

*Attachment 1*  
*1/25/16*

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IDAHO SURFACE MINING ACT  
TITLE 47 CHAPTER 15

STATUTE REQUIRES  
FULL COST  
BONDING  
+  
10%



**ICL WANTED**

- **The Department of Lands to have operating plan review and approval authority for plans that weren't subject to review and approval by federal land management agencies;**

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- Gave the Department of Lands operating plan review and approval authority for plans that weren't subject to review and approval by federal land management agencies.
- Provided a statutory definition of reclamation which addressed waste characterization and waste management.
- **The Department of Lands to have authority to periodically adjust bonding levels when there were material changes in mining operations;**

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- Gave the Department of Lands operating plan review and approval authority for plans that weren't subject to review and approval by federal land management agencies.
- Provided a statutory definition of reclamation which addressed waste characterization and waste management.
- **The Department of Lands to have authority to periodically adjust bonding levels when there were material changes in mining operations;**
- **Elimination of the \$1,800 per acre cap on reclamation bonds.**

### IMA WANTED

- **Grandfathering of existing bonds for five years;**

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- *Provided that the application of new bonding requirements to existing bonds would be delayed for five years;*
- **The right to a hearing before the Land Board for proposed bonds in excess of \$2,500.**

**S. 1136**  
**ENACTED 1997**



# S. 1197

INTRODUCED IN THE 2016  
LEGISLATURE

(c) Except as provided in this subsection, no bond for reclamation submitted pursuant to this chapter shall exceed ~~two~~ **fifteen** thousand ~~four hundred dollars (\$4,000)~~ **\$5,000** for any given acre of such affected land. The board may require a bond in excess of ~~two~~ **fifteen** thousand ~~four hundred dollars (\$4,000)~~ **\$5,000** for any given acre of affected land only when the following conditions have been met:

- (1) The board has determined that such bond is necessary to meet the requirements of sections 47-1506, 47-1509, 47-1510 and 47-1511, Idaho Code.
- (2) The board has delivered to the operator, in writing, a notice setting forth the reasons it believes such bond is necessary.
- (3) The board has conducted a hearing where the operator is allowed to give testimony to the board concerning the amount of the proposed bond. The hearing shall be held under such rules as promulgated by the board. This requirement for a hearing may be waived, in writing, by the operator. Any hearing held shall, at the discretion of the director, extend the time, up to thirty (30) days, in which the board must act on a plan submitted.

(1) Upon the determination by the board that the requirements of the reclamation plan in question have been met as to said lands, the amount of bond in effect as to such lands shall be reduced by an amount designated by the board to reflect the reclamation done.

**(2) Upon a determination by the board that the requirements of the reclamation plan in question have not been met as to said lands, it shall deliver to the operator, in writing, a notice of rejection of the request for bond release and shall set forth in said notice the reasons for such rejection, the factual findings upon which such rejection is based, the manner in which the reclamation plan, and the changes necessary to comply with the requirements of the reclamation plan,**

(1) Upon the determination by the board that the activity meets the requirements of the permanent closure plan, the bond for permanent closure shall be reduced by an amount designated by the board to reflect the activity completed.

**(2) Upon a determination by the board that the requirements of the permanent closure plan in question have not been met as to said lands, it shall deliver to the operator, in writing, a notice of rejection of the request for bond release and shall set forth in said notice the reasons for such rejection, the factual findings upon which such rejection is based, the manner in which the activity fails to fulfill the requirements of the permanent closure plan, and the changes necessary to comply with the requirements of the permanent closure plan.**

(4) Where water run-off from affected lands results in stream or lake siltation in excess of that which normally results from run-off, the operator shall prepare affected lands and adjacent premises under the control of the operator as necessary to meet the requirements authorized under chapter 1, title 39, Idaho Code, ~~or the conditions of the water run-off prior to commencing surface mining or exploration operations, whichever is the lesser standard.~~

