

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.03.02 – RULES GOVERNING EXPLORATION, SURFACE MINING, AND CLOSURE OF CYANIDATION FACILITIES

DOCKET NO. 20-0302-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 47-1505, Idaho Code.

MEETING SCHEDULE: All scheduled negotiated rulemaking meetings will occur between June 7, 2018, and August 3, 2018. Scheduled negotiated rulemaking meetings will be posted and made accessible on the agency website at the web address listed below. Please contact Todd Drage at (208) 334-0247 or at tdrage@idl.idaho.gov to be added to the email list of interested parties.

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made no later than five (5) days prior to the meeting, to the agency address below.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking may participate by attending any negotiated rulemaking meeting or by submitting written comments during the allowed comment period. Comments may be submitted to comments@idl.idaho.gov; in the Subject line, please enter “IDAPA 20.03.02.”

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary. The summary will be made available to interested persons who contact the agency or, if the agency chooses, the summary may be posted on the agency website.

DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The Idaho Department of Lands (Department) is developing a web-based portal and information management system that will allow for submittal of applications and other documents electronically. Currently, IDAPA 20.03.02 requires paper copies and, in some instances, certified mail submittals. The proposed changes remove the requirement for paper submittals, which will allow permittees and operators the ability to submit documents by paper copy or in electronic format.

Additional changes include:

- Updates to “Required Sections,” 005-Office Hours – Mailing Address and Street Address, and 006-Public Records Act Compliance.
- Addition of new abbreviations.
- IDAPA 20.03.02.120.03 states that only surface mining reclamation bonds obtained after January 1, 1997, may be addressed at actual costs plus ten percent (10%). As Section 47-1512, Idaho Code, requires bonding for actual costs of reclamation, any bonds calculated prior to 1997 are out of date and do not represent actual costs of reclamation. It is suggested this section be deleted.
- Section 47-1512, Idaho Code, was changed in 2016 to increase the maximum reclamation bond amount per acre from \$2,500 to \$15,000 per acre, but IDAPA 20.03.02 still lists the \$2,500 maximum amount. This change will update the rules to align with statute.
- Requiring potential and current operators within the 100-year floodplain to illustrate the floodplain and describe the measures that will be implemented to keep surface waters from entering mining operations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or requests for special meeting accommodations or accessibility, contact Todd Drage, Minerals Regulatory Program Manager at (208) 334-0247. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department's website at the following web address: <https://www.idl.idaho.gov/rulemaking/index.html>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 3, 2018.

DATED this 6th day of June, 2018.

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