Final EIS or permit.	*Comment on Draft EIS or permit
	*Provide copies of public comments, draft responses, plans for additional analyses and changes to Draft EIS or permit to Coordination Group based on jurisdiction or expertise.	*Provide input on public comments, responses to comments and proposals for additional analyses, changes in the preferred alternative or Final EIS or permit
	*Incorporate Coordination Group responses, prepare Final EIS or permit.	
Begin to update or change initial plans or permits as needed based on the analysis. Submit initial bond calculation.	*Publish the Final EIS or permit. Prepare news releases and mail Final EIS or permit to public. Coordinate public notice and review activities with requirements of other permits to the extent feasible.	*Coordinate public notice and review activities for Final EIS andpermit.
	Implement decision or respond to appeals as required by regulation.	Complete permit analysis and implement decisions.
	PERMIT ISSUANCE AND BONDING	
	Certify that reclamation bonds are adequate prior to plan approval, as required under existing authorities. Approve a final plan or permit which has been updated on the basis of the analysis. Distribute final plan/permit to Coordination Group.	Certify that reclamation bonds are adequate prior to plan approval, as required under existing authorities. Approve a final plan or permit which has been updated on the basis of the analysis. Forward copies of final plans/permits to Coordination Group.
	Avoid duplication or conflict with other agency permits, plans or bonds to the extent feasible under existing legal authorities.	Avoid duplication or conflict with other agency permits, plans or bonds to the extent feasible under existing legal authorities.

* DEIS FEIS requirements apply only to major federal actions.
** Individual agency permitting responsibilities are described in the JRP SOR

I.3 ADMINISTRATION

The Administration stage begins when permits are issued. At this point, the transition is made from project analysis to implementation. During this stage permitting agencies will agree on common procedures for:

- **Administration & Compliance**
- **Plan of Operations/Permit Modification**
- **Reclamation & Closure**

I.3.1 Administration & Compliance

Mining operators and government agencies invest a great deal of time and resources in the design, analysis, and approval of mining projects on public lands. The value of this investment is easily compromised if project construction, operation and closure does not comply with the approved plans and permits.

There are two key elements necessary for successful project administration, they are:

- **Well defined, measurable permit and plan requirements. (WHAT is required, WHERE, and WHEN).**

- **Personnel and procedures (WHO, HOW) necessary to ensure compliance with the written plans.**

The first requirement should be met through the project analysis leading to documentation of state and federal requirements in approved plans and permits. The second will be addressed through agency and operator plans for administering the project.

Large mining projects will normally be administered by an Interagency Coordination Group.

An Interagency Coordination Group will consist of agencies which are legally responsible for permit compliance. Each agency remains fully responsible for its own permit requirements, but in addition will take steps to avoid conflict or duplications with other permits. The Coordination Group will operate under an agreement which clearly defines agency and operator roles, meeting and notification requirements.

Some key elements of this agreement:

- **It establishes roles based on the scope of agency involvement. The lead agency will usually be the primary land management agency (IDL, FS or BLM). Other agencies may take the lead based on expertise or jurisdiction (IDHW in areas of water quality, COE for wetlands, etc);**
- **It will describe procedures for coordinating, communicating and resolving permit issues such as non-compliance and bonding;**
- **It identifies inspection frequency and documentation requirements for each agency;**
- **It schedules periodic multi-agency coordination meetings to discuss inspections and monitoring results, and resulting need for changes in permits or plans.**

Although not specifically required, an operator's plan for project administration is recommended to identify the personnel and procedures necessary to ensure compliance with the approved permits and plans. There is no required format for such plans but the following is recommended:

- Summarize project requirements contained in approved plans and permits;
- Identify operator/contractor personnel responsible for compliance with approved plans and permits;
- Provide a schedule for project construction, operation and monitoring.

- Describe provisions compliance monitoring including schedules, personnel, and reports;
- Provide for periodic summaries of inspection and monitoring programs focusing on the need for change in operations, reclamation or monitoring.

I.3.2 Plan of Operations/Permit Modification

Changes or supplements to plans and permits may be required due to unforeseen project or environmental reasons. If the change is within the scope of current plans/permits and environmental analysis, it will be approved and documented. Where a change is outside the scope of current plans/permits and environmental analysis, each agency will be responsible for complying with its legal review and permit process prior to approving the change. Changes in permits/plans may involve other members of the Interagency Coordination Group. Modified permit or plans will be forwarded to applicable members of the Coordination Group.

Changes in plans and permits may also require changes in design and contract bid packages. Large mines are typically constructed by a number of different contractors, working under the direction of operator personnel or a general contractor. **Contractors bid and perform work based on information contained in contracts, not plans of operation or permits. Although these contracts may not be part of the approved plan or permits, operators must ensure that they support and do not conflict with state and federal permit requirements.**

I.3.3 Reclamation/Closure

Reclamation and closure requirements for mining operations are addressed in many different permits and plans. Interagency coordination throughout the permitting and administration of the project should minimize duplicative and conflicting reclamation requirements, and allow the operator to develop a single plan which meets the requirements of all of the agencies. In general, reclamation and closure plans should describe:

- What is being reclaimed. The plan of operations should contain written descriptions, plan-views and cross-sections describing the physical and chemical configuration of the project facilities and associated disturbance on an annual basis (or some other agreed upon interval), for interim and final mine closure.

- When it is being reclaimed. As important as what will be reclaimed is when seasonal, interim and final reclamation will occur. To answer this question, the anticipated schedule for project construction, operation, and closure is needed. With this information, reclamation bond estimates can be made annually or at some other pre-determined interval, in addition to mine closure. This will allow both phased and full term bonding, and is needed to choose the right size, type and amount of labor and equipment for any given period.

- Standards for measuring reclamation success. These are the end products or conditions we are trying to achieve with reclamation should be described. These are based on the kind of project impacts expected, resources affected, and the long term management objectives for the area. These should be expressed as land or resource conditions to be achieved, and we should be able to measure and monitor that achievement.

Additional details on reclamation, closure and bonding is available in the "Actual Cost Bonding" discussion in the JRP Statements of Responsibility.

I.3.4 Agency/Operator Roles & Responsibilities

Table I.3 describes agency/operator roles during the administration stage of the JRP.

TABLE I.3 - ROLES & RESPONSIBILITIES - ADMINISTRATION

Operator*	LEAD AGENCY	COOPERATING AGENCY
	ADMINISTRATION & COMPLIANCE	
Summarize plan of operations/Permit Requirements.	Identify agency personnel responsible for ensuring compliance with the approved plan or permit.	Identify agency personnel responsible for ensuring compliance with the approved plan or permit.
Identify operator/contractor personnel responsible for compliance with approved plans and permits.	Draft the site specific interagency agreement for project administration and distribute to the Coordination Group for review.	Review and comment on proposed interagency agreement. Sign final agreement.
Describe plan for compliance monitoring including schedules, personnel, and reports.	Prepare final interagency agreement and distribute to the Coordination Group for signature.	Accept interagency agreement.
Perform compliance inspection, including as built certifications or acceptance of work.	Conduct field inspections of the project on a regular basis to determine compliance with approved plans and permits.	Inform lead agency of scheduled inspections to determine compliance with approved permits or plans.
Document compliance inspection.	Document the results of field inspections in field reports.	Document the results of field inspections in field reports.
Provide copies of operator inspections or reports to the appropriate permitting agency as requested.	Forward copies of field reports to the Coordination Group on request.	Forward copies of field reports to the Coordination Group on request.
	Take action to ensure compliance with its approved permits or plans.	Take action to ensure compliance with its approved permits or plans.
	Take actions in support of other Coordination Group agency compliance actions as appropriate under existing legal authorities.	Take actions in support of other Coordination Group agency compliance actions as appropriate under existing legal authorities.
Annually, the operator should review the results of its inspection and monitoring programs with the Coordination Group, focusing on the need for change in operations, reclamation or monitoring programs.	Review environmental protection and monitoring programs with the operator and Coordination Group annually. Identify need for change in plans and permits including construction or operating requirements, mitigation measures, monitoring programs, bonds or reclamation requirements.	Participate in the review of environmental protection and monitoring programs with the operator and LA annually. Identify need for change in plans and permits including construction or operating requirements, mitigation measures, monitoring programs, bonds or reclamation requirements.

* Recommended

TABLE I.3 - ROLES & RESPONSIBILITIES - ADMINISTRATION

Operator*	LEAD AGENCY	COOPERATING AGENCY
	POOS/PERMIT MODIFICATION	
Inform agencies in advance of project or environmental changes which are outside of current permits, plans or NEPA analysis conducted for the project.	Notify JRP Team of changes in operation, unforeseen environmental impacts or incidents of non-compliance with approved permits.	Notify Coordination Group of changes in operation, unforeseen environmental impacts or incidents of non-compliance with approved permits.
	Process changes as required by policy and regulations. Inform and involve Coordination Group in analysis. Participate in analysis of changes in other agency permits as requested.	Process changes as required by policy and regulations. Inform and involve Coordination Group in analysis. Participate in analysis of changes in other agency permits as requested.
	RECLAMATION/CLOSURE	
	Coordinate reclamation and bonding requirements with other agencies to the extent legally possible to avoid conflicting reclamation requirements and duplicate bonding.	Cooperate with other agencies to the extent legally possible to avoid conflicting reclamation requirements and duplicate bonding.
Annually report on the reclamation status of disturbed land. Adjust bond as needed.	Coordinate review of annual reclamation/bond summary with other agencies having jurisdiction.	Cooperate with other agencies having jurisdiction when reviewing annual summary of reclamation work or bond adequacy.
	Coordinate review of reclamation work and bond release. Reclamation will not be approved or joint bonds released without concurrence of all agencies with jurisdiction over that aspect of the operation.	Cooperate in review of reclamation work and bond release. Reclamation will not be approved or joint bonds released without concurrence of all agencies with jurisdiction over that aspect of the operation.

* - Recommended

II. THE JOINT REVIEW PROCESS FOR SMALL PROJECTS

To satisfy the demand for a small project joint review process this section on joint review of small operations was developed. It is organized into the same Pre-Analysis, Analysis and Administration stages and emphasizes much of the same interagency coordination. However because small operations range from exploration to small placer, surface and underground mines, the joint review process for them differs from large mines in two important ways: 1) The variation in permitting processes from 30 days to over a year make it impractical to develop a "typical" timeline for concurrent permitting of small operations; 2) Also because of the variability in time frames, informal rather than formal interagency coordination is emphasized.

The **Pre-Analysis Stage** of the JRP begins with when a operator starts prospecting and may end with the development of an exploration or mining Plan of Operation. Between prospecting and the initial proposal operators may need to obtain permits or plans to conduct prospecting exploration, and development activities.

In the Pre-Analysis Stage of the JRP, communication between agencies and the operator is informal, but highly recommended so that:

- **Potential mining permits/plans and critical issues are identified at the earliest possible time;**
- **Data collected in exploration or bench/pilot scale testing can be used in the analysis of mine development issues (acid drainage, ground water, mass stability etc);**
- **If long term data collection (ie., water, air quality) is necessary, it can begin as early as possible.**
- **Agency suggestions for mitigation, monitoring and reclamation measures can be considered in the operator's preliminary plans for exploration or development.**

The **Analysis Stage** begins when a plan of operations is submitted to the lead agency, and ends with agreement on acceptable permit or plan conditions. Between these points, numerous state and federal agencies may analyze the proposal and process permits and plans of operation. The Analysis stage is designed to guide both agencies and the operator through the permitting process including:

- **Identifying and involving appropriate permitting agencies;**
- **Preparing a complete plan of operation for environmental analysis;**
- **Determining permit and environmental issues which must be addressed;**
- **Identifying environmental and engineering data needed to address the impacts of the proposal;**
- **Identifying project alternatives and their predicted environmental impacts;**
- **Preparing draft and final permits and plans;**
- **Calculating and securing reclamation bonds.**

The **Administration Stage** begins after permits are issued. At this point, the transition is made from project analysis to implementation.

- **Administration & Compliance**
- **Plan of Operations/Permit Modification**
- **Reclamation & Closure**

Sections II.1, II.2, and II.3. explain what happens during the Pre-analysis, Analysis and Administration stages. Tables II.1, II.2 and II.3 describe the responsibilities of the operator, lead and cooperating agencies during these stages. Together, the narrative and tables provide a step by step description and guide to operators and agencies. Table II.4 is a checklist of possible state, federal and local permits, plans and approvals that may be required for mineral activities.

II.1 PRE-ANALYSIS STAGE

This stage begins with prospecting and ends with the development of an initial plan of operation for exploration or mining.[5] The length of time between initial prospecting and proposal may vary. During this time the operator hopes to find a valuable mineral deposit that can be mined, removed and marketed at a profit. If a valuable mineral deposit is found, the operator will conduct development activities to gather more information on the dimensions, orientation and grade of the ore body. Such information is necessary for mine design, production and plan of operation development.

II.1.1 Prospecting

Prospecting, mineral reconnaissance or mineral exploration are all terms that describe investigations normally done in the initial stages of property acquisition. These investigations may include researching existing information on an area's geology, past mining history and production records. It will involve some level of field reconnaissance, geologic mapping and investigation of historic workings.

Although these activities cause little or no disturbance of surface resources, there may be contacts with land management or regulatory agencies. Sometimes this is to obtain maps, historical records or research information. Other contacts may be made to determine the key environmental issues in an area.

Opportunities to identify potential environmental issues should not be overlooked by agencies or operators. **Indications of potential problems may be found in historic records, existing mine workings, or may be inferred from the geochemistry of certain ore deposits.** An area's historic pollution problems and the presence of other highly valuable resources may be as important as its mineral potential when deciding whether to acquire a property, or in designing an exploration program.

II.1.2 Exploration

Exploration activities typically occur after control of a property has been secured and include planning, indirect sampling methods like geochemical and geophysical testing, as well as direct methods like trenching and drilling, bulk sampling, pilot studies and preliminary feasibility analysis.

During these activities geologists record geologic information and select samples of soil, vegetation, sediments or rock to send to laboratories for chemical and/or physical analyses. Geologic data gathered in this way to define an ore body are often useful in defining environmental issues. For example, igneous and host rock associations, wall rock alteration, gangue and trace metal associations, structural controls, weathering effects and ore mineralogy may help to define acid or heavy metal drainage potential. The depth, quantity and quality of ground water encountered in drill holes may help define the ground water system. **Agency/Operator communication at this time helps ensure that data collected can be used to address potential mine development issues like acid or heavy metal drainage potential, location and quality of ground water, and geotechnical stability.**

As drilling defines the ore body, the operator will often extract bulk samples of ore and conduct bench and/or pilot scale testing. This is done to determine a suitable mineral extraction process and to help design the mining and milling facility. **Agency/operator consultation during this stage is recommended to allow full use of such testing to define the chemical and physical nature of spent ore, tailings, and process leachates.** Tests to define the acid and heavy metal drainage potential will be particularly useful. This may reduce the need for such analysis later during permitting.

The operator defines preliminary mining, process, and support systems for the project based on

[5] The stages in mine development discussed here follow the process as described in "Anatomy of a Mine From Prospect to Production", USDA Forest Service Technical Report INT-35.

information from exploration and metallurgical testing. The cost of mining combined with market projections are the basis for decisions to continue with exploration, move forward with detailed project design and permitting, or drop the project. **Agency/Operator coordination at this point is recommended so that environmental mitigation, reclamation, and permitting costs are considered in this analysis, along with probable time required to obtain the necessary mine development permits.**

II.1.3 Development

Once a valuable mineral deposit is found, additional development or infill drilling may be done to quantify the grade, size, orientation and physical and chemical characteristics of the deposit.

At this point the operator will also gather information necessary for mine design, production and plan of operation development. This may include information on access, fuel transportation and storage, sewage, power, communications, water supplies and other facilities which will be needed to support the operation.

Coordination between agencies and the operator is recommended to ensure that data collected can be used to address potential permitting issues. At this point an operator should also begin long-term data collection (ie., water, air quality) if necessary. Early agreement on data collection will result in better and more timely project analysis.

II.1.4 Operator/Agency Roles & Responsibilities

Table II.1 outlines the recommended operator/agency coordination during the Pre-Analysis Stage.

TABLE II.1 - RECOMMENDED COORDINATION - PRE-ANALYSIS

Operator	LEAD AGENCY	COOPERATING AGENCY
	PROSPECTING	
Identify potential environmental issues which could affect property acquisition or design of the exploration program.	Assist operator in identifying historic pollution problems and/or the presence of other highly valuable resources.	Assist operator in identifying historic pollution problems and/or the presence of other highly valuable resources.
	EXPLORATION	
Obtain permits for exploration drilling and the removal of ore for bench scale or pilot testing from appropriate agencies.	Identify permits that may be required. Invite permitting agencies to comment or participate in the analysis and approval of exploration plans or permits.	Review and comment on exploration plans/permits. Forward comment letters and appropriate applications to the operator.
	Complete and coordinate permit/plan approval with other state or federal agencies to the extent practicable.	Complete and coordinate permit/plan approval with other state or federal agencies to the extent practicable.
	Inspect the approved operation.	Coordinate field inspections with the lead agency.
Discuss mine permitting and baseline data with lead agency. Initial contact is recommended after a potential ore body has been identified, but prior to submittal of a plan of operation.	Meet with the operator and cooperating agencies. The purpose of these meetings is to share information on: 1) permit time frames and costs; 2) baseline data requirements, particularly that which can be collected during exploration, including acid or metal drainage potential, agency standards and guidelines for environmental protection, mitigation or reclamation.	Participate in coordination meetings at the request of the lead agency. At these meetings the agencies will explain potential permitting requirements including: 1) permitting costs and time frames; 2) data which can be collected during exploration.
	DEVELOPMENT STUDIES	
Continue to discuss results of exploration data collection relative to potential permit issues. Share development data collection and formulation of the initial plan of operation.	Meet with the operator and cooperating agencies to discuss permit issues which raised by data collected as part of exploration or feasibility studies. Advise operator on permit issues which could be addressed by data gathered as part of development studies including infill drilling.	Advise lead agency and operator on permit issues which raised by data collected as part of exploration, or which could be addressed by data gathered during development studies including infill drilling.

II.2 ANALYSIS STAGE

The JRP Analysis Stage begins with submission of a plan of operations, and ends with agreement on acceptable permit or plan conditions. Federal land management agencies evaluate these plans as required by their mining regulations and the National Environmental Policy Act (NEPA). These analyses may take from one month to over a year depending on the size and complexity of the operation and its impacts on the surface resources affected. State agencies typically are invited to comment on such analyses where they have jurisdiction or special expertise over some aspect of the proposal.

Table II.4 shows typical State permits which might be required.

The JRP Analysis Stage is designed to achieve agreement on the following:

- **Plan of Operations Completeness;**
- **Scoping**
- **Data Collection;**
- **Project Alternatives;**
- **Review of Draft Permits/Plan of Operations;**
- **Permit Issuance & Bonding.**

II.2.1 Plan of Operations Submittal

The operator submits a plan of operations to the lead agency. The plan of operations should contain project information sufficient for agencies to define permitting and environmental issues. Plan of Operations may include:

- Exploration methods, (geochemical, geophysical, trenching, drilling etc.);
- Mining and milling methods and rates including waste water treatment and disposal;
- Workforce and schedule;
- Access and power requirements;
- Quantities of ore and mine waste produced;
- Physical and chemical characteristics of ore and mine waste;
- The type and amounts of materials/supplies to be used including hazardous materials;
- Preliminary engineering and geotechnical studies for ore processing, waste disposal;
- Solid or hazardous waste generated, transported or disposed of;
- Project facilities to be constructed and their location;
- Environmental protection measures including mitigation, spill response monitoring and reclamation;
- Possible baseline water, climate, air, and geochemical data, if necessary;
- Land status, project ownership.

II.2.2 Scoping

After receiving a plan of operations, the lead agency begins the analysis by conducting scoping. Scoping requirements for federal agencies are described in 40 CFR 1501.7, and in individual agency guidelines.

Like the formal SOW for large projects, the intent of interagency contacts during scoping and subsequent analysis is to coordinate state and federal permitting processes to the extent feasible and to document agency positions on the scope and adequacy of the analyses. Scoping documentation for small operation will usually consist of a letter sent to other agencies and the public instead of a formalized scope of work. In general these letters will contain descriptions of:

- The proposed operation;
- State and federal permits required;

- Plans for public involvement;
- Preliminary issues and project alternatives;
- Data and analyses needed to address issues and alternatives;
- Organization including primary agency contacts; lead agency interdisciplinary teams, consultants if any, and cooperating agency personnel assigned to the project;
- Anticipated schedule for the project analysis.

These items may be summarized as follows:

The Mining Proposal - This will summarize the mining proposal and may include the Plan of Operation itself subject to operator requests for confidentiality.

State and Federal Permits and Analysis Process - This section will describe the state and federal permits required for the project. It represents a first estimate of the state and federal agencies which will be involved in the project.

Public Involvement - The public involvement strategy for the project will be described. Public involvement for small projects typically include publishing notices in newspapers of record and sending letters to members of the public or local government who may be affected by the proposed operation or who have expressed interest in such projects.

Issues and Alternatives - Early on, state and federal agencies identify issues and alternatives based on the anticipated project effects. Issues are based on experience with similar projects, as well as input from the operator, the public, local government and other legal and regulatory requirements. Alternatives are often changed or dropped as information and analyses are completed.

Data & Analyses Needed - Data collection and analysis is limited to that needed to address the social, economic and environmental issues identified for the project. The kind, location, methods and level of sampling or inventory is specified. Analysis techniques will be specified including the quantitative and qualitative units that will be used to measure effects and compare alternatives in issue area. Often certain resource disciplines have required data collection and analysis techniques for certain projects.

