



Welcome to Rulemaking

20.03.02

Rules Governing Exploration,
Mining, and Closure of Cyanidation
Facilities

(or Rules Governing Mined Land
Reclamation?)

What Is Rulemaking?

- We are modifying and creating new rules this summer
- Rules have the force and effect of law
- Rules are created by agencies and reviewed by Governors' Office and Legislature
- Rulemaking for agencies is governed by..... rules
- Negotiation with stakeholders for rule content is essentially required
- Negotiation makes for better rules

We Need You!



HIERARCHY OF STATE DOCUMENTS

We are here

IDAHO CONSTITUTION

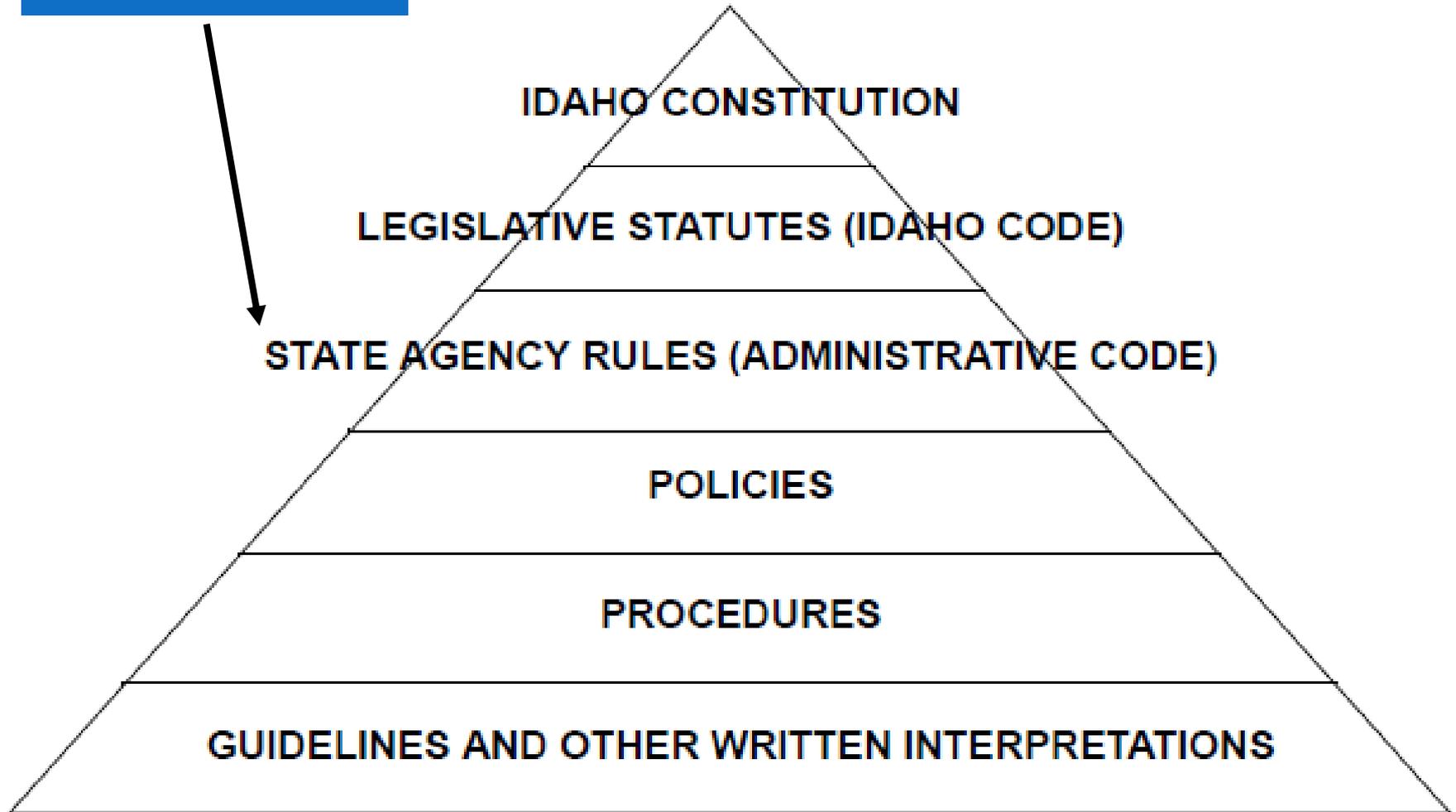
LEGISLATIVE STATUTES (IDAHO CODE)

STATE AGENCY RULES (ADMINISTRATIVE CODE)

POLICIES

PROCEDURES

GUIDELINES AND OTHER WRITTEN INTERPRETATIONS



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

Within Scope of Rulemaking

- Items identified in ARRF and Admin. Bulletin
- Other items if agreed to by the Agency



Outside Scope of Rulemaking

- Statute changes
- Rules that conflict with Idaho Code § 47-15
- Items not on ARRF that are not agreed to by the Agency



