



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

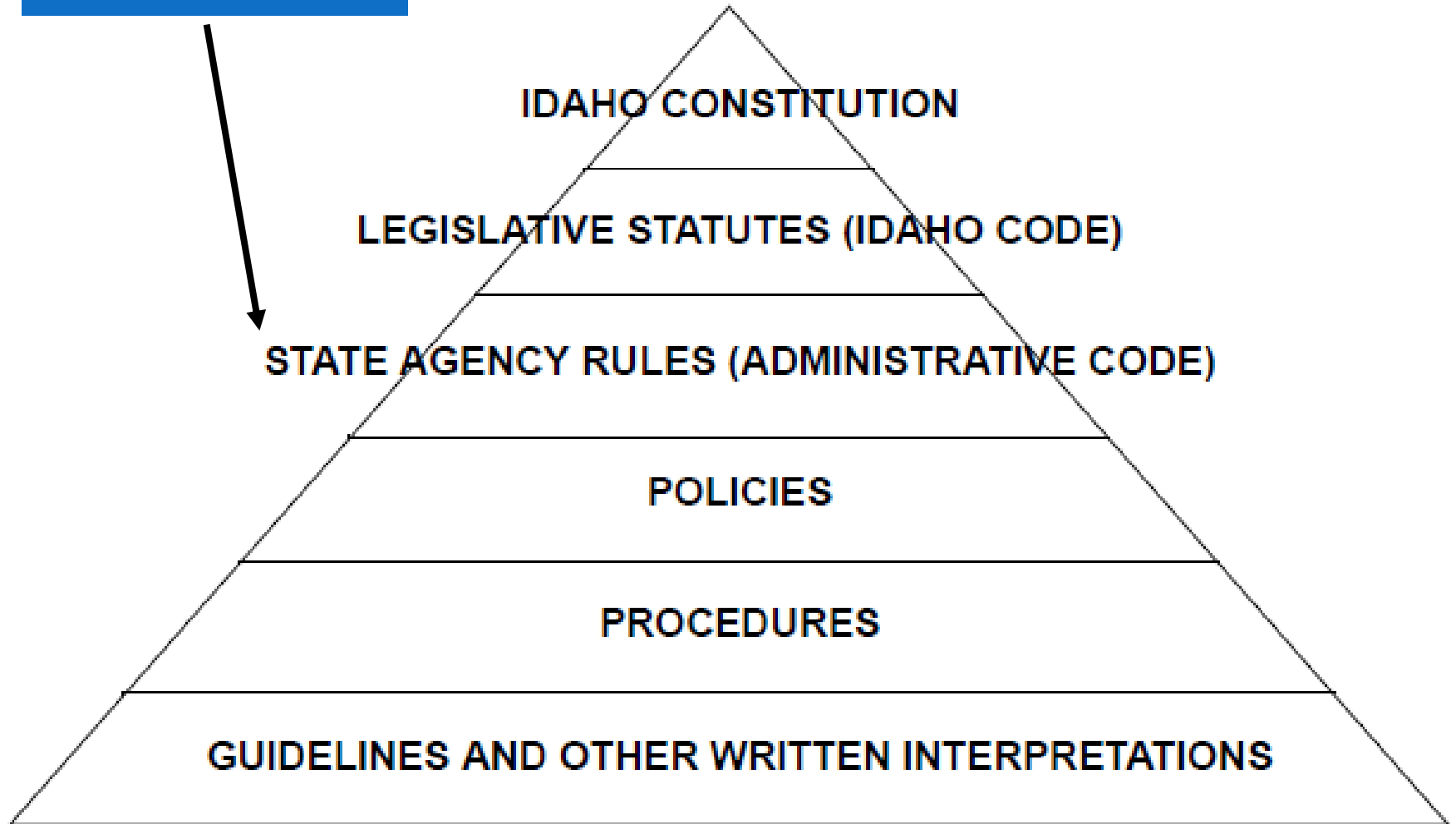
LEGISLATIVE STATUTES (IDAHO CODE)

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](mailto: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**

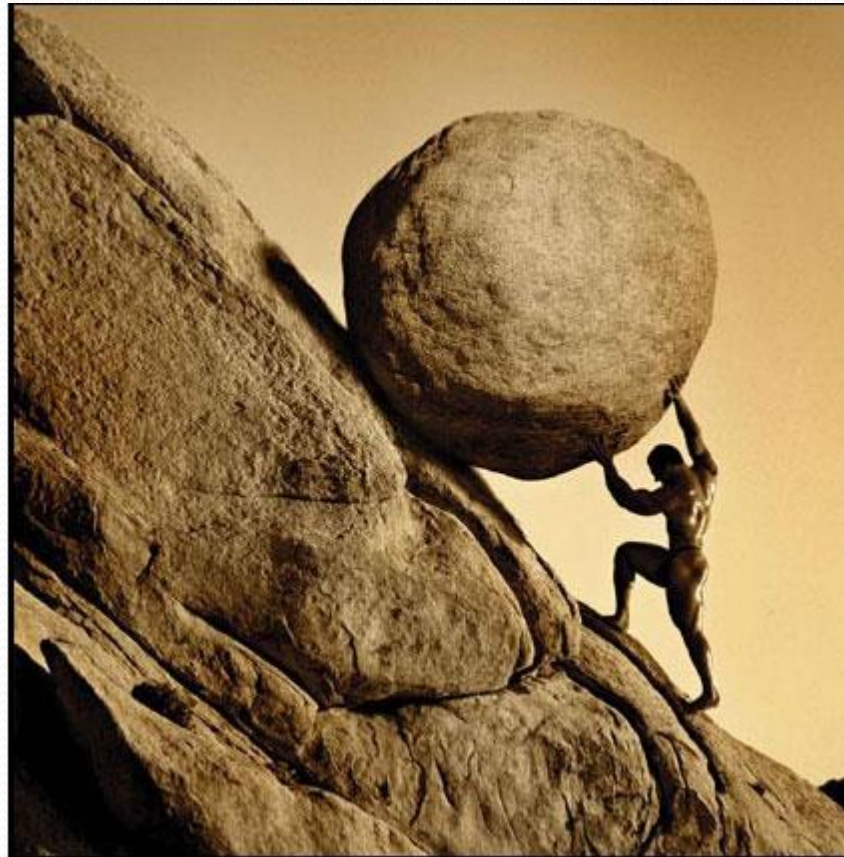
**Application Procedures**

**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