Organization - Project organization should be documented. For small projects this typically consists of lead agency interdisciplinary team leader and members.

Schedule - The scoping letter and the agencies' response to it may outline the general permitting schedule for the project.

The lead agency will send the plan of operation and Scoping Letter to cooperating agencies. Cooperating agencies will review this letter and confirm whether a permit/review process is required by their regulations; identify agency representatives for the project; and to ensure the issues alternatives and data are adequately address their permit requirements. **An interagency coordination meeting may be called by the lead agency to discuss the project.**

After receiving agency comments, the lead agency may request additional information from the operator and/or make changes or additions to scope of the analysis as described in the Scoping Letter.

II.2.3. Consultant Use and Selection

For small projects, consultants may gather environmental or engineering data, prepare permits or plans of operation, and prepare federal environmental assessments (EA), 40 CFR 1506.5(b). There are no requirements that such consultants be selected by the lead agency or need for an agreement between

operator and lead federal agency to use a consultant to prepare an EA. However the lead federal agency must independently review and accept the consultant or operators work.

II.2.4. Data Collection

Environmental and engineering data may be required for small operations to address state or federal permitting requirements or other issues raised in the scoping process. Such data may include water quality, soils, threatened or endangered plant or animal species or cultural resources.

Any data collection will be monitored by the lead and cooperating agencies to ensure that the right data is collected using acceptable methods and qualified personnel. This will ensure that data collected can be used to analyze and select alternatives, approve plans of operation and write permits.

II.2.5 Alternative Analysis

After reviewing the environmental and engineering data which was gathered, **the federal lead agency will compare project alternatives on the basis of their predicted social, economic and environmental effects.** This analysis will focus on the differences caused by each alternative's unique set of management requirements, mitigation measures, and monitoring programs. State and federal permit requirements should be part of the alternatives and considered in the analysis.

When this analysis is completed it will be sent to cooperating agencies for review and comment. The lead agency may also schedule interagency coordination meetings if needed to discuss agency comments on the alternatives and their predicted effects. Additional alternatives, mitigation measures or monitoring programs may be proposed by agencies at this time based on their permitting requirements. **The objective of this review is to ensure that all permit issues and requirements are adequately addressed by alternative analysis.**

At this time the operator will normally complete remaining permit applications. This allows agencies to coordinate public notices, meetings and hearings to greatest extent possible. Completing permit applications at this time is necessary if they are to be approved concurrently.

II.2.6 Permit Review

Agencies will provide for public review of analyses and permits as required by their respective permitting process. Federal agencies must complete the NEPA process and issue a Decision Memo or Decision Notice prior to approving plans or permits. **In these cases it is important to remember that substantive requirements of the NEPA decision is not binding upon the operator unless implemented through an approved plan of operations or permit.** The discussion in the BLM and FS SORS describes the relationship between the NEPA Decision and plan/permit approval.

II.2.7 Permit Issuance & Bonding

Once plans and permits have been updated to reflect the outcome of the analysis and permit review process, they will be approved by the respective agencies. The JRP Statements of Responsibility describes the individual permit approval processes. Once approved, the cooperating agencies should forward copies of final permits to the Lead and other cooperating agencies if requested to do so.

Reclamation bonds are required prior to approval of several state and federal plans and permits. Bonding will be completed as described in the MOU for the Joint Review Process. In most cases, mining operations on federal lands will be bonded for the amount it would cost the agencies to perform the reclamation. There is a discussion of actual cost bonding in the JRP Statements of Responsibility.

II.2.8 Typical Agency and Operator Roles During JRP Analysis Stage

Table 11.2 describes the typical agency roles and responsibilities during the JRP Analysis Stage.

TABLE II.2 - ROLES & RESPONSIBILITIES** - ANALYSIS

OPERATOR	LEAD AGENCY	COOP. AGENCY
	PLAN OF OPERATIONS SUBMITTAL	
Submit plan of operations to the lead agency.	Receive the plan of operations/Permit, notify operator as required by its regulations.	
	SCOPING	
Review and comment on scoping letter.	Develop a scoping letter. Distribute copies of the plan of operations and scoping letter to cooperating agencies with jurisdiction or expertise, for review and comment	Review plan of operations/Permit and comment on completeness.
Provide additional plan of operations information.	Advise the Operator of additional plan of operations information needed to proceed with the analysis.	
	Using public, government and agency comments determine the scope of the analysis needed for the plan of operation.	
	DATA COLLECTION	
Participate in field reviews at the request of the LA. Submit data collected in-house to LA.	Schedule field reviews to collect or monitor data collection.	Review data collection effort as necessary.
	ALTERNATIVE ANALYSIS	
Provide input on technical and economic feasibility of alternatives	*Evaluate project alternatives based on their environmental effects.	
	*Prepare analysis and decision documents as needed.	
	PERMIT REVIEW	
*Review and comment on draft analysis or permit. Meet and discuss draft analysis if necessary.	*Publish the draft analysis, decision or permit as required by agency policy or regulation. Prepare news releases, mail documents to agencies and public, and conduct public meetings if needed. Coordinate public notice and review activities with requirements of other permits to the extent feasible.	*Review and comment on draft analysis, decision document or permit.
Submit remaining permit applications	*Analyze agency and public comments and prepare responses and plans for additional analysis or changes in the final analysis, decision or permit.	Receive and process permit applications.
	*Publish the Final analysis and decision document or permit. Coordinate public notice and review activities with requirements of other permits to the extent feasible.	*Coordinate public notice and review activities for final permits if feasible.
	Implement decision or respond to appeals as required by regulation.	
	PERMIT ISSUANCE AND BONDING	
	Certify that reclamation bonds are adequate prior to plan approval, as required under existing authorities. Approve a final plan or permit which has been updated on the basis of the analysis. Distribute final plan/permit to agencies if requested. Avoid duplication or conflict with other agency permits, plans or bonds to the extent feasible under existing legal authorities.	Complete permit analysis and implement decisions. Avoid duplication or conflict with other agency permits, plans or bonds to the extent feasible under existing legal authorities.

* DEIS FEIS requirements apply only to major federal actions.
** Individual agency permitting responsibilities are described in the JRP SOR

II.3 ADMINISTRATION

The Administration stage begins when permits are issued. At this point, the transition is made from project analysis to implementation. During this stage permitting agencies will coordinate:

- **Administration & Compliance**
- **Plan of Operations/Permit Modification**
- **Reclamation & Closure**

II.3.1 Administration & Compliance

Mining operators and government agencies invest a great deal of time and resources in the design, analysis, and approval of mining projects on public lands. The value of this investment is easily compromised if project construction, operation and closure does not comply with the approved plans and permits.

There are two key elements necessary for successful project administration, they are:

- **Well defined, measurable permit and plan requirements. (WHAT is required, WHERE, and WHEN).**

- **Personnel and procedures (WHO, HOW) necessary to ensure compliance with the written plans.**

The first requirement should be met through the project analysis leading to documentation of state and federal requirements in approved plans and permits. The second will be addressed through agency and operator plans for administering the project. The Idaho Mining MOU describes general coordination procedures which will be followed by state and federal agencies.

Each agency remains fully responsible for its own permit requirements, but in addition will take steps to avoid conflict or duplications with other permits.

II.3.2 Plan of Operations/Permit Modification

Changes or supplements to plans and permits may be required due to unforeseen project or environmental reasons. If the change is within the scope of current plans and permits, it will be approved and documented without further analysis. Where a change is outside the scope of current plans or permits and the environmental analysis, each agency will be responsible for complying with its legal review and permit process prior to approving the change. Changes in permits/plans may involve other agencies. Modified or supplemental plans or permits will forwarded to applicable agencies.

II.3.3 Reclamation/Closure

Reclamation and closure requirements for mining operations are addressed in many different permits and plans. Interagency coordination throughout the permitting and administration of the project should minimize duplicative and conflicting reclamation requirements, and allow the operator to develop a single plan which meets the requirements of all of the agencies. In general, reclamation and closure plans should describe:

- What is being reclaimed. The plan of operations should contain written descriptions, plan-views and cross-sections describing the physical and chemical configuration of the project facilities and associated disturbance on an annual basis (or some other agreed upon interval), for interim and final mine closure.

- When it is being reclaimed. As important as what will be reclaimed is when seasonal, interim and final reclamation will occur. To answer this question, the anticipated schedule for project construction,

operation, and closure is needed. With this information, reclamation bond estimates can be made annually or at some other pre-determined interval, in addition to mine closure. This will allow both phased and full term bonding, and is needed to choose the right size, type and amount of labor and equipment for any given period.

- Standards for measuring reclamation success. These are the end products or conditions we are trying to achieve with reclamation should be described. These are based on the kind of project impacts expected, resources affected, and the long term management objectives for the area. These should be expressed as land or resource conditions to be achieved, and we should be able to measure and monitor that achievement.

Additional details on reclamation, closure and bonding is available in the "Actual Cost Bonding" discussion in the JRP Statements of Responsibility.

II.3.4 Agency/Operator Roles & Responsibilities

Table II.3 describes agency/operator roles during the administration stage of the JRP.

TABLE II.3 - ROLES & RESPONSIBILITIES - ADMINISTRATION

OPERATOR*	LEAD AGENCY	COOPERATING AGENCY
	ADMINISTRATION & COMPLIANCE	
Identify operator/contractor personnel responsible for compliance with approved plans and permits.	Identify agency personnel responsible for ensuring compliance with the approved plan or permit.	Identify agency personnel responsible for ensuring compliance with the approved plan or permit.
Perform compliance inspection.	Conduct field inspections of the project on a regular basis to determine compliance with approved plans and permits.	Inform lead agency of scheduled inspections to determine compliance with approved permits or plans.
	*Document the results of field inspections in field reports.	*Document the results of field inspections in field reports.
	Take action to ensure compliance with its approved permits or plans.	Take action to ensure compliance with its approved permits or plans.
	Take actions in support of other Coordination Group agency compliance actions as appropriate under existing legal authorities.	Take actions in support of other Coordination Group agency compliance actions as appropriate under existing legal authorities.
*Annually, the operator should review the results of its inspection and monitoring programs with the Coordination Group, focusing on the need for change in operations, reclamation or monitoring programs.	*Review environmental protection and monitoring programs with the operator and Coordination Group annually. Identify need for change in plans and permits including construction or operating requirements, mitigation measures, monitoring programs, bonds or reclamation requirements.	*Participate in the review of environmental protection and monitoring programs with the operator and LA annually. Identify need for change in plans and permits including construction or operating requirements, mitigation measures, monitoring programs, bonds or reclamation requirements.
	POOS/PERMIT MODIFICATION	
Inform agencies in advance of project or environmental changes which are outside of current permits, plans or NEPA analysis conducted for the project.	Notify coordination group of changes in operation, unforeseen environmental impacts or incidents of non-compliance with approved permits.	Notify Coordination Group of changes in operation, unforeseen environmental impacts or incidents of non-compliance with approved permits.
	Process changes as required by policy and regulations. Inform and involve Coordination Group in analysis. Participate in analysis of changes in other agency permits as requested.	Process changes as required by policy and regulations. Inform and involve Coordination Group in analysis. Participate in analysis of changes in other agency permits as requested.
	RECLAMATION/CLOSURE	
	Coordinate reclamation and bonding requirements with other agencies to the extent legally possible to avoid conflicting reclamation requirements and duplicate bonding.	Cooperate with other agencies to the extent legally possible to avoid conflicting reclamation requirements and duplicate bonding.
Annually report on the reclamation status of disturbed land. Adjust bond as needed.	Coordinate review of annual reclamation/bond summary with other agencies having jurisdiction.	Cooperate with other agencies having jurisdiction when reviewing annual summary of reclamation work or bond adequacy.
	Coordinate review of reclamation work and bond release. Reclamation will not be approved or joint bonds released without concurrence of all agencies with jurisdiction over that aspect of the operation.	Cooperate in review of reclamation work and bond release. Reclamation will not be approved or joint bonds released without concurrence of all agencies with jurisdiction over that aspect of the operation.

* Recommended

TABLE II.4 - STATE/FEDERAL PERMIT GUIDE

IF THE OPERATION...	YOU NEED...	ON PAGE...
Causes significant surface disturbance of National Forest System Land...	An approved Plan of Operation from the Forest Service...	26
Disturbs lands administered by the BLM...	To notify or receive an approved Plan from the Bureau of Land Management...	24
Places dredged or fill material into waters (and wetlands) of the U.S....	A Wetland Permit from the U.S. Army Corps of Engineers...	42
Has a point source discharge of pollutants to water of the U.S...	A NPDES Permit from the Environmental Protection Agency...	34
Stores petroleum products in single tanks holding in excess of 660 gallons, or combined tanks holding more than 1320 gallons...	A Spill Prevention Control and Countermeasures Plan is required by the EPA if there is a potential for a release to waters of the United States...	38
Requires construction of an ore processing facility which uses cyanide in the process.	A Cyanidation Permit from Idaho Department of Health and Welfare (IDHW)...	16
Uses motorized earth moving equipment to conduct exploration...	To notify Idaho Department of Lands (IDL)....	3
Proposes surface mining for the purpose of selling the minerals...	A Surface Mining Permit from IDL...	3
Is a dredge and placer mining operation which disturb in excess of one-half acre of land during the life of the operation...	A Dredge and Placer Mining Permit from IDL...	5
Involves activities conducted below the mean high water mark of a continuously flowing stream...	A Stream Alteration Permit from Idaho Department of Water Resources (IDWR)...	7
Requires dams which are; 1) 10 feet or more in height; or 2) store 50 acre feet or more water; and 3) mine tailing structures that are 30 feet or more in height...	A Dam Safety Permit from IDWR...	9
Requires diversion and/or use of waters of the state of Idaho...	A Water Right from the IDWR for water use including drilling and dust suppression...	11
Requires a water well...	A Well Drilling Permit from IDWR...	12
Requires an injection well which is over 18 feet deep...	A Injection Well Permit from IDWR...	13
Is a industrial or manufacturing facility with an air pollution source...	An Air Quality Permit from IDHW...	14
Requires a sewage treatment facility...	To have a plan reviewed and approved by IDHW...	18
Land application of wastewater...	To have a plan reviewed and approved by IDHW...	19
Requires a drinking water system serving 25 people per day for 60 days per year...	To have a plan reviewed and approved by IDHW...	21
Requires disposal of solid waste or construction of a sanitary landfill...	To have a plan reviewed and approved by IDHW...	22
Dispose of slash or debris by burning...	To have a permit from the state, BLM or FS...	None
Construct facilities...	To have a county building permit...	None
Could affect listed or proposed threatened or endangered species....	Federal permitting agencies may have to consult with NMFS or USFWS prior to a decision...	40 & 45
Generates, transports, treats, stores, recycles or disposes of hazardous waste...	A Permit to treat, store or transport hazardous waste from IDHW...	23

STATE OF IDAHO

STATEMENT OF RESPONSIBILITIES

February 1996

IDAHO JOINT REVIEW PROCESS
STATEMENTS OF RESPONSIBILITY
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I. AGENCY STATEMENTS OF RESPONSIBILITY

These statements were written as a cooperative effort between agency representatives and members of the JRP Team subcommittee.

They include the following information:

- Legal authorities;
- Application information;
- Data collection and analysis procedures;
- Bonding and closure requirements.
- Typical permitting stages and timelines

Major state or federal permits have a timeline showing how process requirements fit within the Joint Review Process. These are only general estimates that will be refined in the scope of work for specific projects.

We expect that agencies will need to expand or update their SOR as laws or policy change. Such updates in turn, may trigger changes in the Joint Review Process, or in rare instances, the Interagency MOU. Changes or updates must be submitted by participating agencies to the Idaho Department of Lands. This Department will make such changes in consultation with all participating agencies to ensure that they are acceptable under the terms of the current Joint Review Process and Interagency MOU.

TABLE 1 - STATE/FEDERAL PERMIT GUIDE

IF THE OPERATION...	YOU NEED...	ON PAGE...
Causes significant surface disturbance of National Forest System Land...	An approved Plan of Operation from the Forest Service...	26
Disturbs lands administered by the BLM...	To notify or receive an approved Plan from the Bureau of Land Management...	24
Places dredged or fill material into waters (and wetlands) of the U.S....	A Wetland Permit from the U.S. Army Corps of Engineers...	42
Has a point source discharge of pollutants to water of the U.S...	A NPDES Permit from the Environmental Protection Agency...	34
Stores petroleum products in single tanks holding in excess of 660 gallons, or combined tanks holding more than 1320 gallons...	A Spill Prevention Control and Countermeasures Plan is required by the EPA if there is a potential for a release to waters of the United States...	38
Requires construction of an ore processing facility which uses cyanide in the process.	A Cyanidation Permit from Idaho Department of Health and Welfare (IDHW)...	16
Uses motorized earth moving equipment to conduct exploration...	To notify Idaho Department of Lands (IDL)....	3
Proposes surface mining for the purpose of selling the minerals...	A Surface Mining Permit from IDL...	3
Is a dredge and placer mining operation which disturb in excess of one-half acre of land during the life of the operation...	A Dredge and Placer Mining Permit from IDL...	5
Involves activities conducted below the mean high water mark of a continuously flowing stream...	A Stream Alteration Permit from Idaho Department of Water Resources (IDWR)...	7
Requires dams which are; 1) 10 feet or highermore in height; or 2) store 50 acre feet or more water; and 3) mine tailing structures that are 30 feet or more in height...	A Dam Safety Permit from IDWR...	9
Requires diversion and/or use of waters of the state of Idaho...	A Water Right from the IDWR for water use including drilling and dust suppression...	11
Requires a water well...	A Well Drilling Permit from IDWR...	12
Requires an injection well which is over 18 feet deep...	A Injection Well Permit from IDWR...	13
Is a industrial or manufacturing facility with an air pollution source...	An Air Quality Permit from IDHW...	14
Requires a sewage treatment facility...	To have a plan reviewed and approved by IDHW...	18
Land application of wastewater...	To have a plan reviewed and approved by IDHW...	19
Requires a drinking water system serving 25 people per day for 60 days per year...	To have a plan reviewed and approved by IDHW...	21
Requires disposal of solid waste or construction of a sanitary landfill...	To have a plan reviewed and approved by IDHW...	22
Dispose of slash or debris by burning...	To have a permit from the state, BLM or FS...	None
Construct facilities...	To have a county building permit...	None
Could affect listed or proposed threatened or endangered species....	Federal permitting agencies may have to consult with NMFS or USFWS prior to a decision...	40 & 45
Generates, transports, treats, stores, recycles or disposes of hazardous waste...	A Permit to treat, store or transport hazardous waste from IDHW...	23

IDAHO DEPARTMENT OF LANDS
BUREAU OF MINERALS

RULES AND REGULATIONS GOVERNING EXPLORATION & SURFACE MINING OPERATIONS IN IDAHO

Title 47 Chapter 13 Idaho Code

SCOPE

These rules apply to all surface mining or exploration operations conducted within the State, regardless of land ownership. These rules do not apply to any suction dredging operation with an intake diameter of eight (8) inches or less.

EXPLORATION OPERATIONS AND REQUIRED RECLAMATION

Any operator desiring to conduct exploration using motorized earth moving equipment shall notify the Department of Lands by certified mail within seven (7) days of beginning the exploration operations. This letter must include the name and address of the operator, a legal description of the exploration operation, starting and estimated completion dates, anticipated size, and general method of operation. This letter shall be treated as confidential in accordance with applicable state laws and regulations. Reclamation shall consist of recontouring and revegetating the affected lands where possible. If the affected lands cannot be recontoured, they must be shaped, graded and revegetated as necessary to ensure that State water quality standards are achieved, or to reestablish the conditions of runoff water quality prior to commencing the exploration operations, whichever is the lesser standard.

APPLICATION REQUIREMENTS AND PROCEDURES

An operator must submit five (5) copies of a surface mine application package. An application package consists of an application provided by the director, a map or maps of the proposed mining operation which include vicinity maps of the mine area, detailed mine maps which show all aspects of the operation, and a surface and mineral control map of appropriate scale for boundary identification. A reclamation plan must be submitted in map and narrative form which shows the surface profiles before and after mining, all roads which will be reclaimed, a plan for revegetation of the affected lands, reclamation of tailings ponds, and an estimate of total reclamation costs. An operator must also submit a water management plan which identifies and assesses the foreseeable site specific nonpoint sources of water quality impacts upon adjacent surface waters, and the best management practices that the operator will use to control these nonpoint impacts. A complete reclamation plan application should be submitted to the area office for review by the appropriate mineral resource technician.

PROCEDURES FOR REVIEW

The appropriate mineral resource technician or bureau will review all applications for completeness within fourteen days of receipt. Incomplete applications will be returned to the operator within thirty days of the initial application date. Complete applications will be forwarded immediately to the Department of Fish & Game, Division of Environmental Quality and Department of Water Resources. A field review of the proposal will be scheduled with the operator and coordinating agencies. After a field review, a recommendation for approval or denial will be sent to the State Board of Land Commissioners, usually within 90 days of receipt of the application. Public hearings may be required to gather public input on the adequacy of the permit application, environmental impacts, and with respect to water quality protection measures.

