

# Welcome to Rulemaking!

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**IDAPA 20.03.02**

Rules for Regulation of Mined Land Reclamation

# Agenda

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- Welcome and Introductions
- Participation Guidelines
- Rulemaking Overview
- Draft Changes to Negotiated Rule
- Discussion
- Next Steps



# Guidelines for Success

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- Stay on topic
- Be respectful of others (raise hand / take turns speaking)
- Keep comments brief and relevant
- Offer specific wording suggestions





**IDAHO CONSTITUTION**

**LEGISLATIVE STATUTES (IDAHO CODE)**

**STATE AGENCY RULES (ADMINISTRATIVE CODE)**

**POLICIES**

**PROCEDURES**

**GUIDELINES AND OTHER WRITTEN INTERPRETATIONS**



# Public Participation

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## Rulemaking for IDAPA 20.03.02 - Department of Lands

- Idaho Administrative Bulletin
- Postcards, Emails
- Public Meetings
- Comments
  - [rulemaking@idl.idaho.gov](mailto:rulemaking@idl.idaho.gov)
  - Online Comment Form
  - 300 N. 6<sup>th</sup> St., Suite 103 – Boise ID 83720



# Zero-Based Regulation

## Red Tape Reduction

Ensure Idaho regulations remain streamlined, user-friendly, and easy to understand.

Rule Text	Word Count	Restrictive Words	shall	must	may not	required
Current Rule Text	19,949	240	89	83	3	65
IDL Draft; April 2025	19,555	177	0	109	3	65
Reductions	394 (-2%)	63 (-26%)	-89	+26	0	0



# Changes to Draft Rule Text (1 of 3)

## Reduction to Overall Word Count

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### Omitting Duplicative Definitions found in Title 47, Chapter 15

This rule is adopted under the legal authorities of Title 47, Chapter 15 (“chapter”), Idaho Code, authorizes the Board to promulgate rules pertaining to mineral exploration; mining operations; reclamation of lands affected by exploration and mining operations, including review and approval of reclamation and permanent closure plans; requirements for financial assurance for reclamation and permanent closure, and to establish a reasonable fee for reviewing and approving reclamation plans and permanent closure plans, including the reasonable cost to employ a qualified independent party, acceptable to the applicant and the Board, to verify the accuracy of cost estimates for reclamation plans and permanent closure plans Title 58, Chapter 1, Idaho Code, Sections 58-104(6) and 58-105; and Title 67, Chapter 52, Idaho Code. The Board has delegated to the ~~director~~Director of the Department the duties and powers under the ~~chapter~~Act and these rules; however, the Board retains responsibility for administrative review.

# Changes to Draft Rule Text (2 of 3)

## Adding Definitions

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**08. Disturbed Acres.** The area of affected land ~~land that must~~ to be covered by financial assurance because the subject ~~affected~~ land has not met the applicable reclamation standards. ( )

**19. Permitted Acres.** The ~~area~~affected area of land specified in an application that may become ~~affected~~disturbed lands at a mine or cyanidation facility. ( )



# Changes to Draft Rule Text (3 of 3)

## Clarity

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e. ~~If water runoff from exploration causes siltation of surface waters in amounts more than normally results from runoff, the operator shall reclaim affected lands and adjoining lands under his control as is necessary to meet state water quality standards.~~ Control nonpoint source pollution by reclaiming affected disturbed lands and adjoining lands and implementing appropriate BMPs. (3-18-22)(    )

01. **Approval Required.** ~~No operator may conduct mining operations on any lands in the state until the reclamation plan has been approved by the director~~ Director, and the operator has filed the required financial assurance. Approval of a reclamation plan by the Department is required even if approval of such plan has been or will be obtained from a federal agency. (3-18-22)(    )

~~02. **No Operator Shall Conduct Mining Operations.** No operator shall conduct mining operations on any lands in the state until the reclamation plan has been approved by the director, and the operator has filed financial assurance that meets the requirements of the chapter and these rules.~~ (3-18-22)

# Next Steps

- 4/15 – 5/1, 2025 Public meetings – Sandpoint, Coeur d’Alene, Boise, Jerome and Pocatello
- June 13, 2025 Public’s deadline to submit comments to IDL
- July 15, 2025 IDL presents revised rule to Land Board
- Sept. 3, 2025 Proposed rule published in Bulletin and start of 21-day public comment period
- Sept. 24, 2025 End of written public comment period
- Oct. 2025 Present pending rule to Land Board
- Early 2026 Present pending rule to 2026 Legislature



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Thank you for your input today!



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Idaho Department of Lands · Mineral Lands Program

<https://www.idl.idaho.gov/rulemaking/docket-20-0302-2401/>