

Negotiated Rulemaking Meeting Notes – May 1, 2024 McCall, Idaho

Name of Negotiated Rulemaking: Rules Governing Mined Land Reclamation (IDAPA 20.03.02)

Docket number: 20-0302-2401

Location: Idaho Department of Lands, Boise Staff Office, Garnet Conference Room

Date/Time: Wednesday, May 1, 2024 – 10:00 a.m. MT

Attendees: See participant list

Facilitated by: Eric Wilson, – Resource Protection and Assistance Bureau Chief, Idaho Department of Lands (IDL)

This is the fourth of 6 scheduled meetings in April and May, 2024.

Eric Wilson presented an overview of rulemaking and reviewed the draft rule changes.

Discussion:

- **Question:** Do the rules need a definition of “board” as used in Section 000? **Response:** Board is defined in Title 47, Chapter 15, Idaho Code. The definitions in Section 010 of the rules start with this statement: “In addition to the definitions set forth in the Act, the following definitions apply to these rules:”. In order to fully understand the rules, the statute must also be examined. All definitions in statute also apply to the rules.
- **Comment:** The maps need a reference to where cross sections are located. Sometimes representative cross sections appear to be missing. **Response:** IDL stated that Section 069 does have a requirement in Section 03.b.vii to show where the cross section is on the map. If representative cross sections are not submitted, then IDL may need to determine that the application is incomplete.
- **Comment:** More specificity could be required for drainage control prior, during, and after mining. **Response:** IDL’s focus is on where water goes during and after the operation. IDL is also only concerned with site drainage up to the point that the plan is retired and the bond is released. The site is in reclamation up until that time.
- **Question:** Is IDWR involved with the water drainage after reclamation? **Response:** IDWR is concerned about water rights, but DEQ is concerned with water quality. During operations and reclamation, IDL is responsible for overseeing nonpoint source sediment issues associated with a mine. Coordination with DEQ is conducted as needed.
- **Question:** What are the enforcement methods for the rules? **Response:** Enforcement is mentioned in Section 160, but the specifics of compliance enforcement are in the statute, 47-1513.