BONDING

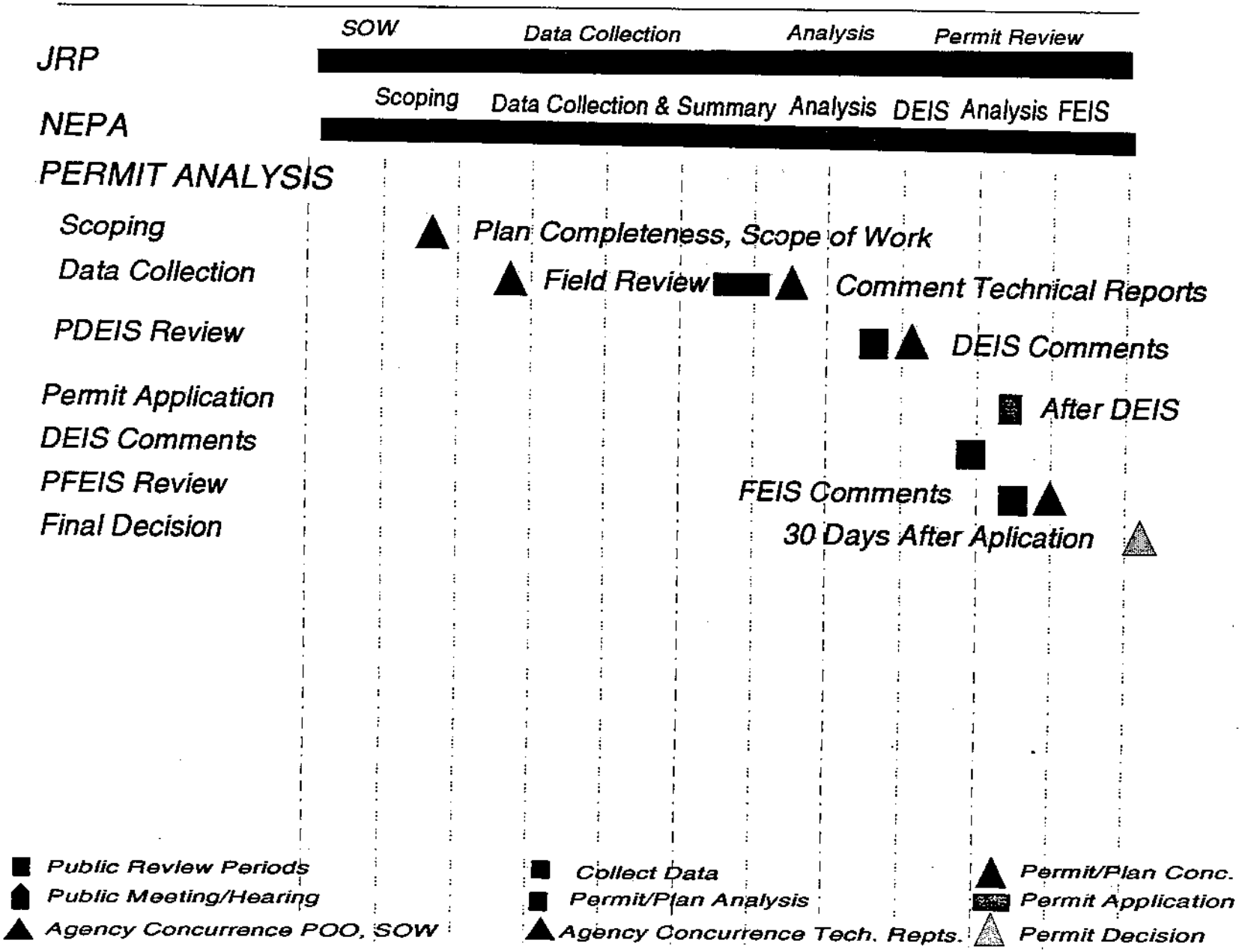
Bonding is required. The reclamation bond shall be the estimated reasonable cost of reclamation required under the plan and the rules for each acre of land which is permitted, plus ten (10%) percent. Acceptable forms of bond include surety, certificate of deposit, cash, and letter of credit.

CLOSURE AND BOND RELEASE

All requests for bond release should be made to the Bureau of Minerals in writing. The Bureau will respond to all requests for bond release within thirty days of receipt of the request. When the operator has completed the required backfilling, regrading, topsoiling and drainage control, sixty (60%) percent of the bond may be released. After revegetation activities have been completed, an additional twenty-five (25%) of the bond will be released. The remaining bond shall be released when all reclamation and fertilization requirements have been met as described in the reclamation plan and the Rules.

IDAHO JOINT REVIEW PROCESS

SURFACE MINING PERMIT



- Public Review Periods
- Public Meeting/Hearing
- Agency Concurrence POO, SOW
- Collect Data
- Permit/Plan Analysis
- Agency Concurrence Tech. Repts.
- Permit/Plan Conc.
- Permit Application
- Permit Decision

IDAHO DEPARTMENT OF LANDS
BUREAU OF MINERALS

RULES AND REGULATIONS GOVERNING
DREDGE & PLACER MINING OPERATIONS IN IDAHO

Title 47 Chapter 15 Idaho Code

SCOPE

These rules apply to all dredge and placer mining or exploration operations conducted within the State, regardless of land ownership, where mineral materials are being removed for immediate or ultimate sale.

EXPLORATION OPERATIONS AND REQUIRED RECLAMATION

Any operator desiring to conduct exploration using motorized earth moving equipment shall notify the Department of Lands by certified mail within seven (7) days of beginning the exploration operations. This letter must include the name and address of the operator, a legal description of the exploration operation, starting and estimated completion dates, anticipated size, and general method of operation. This letter shall be treated as confidential in accordance with applicable state laws and regulations. Reclamation shall consist of recontouring and revegetating the affected lands where possible. If the affected lands cannot be recontoured, they must be shaped, graded and revegetated as necessary to ensure that State water quality standards are achieved, or to reestablish the conditions of runoff water quality prior to commencing the exploration operations, whichever is the lesser standard.

APPLICATION REQUIREMENTS AND PROCEDURES

An operator must submit five (5) copies of a placer mine application package and a $50.00 application fee. An application package consists of an application provided by the director, a map or maps of the proposed mining operation which include vicinity maps of the mine area, detailed mine maps which show all aspects of the operation, and a surface and mineral control map of appropriate scale for boundary identification. A reclamation plan must be submitted in map and narrative form which shows the surface profiles before and after mining, all roads which will be reclaimed, a plan for revegetation of the affected lands, reclamation of tailings ponds, and an estimate of total reclamation costs. An operator must also submit a water management plan which identifies and assesses the foreseeable site specific nonpoint sources of water quality impacts upon adjacent surface waters, and the best management practices that the operator will use to control these nonpoint impacts. An out-of-state operator must designate an in-state agent. A complete placer permit application should be submitted to the area office for review by the appropriate mineral resource technician.

PROCEDURES FOR REVIEW

The appropriate mineral resource technician or bureau will review all applications for completeness within fourteen days of receipt. Incomplete applications will be returned to the operator within thirty days of the initial application date. Complete applications will be forwarded immediately to the Department of Fish & Game, Division of Environmental Quality and Department of Water Resources. A field review of the proposal will be scheduled with the operator and coordinating agencies. After a field review, a recommendation for approval or denial will be sent to the director. Public hearings may be required to gather public input on the adequacy of the permit application, environmental impacts, and with respect to water quality protection measures. A stream channel alteration permit must be issued, if necessary, before the placer permit is issued. Allow 90 days for placer permit issuance.

BONDING

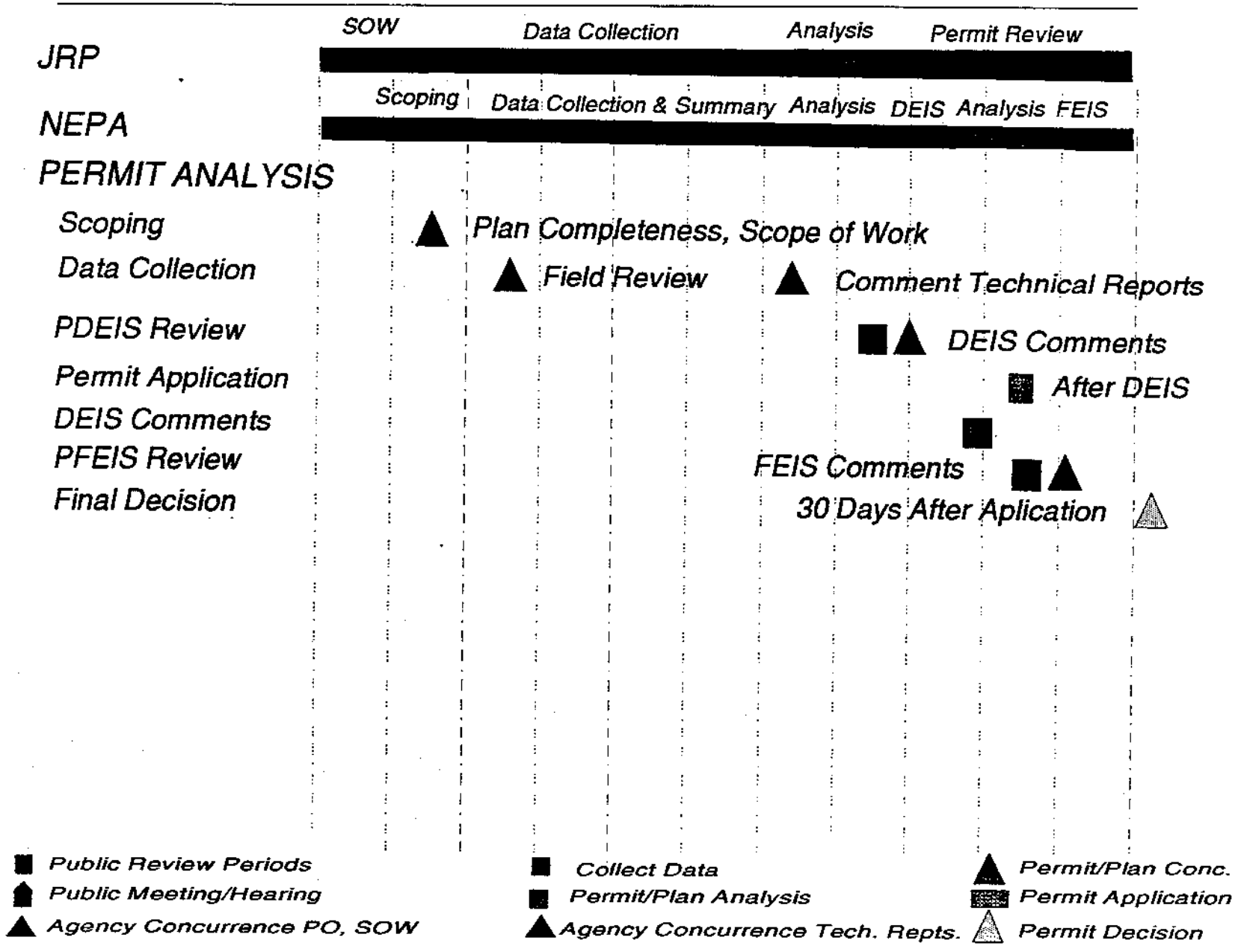
Bonding is required. The reclamation bond shall be the estimated cost of reclamation for each acre of land which is permitted, plus 10 percent, not to exceed $1,800.00 per affected acre. Acceptable forms of bond include surety, certificate of deposit, cash, and letter of credit.

CLOSURE AND BOND RELEASE

All requests for bond release should be made to the Bureau of Minerals in writing. The Bureau will respond to all requests for bond release within thirty days of receipt of the request. When the operator has completed the required backfilling, regrading, topsoiling and drainage control, sixty (60%) percent of the bond may be released. After revegetation activities have been completed, an additional twenty-five (25%) of the bond will be released. The remaining bond shall be released when all reclamation and fertilization requirements have been met as described in the reclamation plan and the Rules.

IDAHO JOINT REVIEW PROCESS

DREDGE AND PLACER PERMIT



IDAHO DEPARTMENT OF WATER RESOURCES

IDAHO STREAM CHANNEL PROTECTION ACT

Title 42, Chapter 38 Idaho Code

SCOPE

The Stream Channel Protection Act applies to all activities which are conducted below the mean high water mark of a continuously flowing stream within the State of Idaho, regardless of land ownership. Specific exemptions are provided that allow for cleaning and maintenance of irrigation water intakes.

APPLICATION REQUIREMENTS AND PROCEDURE

An operator must submit a State of Idaho and U.S. Army Corps of Engineers joint application to the appropriate area office. The application must include detailed maps and drawings of the proposed work and a narrative description of the proposal, equipment to be used, and the length of operations.

There is no application fee.

PROCEDURES FOR REVIEW

All applications will be reviewed for completeness prior to processing. Incomplete applications may be returned to the applicant for additional information.
Complete applications will be forwarded to coordinating local, state, federal and other interested parties.
After a complete application has been submitted, allow 60 days for review and permit issuance.

BONDING

Bonding may be required and is based on the actual cost of stream reclamation.

CLOSURE AND PERMIT RELEASE

Release from a stream channel alteration permit is determined by specific permit conditions.
The Department may cancel a permit at any time.

IDAHO DEPARTMENT OF WATER RESOURCES

IDAHO STREAM CHANNEL PROTECTION ACT

Title 42, Chapter 38 Idaho Code

SCOPE

The Stream Channel Protection Act applies to all activities which are conducted below the mean high water mark of a continuously flowing stream within the State of Idaho, regardless of land ownership. Specific exemptions are provided that allow for cleaning and maintenance of irrigation water intakes.

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There is no application fee.

PROCEDURES FOR REVIEW

All applications will be reviewed for completeness prior to processing. Incomplete applications may be returned to the applicant for additional information.
Complete applications will be forwarded to coordinating local, state, federal and other interested parties.
After a complete application has been submitted, allow 60 days for review and permit issuance.

BONDING

Bonding may be required and is based on the actual cost of stream reclamation.

CLOSURE AND PERMIT RELEASE

Release from a stream channel alteration permit is determined by specific permit conditions.
The Department may cancel a permit at any time.

IDAHO DEPARTMENT OF WATER RESOURCES

IDAHO SAFETY OF DAMS STATUTES

Title 42, Chapter 17 Idaho Code

SCOPE

The Department of Water Resources regulates construction, enlargement, alteration, operation, repair, maintenance, and removal of dams, reservoirs, and mine tailings structures. Dams which are 10 feet or more in height or that store 50 acre feet or more of water and mine tailing structures that are 30 feet or higher require a safety of dams permit.

APPLICATION REQUIREMENTS AND PROCEDURES

An operator is required to file engineering drawings, plans, and construction specifications. Site specific data and technical information is required, including geological information, engineering analyses, design standards, material specifications, and construction requirements. Application fees are required, based on the planned storage capacity of the dam or the planned increase in storage capacity for existing dams...

PROCEDURES FOR REVIEW

Applications for permits are not submitted for interagency review or approval. Unprotested applications are forwarded to ... for final review and approval.

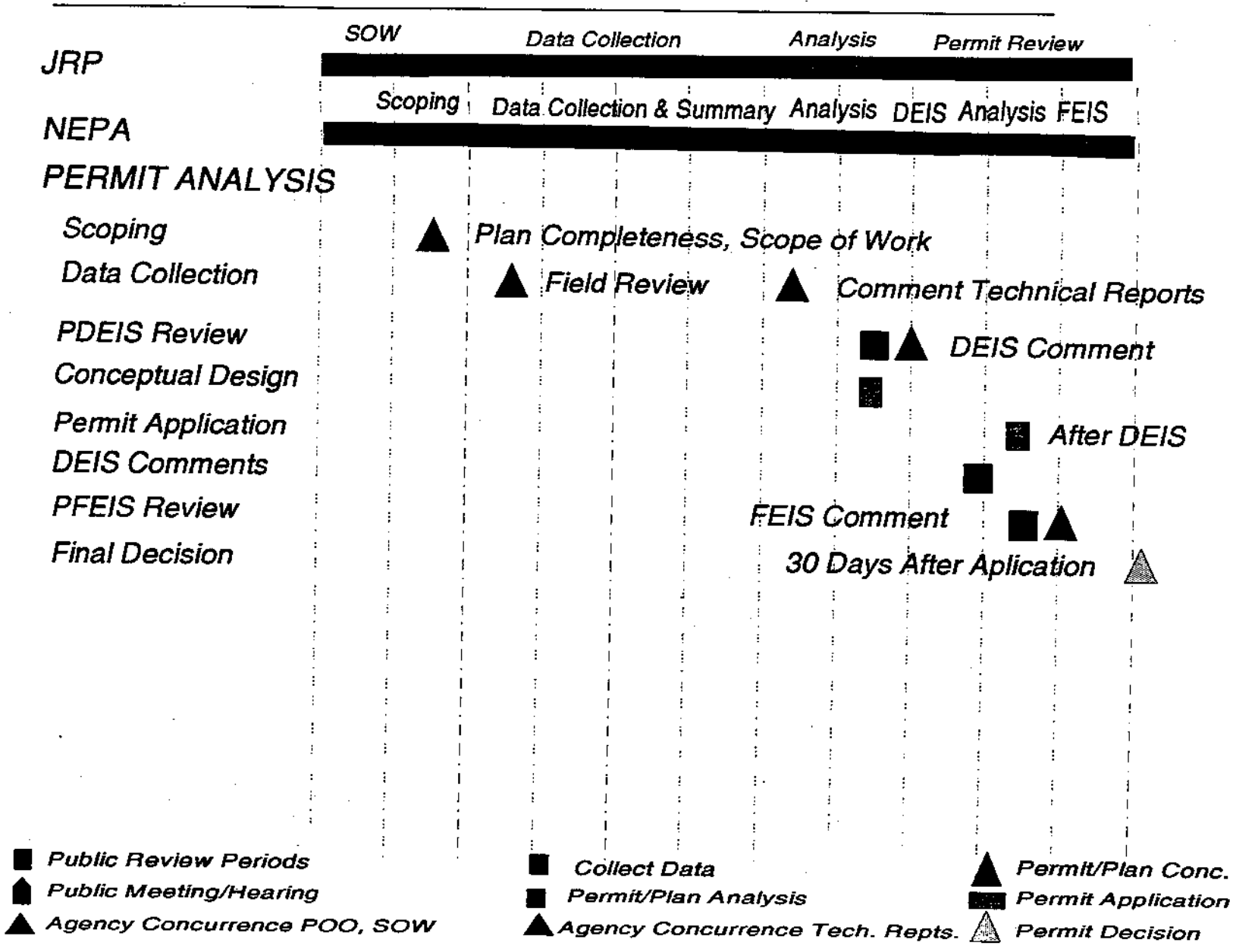
BONDING

Bonding is required by the Department of Water Resources and is based on the actual cost of dam or tailings impoundment closure. All requests for dam closure and bond release must be made to the Department of Water Resources dam safety specialist. Any requests for dam closure will be acted on within ... days.

CLOSURE AND BOND RELEASE

IDAHO JOINT REVIEW PROCESS

DAM SAFETY PERMIT



IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHTS STATUTES

Title 42, Chapters 1 and 2 Idaho Code

SCOPE

All diversions and/or uses of waters of the state shall be acquired and permitted under these chapters. Waters of Idaho may only be appropriated for beneficial uses. Application for permit is not required for ground water uses within the limits of Section 42-111 a) or b), as follows:

a) The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or

b) Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2500) gallons per day.

Application for permit is also not required for instream stock watering. All other uses require an approved water right permit prior to the appropriation of water.

APPLICATION REQUIREMENTS AND PROCEDURE

An application for permit to appropriate water must be filed on department forms. Fees for water right applications are based on the amount of water appropriated with a minimum fee of $30.00. The permit application must contain information on point of diversion, place of use, source of water, season and nature of use, and rate of flow. An approved water right permit authorizes development of the water right within one to five years. If development does not occur within the prescribed development period, the permit may lapse and the operator may need to reapply for the water right. When development is completed, an additional minimum $50.00 fee, based on flow, must be submitted with proof of development in order for beneficial use to be verified and a water right license to be issued.

PROCEDURES FOR REVIEW

All applications for water rights will be published in newspaper legal notices in the project area for one day in each of two consecutive weeks, for the purpose of allowing any public protest. Applications for permit may also be submitted for interagency review or approval. Unprotested applications are approved a minimum of 60 days after they are filed. Protested applications may take several months before final action is taken, depending on mediation scheduling.

BONDING

No bonding required.

CLOSURE AND RELINQUISHMENT

A water right may be forfeited after five continuous years of non-use. A water right permit may be relinquished by letter, or assigned to another party. Once a water right is developed on a specific site, however, it is considered to be attached, or appurtenant, to that property. If the property is sold, the water right passes to the successor in interest, unless specifically withheld. In order to move or change a water right, an application for transfer or an application for amendment must be approved by the department prior to the change. Applications to move or change water rights are also subject to publication and protest.

IDAHO DEPARTMENT OF WATER RESOURCES

WELL DRILLING PERMITS

Title 42, Chapter 2 Idaho Code

SCOPE

These statutes apply to all water wells in the State of Idaho. These rules also outline requirements of drill hole abandonment. Any well constructed in Idaho, must be constructed by an Idaho licensed well driller. "Well" is defined, in part, as any artificial opening in the ground more than 18 feet in vertical depth below the land surface, which is used to obtain groundwater of any temperature, or is used for the subsurface placement of fluids (injection well). See also rules 2,19 and 2,30, well construction standards. A drilling permit, issued by IDWR, is required for all wells.

APPLICATION REQUIREMENTS AND PROCEDURES

A well drilling permit application is usually submitted and obtained by the well owner. If a water right is required, the well drilling permit is issued only following approval of the water right. If a water right is not required, or if the water right permit has been obtained, the drilling permit is usually issued within 2-3 days. The fee for a well drilling permit is $35.00 for domestic uses and other uses not requiring more than 2,500 gallons per day. (See domestic definition 42-111 in water rights statutes) The fee for a well drilling permit for all other uses is $200.00.

PROCEDURES FOR REVIEW

There is no formal review of well drilling permit applications.

BONDING

No owner bonding is required for cold water well drilling permits. Owner bonding may be required for geothermal well drilling permits.

