

IDAPA 20.03.02 Public Hearing for Rules Governing Mined Land Reclamation-20251007_140044-Meeting Recording

October 7, 2025, 8:00PM

24m 14s

● **Marin Sanborn** started transcription

AP **Andy Mork, PG** 0:03

Hearing to receive oral comments on proposed rule 20.03 point O2 mined land reclamation.

Before we go any further, please be apprised that this meeting is being recorded to document the proceedings for those in the room, please be sure to sign in on the sign in sheet at the door.

Also, feel free to pick up an agenda and the green postcard with contact information you wish to leave.

Or if you wish to leave a written comment.

So before we start the program, I'd like to do introductions.

In doing so, please state your name and company affiliation, company or agency affiliation. If you're not representing a company, an agency, or other organization, you may simply state that you are a citizen.

So let's begin with those in the room here in Boise.

My name is Andy Mark and I'm the mineral Lands program manager at the Department of Land.

And currently I am the only one in the room.

So online attendees.

Let's start with Marin.

MS **Marin Sanborn** 1:21

Hi Maryn Sanborn here.

I'm with Idaho Department of Lands Minerals program specialist.

AP **Andy Mork, PG** 1:30

Yeah.

OK.
Same I feel the same way.
How are you? Yeah, yeah.
Good, good, Ben.
Yeah, that's it.
Good to see you.
Yeah. All right, sure.
And you must be Elisa.
I'm out here, Allie. I'm sorry.
That's OK.
Oh, here we go. Yeah.
I don't have any prepared comments today, Andy.
We're probably just gonna put some in writing when it's time on the 22nd or yeah,
OK, that sounds great.
Let's see here and why association.
Do you have anybody online?
I have some idol department of land snappers.
They're online and one fella by the name of Alden Koenig.
I'm not familiar with Alden, either. I don't think. And Morin.
I did not hear the introductions from Andrew and Anna Maria, are they still online?

 **Anna Maria Mancini** 2:45

Hi.
Hi so I can introduce myself.
This is anamaria Mancini.

 **Andy Mork, PG** 2:51

Thank you.
Yeah.

 **Anna Maria Mancini** 2:54

I am the role coordinator for the Department of Lands and I'm just here to listen on the discussion today.

AP **Andy Mork, PG** 3:02
OK, Andrew.

AS **Andrew Smyth** 3:04
Andrew Smith, Bureau chief for the Idaho Department of Lands and the Resource Protection Assistance Bureau.

AP **Andy Mork, PG** 3:09
OK.
Thank you.
I cannot see everyone that's on the screen if.
If there are others, please introduce yourself.

MB **Martin Bilbao** 3:20
Martin Bilbe Bilbaan company represent variety of mining companies here in Idaho.

AP **Andy Mork, PG** 3:27
Welcome, Martin.

AK **Alden Koenig** 3:30
Alden Koenig, excuse me.

WT **Will Tiedemann (Idaho Conservation League)** 3:31
Also.

AK **Alden Koenig** 3:35
Go ahead.

WT **Will Tiedemann (Idaho Conservation League)** 3:36
Oh, this is will tedrin with the Adult Conservation League.

AK **Alden Koenig** 3:41
Sorry about that.

AP **Andy Mork, PG** 3:41
Afternoon will.

AK **Alden Koenig** 3:44
I'm Alden Koenig.
I'm with Veritas Advisors and I'm representing a few mining associations deals as well. Just here to listen. Thank you.

AP **Andy Mork, PG** 3:52
Well, welcome, Alden.
Is that it for our online attendees?
OK. In the interim, we've had a couple folks drop into the room if they would introduce themselves, please.
Starting with Ben.
Yeah. Ben Davenport, Idaho Mining Association ally Stice. Idaho Mining association.
OK.
That's that's all that I have on on this call.
So let's get on with the meeting.
I'll share my screen.
So that.
There can everybody see the?
The PowerPoint slides.

MS **Marin Sanborn** 5:01
Yes.

AP **Andy Mork, PG** 5:02
Great. OK.
Very good.
Welcome to the proposed rule making public hearing.
For Idap, a 20.03 point 02 rules for governing mine land reclamation.
The agenda for today is to go over some participation guidelines, summarize the rule making process to date.
Identify some important dates in the rule making process.

Obtain oral testimony from those on the call and then have some closing remarks and go over some next steps.

First, some participation guidelines.

This hearing is designed for public testimony and does not include multiparty dialogue.

