

**From:** [Amy Johnson](#)  
**To:** [Rule Making](#)  
**Subject:** FW: IMA Comments on IDAPA 20.03.02 Financial Assurances  
**Date:** Tuesday, May 26, 2020 08:52:05 AM  
**Attachments:** [IMA comments regarding IDAPA 20.03.02 Financial Assurances.pdf](#)

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**From:** Benjamin Davenport <bdavenport@mineidaho.com>  
**Sent:** Friday, May 22, 2020 1:41 PM  
**To:** Amy Johnson <ajohnson@idl.idaho.gov>  
**Cc:** Mick Thomas <mthomas@idl.idaho.gov>  
**Subject:** IMA Comments on IDAPA 20.03.02 Financial Assurances

Amy,

Please see IMA's comments on financial assurances attached.

Have a good holiday weekend.

Ben

Benjamin J. Davenport  
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May 22, 2020

Idaho Department of Lands  
Attn: Amy Johnson - Rulemaking  
300 N. 6<sup>th</sup> St., Suite 103  
Boise, ID 83702

**Re: Rulemaking for IDAPA 20.03.02  
Docket No. 20-0302-1901  
Draft Rule No. 6 dated May 6th, 2020**

Dear Ms. Johnson:

We believe IMA's prior comments as they relate to IDL's role with respect to water quality have not been adequately addressed during the rule-making process. We remain concerned that duplicative, conflicting and potentially burdensome water quality requirements may be imposed by the subject draft rule. Because of these concerns, we find it very difficult to meaningfully comment on any of the newly added language until our concerns which have been raised numerous times in the past are addressed. The negotiated rulemaking process is not productive if numerous substantive issues are left unresolved while additional requirements are proposed, as was the case in the subject draft. Given this fundamental concern, IMA reserves the right to provide further comments on sections of the proposed rule upon resolution of this key issue relative to the departments regulatory authority.

We look forward to continuing to work with IDL and other stakeholders to craft a rule that is both workable for industry and provides the State of Idaho adequate financial assurances for mined land reclamation.

Sincerely,

Benjamin J. Davenport