WELL CLOSURE AND PERMIT CANCELLATION

Drilling permits are valid for 60 days. Well construction must be started within this time and the well must be completed within one year. Submittal of well logs is the responsibility of the well driller. Wells which are not being used must be secured with a 1/4" steel cap, either welded or bolted to the top of the casing. Abandonment or plugging of a well requires submittal of an IDWR form outlining abandonment procedures. Abandonment may be done by the well owner; guidelines are available from IDWR regional offices.

IDAHO DEPARTMENT OF WATER RESOURCES

INJECTION WELL PERMITS

Title 42, Chapter 39 Idaho Code

SCOPE

The statute applies to the owner or operator of any planned or existing injection well which is over 18 feet deep. The statute requires public notice and an investigation of the proposed project.

APPLICATION REQUIREMENTS AND PROCEDURE

An operator must submit an acceptable injection well permit application.
The fee for an injection or waste disposal well is $50.00.

BONDING

There is no bonding requirement.

CLOSURE AND PERMIT RELINQUISHMENT

Closure information will be contained within the permit.

DEPARTMENT OF HEALTH AND WELFARE
DIVISION OF ENVIRONMENTAL QUALITY

RULES AND REGULATIONS FOR
THE CONTROL OF AIR POLLUTION IN IDAHO

Title 39, Chapter 1 Idaho Code

SCOPE

These rules apply to all industrial and manufacturing facilities with an air pollution source.

APPLICATION REQUIREMENTS AND PROCEDURES

An operator must submit a completed application form provided by DEQ, Permits and Enforcement Division. The application must include a written description of the facilities and processes and emissions estimates and documentation for all pollutants. Diagrams must also be included. These include scaled plans of the location of the facility, process flow diagrams, and ambient modeling or equivalent information to allow the DEQ to perform modeling.

PROCEDURE FOR REVIEW

After a complete permit application has been received, the Division of Environmental Quality will perform an engineering and regulatory review of all the application materials and determine whether the proposed project is capable of complying with applicable state environmental regulations. A comment period and/or formal or informal public hearing may be held depending on the type, size, location, and controversial nature of the project. After all comments and recommendations have been received, the DEQ will review and respond to comments. A final permit action is issued to the applicant with public notice of the responses and decisions. The permit process usually takes 90 days or longer.

BONDING

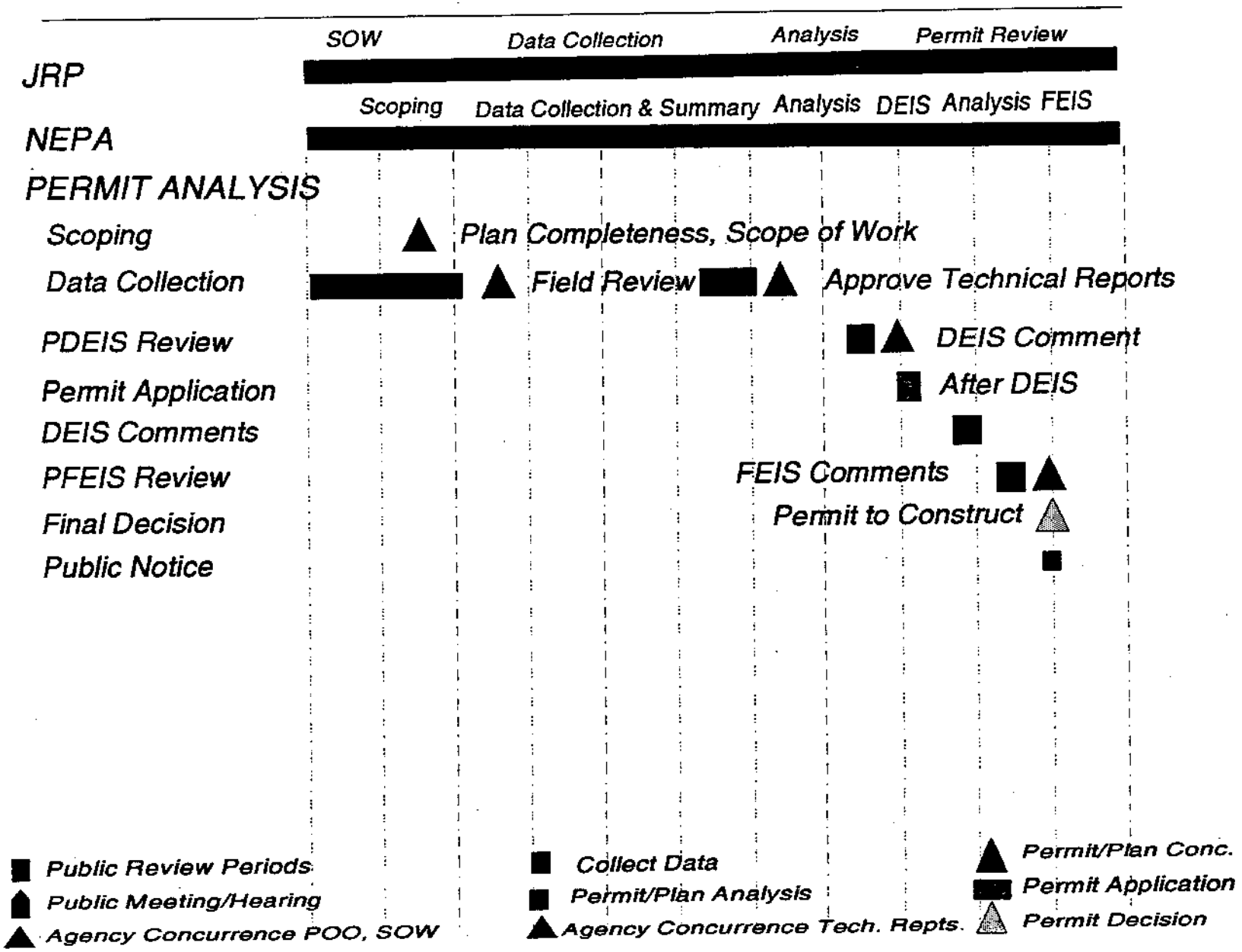
No bonding is required.

CLOSURE AND PERMIT RELEASE

There are no permit release criteria.

IDAHO JOINT REVIEW PROCESS

AIR QUALITY PERMIT



IDAHO DEPARTMENT OF HEALTH AND WELFARE
DIVISION OF ENVIRONMENTAL QUALITY

RULES AND REGULATIONS GOVERNING CONSTRUCTION AND OPERATION OF CYANIDATION FACILITIES IN IDAHO

Title 1, Chapter 13 Idaho Code

SCOPE

These rules apply to all operators of an ore processing facility which propose to use cyanide in the process. The provisions of these rules establish requirements for water quality protection which address the performance, construction, operation and closure of that portion of any ore processing facility that intended to contain, treat, or dispose of process water or process contaminated water containing cyanide.

APPLICATION REQUIREMENTS AND PROCEDURES

An operator must submit a completed application package and a $100.00 application fee to the Division of Environmental Quality, Permits and Enforcement Division. An application package consists of the name, location and mailing address of the facility; name, mailing address, and phone number of the applicant; land ownership status of the facility; legal structure and residence of the applicant. Map and narrative information must include a topographic map or aerial photos that indicate where all roads, buildings, streams, and water supply systems are located; topographic map or aerial photos and associated engineering reports and drawings of the facility; a surface and ground water characterization of the hydrological conditions; a general facility operating plan; and a permanent closure plan. See the Rules and Regulations for Ore Processing by Cyanidation for detailed application requirements.

PROCEDURES FOR REVIEW

After a complete permit application has been received, the DEQ will provide public notice to interested parties and appropriate governmental agencies and the applicant. The Division of Environmental Quality will then perform an engineering and regulatory review of all the application materials and determine whether the proposed project is capable of complying with applicable state environmental regulations. A formal or informal public hearing may be held depending on the type, size, location, and controversial nature of the project. After all comments and recommendations have been received, the Division of Environmental Quality will review and respond to comments. A final permit action is issued to the applicant with public notice of the responses and decisions. The permit process will take not less than 90 days and not longer than one year for complete applications.

BONDING

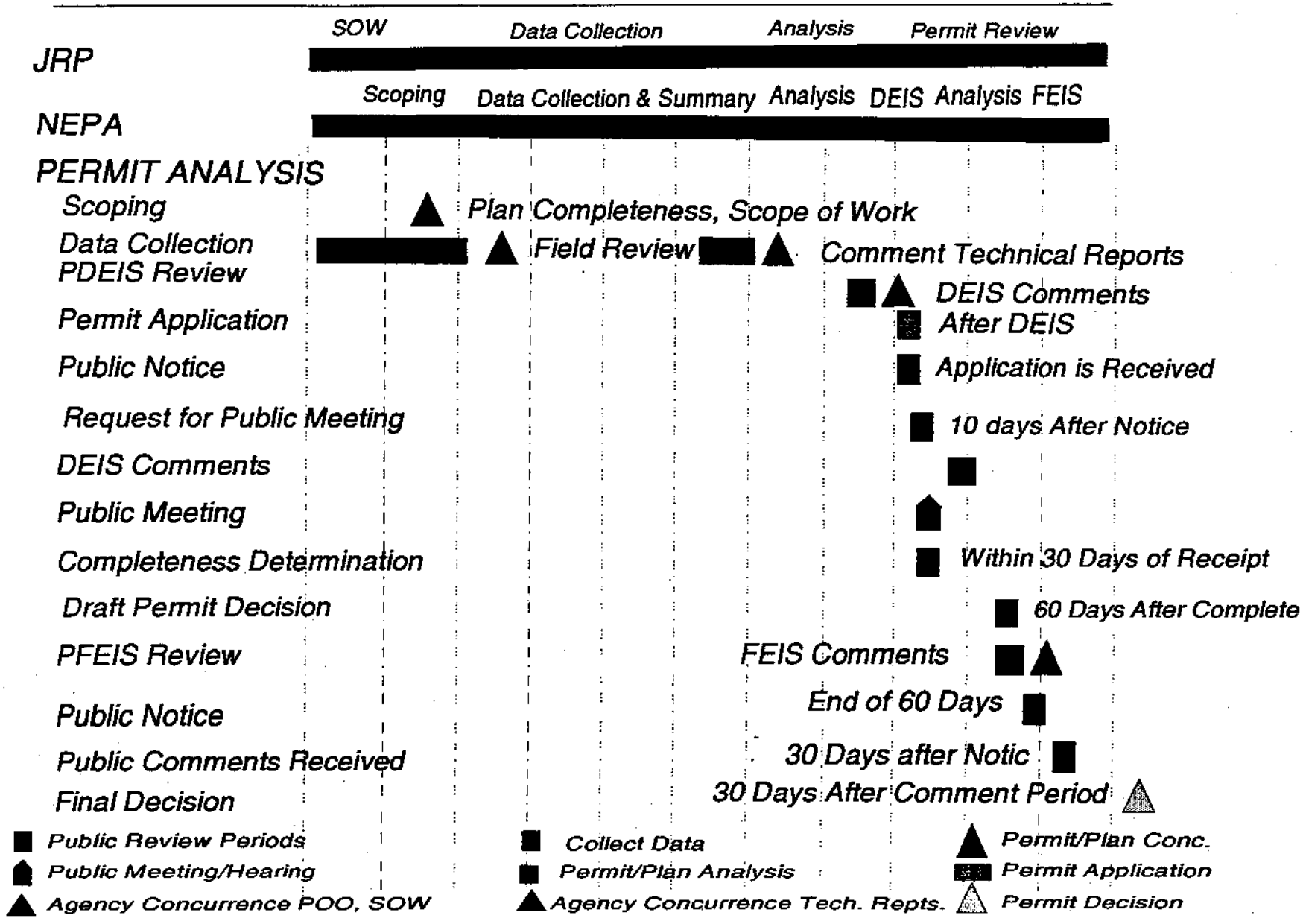
Bonding is required for cyanidation facilities. The cyanidation bond shall be based on the tonnage of ore which will be processed at the site with a minimum bond of $25,000.00 and a maximum bond of $100,000.

CLOSURE AND BOND RELEASE

Upon completion of permanent closure in accordance with the approved plan, the permittee may request release from bonding. If the Division of Permits and Enforcement determines that permanent closure is in accordance with the approved plan, bonds will be released and the permit closed.

IDAHO JOINT REVIEW PROCESS

STATE CYANIDE PERMIT ANALYSIS



IDAHO DEPARTMENT OF HEALTH AND WELFARE
DIVISION OF ENVIRONMENTAL QUALITY

REQUIREMENTS FOR APPROVAL OF SEWAGE TREATMENT PLANS AND SPECIFICATIONS

Title 39, Section 118 Idaho Code

SCOPE

This statute applies to all operators who construct and operate sewage treatment systems in Idaho. Review and approval authority has been granted to the Division of Environmental Quality. No permits are required or authorized.

APPLICATION REQUIREMENTS AND PROCEDURES

Currently, there are no formal application requirements or application fees. The statute requires that an operator submit plans and specifications for the sewage treatment system to the Department of Health and Welfare Regional Office, Permits and Enforcement Division. If the proposed operation is being permitted under the Dredge and Placer Mining Permit with the Idaho Department of Lands, the information supplied to IDL in the placer mine permit application will be sufficient for review.

PROCEDURES FOR REVIEW

When the appropriate information has been submitted, the Division of Environmental Quality will perform a regulatory and engineering review of the plans and specifications. If it appears that the operator will not be able to comply with applicable water quality regulations, DEQ may suggest modifications to the plans and specifications. A field review of the proposed waste water treatment facility would be scheduled and coordinated with the Department of Lands or appropriate federal land management agency. No public hearings are required. The plans and specifications are not sent for inter-agency review. Time-frames for approval will vary from 30 to 60 days.

BONDING

No bonding is required.

CLOSURE

Specific closure requirements should be contained within the Idaho Department of Lands placer mine permit and shall be the accepted standard for closure of the facility.

IDAHO DEPARTMENT OF HEALTH AND WELFARE
DIVISION OF ENVIRONMENTAL QUALITY

REVIEW AND APPROVAL AUTHORITIES FOR THE LAND APPLICATION OF PROCESS WATER

Title 39, Chapter 118, Idaho Code

SCOPE

This statute applies to all operators who construct and operate wastewater treatment systems in Idaho. If the operator proposes to land apply process water that is exposed to or contains cyanide, the operation must be covered by a permit issued under the Rules and Regulations for Ore Processing by Cyanidation.

APPLICATION REQUIREMENTS AND PROCEDURES

Currently, there are no formal application requirements or application fees. The statute requires that an operator submit plans and specifications for the wastewater treatment system to the Department of Health and Welfare area office, Permits and Enforcement Division. If the proposed operation is being permitted under a Dredge and Placer Mining Permit with the Idaho Department of Lands, the information supplied to IDL in the placer mine permit application would be sufficient for review.

PROCEDURES FOR REVIEW

When the appropriate information has been submitted, the Division of Environmental Quality will perform a regulatory and engineering review of the plans and specifications. If it appears that the operator will not be able to comply with applicable water quality regulations, DEQ will suggest modifications to the plans and specifications. A field review of the proposed water treatment facility will be scheduled and coordinated with the Department of Lands or appropriate federal land management agency. No public hearings are required. The plans and specifications are not sent for interagency review. Time frames for approval will vary from 30 to 60 days.

BONDING

No bonding is required.

CLOSURE

Specific closure requirements will be contained within the Idaho Department of Lands placer mine permit and shall be the accepted standard for closure of the facility.

IDAHO DEPARTMENT OF HEALTH AND WELFARE
DIVISION OF ENVIRONMENTAL QUALITY

401 CERTIFICATION OF FEDERAL PERMITS

SECTION 401, FEDERAL CLEAN WATER ACT

SCOPE

Section 401 of the Clean Water Act requires that the appropriate state agency review and certify that a federally issued permit will not violate state water quality standards. 401 certification is required when an operator is applying for National Pollution Discharge Elimination System permit from the Environmental Protection Agency and for permits issued under Section 10 and Section 404 of the Clean Water Act by the Army Corps of Engineers.

APPLICATION REQUIREMENTS AND PROCEDURES

There are no additional application requirements imposed by the Division of Environmental Quality. An operator is required to submit the appropriate federal permit application to the Regional office of the Division of Environmental Quality for review and certification. There are no application fees.

PROCEDURES FOR REVIEW

The appropriate Regional office of the Division of Environmental Quality will perform an engineering and regulatory review of the application materials. This review will determine whether the proposed project is capable of complying with applicable state water quality standards. The application materials will not be sent for public review or hearings. If it appears the proposed project is not capable of complying with applicable state water quality standards, the DEQ will send a letter to the operator and the appropriate federal agency which outlines the potential problems and outlines the modifications that must be made to the proposal so that operations will not violate state water quality standards. The certification will take between 30 and 90 days to obtain.

BONDING

There are no bonding requirements.

CLOSURE

Closure requirements are contained within the federal permit application.

IDAHO DEPARTMENT OF HEALTH AND WELFARE
DIVISION OF ENVIRONMENTAL QUALITY

RULES AND REGULATIONS FOR PUBLIC DRINKING WATER SYSTEMS

Title 1, Chapter 8 Idaho Code

SCOPE

This statute applies to all operators who construct and operate drinking water systems that serve 25 people per day for a minimum of 60 days per year.

APPLICATION REQUIREMENTS AND PROCEDURES

Currently, there are no formal application requirements or application fees. The statute requires that an operator submit plans and specifications for the drinking water system to the Department of Health and Welfare Regional Office. The community programs Division will review and approve the plans.

PROCEDURES FOR REVIEW

When the appropriate information has been submitted, the DEQ will perform a regulatory and engineering review of the plans and specifications. Time frames for approval vary from 30 to 60 days. A well drilling permit may be required from IDWR.

BONDING

No bonding is required.

CLOSURE

There are no formal closure requirements from DEQ. The IDWR has requirements for abandonment of wells.

IDAHO DEPARTMENT OF HEALTH AND WELFARE
DIVISION OF ENVIRONMENTAL QUALITY

IDAHO SOLID WASTE MANAGEMENT RULES AND REGULATIONS

Title 1, Chapter 6 Idaho Code

SCOPE

The Resource Conservation and Recovery Act (RCRA) of 1976, Subtitle D addresses regulations pertaining to solid waste disposal facilities such as sanitary landfills. On October 9, 1993 Subtitle D will go into affect at which time landfills will have to meet the full requirements of the RCRA regulations.

APPLICATION REQUIREMENTS AND PROCEDURES

The objectives of subtitle D are to assist in developing and encouraging methods for disposal of solid waste which are environmentally sound. The State of Idaho will have 18 months following the date of enactment of Subtitle D regulations to develop and obtain EPA approval of a state plan that will allow Idaho to administer solid waste disposal activities within the State.

If an operator decides to construct a sanitary landfill, technical engineering design information pertaining to site characteristics such as depth to groundwater, geology and climatic information, among other data, are required.

New landfills that cannot guarantee the type of waste material would be disposed within the landfill would have to comply with strict regulations requiring double synthetic liners and extensive groundwater monitoring. However, an operator that can show, through technical studies, the proposed landfill would not cause adverse impacts to groundwater quality can qualify for alternative design standards that do not require the extensive liner design and monitoring well criteria.

PROCEDURES FOR REVIEW

Plans and specifications, including suitability certification and monitoring plan approvals, must be submitted for technical review. The regional District Health Department is the responsible agency for review and approval or denial of sanitary landfill applications.

BONDING

Financial assurance for solid waste landfills is under the jurisdiction of the county and is determined by the County Engineer.

CLOSURE AND BOND RELEASE

Closure requirements are very stringent for solid waste landfills and provide for extensive groundwater monitoring criteria. Closure criteria is based on regulations presented in RCRA, Subtitle D and are administered by the State, county and/or Federal Government (EPA).

Bond release would be administered by the local County Engineer.

ADDITIONAL INFORMATION

For additional information contact the regional District Health Department official in the area where your project is located.

IDAHO DEPARTMENT OF HEALTH AND WELFARE
DIVISION OF ENVIRONMENTAL QUALITY

IDAHO HAZARDOUS WASTE MANAGEMENT RULES AND REGULATIONS

Title 1, Chapter 5 Idaho Code

SCOPE

These rules apply to all facilities that generate, transport, treat, store, recycle, or dispose of hazardous waste. They are based on regulations promulgated by the EPA at 40 CFR 261.

APPLICATION REQUIREMENTS AND PROCEDURES

All hazardous waste handlers must notify DEQ via the "Notification and Regulated Waste Activity" form. The extent to which the regulations will apply to an individual depends on the amount hazardous waste generated, held for transport, transported, stored or disposed of.

For hazardous waste generators, requirements are based on the amount of hazardous waste generated in a calendar month.

Anyone who generates less than 100 kilograms perm month is conditionally exempt from the regulations but must obtain an EPA identification number. They must also properly identify, label, and send this waste to a hazardous waste facility or landfill or other facilitly approved by the state for industrial or municipal wastes. Accumulation of more than 1000kg of hazardous waste will trigger small quantity generator requirements.

Anyone who generates between 100 and 1000kg of hazardous waste per month is a small quantity generator. Small quantity generators must meet most RCRA requirements for inventory, notification, accumulation, labelling, inspections, transport, emergency response, reporting, and record keeping.

Anyone who generates more than 1000kg per month of hazardous materials is fully regulated.

Facilities that treat, store, or dispose of hazardous waste must obtain a permit by submitting a Part A application. Copies of Part A may be obtained from DEQ. After review of Part A, DEQ will request a part B application. Part B is the detailed application that describes exactly how the facility operates and how the hazardous material will be handled.

