



Welcome to Rulemaking

20.03.02

Rules Governing Mined Land
Reclamation

HIERARCHY OF STATE DOCUMENTS

We are here

IDAHO CONSTITUTION

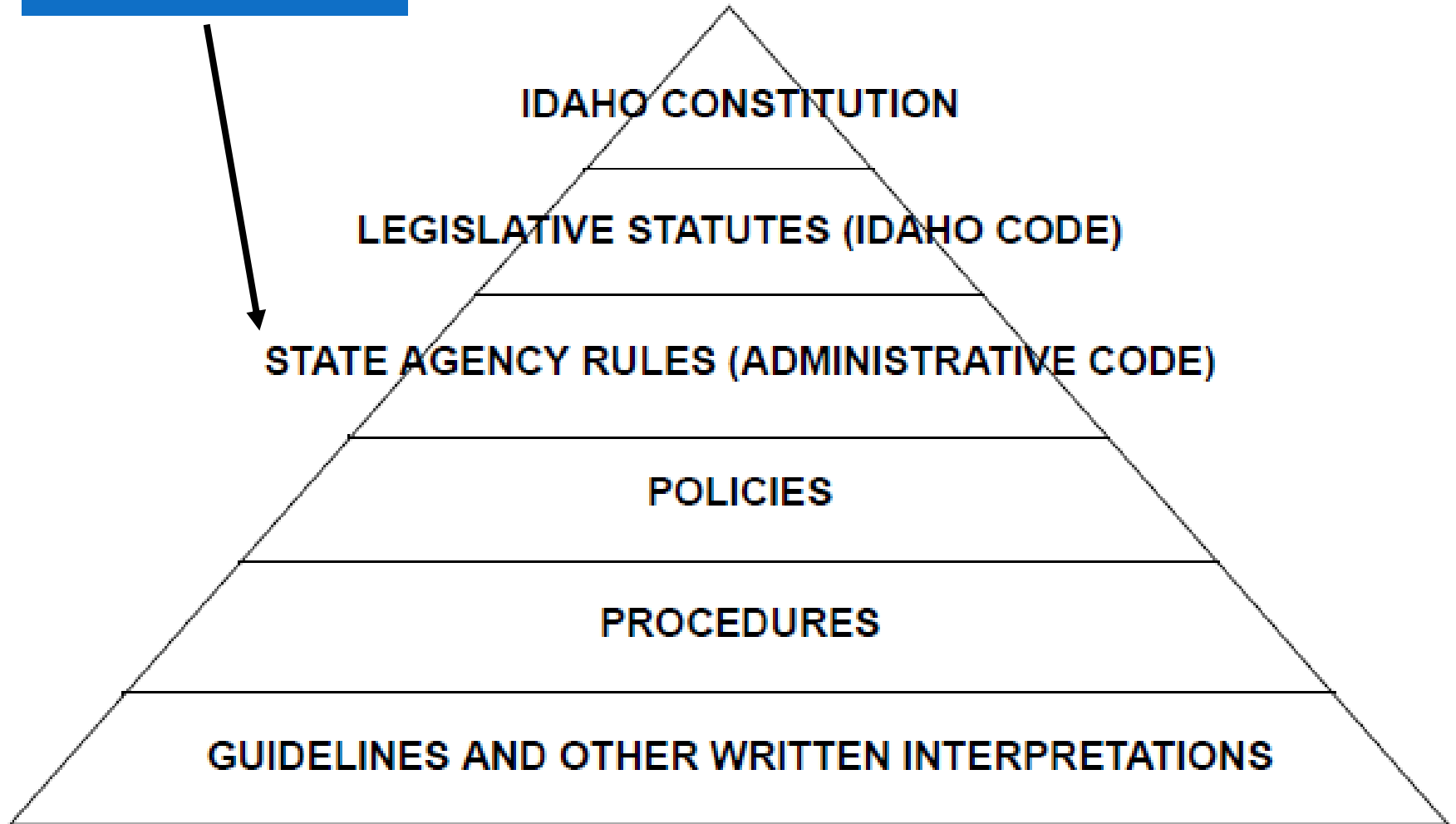
LEGISLATIVE STATUTES (IDAHO CODE)

STATE AGENCY RULES (ADMINISTRATIVE CODE)

POLICIES

PROCEDURES

GUIDELINES AND OTHER WRITTEN INTERPRETATIONS



Why Is Rulemaking Needed?

- House Bill 141 is the driver
- Adding the surface impacts of underground mines.
- Allowing IDL to collect reasonable fees.
- Requiring plans to meet all Idaho water quality standards.
- Planning for post closure 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 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

Temporary Rulemaking Timeline for 2019

- Now thru June 27 Rulemaking meetings across Idaho
- June 25 Revised Draft text published
- July 1, 8 a.m. Deadline for comments on Temp. Rule
- July 16, Present Temporary Rule to Land Board
- August 1, Deadline for Temporary Rule in HB141

Negotiated Rulemaking Timeline for 2019

- Now thru July 11 Rulemaking meetings across Idaho
- August 30, Deadline to submit Proposed Rule to OAR
- October 2, Proposed Rule is published
- October 9th?, Public Hearing for Proposed Rule
- October 23, End of comment period on Proposed Rule
- November 19, Present Pending Rule to Land Board
- November 29, Last day to submit a Pending Rule to OAR for the 2020 Legislature

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

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