

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 374

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO MINING; AMENDING SECTION 47-1314, IDAHO CODE, TO REVISE NOTI-  
2 FICATION PROVISIONS REGARDING CERTAIN PLACER AND DREDGE EXPLORATION;  
3 AND AMENDING SECTION 47-1506, IDAHO CODE, TO REVISE NOTIFICATION PRO-  
4 VISIONS REGARDING CERTAIN EXPLORATION OPERATIONS TO LOCATE MINERALS,  
5 TO PROVIDE THAT NOTICES SHALL BE SUBJECT TO SPECIFIED DISCLOSURE AND TO  
6 MAKE TECHNICAL CORRECTIONS.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 47-1314, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 47-1314. DISTURBED LANDS TO BE RESTORED -- NOTICE AND RESTORATION OF  
12 PLACER OR DREDGE EXPLORATION OPERATIONS. (a) Any person conducting a placer  
13 or dredge mining operation shall, within one (1) year of permanent cessa-  
14 tion of operations as to the whole or any part of the permit area, commence  
15 restoration of disturbed lands in the permit area or in any portion thereof  
16 as to which operations are permanently ceased. In accordance with a per-  
17 mit approved for the operation under section 47-1317, Idaho Code, surfaces  
18 shall be returned to a contour reasonably comparable to that contour exist-  
19 ing prior to disturbance, topsoil shall be replaced where deemed appropri-  
20 ate by the board, and vegetation shall be planted reasonably comparable to  
21 that vegetation existing prior to disturbance. Any disturbed natural water-  
22 course shall be restored to a configuration and pool structure conducive to  
23 good fish and wildlife habitat and recreational use.

24 (b) Any person desiring to conduct placer or dredge exploration opera-  
25 tions using motorized earth-moving equipment shall, prior to or within seven  
26 (7) days of commencing exploration, notify the director by certified mail  
27 in writing of the name and address of the person, and the location, antici-  
28 pated size, and method of exploration. Such notice shall be subject to dis-  
29 closure according to chapter 1, title 74, Idaho Code. Any placer or dredge  
30 exploration operation which causes a cumulative surface disturbance in ex-  
31 cess of one-half (1/2) acre of land, including roads, shall be considered a  
32 placer or dredge mining operation. Lands disturbed by any placer or dredge  
33 exploration operation which causes a cumulative surface disturbance of less  
34 than one-half (1/2) acre of land, including roads, shall be restored to con-  
35 ditions reasonably comparable to conditions existing prior to the placer or  
36 dredge exploration operation.

37 SECTION 2. That Section 47-1506, Idaho Code, be, and the same is hereby  
38 amended to read as follows:

39 47-1506. OPERATOR -- DUTIES PRIOR TO OPERATION -- SUBMISSION OF MAPS  
40 AND PLANS. (a) Any operator desiring to conduct surface mining operations

1 within the state of Idaho for the purpose of immediate or ultimate sale of the  
2 minerals in either the natural or processed state, shall submit to the board  
3 prior to commencing such surface mining operations a reclamation plan that  
4 contains the following:

5 (1) A map of the mine panel on which said operator desires to conduct  
6 surface mining operations, which sets forth with respect to said panel  
7 the following:

8 (i) The location of existing roads and anticipated access and  
9 main haulage roads planned to be constructed in conducting the  
10 surface mining operations.

11 (ii) The approximate boundaries of the lands to be utilized in the  
12 process of surface mining operations.

13 (iii) The approximate location and, if known, the names of all  
14 streams, creeks, or bodies of water within the area where surface  
15 mining operations shall take place.

16 (iv) The name and address of the person to whom notices, orders,  
17 and other information required to be given to the operator pur-  
18 suant to this chapter may be sent.

19 (v) The drainage adjacent to the area where the surface is being  
20 utilized by surface mining operations.

21 (vi) The approximate boundaries of the lands that will become af-  
22 fected lands as a result of surface mining operations during the  
23 year immediately following the date that a reclamation plan is ap-  
24 proved as to said panel, together with the number of acres included  
25 within said boundaries.

26 (vii) A description of foreseeable, site-specific nonpoint  
27 sources of water quality impacts upon adjacent surface waters, and  
28 the best management practices that will be used to control such  
29 nonpoint source impacts.