In person testimony.

Will be conducted first, followed by online testimony.

Begin by stating your name, your affiliation, company, agency, Citizen and it is more than OK if you.

Wish not to testify.

Here's some suggestions. If you do elect to testify, please provide a citation for the portion of the rule you are commenting on.

Please provide your alternative language for each section.

That would be very helpful.

There's no limit on the number of comments that you can state during this public testimony portion, but keep in mind that there is a 3 minute time limit for each commenter, and if you run over those 3 minutes, you're more than welcome to submit those comments in written.

Form.

On the through a link on our rule making page.

So let's look at a summary of the rule making process to date.

The rulemaking process for Mineland reclamation started on February 22nd and ran for 16 months through June 25th, June 25th of this year.

During that process, we received, we took both oral and written comments and boiled those down to approximately.

56 unique comments.

During that time frame, we reduced the word count of the rule by 394 words.

That's a reduction of 2% and incorporated the comments that fit the scope of the rule into the proposed rule which we are discussing today.

The proposed rule.

Horses.

Commenced on August 1, 2025, with publication of the proposed rule in the on the Administrative Bulletin and the written comment portion will close on October 22nd of this month. That will be the last time that there will be public comments.

On the rule.

The proposed rule will be presented to the.

The land Board in November of this year and should the land board have any comments, we will incorporate their comments as well as the written comments that we received during this comment period.

Into a pending rule.

A pending rule will be published in the Administrative Bulletin on December 5th, 2025.

That pending a rule will be presented to the legislature sometime this winter at their pleasure.

After that, the legislature will.

Do their job and craft a final rule.

We anticipate that barring unforeseen.

Events that those that final rule will go into effect on July 1st, 2026.

An important day to remember with everybody on this call is that the public comment period ends on Wednesday, October 22nd of this month.

And IDL cannot make any changes to the rule unless it's commented on.

So it's really important to get your comments to us by the 22nd.

The.

We're ready to take oral testimony from those on the call. If you wish to submit any testimony or comments.

Please do so at this time if you wish to do so, please state your name and affiliation.

And I'll wait a bit.

For those to come forth with comments.

Or if you have no comments, please so state now.

And I have heard from.

Ben and Ally that they have no comments, so it would be Alden and Martin.

Andy IDL staff.

And will I'm sorry will.



Will Tiedemann (Idaho Conservation League) 11:06

Yeah, I have. I have some comments.

Some questions perhaps.

I'm looking at section subsection 155.

And particularly I guess 15503 a frequency of inspections.

So it's talking about right that mine operations will approve with an approved

location plan will be inspected periodically based on resources and then there's some new language saying time of inspections is covered by section 45.

Dash, 1058 E.

Of Idaho code.

So first I might point out that I think that's a typo because that section of code actually deals with trust and deeds.

Guessing it's meant to specify section 47 dash 10508 E which?

Deals with mineland reclamation, but that section E doesn't exactly talk about.

Frequency.

Infections that section says at least one every five years.

The borrower view reclamation plans and revised, if necessary to meet the requirements of sections various I'll just shorten that the various sections of 47, whether it's a material change in the reclamation plan as part of this review, the board shall revise the amount, terms and conditions of.

Any financial assurance where there is a material change and reclamation plan or material change in estimated reasonable cost of a reclamation plan pursuant to section 47.

Dash 111512 idle code.

Any such revision shall apply only to the effective lands covered by the material change.

So it's a written comments on this and I guess currently as included I'm I'm kind of confused on why that requirement within Idaho Code specifically that section you know 1058 E is kind of being incorporated as it currently is under frequency of inspections.

Sub of the rules section 155.

O15 year updates talks about.

What somewhat seems to be more applicable topics, right? The department may require operators to submit an update on their mining operation, at least one in every five years, it would seem.

Maybe just after that or somewhere in that section you would incorporate Dieter Co provision that at least once every five years, the Board shall review reclamation plans and revise if necessary to meet the requirements of section 47 prior sections of.

Chapter 47.

So maybe just a question.

On on why if idea wants to provide an answer on on why it's being incorporate that

incorporated as such instead of maybe a little bit more clearly and less confusingly updated under the five year update section. And if make a recommendation to I guess do so.

AP **Andy Mork, PG** 14:00

Thanks for the comment, will.

Like responding to your questions is out of the scope of this meeting.

But what I can do is refer you to the proposed rule that's posted on our rulemaking website, and I'll provide a link for that later in this in this presentation.