PROCEDURES FOR REVIEW

After a Part B application has been received, DEQ performs a completeness review. Within six months after receipt of Part B, DEQ notifies the facility whether the application passed the completeness review. DEQ then performs a detailed engineering and regulatory review. All permits are submitted for public comment prior to final determination of issuance or denial.

BONDING

No bonding is required.

CLOSURE AND BOND RELEASE

All closure requirements are included in the application.

BUREAU OF LAND MANAGEMENT
LOCATABLE MINERAL, PLAN OF OPERATION
43 CFR 3802, 3809

SCOPE
These regulations recognize three levels of operation: 1) Casual use, negligible surface disturbance (notification and approval not required); 2) Operations which cause cumulative surface disturbance of 5 acres or less during any calendar year (Notice to BLM required); 3) Operations which cause more than 5 acres of surface disturbance in a calendar year or which affect potential or actual wild and scenic rivers or wilderness areas, designated areas of critical concern, and areas closed to off-road vehicle use (Plan of Operation required).

APPLICATION REQUIREMENTS
Contents of a Notice are described at 43 CFR 2809.1-3. Information required to be included in a notice is: 1) Claim ownership and operator(s); 2) Statement describing the proposed operations, their location, and date they will start; 3) Measures to prevent unnecessary or undue degradation and reclaim areas disturbed by the operations.

Contents of the Plan of Operation are described at 40 CFR 3809.1-5. Information is required to describe: 1) Claim ownership and operator(s); 2) Mining claims involved; 3) Plan view (map) of access and surface disturbance; 4) Operations proposed; 5) Measures to prevent unnecessary and undue degradation and reclaim areas disturbed by the operation; 6) Measures to be taken during periods of non-operation.

PROCEDURE FOR REVIEW
While approval of a Notice by the BLM is not required, a complete Notice, in accordance with 43 CFR 3809.1-3, must be submitted to the proper district office at least 15 days prior to commencing operations. The District Manager may request additional information to complete the Notice and will notify the operator if known cultural resources or endangered species will be affected by the operations.

A proposed plan must be submitted to the authorized officer before operations commence. Within 30 days of receipt, the authorized officer will analyze the plan and notify the operator: 1) That the plan is approved; 2) Of changes or additions to the plan necessary to meet the requirements of BLM regulations; 3) That the plan is being reviewed but that additional time, not to exceed 60 days, is necessary to complete the review; 4) That the plan cannot be approved until 30 days after a FEIS has been prepared and filed with the Environmental Protection Agency; 5) That the plan cannot be approved until the authorized officer has complied with section 106 of the National Historic Preservation Act or section 7 of the Endangered Species Act.

BLM Mining Regulations also contains guidelines for environmental protection, (40 CFR 3809.2-2) and requires the BLM to conduct an analysis which meets the requirements of NEPA. Figure 7 is a flow chart for processing both BLM and Forest Service plans of operation. Figure 8 is a flow chart showing NEPA analysis and documentation steps. See the narrative description of the NEPA process for an environmental impact statement (in the JRP Statement of Responsibility). For large mining projects requiring the preparation of an EIS, The entire analysis process from the submission of the initial Plan to issuance of the Final EIS takes from one to several years.

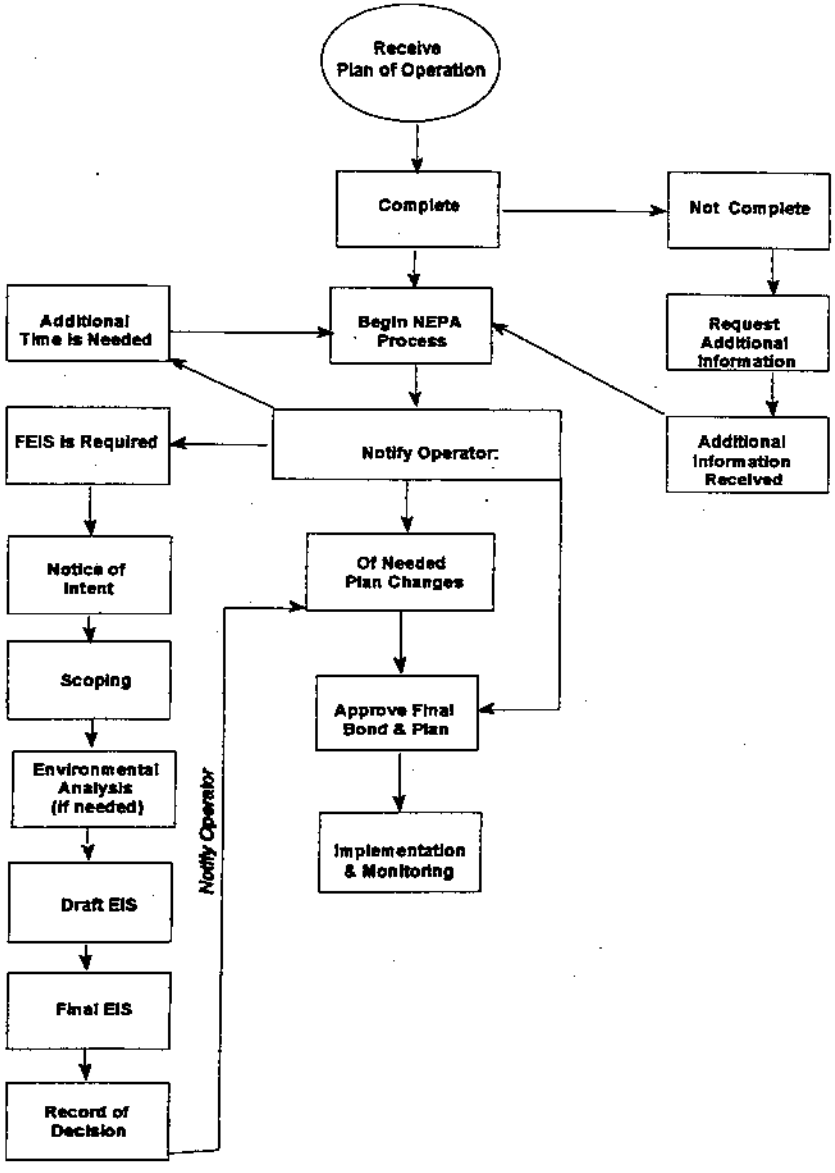
BONDING
Any operator who conducts operations under an approved plan of operations may, at the discretion of the authorized officer, be required to furnish a bond in an amount specified by the authorized officer. Bond requirements may be waived for operations which would cause minimal disturbance to the land. In calculating bonds, the authorized officer shall consider the estimated cost of reasonable stabilization and reclamation of areas disturbed. The authorized officer may accept evidence of an existing bond required by State law or regulations for the same operation, provided that coverage is equivalent to that required under BLM regulations. Bond calculation, bonding instruments, and bond release are described in detail under Actual Cost Bonding, in this Section of the JRP.

CLOSURE AND BOND RELEASE
Operator and agency personnel should work to ensure that requirements of the approved plan are met and that environmental effects are as predicted in the NEPA document. The regulations allow the operator or the authorized officer to propose supplements or modifications to the approved plan of operation (40 CFR 3809.1-7) due to a change in operation (supplement), or unnecessary or undue environmental disturbance that was not foreseen at the time of plan approval (modification). Supplemental or modified plans are subject to the same processing procedures as the initial plan.

When all or any portion of the reclamation has been completed in accordance with the approved plan, the authorized officer may authorize release of that portion of the reclamation bond which covers the work, providing it meets standards established in the plan of operations.

OTHER INFORMATION
Copies of NEPA and BLM regulations will be made available upon request in the Pre-Analysis stage of the Idaho Joint Review Process. Additional guidelines may be available regarding: 1) Agency NEPA and locatable mineral administrative procedures; 2) Use of third party consultants; 3) Information requirements for plans of operation; 3) Reclamation checklists & bond release criteria; 4) Applicable management direction from planning documents.

FIGURE 7
FEDERAL PLAN OF OPERATION FLOW CHART



SCOPE
These regulations recognize 2 levels of operation: 1) Those which cause insignificant surface disturbance; 2) Those which may cause significant environmental impacts.

APPLICATION REQUIREMENTS
Contents of the Plan of Operation are described at 36 CFR 228.4c. Information is required to describe: 1) Claim ownership and operator(s); 2) Plan view (map) of access and surface disturbance showing their location and size; 3) Operations proposed and how they would be conducted; 4) Measures to minimize adverse environmental impacts and meet the requirements of 36 CFR 228.8.

For large mining proposals plans are usually based on data from exploration and developmental drilling, and bench scale testing sufficient to define the size, grade, and geochemistry of the ore deposit and associated waste rock. Additional regional and local Forest guidelines may be available which further define application requirements.

PROCEDURE FOR REVIEW
A plan of operation which may cause significant resource disturbance, must be submitted to the authorized officer before operations commence. Within 30 days of receipt, the authorized officer will analyze the plan and notify the operator: 1) That the plan is approved; 2) Of changes or additions to the plan necessary to meet the requirements of FS regulations; 3) That the plan is being reviewed but that additional time, not to exceed 60 days, is necessary to complete the review; 4) That the plan cannot be approved until a FEIS has been prepared and filed with the Environmental Protection Agency; 5) That a plan is not required.

FS Mining Regulations also contains guidelines for environmental protection, (36 CFR 228.8) and requires the FS to conduct an analysis which meets the requirements of NEPA. This analysis is the basis upon which the agency requires changes or modifications to the plan of operation if needed.

Figure 7 is a flow chart for processing both BLM and Forest Service plans of operation. Figure 8 is a flow chart showing NEPA analysis and documentation steps. See the narrative for the federal EIS process later in this Section. For large mining projects requiring the preparation of an EIS, The entire analysis process from the submission of the initial Plan to issuance of the Final EIS takes from one to several years.

BONDING
Any operator who conducts operations under an approved plan of operations will be required to furnish a bond in an amount specified by the authorized officer. In calculating bonds, the authorized officer shall consider the estimated cost of stabilizing, rehabilitating and reclaiming areas disturbed by the operations. The authorized officer may accept evidence of an existing bond required by State law or regulations for the same operation, provided that coverage is equivalent to that required under FS regulations.

Bond calculation, bonding instruments, and bond release criteria are described in Actual Cost Bonding, JRP Statements of Responsibility.

CLOSURE AND BOND RELEASE
The operator and agency should ensure that all requirements of the approved plan are met and that the environmental effects of the operation are as predicted in the NEPA document. The regulations allow the operator or the authorized officer to propose supplements or modifications to the approved plan of operation (36 CFR 228.4e) due to a change in operation, or significant disturbance of surface resources that was not foreseen at the time of plan approval. Supplemental or modified plans are subject to the same processing procedures as the initial plan.

When all or part of reclamation has been completed in accordance with the approved plan, the authorized officer may authorize release of that portion of the reclamation bond which covers the work, providing it meets standards established in the plan of operations.

OTHER INFORMATION
Copies of NEPA and FS regulations will be made available upon request in the Pre-Analysis stage of the Idaho Joint Review Process. Additional guidelines may be available regarding: 1) Agency NEPA and locatable mineral administrative procedures; 2) Use of third party consultants; 3) Information requirements for plans of operation; 3) Reclamation checklists & bond release criteria; 4) Forest Plan direction.

U.S FOREST SERVICE (FS)

CULTURAL RESOURCE REVIEW AND MITIGATION

Section 106 of the National Historic Preservation Act (NHPA) of 1966

SCOPE
For the area that would be affected by the proposed plan of operation and all alternatives evaluated in the federal EIS, Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended provides for: 1) initial data gathering and description; 2) evaluation of cultural resources found; 3) assessment of effects of the project on identified resources; 4) baseline report preparation; and 5) a mitigation plan for avoiding or reducing harm to significant cultural properties (mitigation plans are necessary only for the selected project alternative).

The requirements of this law is listed since it involves state and federal agencies who must cooperate and agree on the aforementioned steps before any disturbance to a cultural resource is allowed. However it is not a "permit" in the true sense of the word.

APPLICATION REQUIREMENTS
There is no required cultural resource application form. Typically the plan of operation for the mining proposal provides sufficient detail to initiate the analysis. Additional alternatives along with their area of direct and indirect influence are identified in the final Scope of Work. Together these sources of information establish the scope of the cultural resource inventory and subsequent analysis.

PROCEDURE FOR REVIEW
The proposed plan of operations and additional alternatives along with their area of direct and indirect influence are identified in the final Scope of Work. Together these sources of information establish the scope of the cultural resource inventory and subsequent analysis. They establish the area to be investigated along with the data to be collected, analysis techniques and reports required.

Cultural resource inventory and clearance is usually performed in conjunction with the federal NEPA process as described below.

During baseline data collection existing records and literature are reviewed, and field inventory conducted using methods capable of finding and assessing all cultural resources in the project area. These activities will be carried out to meet standards established.

All cultural resources which are discovered will be recorded and evaluated for significance according to the criteria for eligibility to the National Register of Historic Places outlined in 36 CFR 60.4.

Project effects on each significant cultural resource will be assessed in accordance with 36 CFR 800. Mitigation measures will be proposed in a preliminary mitigation plan for all significant sites that may be affected.

The results of the inventory, recordation, evaluation, effects assessment and mitigation should be documented in a report which will be reviewed by the State Historic Preservation Officer (SHPO) and the lead agency in accordance with NHPA. This report will be the basis for a summary of results conclusions, and recommendations to be presented in the DEIS.

Based on comments received during review of the DEIS, and from the SHPO, a final version of the mitigation plan will be produced, reviewed by the lead agency, the SHPO, and Advisory Council on Historic Preservation (ACHP) and agreement of these parties documented in a Memorandum of Agreement before approving the project. Typically the final plan will be included in the FEIS, and the MOA finalized before the FEIS is released.

BONDING - There are no bonding procedures for cultural resources.

CLOSURE AND BOND RELEASE - There is no bond release. Release from cultural resource protection or mitigation obligations is conditioned upon successful performance as required in the approved mitigation plan. Typically the representatives of the mining operator, FS, SHPO, and ACHP are parties to an MOA which describes coordination requirements and monitoring to ensure that the plan is successfully carried out. Even after the mitigation required by the approved plan has been accepted, monitoring will continue to ensure that additional cultural resources that may be discovered are inventoried, recorded, evaluated, and protected or mitigated as required under NHPA.

OTHER INFORMATION - Addition information may be obtained from the individual Forest which will be involved in the project. This information may include: 1) special use permits for cultural contractors; 2) Copies of NHPA; 3) description of the 106 process as documented in 36 CFR 800; 4) Secretary of the Interior's Handbook for Treatment of Archeological Properties, criteria of significance outlined in 36 CFR 60; required site (IMACS) forms and cultural resource forms.

NEPA PROCESS
National Environmental Policy Act
40 CFR 1500-1508

SCOPE
The National Environmental Policy Act and its implementing regulations (40 CFR 1500-1508) requires federal decision makers to use a systematic, interdisciplinary process to determine the environmental effects of a decision and to inform the public of those effects.

LEVELS OF ANALYSIS
NEPA provides for three levels of analysis and documentation depending on the significance of the environmental impacts expected: (See Figure 8)

1) Actions which after scoping and analysis appear to have no significant effects are categorically excluded from documentation.
2) Actions which may have significant effects are analyzed in more detail. This analysis is documented in a environmental assessment. Based on this analysis and documentation, a decision notice will be issued which either finds that no significant impacts will occur, or that significant impacts will occur and an EIS is needed.
3) Finally if a determination is made on the basis of preliminary scoping or a environmental analysis, that significant environmental effects will occur, an EIS will be prepared.

AGENCY RESPONSIBILITY (EIS)
Where there is more than one federal agency with authority to make or implement decisions. a lead agency is chosen to supervise the preparation of an environmental impact statement. In some cases federal, state or local agencies may act as joint lead agencies (40 CFR 1501.5). Agencies with legal jurisdiction over some aspect of the proposal being considered, or which has special expertise with respect to any environmental issue, may be designated as a "cooperating" agency in the preparation of EIS.

The key difference between a "lead" agency and a "cooperating" agency is the degree of involvement in the NEPA process. Lead agencies supervise all aspects of the NEPA analysis and documentation. Cooperating agencies participate in the analysis and decision for certain environmental issues only. The intent of both "lead" and "cooperating" agency designation is to eliminate duplication of effort and conflicting decisions where federal, state or local requirements overlap. Although agreement between lead/cooperating/consulting agencies is the ultimate goal of such cooperation, it is not required by NEPA, or possible to achieve in all cases.

Lead and cooperating agency designation criteria and roles under Idaho's Joint Review Process were designed to be compatible with NEPA requirements, but they are not identical. Where the JRP is used, agreement on lead and cooperating agency roles will be documented by review and acceptance of the Scope of Work for the project.

ENVIRONMENTAL ANALYSIS ACTIONS (EIS)
There are minor differences in how federal agencies conduct NEPA analysis and documentation but the following steps are representative of the process that would be used for large mining proposals on Public Domain (administered by the BLM) or National Forest System Lands. Figure 9 illustrates how NEPA analysis steps correspond to the Joint Review Process.

Procedures for categorical exclusions and environmental assessments vary considerably between federal land management and regulatory agencies. For that reason it was not possible to describe a representative process for these analyses. Procedures related to categorical exclusions or environmental assessments may be obtained from the land management agency on which your mining activity occurs.

Scoping - In the scoping process lead agencies shall: 1) Invite the participation of affected agencies, government officials, organization and individuals; 2) Determine the issues to be considered in the analysis; 3) Eliminate issues which are not significant; 4) Make assignments for preparation of the EIS; 5) Identify related assessments or impact statements; 6) Identify environmental review and consultation needed to allow other required analyses and studies concurrently with the EIS, and; 7) Describe the anticipated schedule for the analysis and subsequent decision.

For an EIS this information is usually documented in a plan of study, EIS preparation plan, or scope of work. In the Joint Review Process they are referred to as Scopes of Work (SOW).

Use of Third Party Contractors
Contractors may be hired and paid by a operator or agency to prepare an environmental impact statement (EIS). This is known as the "Third Party Process", and must meet certain minimum requirements under 40 CFR 1506.5(c):

- The contractor must be selected solely by the LA, or in consultation with cooperating agencies;
- Selected contractors must execute a statement of financial interest (SOFI), which states that they have no financial or other interest in the outcome of the project;
- The lead agency must guide and participate in the preparation, and independently evaluate the environmental statement and take responsibility for its scope and contents.

The decision to allow a third party contractor to prepare an EIS is normally made during scoping and before data collection begins. In some cases third party contractors may be selected prior to the public involvement effort in scoping so that they can assist in the

process.

Baseline Data Collection - For an environmental impact statement a scope or work, study plan or some other document should describe the data that will be collected and analyzed for the project. This document should include:

- Name and qualifications of persons responsible for data collection and analysis;
- Coordination requirements;
- Description of the data needed;
- Data collection methods;
- Analytical procedures;
- Quality assurance/quality control procedures;
- Data storage and reporting requirements;
- Anticipated schedule.

The collection of baseline data needs to start soon after the scope of work is completed. This establishes the current conditions of resources which could potentially be affected by project options/alternatives which have been identified in scoping, as well as to meet Forest Plan and other state and federal permit requirements. Baseline resource and engineering data are usually collected over a period of one year, although there are no minimum or maximum time requirements.

Analysis - Alternatives to the proposed action are developed to respond to environmental issues identified in scoping, as well as the procedural requirements of NEPA. They are formed by identifying location, design, operation, timing and reclamation options for proposed facilities and activities. Such options must be technically and economically feasible, and provide significantly different responses to the project issues. Alternatives should include management requirements, mitigation measures, and monitoring programs.

Using the data from the baseline program, the environmental consequences of the alternatives considered are analyzed and displayed. Requirements of other state and federal permits and regulatory requirements are also considered in predicting environmental consequences. Based on the comparison of alternatives and individual agency comments, federal Lead Agencies may identify a preferred alternative in the Draft Environmental Impact Statement (DEIS) for large projects, or may defer that selection until the Final EIS and Record of Decision is issued.

DRAFT EIS (DEIS) - The DEIS presents the results of the NEPA analysis to state and federal decision makers and the public. It documents the alternatives which were analyzed; the existing condition of resources which could be affected by alternatives; and the environmental consequences of implementing the alternatives. If the project is being processed using the Joint Review Process the BLM/FS should identify a preferred alternative.

The availability of the DEIS to the public is announced through a notice (published by the EPA) in the Federal Register, and through other news releases and announcements. Interested publics who have participated in scoping and requested to remain involved in the analysis are sent a copy of the DEIS directly.

Prior to a decision on the project, at least 60 days must elapse from the day the EPA receives the draft EIS for publication in the Federal Register and a final EIS that responds to comments on the draft EIS must be prepared. In most cases the lead agency sets a prescribed public comment period for the DEIS in the Federal Register notice, usually 45 days. Public meetings may be held during the review period if requested. Following the comment period the amount of time required to evaluate and respond to public comments varies considerably. The NEPA time-line in the JRP process shows a 6 month period between the announcement of DEIS availability, and the release of the FEIS. This is a typical case when available baseline data is sufficient, but additional analysis is needed to respond to public comments.

