The (Political) Science of HB 1161 and the Rulemaking

Dianna L. Orf

Orf & Orf, P.C.

(CMA Lobbyist)

Little Scientific Input

- Legislation was developed without involvement of state or industry professionals
- Testimony before Senate committee was cut off before technical experts spoke
- Technical issues involving baseline, restoration of water quality deferred to rulemaking, leaving vague legislative language in place

Heavy Public Involvement

- Activist groups work with citizens of areas with potential uranium projects
- Water protection is genuine and ongoing concern
- Fears add to public concern
- “Anti-Nuke” crowd gets involved
- Attempting to resolve technical issues with public opinion

Rulemaking Process

- Series of stakeholder meetings convened
- Rules incorporate three bills into reclamation/mining regulations for non-coal minerals (prospecting, uranium, fees)
- Division and AG respond to stakeholder questions, requests for clarification
- Disputes will be pushed toward consensus
- Formal rulemaking anticipated in the Fall

Local Government Actions

- Previous Supreme Court decision established that a county cannot ban a technology that is allowed and regulated under state law (while recognizing legitimate land use)
- Other counties now addressing uranium projects through special use permits and zoning (Fremont, Montrose)
- Land use plans and codes are being reviewed and updated

Need for Clear, Consistent Regulation

- Federal government dominant
- State should avoid duplication, conflict
- Local governments should limit to traditional land use issues, e.g. traffic, noise
- The U.S. needs uranium – multiple layers of duplicative or conflicting regulation will make it impossible to meet needs