30 (viii) A description of foreseeable, site-specific impacts from  
31 acid rock drainage and the best management practices that will be  
32 used to mitigate the impacts, if any, from such acid rock drainage.

33 (2) Diagrams showing the planned location of pits, mineral stockpiles,  
34 overburden piles and tailings ponds on said panel.

35 (3) A description of the action which said operator intends to take to  
36 comply with the provisions of this chapter as to the surface mining op-  
37 erations conducted on such mine panel.

38 (b) (1) Any operator who is not required to submit an operating plan for  
39 a surface mining operation to an entity of the federal government shall  
40 submit to the board, as part of the reclamation plan, an operating plan  
41 with regards to that surface mining operation. The operating plan shall  
42 include:

43 (1i) Maps showing the location of existing roads and anticipated  
44 access and main haulage roads planned to be constructed for sur-  
45 face mining operations.

46 (2ii) The boundaries and acreage of the lands to be utilized in the  
47 process of surface mining operations.

48 (3iii) Maps showing the planned location of pits, mineral stock-  
49 piles, overburden piles and tailings ponds for the surface mining  
50 operations.

1 (4iv) The location and, if known, the names of all streams,  
 2 creeks, or bodies of water within the area where surface mining  
 3 operations shall take place.

4 (5v) The drainage adjacent to the area where the surface is being  
 5 utilized by surface mining operations.

6 (6vi) The approximate boundaries and acreage of the lands that  
 7 will become affected during the first year of construction of sur-  
 8 face mining operations.

9 (72) The board shall promulgate rules or guidelines to allow the con-  
 10 tent of a nonfederal operating plan to be determined based upon the type  
 11 and size of the surface mining operation.

12 (c) No operator who is required to submit an operating plan for a sur-  
 13 face mining operation to an entity of the federal government shall be re-  
 14 quired to submit an operating plan to the board. This provision shall apply  
 15 to all lands, regardless of surface or mineral ownership, covered by the op-  
 16 erating plan submitted to the entity of the federal government.

17 (d) No operator shall commence surface mining operations on any mine  
 18 panel without first having a reclamation plan approved by the state board of  
 19 land commissioners.

20 (e) Any operator desiring to conduct exploration operations within the  
 21 state of Idaho using motorized earth-moving equipment in order to locate  
 22 minerals for immediate or ultimate sale in either the natural or the pro-  
 23 cessed state shall notify the board by certified mail in writing prior to or  
 24 as soon after beginning exploration operations as possible and in any event  
 25 within seven (7) days after beginning exploration operations. The ~~letter~~  
 26 notice shall include the following:

27 (1) The name and address of the operator;

28 (2) The location of the operation and the starting date and estimated  
 29 completion date;

30 (3) The anticipated size of the operation, and the general method of op-  
 31 eration.

32 The letter notice shall be subject to disclosure according to chapter 1, ti-  
 33 tle 74, Idaho Code.

34 (f) Any operator desiring to operate a cyanidation facility within the  
 35 state of Idaho shall submit to the board prior to the operation of such a fa-  
 36 cility a permanent closure plan that contains the following:

37 (1) The name and address of the operator;

38 (2) The location of the operation;

39 (3) The objectives, methods and procedures the operator will use to at-  
 40 tain permanent closure;

41 (4) An estimate of the cost of attaining permanent closure as well as an  
 42 estimate of the costs to achieve critical phases of the closure plan;

43 (5) Any other information specified in the rules adopted to carry out  
 44 the intent and purposes of this chapter.

45 (g) The board may require a reasonable fee for reviewing and approving  
 46 a permanent closure plan. The fee may include the reasonable cost to employ  
 47 a qualified independent party, acceptable to the operator and the board, to  
 48 verify the accuracy of the cost estimate required in subsection (f) (4) of  
 49 this section.

- 1           (h) The board shall coordinate its review of activities in the perma-  
2           nent closure plan under the statutory responsibility of the department of  
3           environmental quality with that department, but that coordination shall not  
4           extend the time limit in which the board must act on a plan submitted.
- 5           (i) No operator shall commence operation of a cyanidation facility  
6           without first having a permanent closure plan approved by the board.