ARRF

- Changes needed to implement HB141.
- Adding applicability to the surface impacts of underground mines.
- Allowing IDL to collect reasonable fees.
- Requiring reclamation plans to meet all Idaho water quality standards.
- Expanding reclamation plans to include post closure activities, such as water treatment, 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 Timeline for 2019

- July 16, Present Temporary Rule to Land Board
- August 1, Deadline for Temporary Rule in HB141
- August 2, Deadline to submit Proposed Rule to OAR
- September 4, Proposed Rule is published
- September 16, Public Hearing for Proposed Rule
- September 25, End of comment period on Proposed Rule
- October 15, Present Pending Rule to Land Board
- November 29, Last day to submit a Pending Rule to OAR for the 2020 Legislature

Guidelines for Success

- Stay in Scope
- Read updates on website
- Constructive participation
- Be respectful of others (raise hands, take turns, etc.)
- Be willing to negotiate
- Bring specific wording suggestions
- Keep comments brief and relevant
- Do homework on own time as needed
- No political discourse or personal attacks

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

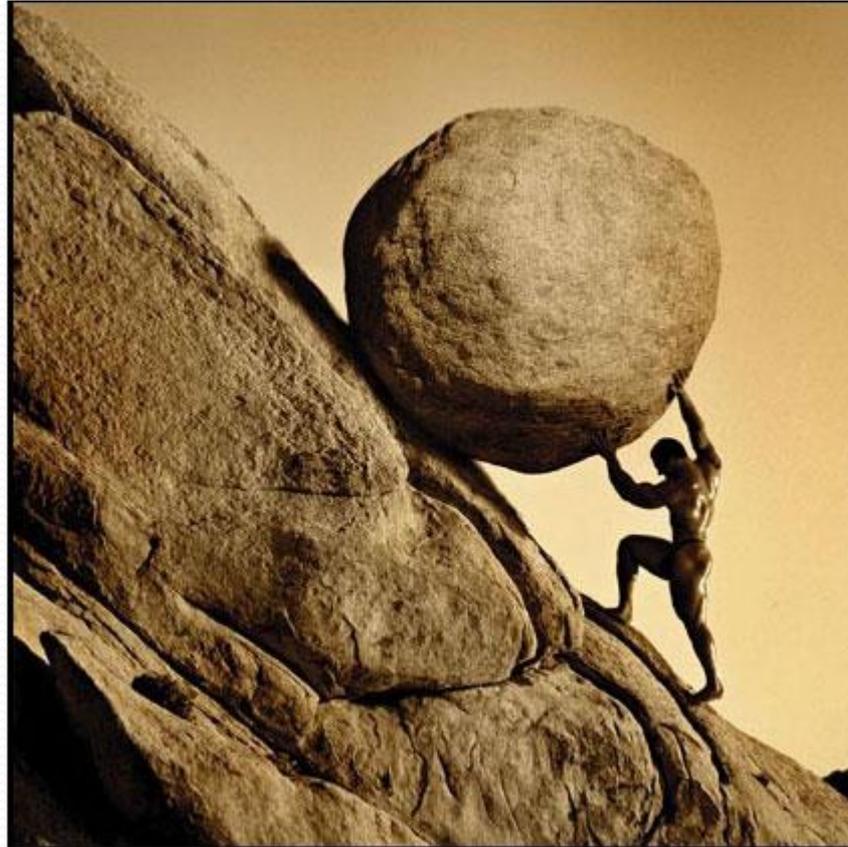
Additional Dates

- Wednesday, May 15, 4:30 p.m. MDT Lincoln Auditorium
- Wednesday, May 22, 4:30 p.m. MDT Lincoln Auditorium
- Wednesday, May 29, 4:30 p.m. MDT Lincoln Auditorium
- Wednesday, June 12, 1 p.m. MDT F&G Pocatello
- Thursday, June 13, 1 p.m. MDT Challis
- Tuesday, June 18, 1 p.m. PDT IDL office in Cd'A
- Wednesday, June 19, 1 p.m. MDT IDL office in McCall
- Thursday, June 20, 1 p.m. MDT Lincoln Auditorium
- Thursday, June 27, 4:30 p.m. MDT Lincoln Auditorium
- Agenda items not addressed at one meeting will be moved to the next

What are we doing today?

- Introductions
 - Rulemaking Overview
 - Summary of Draft Changes
 - Subsection **001.03**
 - Subsection **001.05**
 - Section **010**
 - Subsection **060.06**
 - Section **068**
 - Sections **069 and 070**
 - Section **080**
 - Sections **090 and 091**
 - Sections **120, 121, and 122**
- Scope**
Applicability
Definitions
Exploration Reclamation
Application Fees
Application Procedures
Procedures for Review
Plan Amendments
Financial Assurance (General overview, time allowing)

Questions?



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