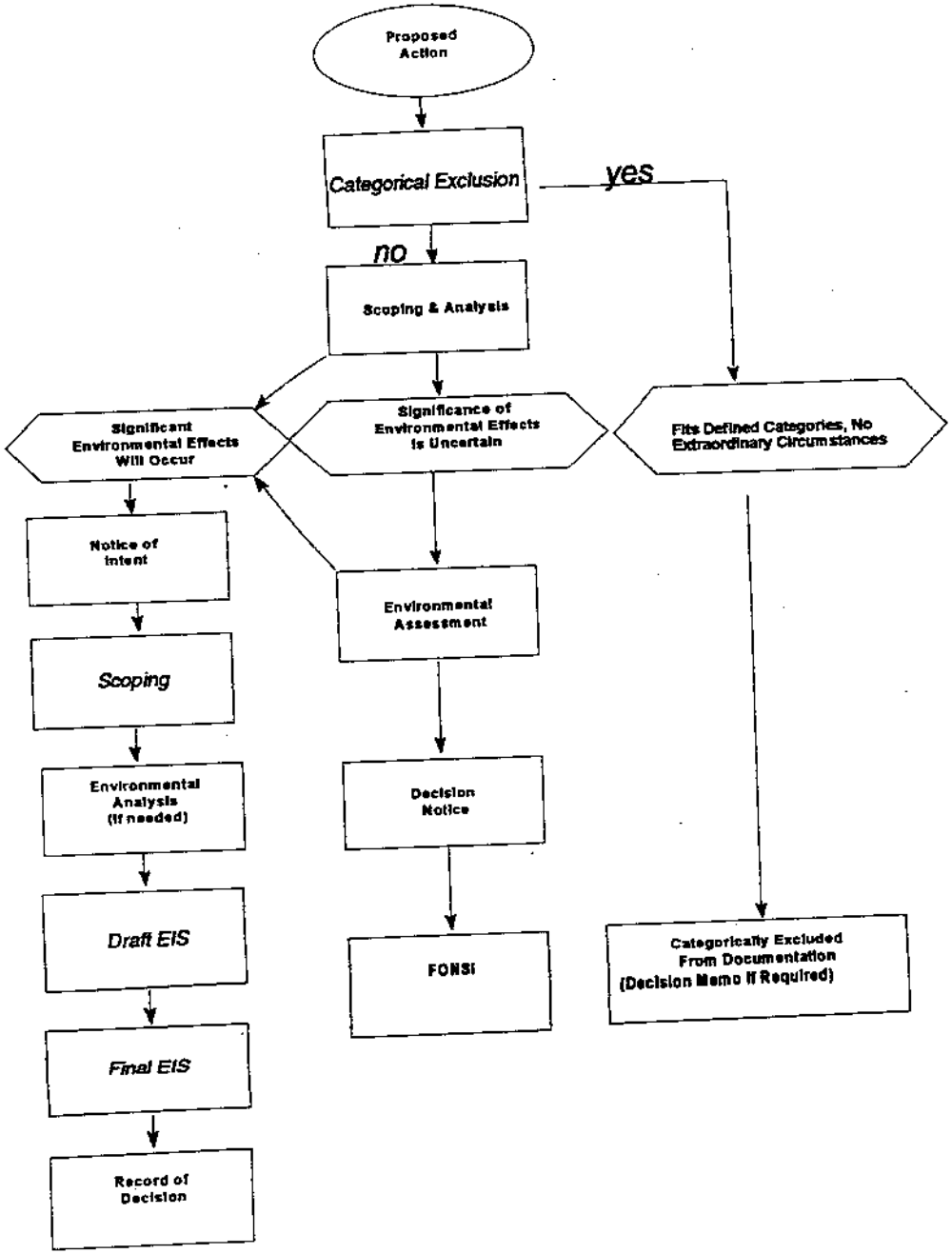
FINAL EIS (FEIS) AND RECORD OF DECISION (ROD) - After responding to public comments received on the DEIS, the FEIS is finalized and made available to the public.

The agency decision on the project is documented in a Record of Decision. In the ROD the selected alternative for the project is described along with all management requirements, mitigation measures, and monitoring programs. The responsible official signs and dates the ROD prior to release. When an EIS identifies joint lead agencies, the responsible officials sign and date separate ROD's.

An ROD may be issued concurrently with the FEIS, or afterward, usually 30 days. If this document is issued concurrently with the FEIS, it may not be implemented until 30 days after the notice of availability for the FEIS is published in the Federal Register. The right to appeal decisions vary depending on the agency involved and the type of project being approved.

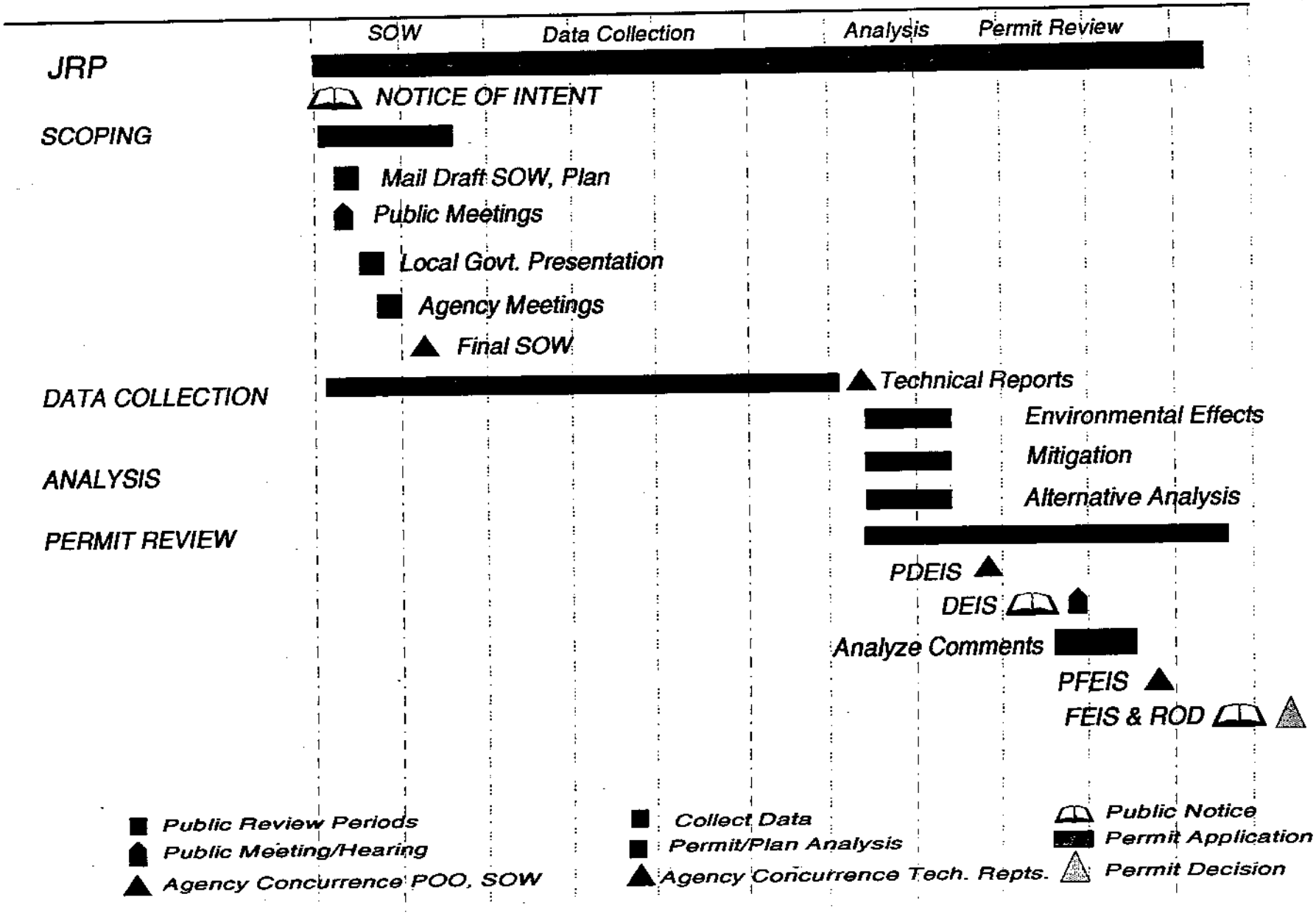
IMPLEMENTATION AND MONITORING- Following the FEIS, the operator must change its original Plan of Operations to incorporate the requirements identified in the Record of Decision. FS and BLM Mining Regulations also allow a bond to be required, sufficient to guarantee reclamation of surface resources which would be disturbed by the operation.

FIGURE 8
FEDERAL NEPA ANALYSIS & DOCUMENTATION



JOINT REVIEW PERMITTING PROCESS

FEDERAL NEPA PROCESS ANALYSIS (EIS)



ACTUAL COST BONDING

The Idaho Joint Review Process describes agency requirements for actual cost bonding as part of BLM/FS plans of operation, and IDL Dredge and Placer Mining Act requirements. The following narrative provides and overview of the actual cost bonding process. It addresses:

- Information Needed
- Bond Calculation Procedures
- Bonding Instruments
- Bond Scheduling

It should be noted that this discussion is offered as a guideline for actual cost bonding, not a standard or requirement for all mining operations.

INFORMATION NEEDED

In order to calculate a bond that guarantees reclamation of project disturbance, the following questions must be answered:

- What is being reclaimed?
- When is it being reclaimed?
- How do we know when reclamation is complete?

What is being Reclaimed? (Project Description)

The Plan of Operation should contain written descriptions, plan-views and cross-sections describing the physical and chemical configuration of the project and associated disturbance on an annual basis (or some other agreed upon interval), and at mine closure. This means the following should be addressed:

- Area disturbed;
- Quantities of materials disturbed;
- Measures to ensure the physical and chemical stability of project components;
- The type and amounts of materials/supplies to be removed;
- Solid or hazardous waste disposal requirements;
- Project facilities which must be removed;
- Environmental protection, mitigation measures required by law or permit;
- Monitoring programs.

The size and complexity of the operation determines the level of detail needed for bond calculation. Talk with engineering and contracting officers about what is needed to accomplish a certain size job. Can Forest Service crews do the work? Is the total job small enough that we could do the work under an equipment rental agreement? Or would we have to assemble a contract package for bid.

When is It Being Reclaimed (Reclamation Schedule)

As important as what will be reclaimed is when seasonal, interim and final reclamation will occur. To answer this question, the anticipated schedule for project construction, operation, and closure is needed. With this information, reclamation bond estimates can be made annually or at some other pre-determined interval, in addition to mine closure. This will allow both phased and full term bonding, and is needed to choose the right size, type and amount of labor and equipment for any given period.

How Do We Know When Reclamation is Complete? (Reclamation Standards)

Finally, we have described the end products or conditions we are trying to achieve with our reclamation efforts. These are based on the kind of project impacts expected, resources affected, and the long term management objectives for the area. They include:

- Requirements for facility, material and equipment removal;
- Isolation, removal or control of hazardous or toxic materials;
- Control of water runoff;
- Water quality standards;
- Physical and chemical stability of project components.
- Acceptable post-mining land contours;
- Acceptable vegetative communities and ground cover requirements;
- Rehabilitation of fisheries and wildlife habitat;
  Mitigation required to compensate for damage which cannot be avoided;
- Reclamation protection and monitoring requirements;

These should be expressed as land or resource conditions to be achieved, and we should be able to measure and monitor that achievement.

BOND CALCULATIONS

With the necessary project information, and the reclamation standards that must be met, the reclamation activities needed to reclaim the project can be described and costs estimated at each pre-determined interval (annually/mine closure) using the following procedure:

- Review available cost estimating guides and current examples of bond calculations for similar projects;
- Obtain the assistance of engineers or reclamation specialists who have experience in bond estimation for similar projects;
- Divide the project into logical units like heap, roads, and dumps etc;
- List the reclamation tasks necessary to achieve the desired standard for each facility;
- Select the equipment to be used and obtain equipment and labor costs;
- Calculate quantities, haul costs, disposal fees, material source development, neutralization, revegetation or other special costs;
- Calculate the direct costs of doing the work;
- Calculate the indirect costs, mobilization, administration, engineering fees and contingencies;
- Index costs to allow future adjustments for inflation;
- Document all of your work, assumptions, calculations etc;

All of this work (project description, schedule, standards to be met, and bond calculation) should comprise the reclamation plan for the project.

BOND SCHEDULING

Bonds may be calculated for full reclamation at the ultimate mine closure, annually, or for some pre-determined time period. It is good practice to employ a combination of techniques.

Calculating the final closure bond is recommended to assess the overall feasibility of the reclamation plan. It ensures that both operator and permitting agency clearly the reclamation standards and what is necessary to meet them.

On the other hand phased bonding has the following advantages:

A. It is more likely to be based on detailed engineering design, than one-time calculations for total reclamation of a project;
B. Incremental release of bond for concurrent reclamation can be addressed at the same time;
C. Changes in the operation or outside factors such as inflation rates can be more easily addressed;
D. It ties up less of the operator's capital;
E. Finally, on projects which operate over a long period of time, any mechanism that provides for periodic review will improve mine administration.

The best approach is to calculate a final closure bond but actually bond in phases (by year, stage of construction or operation).

BONDING INSTRUMENTS

Once a bond is calculated the operator must provide an acceptable surety to the bonding agency. Up to date information on acceptable bond instruments and procedures should be obtained from agency fiscal and legal personnel. This is critically important for mining projects.

U.S ENVIRONMENTAL PROTECTION AGENCY

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES PERMIT)

Sections 402, and 309 of the Clean Water Act (CWA)
40 CFR 122, 124, 125, 129, 133, 136; 40 CFR Subchapter N (parts 400 through 460); and 40 CFR Part 503.

SCOPE

The U.S. Environmental Protection Agency (EPA) issues and enforces National Pollutant Discharge Elimination System (NPDES) permits under Sections 402, and 309 of the Clean Water Act (CWA). The NPDES program requires permits for the discharge of pollutants from any point source into waters of the United States.

APPLICATION REQUIREMENTS

In states without an authorized NPDES program, the EPA issues all NPDES permits. Permit application forms can be obtained from and submitted to the appropriate EPA Regional Office. In Idaho, Region X of the EPA administers the NPDES program. EPA's Region X office and phone number are provided below.

NPDES Permits, Water Management Division, EPA 9031
U.S. Environmental Protection Agency, 1200 6th Avenue
Seattle, WA 98101
206-442-1200

Application for NPDES permits must be filed with the EPA for the following activities:

A. Discharging pollutants from any point source to waters of the United States. Definitions of 'pollutants, point source and waters of the United States' are found at 40 CFR 122.2. This is the typical discharge we normally associate with 'water pollution'. The permit will set effluent limits based on numeric criteria (aquatic life, human health criteria) and usually requires extensive monitoring and reporting requirements.

Application requirements are found in 40 CFR 122.21 to 122.29. Applications must be filed at least 180 days before the date the discharge is to commence. Applicants are urged to file well in advance of 180 days in order to avoid delay.

B. Storm water discharge associated with industrial activity. Definitions, and application requirements are found in 40 CFR 122.21 to 122.29.40 CFR and 122.26. Applications must be filed at least 180 days before that facility commences industrial activity which may result in a discharge of storm water associated with that industrial activity.

Applications for storm water discharges associated with industrial activity from a construction activity disturbing more than 5 acres must be filed at least 90 days before the date on which the construction is to commence.

This permit is what we usually think of as a water management or erosion control plan. It only authorizes the discharge of stormwater (non-contaminated sediment and water).

The EPA administers three kinds of NPDES permits:

1. General permits are issued under 40 CFR 122.28 and authorizes a category of discharges under the Clean Water Act within a given geographic area. The majority of persons proposing storm water discharges associated with industrial activity will file a notice of intent to be covered by a general permit for storm water discharge.

2. Group application for storm water discharges associated with industrial activity. Group applications may be filed by an entity representing a group of applicants that are part of the same subcategory (40 CFR subchapter N, part 405 to 471), or which are sufficiently similar to as to be appropriate for general permit coverage under 40 CFR 122.28.

3. Individual permits. The majority of persons proposing a new source of pollutant discharge will apply for an individual permit.

PROCEDURE FOR REVIEW

The following describes the procedure most likely to be used in processing an NPDES permit for a new source discharge of pollutants.

Completeness Review

Within 30 days of the submittal, the permitting authority (EPA in this case) reviews the application for completeness. If additional information is required to complete the application, EPA will notify the applicant and specify a deadline for submitting the additional information. The effective date of the application is the date when the EPA determines that the application is complete.

Draft Permit

In evaluating the application, the EPA may request additional information beyond what is required in the application form. The permit writer will use available information, primarily that in the permit application, to develop a draft permit or a notice to deny a permit. All draft permits and notices of intent to deny a permit will include a statement of basis or a draft fact sheet. The statement of basis will briefly describe the rationale for either proceeding with issuing or denying a permit. The draft fact sheet will include the principal facts, methodology, and any legal or policy questions considered in the decision to proceed with issuing a permit.

A draft permit contains information described in 40 CFR 122.41 (conditions); 122.47 (compliance schedules); 122.48 (monitoring requirements); and effluent limitations, standards, prohibitions, variances, conditions under 122.41, 122.42, and 122.44, and conditions certified by a State agency under 124.55.

If State certification has not been received by the time the draft permit is prepared the EPA sends the State agency a copy of the draft permit. The State agency normally has 60 days from the date the draft permit is mailed, to exercise its right to certify. In unusual circumstances the EPA may find that additional time is necessary.

Public Notice
Public notice of draft permit preparation or denial shall allow at least 30 days for public comment. Where an Environmental Impact Statement is prepared for an NPDES new source, public notice of the draft permit is not given until after a draft EIS is issued. The EPA may reopen the public comment period where it could expedite the decision making process.

Public Comment/Public Hearing
The EPA may hold a public hearing if there is significant interest expressed in a draft permit. Public notice of a public hearing must be given at least 30 days before the hearing. (Public notice of the hearing may be given at the same time as public notice of the draft permit).

Final Permit
After close of the public comment period and/or hearing, the EPA shall issue the final permit decision. NPDES permits for a new sources are not issued until at least 30 days after the date of issuance of a final EIS if one is required.

The EPA, upon issuance of the final decision, will respond to comments, identify any changes in the tentative decision (to either permit or deny a permit) and give any reason pertinent to the changes. A final permit decision becomes effective 30 days after the service of notice of the decision unless a review is requested under 124.74 or 124.114

A more complete description of the processes involved in obtaining an NPDES Permit is provided in 40 CFR Part 124, especially subpart D.

BONDING
There is no prescribed bonding procedure for an NPDES permit.

CLOSURE AND BOND RELEASE
Minor modifications may be made with the consent of the permittee without following the procedures at 40 CFR 124. Other modifications must be processed as described under 124 draft permit and public notice as required in 40 CFR 122.62.

A permit may be terminated, or denied for renewal for reasons of non-compliance, permittee failure to disclose relevant facts, endangerment of public health, or change in discharge. Permit termination follows applicable procedures in part 124.

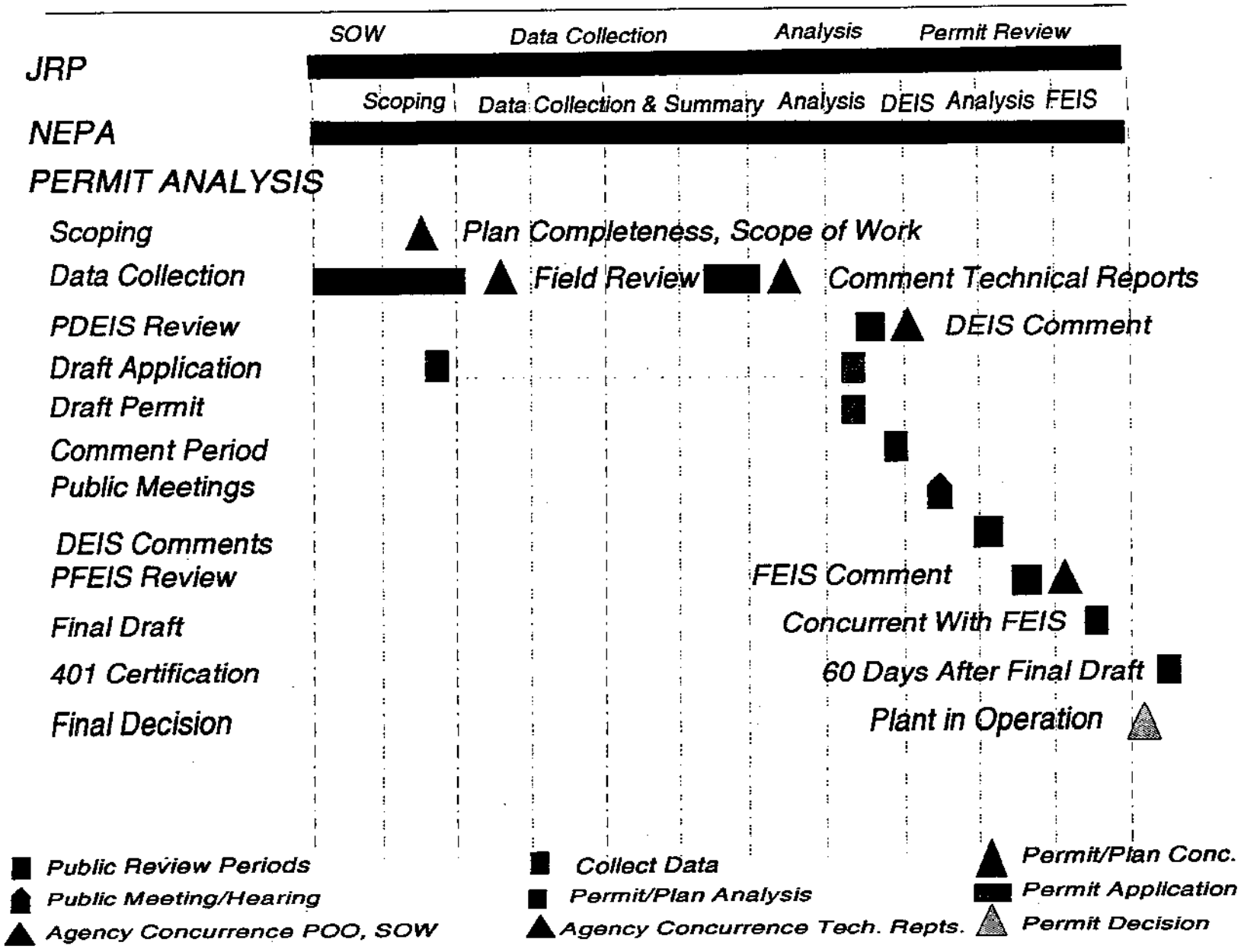
Permits are issued for a period of 5 years, at which time they must be renewed.

