

From: [Mick Thomas](#)
To: [Kourtney Romine](#)
Subject: FW: Additional Comments for Docket 20-0302-2001 [IWOV-GPDMS.FID906305]
Date: Friday, July 10, 2020 09:26:23 AM

Hi Kourtney,

See below for comments on 20.03.02.

Thanks,

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From: Jeremy C. Chou <jcc@givenspursley.com>
Sent: Friday, July 10, 2020 10:05 AM
To: Eric Wilson <EWilson@idl.idaho.gov>; Mick Thomas <mthomas@idl.idaho.gov>
Cc: 'Wendy Miller' <>wendolian5@yahoo.com>
Subject: Additional Comments for Docket 20-0302-2001 [IWOV-GPDMS.FID906305]

Dear Eric and Mick,

Please accept the following additional comments from Keceph Mountain LLC regarding the rulemaking docket referenced above. Please do not hesitate to contact me if you have any questions.

During the 6/30/2020 rulemaking meeting, IDL again stated that the reclamation fees covered only the disturbed land and not the entire parcel. To prevent any potential confusion, Keceph Mountain LLC respectfully requests that the Department of Lands (“Department”) includes the following phrase in IDAPA 20.03.02.068.01 reflecting the Department’s interpretation:

The following base fee schedule will be used for all reclamation plan and cyanide closure plans and amendments to those plans. For plans processed under Section 069 of these rules, this base fee covers up to twenty (20) hours of staff time for review and processing. For plans processed under Section 070 of these rules the applicant may instead enter an agreement with the Department as described in Subsection 068.03 of these rules. The applicable acreage is based

on the permitted area identified in the application, **which is measured by the land actually being disturbed rather than the entire parcel.**

Keceph believes that the addition suggested above alleviates any potential confusion and brings clarification to the rule.

In addition, IDL represented during the 5/15/2020 rulemaking meeting that 068 application fees apply to reclamation plans and not to exploration operations. We believe clarification assists everyone with respect to fees. We request that 20.03.02.001.03 defining the scope of the rules be amended to the following:

These rules establish the **exploration** notification requirements ~~for exploration~~ and **the mined lands** application, operation, and reclamation requirements ~~for mined lands~~. In addition, they establish the application and closure requirement for cyanidation facilities. These rules also establish the reclamation and financial assurance requirements for ~~all these activities~~ **mined lands and closure requirements for cyanidation**, and describe the processes used to administer the rules in an orderly and predictable manner.

Again, we believe that the above changes further clarify that financial assurance is not required for exploration.

Since 20.03.02 deals with exploration requirements, it needs to be clear that the listed fees are not for exploration. We recommend that IDAPA 20.03.02.060.09 state the following:

No fees shall be charged or associated with exploration operations.

Clarifying in the rules that the fees don't apply to exploration operations, it would be helpful to a lot of smaller mining operations, encourage more exploration, which in turn, support maximizing the returns to the endowment.

Thank you again for all of your efforts in this rulemaking and allowing Keceph to participate in the process.

Jeremy Chou

JEREMY C. CHOU

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