

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.03.03 – RULES GOVERNING ADMINISTRATION OF THE RECLAMATION FUND

DOCKET NO. 20-0303-1901

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 Sections 58-104(6) and 58-105, Idaho Code.

MEETING SCHEDULE: Scheduled negotiated rulemaking meetings will begin during the week of June 10, 2019, and will be posted on the agency website at www.idl.idaho.gov/rulemaking. 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 sites 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: Those interested in participating in the negotiated rulemaking process are encouraged to attend scheduled meetings and submit written comments to the address below or by email to rulemaking@idl.idaho.gov.

Preliminary rule drafts, research materials, and supporting documents will be posted to the agency website throughout the rulemaking process at www.idl.idaho.gov/rulemaking.

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 on the agency website and to interested persons who contact the agency.

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 passage of House Bill 141 during the 2019 legislative session significantly amended definitions and terminology associated with Idaho's Reclamation Fund, also known as the Bond Assurance Fund. Pursuant to Title 47, Chapter 18, Idaho Code, the Idaho Department of Lands manages the Bond Assurance Fund, which provides affordable and attainable financial assurances for mining operators, allowing compliance with Idaho's mining regulations.

This rulemaking is needed to address definitions and terminology that were changed by House Bill 141. This rulemaking will also address requests received from operators to consider potential expansion of the fund's acreage limit to allow more participation, and potential removal of mandatory participation requirements to allow operators to provide other types of financial assurances.

ASSISTANCE ON TECHNICAL QUESTIONS AND OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or requests for special meeting accommodations or accessibility, contact Todd Drage at (208) 334-0247 or tdrage@idl.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts and the schedule of negotiated rulemaking meetings, can be found on the agency website at the following web address: www.idl.idaho.gov/rulemaking.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this negotiated rulemaking to the address below or by email to rulemaking@idl.idaho.gov. All written comments must be directed to the undersigned and must be delivered on or before July 15, 2019.

Dated this 3rd day of May, 2019.

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