A storm water permit is terminated by the EPA once the mine facility has met state and/or Federal reclamation standards that are in effect as of December 1990.

OTHER INFORMATION
For additional information contact the Storm Water Permit Hotline at 703/821-4823.

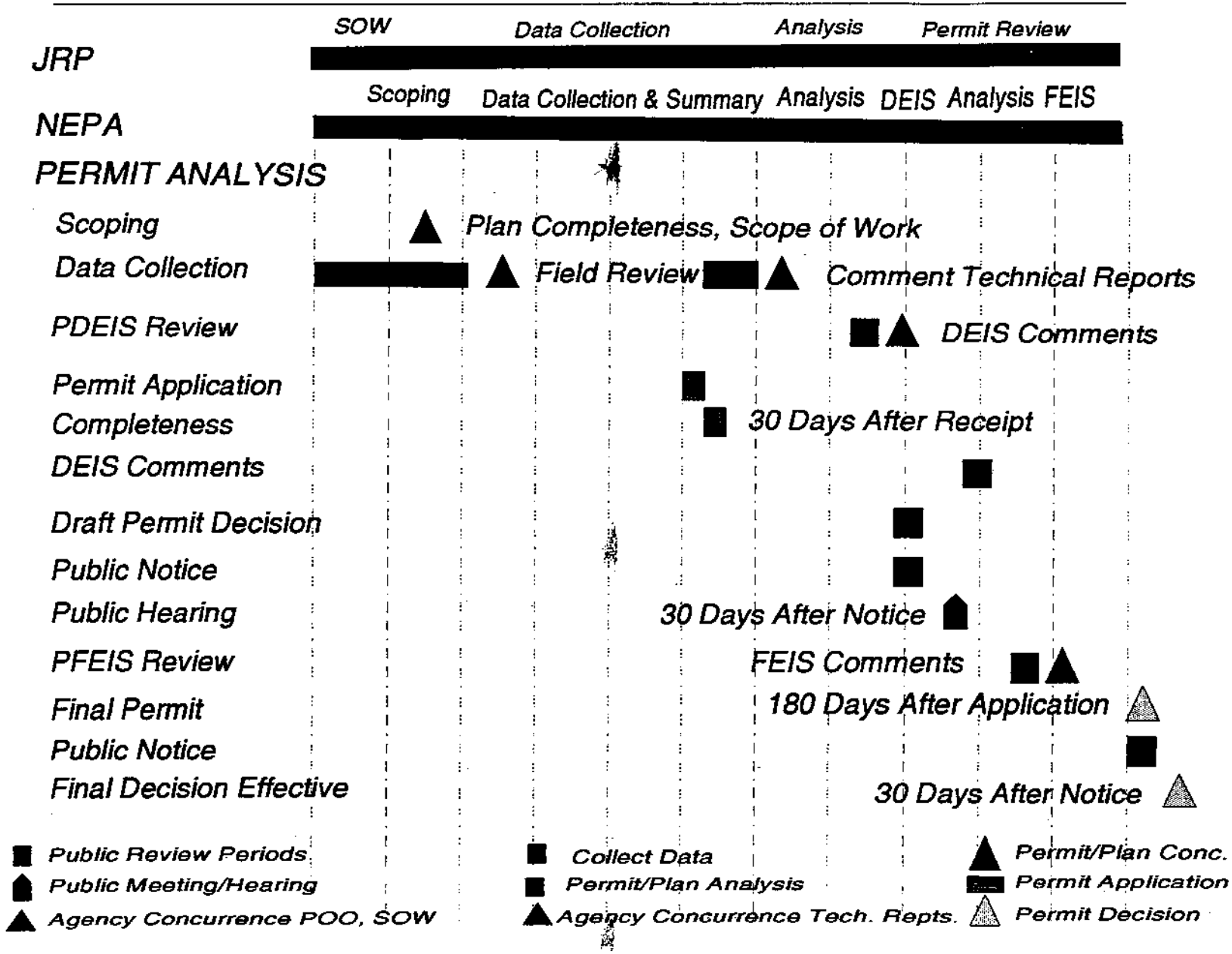
IDAHO JOINT REVIEW PROCESS

402 (NPDES) PERMIT



IDAHO JOINT REVIEW PROCESS

STORMWATER PERMIT



U.S ENVIRONMENTAL PROTECTION AGENCY (EPA)

SPILL PREVENTION CONTROL AND COUNTERMEASURES PLAN (SPCC)

Section 311(c) of the CWA.
40 CFR 112.

SCOPE

The U.S. Environmental Protection Agency (EPA) administers the SPCC program for non-transportation related, above ground petroleum storage tanks as authorized under Section 311(c) of the CWA. The program requires SPCC Plans for storage facilities with single tanks holding in excess of 660 gallons, or combined tanks holding more than 1320 gallons of petroleum product where a release of petroleum product could enter waters of the United States. Implementing regulations are found at 40 CFR 112.

General provisions of the regulations are:

1. That SPCC Plans be prepared within 180 days of start up of the facility.
2. Plans should be implemented immediately but no later than one year after start up of the facility.
3. The Plan must be reviewed and certified by a Registered Professional Engineer.

APPLICATION REQUIREMENTS

There are no permit application forms for this program. Guidelines for the preparation of an SPCC Plan are found at 40 CFR 112.7 and include the following:

- A prediction of the direction, rate of flow and total quantity of oil which could be discharged from the facilities.
- Containment and/or diversion structures/equipment to prevent discharged oil from reaching a navigable water course. These could include: dikes, berms or retaining walls; curbing; culverts, gutters or other drainage system; weirs, booms or other barriers; retention ponds; sorbent materials.

PROCEDURE FOR REVIEW

SPCC Plans must be reviewed by a Registered Professional Engineer who shall attest that the Plan has been prepared in accordance with good engineering practices. The Plan must be available to the (EPA) Regional Administrator for on-site review during normal working hours.

Discharge of more than 1000 gallons from a facility, or two instances of discharged oil in harmful quantities as defined by 40 CFR 110 within a 12 month period triggers additional reporting and review requirements as documented in 40 CFR 112.4.

Although a SPCC Plan is not required until after operation of a facility commences, the information required in such plans is normally submitted as part of the operator's Plan of Operation and is subsequently analyzed through the NEPA process. This is done to ensure that environmental impact prediction considers planned mitigation measures, and that all reasonable alternatives, mitigation measures and monitoring provisions are addressed.

BONDING

There is not prescribed bonding procedure for this Plan. Bonding for the removal of petroleum products, tanks, and containment structures is normally part of the overall reclamation plan required by the BLM and FS, and the Idaho Department of Health and Welfare.

CLOSURE AND BOND RELEASE

The procedure for the facilities covered by this Plan is the same as that discussed under the BLM and FS Plans of Operation, as well that described under the bonding discussion.

OTHER INFORMATION

For additional information regarding this Plan contact:

U.S ENVIRONMENTAL PROTECTION AGENCY (EPA)

UNDERGROUND STORAGE TANK (UST) PROGRAM

Subtitle I of the Resource Conservation and Recovery Act (RCRA).

SCOPE
The U.S. Environmental Protection Agency (EPA) implements the UST program in conjunction with the Idaho State Department of Environmental Quality (DEQ) under Subtitle I of the Resource Conservation and Recovery Act (RCRA).

APPLICATION REQUIREMENTS
Mining operations which own USTs are required to register them with the DEQ by submitting EPA Form 7501-1 (Notification for Underground Storage Tanks) which details ownership, size, location, and use of the USTs.

Form 7501-1 is available from:

Idaho Division of Environmental Quality
Water Quality Bureau
1410 N. Hilton
Boise, ID 83706

For information on review, bonding, bond/permit release and other information see the discussion under State Permits.

U.S FISH AND WILDLIFE SERVICE, (USFWS)

USFWS ENDANGERED SPECIES ACT CONSULTATION

SCOPE

USFWS authorities include the Endangered Species Act, Migratory Bird Treaty Act, Fish and Wildlife Coordination Act (FWCA), and the National Environmental Policy Act. The USFWS reviews NEPA documents under these authorities and serve as the agency with primary responsibility for ensuring that federal activities are carried out with consideration for resident fish and wildlife and their habitats.

The USFWS reviews individual Section 404 permits being considered by the Corps of Engineers (COE) and coordinates comments for all Bureaus within the Department of the Interior. A 1985 Memorandum of Agreement between the DOI and the COE outlines procedures for further review of decisions where issues have not been resolved to the satisfaction of the DOI.

APPLICATION REQUIREMENTS

There are no permits issued by the USFWS or applications as such.

The USFWS's authority and responsibilities are met through participation in the NEPA analysis of proposed plans of operations and FWCA review of 404 permits. This should result in projects which address USFWS concerns with respect to Threatened and Endangered (T&E) species, wetlands, and other fish and wildlife and their habitat that could be directly or indirectly affected by the proposal. (see additional discussion under "Wetland Permit")

PROCEDURE FOR REVIEW

USFWS participation in the NEPA process is triggered by the need for a federal action on a project that could affect resources for which they have responsibility. This participation may involve some or all of the authorities described under "Scope", depending on the project being considered.

Section 7 of the Endangered Species Act (ESA) contains special coordination requirements for projects which could affect listed and proposed T&E species. Although ESA requirements are separate and distinct, they are described here within the context of the NEPA process since they normally occur concurrently and are considered an integral part of the analysis and decision making process by the federal land management agencies.

Scoping - During scoping the USFWS will be contacted to identify issues, concerns and opportunities that need to be addressed in the NEPA analysis. The lead agency and the USFWS should work to ensure that the **Final Scoping Document** is an adequate statement of issues, options, alternatives, process steps and scheduling for the EIS. At this time a list of proposed and listed threatened and endangered species and their critical habitats is developed for the project area. Such lists must be updated every 180 days until construction commences.

Agreement should also be reached on lead/cooperating/consulting agency status and on wetland issues as outlined under Section 404 (b)(1) of the Clean Water Act. This will include formulating practicable alternatives which avoid, minimize, or compensate for wetland fills.

Baseline Data Collection - Where the USFWS is a cooperating or consulting agency, it reviews and comments on those sections of the Scope of Work (ie., T&E species, wildlife, fisheries, vegetation) which fall within their jurisdiction to ensure that planned data collection and analysis will adequately address the issues raised during scoping. Special attention should be paid to data and analysis needed for biological assessments (BA) that are needed; and criteria for identifying and evaluating wetland functions and values, condition and quality including potential mitigation.

USFWS will participate in the field reconnaissance to identify jurisdictional wetlands and discuss wetland issues at the request of the COE.

Analysis - Using the data from the baseline program, the environmental consequences of the alternatives considered are analyzed and displayed. These analysis are documented in individual resource (technical) reports, and/or a preliminary draft environmental impact statement. These preliminary reports are usually reviewed by lead, cooperating and consulting agencies as appropriate. The USFWS would typically review and comment on the; PDEIS; draft biological assessments; wetland/vegetation reports including the mitigation plan; and the wildlife/fishery reports.

Alternative analysis will address avoiding, minimizing and compensating for unavoidable wetland fills.

DRAFT EIS (DEIS) - The USFWS will comment on the DEIS, noting their agreement/disagreement on the description of issues, affected environment, alternatives considered, environmental effects, and the preferred alternative if one is selected.

If a BA was required, it is usually submitted as an appendix to the DEIS. Within 30 days of receiving a BA was submitted, the USFWS may ask for more information or request additional time for review, or will issue their concurrence/non-concurrence with the findings of the BA. If the USFWS concludes that the proposed action may adversely affect or jeopardize the species, then formal consultation/conferencing must be initiated or the project re-designed. Formal consultation may take up to 90 days from the time it is

initiated, and may be extended to 150 days with the concurrence of the lead federal agency. Following conclusion of formal consultation, USFWS has 45 days to prepare a biological opinion.

Following the (normally) 45 day DEIS review period, public comments on wetland issues will be considered by the Corps, USFWS, and EPA. Alternative selection will consider wetland issues and the requirements of the Clean Water Act.

FINAL EIS (FEIS) AND RECORD OF DECISION (ROD) - The lead agency will evaluate and respond to USFWS comments prior to release of the FEIS.

If formal consultation is initiated under the Endangered Species Act, then reasonable and prudent project alternatives and mitigating measures suggested by the USFWS will be evaluated (if the analysis displayed in the DEIS is inadequate) to avoid adversely affecting or jeopardizing a listed or proposed species.

The FEIS will provide full disclosure of wetland mitigation, including strategies for avoiding, minimizing and compensating for impacts. It will serve as the Corps' document of record for its Public Notice of application which will be issued simultaneous or subsequent to release of the FEIS.

Where wetland issues (404 Permit) have not been resolved to the satisfaction of the USFWS, a 1985 Memorandum of Agreement (MOA) between the U.S. Department of the Interior and the Army Corps of Engineers (CORPS) describes procedures to resolve these differences. (See discussion of 404 Permit)

Other federal agencies with permitting authority over some aspect of the project, may issue joint or separate ROD's based on information contained in the FEIS, provided the analysis is sufficient to support their decision.

IMPLEMENTATION AND MONITORING - At their request, the USFWS may participate on an interagency review team responsible for overseeing the administration of the project. The USFWS is charged with enforcing the Migratory Bird Treaty Act, and may issue fines in cases of migratory bird mortality.

BONDING/CLOSURE AND BOND RELEASE - The USFWS has no bonding requirements.

OTHER INFORMATION
Copies of USFWS regulations will be made available upon request. Additional guidelines may be available regarding agency administrative procedures or guidelines relating to T&E Species and 404 (Wetlands) Permit procedures.

ARMY CORPS OF ENGINEERS (Corps)

DEPARTMENT OF ARMY PERMITS

Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1910.

SCOPE
CORPS authorities include the Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. It is unlikely that many mining projects would be subject to regulation under Section 10 of the Rivers and Harbors Act of 1899 due to its limited geographic application.

Under Section 404 of the Clean Water Act, a Department of the Army permit is required for discharge of dredged or fill material into waters of the United States, including wetlands. This includes excavation activities which result in the discharge of dredged material and destroy or degrade waters of the United States. The Corps' nationwide permit program authorizes minor discharges dredged or fill material into waters of the United States, but this program would have limited applicability to large mining projects covered by the Idaho JRP.

APPLICATION REQUIREMENTS
In most cases where a Department of Army Permit under Section 404 of the Clean Water Act is required under these authorities, a State permit is also required from the IDWR. The State permit requirements are described in the narrative for the Stream Alteration Permit.

A joint application and permit information package has been developed which satisfies both IDWR and Corps requirements. The operator can obtain this application package from the appropriate Regional Office of the IDWR and Corps.

The following information is needed for a 404 Permit Application:

- Identification and mapping of all surface water and wetlands in the project area. Delineation of wetlands must be done to standards in the 1987 Corps of Engineers Wetland Delineation Manual, and must be verified by Corps personnel.
- Identification and description of all discharges of dredge and fill material into surface water and/or wetlands.
- Identification and description of all dredging or other excavation of material from a surface water or wetland.
- A description of each water and wetland community to be impacted by the project.
- An assessment of the functions and values of the wetland areas.
- A description of impacts, both direct and indirect, to all waters and wetlands.
- A description of all measures proposed to be implemented to avoid, minimize, or compensate for impacts to waters and wetlands.

The applicability of these issues should be determined during the scoping phase of the NEPA process, and by data collection and analysis if needed.

PROCEDURE FOR REVIEW
There are four main elements of permit review.

1. Public Interest Review. Under this element a Public Notice is prepared and distributed for review and comment. A public hearing may be held. All comments received during the 30 day comment period are considered in making a determination of whether or not the project is contrary to the public interest. This element typically occurs during the Draft EIS stage of the JRP, with the notice being released with the DEIS.

2. The second element of review is the preparation of environmental documentation required under NEPA. If other federal agencies are involved the Corps cooperates in the preparation of a single document. This element follows the same basic plan described for the NEPA process elsewhere in this document.

   These requirements and their time-frames will be noted briefly where they fit in the federal NEPA process.

   Scoping - During scoping the Corps' will be asked by the lead agency to identify issues, concerns and opportunities that need to be addressed in the NEPA analysis. The lead agency and the Corps should work to ensure that the **Final Scoping Document** is an adequate statement of issues, options, alternatives, process steps and scheduling for the EIS.

   Agreement should also be reached on lead/cooperating/consulting agency status and on wetland issues as outlined under Section 404 (b)(1) of the Clean Water Act. This will include formulating practicable alternatives which avoid, minimize, or compensate for wetland fills.

   Baseline Data Collection - Where the Corps is a cooperating or consulting agency, it reviews and comments on those sections of the Scope of Work (ie., T&E species, wildlife, fisheries, vegetation) which fall within their jurisdiction to ensure that planned data collection and analysis will adequately address the issues raised during scoping. Special attention will be paid to criteria for identifying and evaluating wetland functions and values, condition and quality including potential mitigation.

   Corps field personnel will conduct site reconnaissance to identify jurisdictional wetlands which may be affected by the project. The

Corps will notify the USFWS and EPA of the proposed action and arrange for their participation in the field reconnaissance.

Analysis - Using the data from the baseline program, the environmental consequences of the alternatives considered are analyzed and displayed. These analyses are documented in individual resource (technical) reports, and/or a preliminary draft environmental impact statement. These preliminary reports are usually reviewed by lead, cooperating and consulting agencies as appropriate. The Corps would typically review and comment on the; PDEIS; wetland/vegetation reports including the mitigation plan; and the wildlife/fishery reports.

Alternative analysis will address avoidance, minimization and, lastly, compensation for unavoidable wetland impacts.

DRAFT EIS (DEIS) - The Corps will comment on the DEIS, noting their agreement/disagreement on the description of; issues, affected environment, alternatives considered and their environmental effects; and the preferred alternative if one is selected.

Following the (normally) 45 day review period, public comments on impacts to waters of the United States, including wetlands, will be considered by the Corps, USFWS, and EPA. Alternative selection will consider impacts to waters of the United States including wetlands, and the requirements of the Clean Water Act.

FINAL EIS (FEIS) AND RECORD OF DECISION (ROD) - The lead agency will evaluate and respond to the Corps' comments prior to release of the FEIS.

The FEIS will provide full disclosure of wetland mitigation, including strategies for avoiding, minimizing and compensating for impacts. It will serve as the Corps' document of record for its Public Notice of application which will be issued simultaneous or subsequent to release of the FEIS.

Where wetland issues (404 Permit) have not been resolved to the satisfaction of the USFWS, a 1985 Memorandum of Agreement (MOA) between the USFWS and the Army Corps of Engineers (CORPS) describes procedures to resolve these differences. (See discussion of 404 Permit)

3. The third element of review is an evaluation of the project under the Environmental Protection Agency's Guidelines (40 CFR 230) as required by Section 404(b)(1) of the Clean Water Act.

   Under these guidelines, it must be determined that all discharges of dredged or fill material represent the least environmentally damaging practicable alternative; and that all appropriate and practicable measures have been taken to avoid, minimize or compensate for adverse impacts to wetlands.

   This element is usually accomplished during the NEPA process for the project in conjunction with the EPA, USFWS, and other state and federal agencies.

4. The final element of review is the certification by the Idaho Department of Health and Welfare, Division of Environmental Quality that the project will not violate State water quality standards. This certification comes after selection and approval of a preferred alternative through the federal NEPA process.

BONDING
There is no bonding procedures specified for the 404 Permit.

CLOSURE AND BOND RELEASE - Operations under a 404 Permit must be completed within 3 years after issuance. There are provisions for extending this time frame. Nationwide permits are valid for 2 years from the date of issuance.

