

STATE BOARD OF LAND COMMISSIONERS

February 20, 2024

Regular Agenda

Subject

Negotiated rulemaking for IDAPA 20.03.02 *Rules Governing Mined Land Reclamation*

Question Presented

Shall the Land Board authorize the Department to initiate negotiated rulemaking for IDAPA 20.03.02 *Rules Governing Mined Land Reclamation*?

Background

The Idaho Department of Lands (Department) administers these rules under the authority of the Idaho Mined Land Reclamation Act (Title 47, Chapter 15, Idaho Code). These rules establish the notification requirements for exploration and the application, operation, and reclamation requirements for mined lands. In addition, they establish the application and closure requirements for cyanidation facilities. Lastly, these rules contain the financial assurance requirements for mining and cyanidation facilities.

Following Executive Order 2020-01, Zero-Based Regulation, this rule chapter is scheduled for a comprehensive review in 2025 with the goal of simplifying the rules for increased clarity and ease of use. The Department anticipates a high level of public interest in this rulemaking and recommends starting negotiations in the spring of 2024 in order to finish negotiations by the summer of 2025.

Discussion

The Department anticipates diminishing the overall regulatory burden by reducing both total word count and the number of restrictive words in the new rule chapter. The Department will review the rule with stakeholders to ensure that it is right-sized.

A proposed timeline for the rulemaking process is provided in Attachment 1.

Recommendation

Authorize the Department to initiate negotiated rulemaking for IDAPA 20.03.02 *Rules Governing Mined Land Reclamation in Idaho*.

Board Action

Attachments

1. Draft rulemaking timeline



Draft Rulemaking Timeline

IDAPA 20.03.02

Rules Governing Mined Land Reclamation

February 20, 2024	Approval from Land Board to start negotiated rulemaking (regular agenda)
February 23, 2024	Last day to submit <i>Administrative Rules Request Form</i> to the Division of Financial Management (DFM) for Bulletin publication in April
March 2024	Post information on Idaho Department of Lands website about this rulemaking
April 3, 2024	<i>Notice of Intent to Promulgate Rules</i> publishes in the Idaho Administrative Bulletin; negotiated rulemaking and public comment period begins
April through June, 2024	Negotiated rulemaking public meetings in Boise, McCall, Challis, Pocatello, and Coeur d'Alene
July through September, 2024	Complete research
October and November, 2024	Negotiated rulemaking public meetings
April through May 30, 2025	Negotiated rulemaking public meetings
June 13, 2025	End of public comment period for negotiated rulemaking
July 15, 2025	Present update on this rulemaking to the Land Board (information agenda)
July 18, 2025	Last day to submit proposed rule to DFM for Bulletin publication in September
August 1, 2025	Last day to submit <i>Notice of Proposed Rule</i> to the Office of the Administrative Rules Coordinator (OARC) for Bulletin publication in September
September 3, 2025	Proposed rule publishes in the Idaho Administrative Bulletin and 21-day written public comment period begins
September 17, 2025	Deadline to request a public hearing on proposed rule
September 24, 2025	End of written public comment period on proposed rule
October 21, 2025	Request approval from Land Board to adopt pending fee rule (regular agenda)
November 7, 2025	Last day to submit <i>Notice of Pending Fee Rule</i> to OARC for publication in December 2025
	Pending fee rule to be reviewed during the 2026 legislative session

Note: All dates are subject to change.