Welcome to Rulemaking
20.03.02
Rules Governing Mined Land Reclamation
We are here
Why Is Rulemaking Needed?

- House Bill 141 is the driver
- Adding the surface impacts of underground mines.
- Allowing IDL to collect reasonable fees.
- Requiring plans to meet all Idaho water quality standards.
- Planning for post closure as needed.
- Calculating actual costs for reclamation activities.
- Providing requirements for performing all reclamation tasks described in a plan and for submitting financial assurance that covers all tasks within the plan.
- Adding additional types of financial assurance.
- Requiring plan reviews at least once every five years.
Rulemaking Limitations

- Rule authority is rooted in statute
- Rules must stay within statutory authority
- Rules must meet legislative intent
- Mined Land Reclamation is governed by Title 47, Chapter 15, Idaho Code
- IDAPA 20.03.02 must stay within the bounds of this statute
- Governor’s Red Tape Reduction Act
Temporary Rulemaking Timeline for 2019

- Now thru June 27: Rulemaking meetings across Idaho
- June 25: Revised Draft text published
- July 1, 8 a.m.: Deadline for comments on Temporary Rule
- July 16: Present Temporary Rule to Land Board
- August 1: Deadline for Temporary Rule in HB141
Negotiated Rulemaking Timeline for 2019

- Now thru July 11 Rulemaking meetings across Idaho
- August 30, Deadline to submit Proposed Rule to OAR
- October 2, Proposed Rule is published
- October 9th?, Public Hearing for Proposed Rule
- October 23, End of comment period on Proposed Rule
- November 19, Present Pending Rule to Land Board
- November 29, Last day to submit a Pending Rule to OAR for the 2020 Legislature
IDL Outreach

- Rulemaking Website: http://www.idl.idaho.gov/rulemaking/20.03.02-2019/index.html
- Email notification list
- Comment email address: rulemaking@idl.idaho.gov
- Posting of current Draft Rules
- Agendas for each rulemaking session
Summary of Draft Changes

- Striking “surface” from “surface mining” in most locations
- Replacing “bond” or “bonding” with “financial assurance”
- Deleting definitions present in statute
- New application requirements
- New financial assurance calculation information
- New financial assurance types and procedures
- Reorganization for Red Tape Reduction Act and clarity