



NEWS RELEASE

FOR IMMEDIATE RELEASE

May 3, 2019

Negotiated Rulemaking

(BOISE) – The Idaho Department of Lands (IDL) is initiating negotiated rulemaking for three sets of administrative rules. The IDL will hold negotiated rulemaking public meetings in May, June and July.

Mining Regulations– IDAPA 20.03.02, Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities

The passage of House Bill 141 during the 2019 legislative session significantly amended Idaho’s Surface Mining Act. IDL is initiating rulemaking to incorporate key legislative changes into rule, which include:

- Determining surface impacts of underground mines;
- Setting fees for reclamation plans;
- Incorporating water treatment and post-closure activities in reclamation plans, as needed;
- Requiring that all reclamation tasks in a plan be completed and covered by financial assurance;
- Estimating actual cost of reclamation and post-closure activities;
- Allowing additional types of financial assurance, such as corporate guarantees and trusts;
- Reviewing every plan at least once every five years; and
- Implementing a temporary rule by August 1, 2019.

Mining Regulations– IDAPA 20.03.03, Rules Governing Administration of the Reclamation Fund

The passage of House Bill 141 during the 2019 legislative session significantly amended definitions and terminology associated with Idaho’s Reclamation Fund, also known as the Bond Assurance Fund.

Pursuant to Title 47, Chapter 18 of Idaho Code, IDL manages the Bond Assurance Fund, which provides affordable and attainable financial assurance for mining operators, allowing compliance with Idaho’s mining regulations.

This rulemaking will address:

- Definitions and terminology;
- Potential expansion of the fund’s acreage limit to allow more participation; and
- Potential removal of mandatory participation requirements, allowing operators to provide other types of financial assurances.

Upcoming public meetings for Mining Regulations:

May 9 – Boise (20.03.02 only)
May 15 – Boise (20.03.02 only)
May 22 – Boise (20.03.02 only)
May 29 – Boise (20.03.02 only)
June 12 – Pocatello (20.03.02 and 20.03.03)
June 13 - Challis (20.03.02 and 20.03.03)
June 18 - Coeur d’Alene (20.03.02 and 20.03.03)
June 19 – McCall (20.03.02 and 20.03.03)
June 20 - Boise (20.03.02 and 20.03.03)
June 27 - Boise (20.03.02 only)
July 11 — Boise (20.03.02 only)

Public Trust– IDAPA 20.03.04, RULES GOVERNING THE REGULATION OF BEDS, WATERS, AND AIRSPACE OVER NAVIGABLE LAKES IN THE STATE OF IDAHO

Pursuant to Idaho Code § 58-104(9)(b), funding used to manage navigable waterways comes exclusively from fees and rent collected by IDL for use of these lands. The costs for processing encroachment permit applications for single-family docks, two-family docks, water-intake lines, and assignments exceed the current application fees collected.

This rulemaking will address:

- Setting fees for single-family docks, two-family docks, water-intake lines, and assignments applications to ensure covering processing costs;
- Potentially removing the fee schedule from the rules to have encroachment permit fees set by the Land Board;
- Specifying IDL to provide notice of application to adjacent property owners for all noncommercial navigational encroachments.

Upcoming public meetings for Public Trust:

June 12 – Pocatello
June 17 – Sandpoint
June 18 – Coeur d’Alene
June 19 – McCall
June 20 – Boise

Details on each rulemaking can be found at www.idl.idaho.gov/rulemaking

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