WT **Will Tiedemann (Idaho Conservation League)** 15:01

So I'm looking at the website here.

I see there's draft rule changes, right?

There's draft rules one and two that are relatively older, I guess.

I I had pulled a copy of the draft rules.

Of the most current updated draft from the October Administrative Bulletin, is there another version that has more context or something that I'm missing?

AP **Andy Mork, PG** 15:33

That is, the latest edition. Will the one that was posted on on October 1st.

WT **Will Tiedemann (Idaho Conservation League)** 15:37

OK.

Gotcha. Gotcha.

And there's OK.

OK.

I guess if there's any other context that you can point me to for the nature of that rule change and why it was done is such that it would be great.

But if not, can submit written comments as well.

AP **Andy Mork, PG** 16:03

OK. We've captured your comment on tape too and we will condense that into a review of the citations on the current proposed rule.



Will Tiedemann (Idaho Conservation League) 16:39

I guess I'll just add, that's all I have right now. Thank you.



Andy Mork, PG 16:42

OK.

And we've had.

More than 5 minutes.

Of opportunity for oral testimony during this public hearing.

Hearing no more.

Will close the oral testimony portion of this of this proceeding.

So thanks for your participation. Simply by being here as well as.

Participating in the conversation as far as next steps go in this process.

The written comment period ends on Wednesday, October 22nd, 2025.

At that time IDL will capture the comments from our website and review those and make appropriate changes to the rule.

The resulting product will be a pending rule and that will be presented to the land board for their review and approval on November 18th, 2025.

The land Board meeting is also a public meeting and for those interested.

You can.

Get links to that on the IDL web page.

The pending rule will be sent to the Office of Administration. Excuse me, office of administrative rules.

Honor before December 25th, 2025 and it will be published on that date.

The pending rule is the rule that will be presented to the legislature next winter.

So the important thing to remember here is that October 22nd, 2025 ended the public comment period.

Can I ask for some clarification on some of this?

Yes. Is it end of business on October 22nd or 11:59 October 22nd, 11:59?

It's a consultant's deadline.

I like it.

That helps.

Good. The second question.

Is.

Will will stakeholders have?

If you if any changes are made based on these comments or the October 22nd comments, will we see?

The proposed rule that you or the pending rule that you proposed to the land board. Before we have an opportunity to sit at that public hearing and talk about that draft or will it just will that be the the first time?

Time folks will see it if there are changes.

Is that it might make sense that you'll see that pending the the proposed rule will be after land board review and that'll be on December 5th, 2025, OK.

So what you're going to maybe I need to ask a different question.

So you probably will not make changes to this draft until after the land board meeting. Their meeting comments combined with our October 22nd comments and and maybe Will's comments.

Today potentially can go into a different draft that will be proposed on December 5th.

Yes, it'll be published then got it.

OK.

So that's when any changes might occur.

They won't happen before the land board meeting.

No. OK.

That helps.

Any other questions or clarifications?

Well, thanks everyone for joining us this afternoon.

To talk about rule making, here's some things that will come in handy for everyone to keep updated on that.

You.

Can.

For some reason.

Hello. Do we have?

Oh geez, let me start the slideshow.

Let me ask everyone.

Have they been able to see these slides?

 **Andrew Smyth** 21:16

Yes.

AP **Andy Mork, PG** 21:16

Marin, Andrew.

OK great. I'm stuck on the screen in the room.

Went back to the first slide.

So as far as keeping up with the rule making process, you can check out the the website.

Link posted here and that will take you to this page.

Well, the proposed rule page for some reason this link isn't working anymore.

And a simple way to get to that site is Idaho rule making 20.03 point 02.

That'll take you right to the rule making page.

The rulemaking page will have copies of.

The of the proposed rule. It will also show everybody's comments.

Under the title of summary of Negotiated Rulemaking, there's 56 comments and 56 responses, and you are free to use those responses.

To pose another comment during this public comment period.

If you do elect to submit a written comment, you can also.

Go to that rule making page and there is a link.

To the place to submit a comment.

So that's all I've got for this presentation.

Does anybody else have any questions on process?

Hearing none.

Will close the meeting and once again everybody thank you for your time and attention and we'll look forward to seeing and hearing.

From you in the next three weeks.

Good afternoon.

AS **Andrew Smyth** 23:39

Anna Maria.

MS **Marin Sanborn** 23:45

You just missed her.

● **Marin Sanborn** stopped transcription