

Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: **01-672 MAINE LAND USE PLANNING COMMISSION,**
Department of Agriculture, Conservation & Forestry

NAME, ADDRESS, PHONE NUMBER, E-MAIL OF AGENCY CONTACT PERSON: Mari Wells-Eagar, 22 SHS,
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CHAPTER NUMBER AND RULE TITLE: **Chapter 13**, *Metallic Mineral Exploration, Advanced Exploration and Mining*
and **Chapter 10**, *Land Use Districts and Standards*

STATUTORY AUTHORITY: 12 M.R.S. §684, §685-A,3, and §685-C,5,A; PL 2011 Ch. 653 and PL 2017 Ch. 142

DATE, TIME AND PLACE OF PUBLIC HEARING: *Postponed to-*

Date: April 11, 2018

Time: 1:00 PM

Place: Spectacular Events, 395 Griffin Road, Bangor

COMMENT DEADLINE:

Written comments must be submitted on or prior to April 23, 2018

Written rebuttal comments must be submitted on or prior to April 30, 2018

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

The Land Use Planning Commission is seeking public comment on proposed rule changes to comply with PL 2017 Ch. 142, 128th Legislature. Specifically, §12 of Ch. 142 requires the Commission, by July 1, 2018, to “adopt rules related to commission certification of metallic mineral mining permit applications in accordance with the Maine Revised Statutes, Title 38, section 490-NN, subsection 2.” Also, the section requires that, “Rules adopted pursuant to this section must include any additional provisions necessary to ensure consistency with the Maine Metallic Mineral Mining Act and rules related to the Maine Metallic Mineral Mining Act adopted by the Department of Environmental Protection.” Proposed changes include a repeal and replacement of the Commission’s Chapter 13 rule, renaming Chapter 13 to *Metallic Mineral Exploration and Mining Certifications*, updating provisions for metallic mineral exploration, adding provisions for mining certifications, and amending the Commission’s Chapter 10 rule to ensure consistency with Chapter 13 and clarify the relationship between the two chapters.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? X YES ___ NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

In accordance with legislative directives in PL 2017, Ch. 142, these rule changes update standards applicable to metallic mineral exploration and provide for Commission certification of metallic mineral mining activities reviewed by the Department of Environmental Protection.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE

(including up to 3 primary sources relied upon) [*see* §§8057-A(1)(E) & 8063-B]

- PL 2011, Chapter 653, 125th Legislature
- PL 2017, Chapter 142, 128th Legislature
- 06-096 CMR Chapter 200, *Metallic Mineral Exploration, Advanced Exploration and Mining*

ESTIMATED FISCAL IMPACT OF THE RULE: [*see* §8057-A(1)(C)]

These rule changes implement legislative directives. The rule is not expected to have a fiscal impact.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:
[see §8057-A(2)(A)]

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED
AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

Note: If necessary, additional pages may be used.