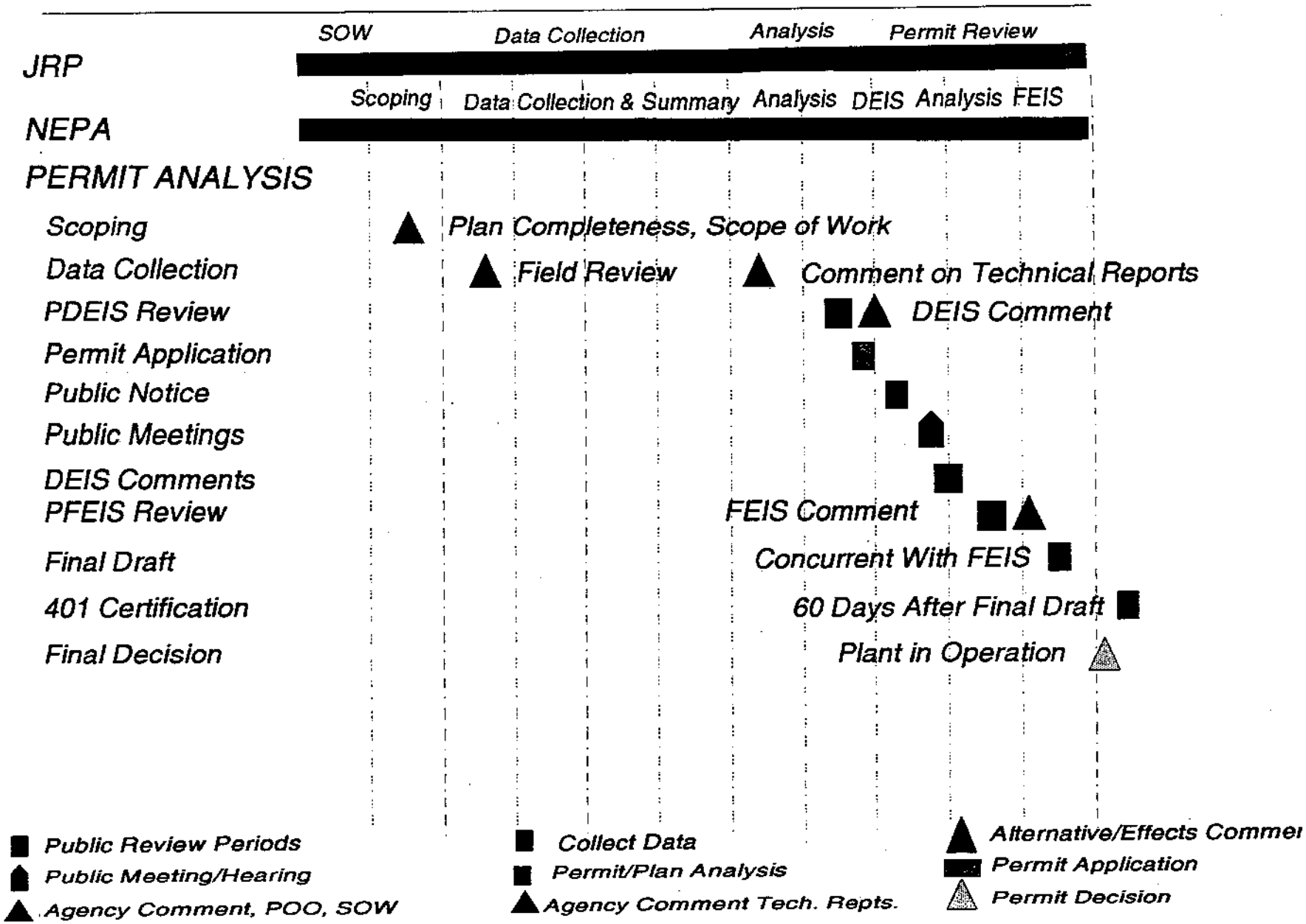
The operator must conduct operations as described in the permit or submit a modification to the permit. In this sense there is not permit release until the operation ceases the permitted activity.

The approved permit will contain criteria to be used to judge the success of mitigation efforts, along with monitoring requirements to document the effectiveness of the mitigation plan. If criteria are not met, additional mitigation will be required to achieve the desired goals as directed by the Corps of Engineers in consultation with other stewardship agencies.

ADDITIONAL INFORMATION
Copies of CORPS regulations will be made available upon request. Additional guidelines may be available regarding: 1) Agency NEPA and 404 Permit procedures including EPA and USFWS agreements and policies on wetland mitigation; 2) Information requirements and forms for 404 Permit applications including the Federal Manual for Wetland Delineation.

IDAHO JOINT REVIEW PROCESS

404 (WETLAND) PERMIT



NATIONAL MARINE FISHERIES SERVICE (NMFS)

NMFS ENDANGERED SPECIES ACT CONSULTATION

SCOPE

NMFS has a mandate to preserve and restore populations and habitat for ocean going fish such as chinook and sockeye salmon and steelhead. Their authorities include the Endangered Species Act (ESA), Fish and Wildlife Coordination Act (FWCA), Clean Water Act (CWA), Magnuson Act, Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), the Pacific Salmon Treaty Act, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and the Oil Pollution Control Act (OPA).

The FWCA requires that fish and wildlife conservation shall receive equal consideration and be coordinated with other features of federal water resource development programs. It requires that agencies or applicants to such agencies consult with state and federal wildlife agencies to determine what is necessary to prevent, mitigate, and/or compensate for losses of wildlife resources.

Under the CWA, the Corps is required to fully consider NMFS's comments when determining the compliance of its actions with NEPA and the 404 (b) (1) Guidelines.

Under the authority of the Northwest Power Act, the Northwest Power Planning Council prepared the Columbia River Basin Fish and Wildlife Program. Salmon and Steelhead production plans for major sub-basins in the Columbia Basin and a Integrated System Plan have also been developed. Mining proposals should be consistent with these plans.

Under the Magnuson Act, regional fishery management councils may review and comment on federal activities that affect habitat for anadromous fish. NMFS assists the Pacific Fishery Management Council in this effort.

Under CERCLA and the OPA, NMFS assists in the assessment and may claim damages for injuries to natural resources from discharges of oil or hazardous substances.

The following sections describes how NMFS may exercises these authorities in the permitting of mines on federal lands.

APPLICATION REQUIREMENTS

There are no permits issued by the NMFS, or applications as such.

NMFS is involved in reviewing and commenting the NEPA analyses and documentation for federal Plans of Operation (BLM OR FS), and other federal permits required for mining proposals in order to assess impacts to anadromous fish and their habitats. These permits and applications are described under the appropriate issuing agency.

PROCEDURE FOR REVIEW

NMFS participation in the NEPA process is triggered by the need for a federal action on a project that could affect resources for which they have responsibility. This participation may involve some or all of the authorities described under "Scope", depending on the project being considered.

Section 7 of the Endangered Species Act (ESA) contains special coordination requirements for projects which could affect listed and proposed threatened and endangered species. Although ESA requirements are separate and distinct, they are described here within the context of the NEPA process since they normally occur concurrently and are considered an integral part of the analysis and decision making process by the federal land management agencies.

Scoping - During scoping the NMFS will be contacted at the earliest possible time, to identify issues, concerns and opportunities that need to be addressed in the NEPA analysis. The lead agency and the Service should work to ensure that the **Final Scoping Document** is an adequate statement of issues, options, alternatives, process steps and scheduling for the EIS. In particular the Service will provide specific scoping comments relating to wetlands (see discussion under "Wetland Permit"); threatened and endangered species (anadromous fish) and damages to natural resources resulting from releases of hazardous materials or petroleum products.

At this time a list of proposed and listed threatened and endangered species and their critical habitats is developed for the project area. Such lists must be updated every 180 days until construction commences.

Agreement should also be reached on lead/cooperating/consulting agency status and on wetland issues as outlined under Section 404 (b)(1) of the Clean Water Act. This will include formulating practicable alternatives which avoid, minimize, or compensate for wetland fills.

Baseline Data Collection - Where the NMFS is a cooperating or consulting agency, it reviews and comments on those sections of the Scope of Work (ie., T&E species, fisheries, wetlands, aquatic habitat, spill response) which relate to their jurisdiction to ensure that planned data collection and analysis will adequately address the issues raised during scoping.

Special attention will be paid to data and analysis needed for biological assessments and wetland issues including: wetland delineation; an assessment of wetland functions, values, condition and quantity; and potential wetland mitigation sites. (see

discussion under 'Wetland Permit')

Upon request of the Corps, NMFS will participate in a field reconnaissance to identify jurisdiction wetlands and discuss wetland issues.

Analysis - Using the data from the baseline program, the environmental consequences of the alternatives considered are analyzed and displayed. These analysis are documented in individual resource (technical) reports, and/or a preliminary draft environmental impact statement. These preliminary reports will be reviewed by lead, cooperating and consulting agencies as appropriate. The NMFS would typically review and comment on; the PDEIS; draft biological assessments; fishery and wetland reports.

Alternative analysis will address avoiding, minimizing and compensating for unavoidable wetland fills.

DRAFT EIS (DEIS) - The Service will comment on the DEIS, noting their agreement/disagreement on the description of; issues, affected environment, alternatives considered and their environmental effects; and the preferred alternative if one is selected.

ESA Procedures
A biological assessment (BA) is required if the action is a major construction activity as defined by Section 7 of the ESA. The BA may be submitted as an appendix to a DEIS. Within 30 days of receiving the BA, NMFS will issue their concurrence/non-concurrence with its findings. If the lead federal agency responsible for the proposed action concludes that the proposed may adversely affect listed (or proposed for listing) species or critical habitat, then formal consultation/conferencing must be initiated, or the project re-designed. Formal consultation may take up to 90 days from the time it is initiated, and may be extended to 150 days with the concurrence of the lead federal agency. Following conclusion of formal consultation, NMFS has 45 days to prepare a biological opinion.

Following the (normally) 45 day review period, public comments on wetland issues will be considered by the Corps, Service, and EPA. Alternative selection will consider wetland issues and the requirements of the Clean Water Act.

FINAL EIS (FEIS) AND RECORD OF DECISION (ROD) - The lead agency will evaluate and respond to Service comments.

If formal consultation is initiated under the ESA, then reasonable and prudent project alternatives and mitigating measures suggested by the Service will be evaluated (if the analysis displayed in the DEIS is inadequate) to avoid adversely affecting or jeopardizing a listed or proposed species or critical habitat.

The FEIS will provide full disclosure of wetland mitigation, including strategies for avoiding, minimizing and compensating for impacts. It will serve as the Corps' document of record for its Public Notice of application which will be issued simultaneous or subsequent to release of the FEIS.

Where wetland issues (404 Permit) have not been resolved to the satisfaction of the Service, a 1985 Memorandum of Agreement (MOA) between the USFWS and the Army Corps of Engineers (CORPS) describes procedures to resolve these differences. (See discussion of 404 Permit)

Implementation and Monitoring - Following the FEIS, the operator must change its original Plan of Operations to incorporate the requirements identified in the Record of Decision. FS and BLM Mining Regulations also allow a bond to be required, sufficient to guarantee reclamation of surface resources which would be disturbed by the operation. Because the BLM/FS recognizes parallel requirements of other state and federal agencies, approval of the Plan of Operation is contingent upon these approvals.

At their request, the NMFS may participate on an interagency review team responsible for overseeing the administration of the project.

BONDING/CLOSURE AND BOND RELEASE - The NMFS has no bonding requirements.

OTHER INFORMATION
Copies of NMFS regulations will be made available upon request. Additional guidelines may be available regarding agency administrative procedures or guidelines relating to the ESA.

OTHER FEDERAL LAWS APPLICABLE TO MINING OPERATIONS

Hazardous Materials Transportation Act
Transport of hazardous materials are regulated under the Hazardous Materials Transportation Act (HMTA), primarily in 49 CFR 172 and 173. This act and regulations cover vehicles, containers, labeling, driver certification and training, and spill prevention, control and response. Title II of SARA (Community Right to Know) also requires that companies transporting more than certain amount of hazardous materials coordinate with community emergency response committees (usually set up on a county basis).

Other agency contacts for this issue is the federal and state departments of transportation; state hazardous material bureau; EPA; and the local emergency planning committee (LEPC).

The requirements of this act for shipping containers, labeling, placarding of shipments, shipping papers, driver training and spill response planning and equipment should be addressed in permitting mines.

Clean Air Act of 1977
Addresses nearly every source of air pollution including particulate and gaseous emissions from mining operations. Establishes standards for acceptable levels of air pollutants and performance standards for new sources.

Clean Air Act requirements apply to mineral operations if:

A. They are considered a "major" source (emitting or having the potential to emit more than a certain level of certain "criteria" (NO_3, SO_2, CO, PM, Pb, and Ozone) pollutants. (National Ambient Air Quality Standards (NAAQS at 40 CFR 50). This determination is made by modeling the emissions expected from the proposed operation using meteorological data from the site.

   The EPA has designated all areas of the country as either "attainment" or "non-attainment" for each of the criteria pollutants. Further, for "attainment" areas it establishes three classifications of geographical areas from proposed emitters of sulfur dioxide and particulate matter (perhaps the most likely pollutants likely to be generated by mining operations):

   Class I - Only minor air quality degradation allowed;
   Class II - Moderate degradation allowed;
   Class III - Substantial degradation allowed.

   Part C of Title I of the Act "prevention of significant deterioration" (PSD) applies in attainment areas. Any proposed new major source, or major modification is subject to preconstruction review by the EPA, by a state to whom the program is delegated or by a state that has adopted PSD requirements in its State Implementation Plan, (SIP).

B. If they have facilities regulated under the "New Source Performance Standards (NSPS) (bulk petroleum tanks, volatile solvents, crushers, conveyors, loading or unloading facilities), (40 CFR 60), or;

C. Generate "hazardous air pollutants", (National Emission Standards for Hazardous Air Pollutants (NESHAPS) 40 CFR 61). These include arsenic, benzene, asbestos, beryllium, mercury, vinyl chloride, coke oven emissions, and radionuclides.

This program is administered by the Idaho Bureau of Air Quality.

Federal Water Pollution Control Act (FWPCA) of 1972; Clean Water Act (CWA) 1977; Water Quality Act (WQA) of 1987
These laws were enacted to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. They regulate the discharge of any pollutant to waters of the United States, including stormwater (See discussion under the NPDES Permit); the discharge of dredged or fill materials into waters or wetlands of the United States (see discussion under 404 "Wetland Permit); contain oil and toxic chemical spill provisions (see discussion of SPCC Plan).

These acts also charge the EPA to publish and update ambient water quality criteria that reflect the latest scientific knowledge and protect aquatic life and human health.

Contacts should be made during scoping with the Idaho Department of Health and Welfare, Corps of Engineers, and EPA to ensure that these and others issues are addressed in the permitting process.

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) of 1972
This law regulates the registration, labeling, storage, handling, and disposal of pesticides. Such pesticides are sometimes required for use in mining operations to control noxious weeds on disturbed areas.

Experts from the EPA and State Department of Health and Welfare should be contacted during the scoping process for issues, impacts and requirements.

The Safe Drinking Water Amendments (SDWA) of 1977
This law was passed to establish regulations to protect human health from contaminants in drinking water. The legislation authorizes national drinking water standards and a joint Federal-State system for assuring compliance with those standards. In response to this

legislation, the EPA developed a set of primary drinking water standards to protect human health, and secondary standards to ensure the aesthetic quality of drinking water. Standards consist of contaminant-specific standards, known as Maximum Contaminant Levels (MCLS). MCLS are set as close to Maximum Contaminant Level Goals (MCLGs), which are purely health based goals. The secondary drinking water standards consist primarily of limits used by the States to regulate the aesthetic quality of water supplies.

In additional to use as drinking water standards, MCLs and MCLGs are also used as ambient water quality standards in some cases. The State of Idaho, Department of Health and Welfare administers this program and should be contacted for issues related to drinking water systems or standards.

Occupational Safety and Health Act of 1983 and amended in 1987
In 1983, the Occupational Safety and Health Administration (OSHA) acting under the authority granted in Section 6(b)(7) of the Occupational Safety and Health Act, adopted a hazard in the workplace standard. In 1987 the standard was expanded to cover all employees exposed to hazardous chemicals, except those in the mining industry. Under the 1977 Mine Safety and Health Act mine safety and health enforcement was transferred from OSHA to the new Mine Safety and Health Administration. For this reason OSHA's workplace standards do not apply to mines as yet, however MSHA is in the process of extending essentially the same standard to mining operators.

The OSHA standards do apply to employees of state and federal agencies who administer mining operations.

Health and safety issues which affect mine permitting are:

- Definitions of hazardous chemicals. Anything which is a physical or health hazard should be identified.
- Labeling of hazardous chemicals.
- Material Safety Data Sheets (MSDS) should be available for all hazardous chemicals. The MSDS describes the hazards to human health and the environment of the hazardous chemicals including emergency medical and cleanup procedures for accidental spills.
- Employers must provide employees with information safety equipment and training for hazardous chemicals they use or may become exposed to.

MSHA should be contacted during scoping to describe how these issues should be addressed on mining projects.

Bureau of Alcohol Tobacco and Firearms (BATF)
BATF regulates commerce in explosives, including classification, transportation, and storage requirements. These issues may be addressed in scoping through contact with agency experts or BATF.

Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA); Superfund Amendment and Reauthorization Act of 1986 (SARA)
CERCLA was passed to address the problem of past hazardous waste sites and to respond to hazardous waste spills. It is triggered by the release or threat of release into the environment of 1) a hazardous substance or 2) a pollutant or contaminant where there is an imminent or substantial danger to the public health or welfare.

It has several key objectives which provide for:

- Identification of hazardous substances and reportable quantities.
- Setting priorities for cleanup of hazardous waste sites.
- Cleaning up hazardous waste sites.
- Making potentially responsible parties pay for cleanup of hazardous substances.
- Setting up a hazardous material trust fund for cleanup of sites where responsible parties cannot be found; and in order to respond to emergency situations involving hazardous situations.
- Responding to hazardous material spills.

In 1986 Congress enacted SARA which significantly expanded and strengthened CERCLA. In addition to expanding existing requirements of CERCLA it also contained new provisions which provide for:

- Cleanup of underground storage tanks, citizen suits, the Love Canal, federal facilities and Department of Defense facilities.
- Reporting requirements for companies that use certain hazardous substances, extremely hazardous substances, hazardous chemicals, and toxic chemicals. This same section required communities to create contingency plans in order to respond to chemical emergencies (Emergency Planning and Community Right to Know).
- Development of an information base on indoor air pollutants including radon.

Although these laws are not directly involved in permitting new facilities there are several potential areas of application:

A. Spill response.
B. Unanticipated releases of hazardous substances. For instance, a chemical spill during transport to the mine.
C. Emergency response and community right to know requirements for operations using hazardous, extremely hazardous substances and toxic or hazardous chemicals.
D. Legal ramifications of permitting environmental effects through permitting which may quality as a CERCLA release.

The Plan of Operation should contain project information necessary to address the issues of accidental spills of hazardous or toxic materials transported, stored, used and disposed of in the operation; physical and chemical characterization of materials which are expected to be generated by the operation (waste rock, spent ore, tailings, pits, contaminated surface or ground water, solid or hazardous waste); and information on shipments of materials which are subject to community right to know requirements.

These and other CERCLA/SARA issues should be raised during scoping and addressed during the NEPA analysis using legal and regulatory advice from the Environmental Protection Agency, Idaho Department of Health and Welfare, Office of General Counsel/Department of Justice and State Attorney General's Office.

For additional information regarding these laws, contact the Idaho Hazardous Materials Bureau, the EPA Region 10 Office and the Local Emergency Response Committee.

Resource Conservation and Recovery Act (RCRA) of 1976; Hazardous and Solid Waste Amendment (HSWA) of 1984
RCRA was enacted in 1976. It is the principal federal program for management of solid and hazardous waste from generation to final disposal (cradle to grave). It was amended in 1980 and 1984. The 1984 amendments were designated as the Hazardous and Solid Waste Amendment (HSWA). These federal laws apply to the generation, transport, storage and disposal of solid and hazardous waste and may be administered by the EPA or in Idaho, delegated to the states.

Waste may be designated hazardous by virtue of listing (40 CFR 261); by characteristics testing (Total Characteristic Leaching Procedure or TCLP) by mixture with a designated hazardous waste; or be derived from the treatment storage, or disposal of a hazardous waste; and is not excluded by law (household, mining etc.).

These laws divide waste into solid (managed under subtitle D of RCRA), and hazardous waste (managed under subtitle C). In 1980 Congress amended RCRA to exclude from Subtitle C regulation four categories of "high volume, low toxicity" waste (The Bevill Amendment). This included solid waste from the extraction, beneficiation, and processing of ores and minerals. Congress directed the EPA to recommend after study, which of these excluded wastes exhibit hazardous characteristics and will be managed under Subtitle C, or will continue to be excluded and managed under Subtitle D and other federal environmental statutes.

Of particular interest to permitting agencies and operators are:

- The procedures for determining whether a waste is hazardous, especially use of the TCLP procedure.
- The special labeling, handling, storage, transport and disposal requirements for wastes determined to be hazardous.
- The notification requirements if hazardous waste is generated, stored, transported, or disposed of. The State of Idaho has adopted federal requirements described in 40 CFR 261. The extent to which the requirements described in these regulations apply depends on the amount of hazardous waste generated and whether it is transported, treated, stored or disposed of onsite.
- Cleanup procedures for spills of hazardous waste.
- The land disposal ban, enacted as part of 1984 HSWA establishes stringent treatment requirements for hazardous waste before land disposal is allowed.

To determine how RCRA/HSWA is applicable to mine permitting, these and other issues should be raised during scoping (during the NEPA analysis) and legal and regulatory advice secured by consultation with the Environmental Protection Agency, Idaho Department of Health and Welfare, Office of General Counsel/Department of Justice and State Attorney General's Office.

If the operation produces, stores, ships or treats hazardous waste regulated under the federal hazardous waste requirements the following apply.

- For hazardous waste generators, requirements are based on the amount of hazardous waste generated in a calendar month.

  Anyone who generates less than 100 kilograms perm month is conditionally exempt from the regulations but must properly identify, label, and send this waste to a hazardous waste facility or landfill or other facilitiy approved by the state for industrial or municipal wastes. Accumulation of more than 1000kg of hazardous waste will trigger small quantity generator requirements.

  Anyone who generates between 100 and 1000kg of hazardous waste per month is a small quantity generator. Small quantity generators must meet most RCRA requirements for inventory, notification, accumulation, labelling, inspections, transport, emergency response, reporting, and record keeping.

  Anyone who generates more than 1000kg per month of hazardous materials is fully regulated and must submit part A and B applications.
- For hazardous waste storage the operator must obtain a permit.
- For shipment of hazardous waste: authorized shippers must be used; shipment must be only to facilities licensed to accept hazardous waste; a hazardous waste manifest is required.
- For management of hazardous waste onsite, you must be permitted licensed or authorized by the EPA or state.

In addition to these requirements, the Plan of Operation should contain information necessary to address the issues associated with the generation, storage, transport, and disposal of hazardous waste. This would include the predicted physical and chemical characterization of waste materials which are expected to be generated, stored, transported, disposed or managed by the operation. For additional information regarding these laws, contact the Idaho Hazardous Materials Bureau or the EPA Region 10 Office.