

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

August 12, 2020

Re: Rulemaking for IDAPA 20.03.02 - Draft Rule No. 9

Dear MS Johnson,

Thank you for the opportunity to attend your August 10 online discussion. I am submitting two comments for the Department to include in IDAPA 20.03.02.

First, it is still not clear why the Department does not want to provide any regulatory relief or options for individuals and small-operators like it's neighboring states do. IDL continues to reference what other States have done as support for what they want to do. Then for some reason when it comes to providing an option or regulatory relief for the individual and small operators, they suddenly ignore the options and relief their neighboring states have provided.

While it may not be directly in the Law, are not rules to further explain, define, and clarify the Law? If that is the case, IDL does not have treat an individual as a multi-national company and can thus further clarify or define rules to provide regulatory relief for the individual and small operators.

The simplest solution is still to add just one line to "20.03.02 - 001.05, Applicability" that will read as follows:

001 05 (b) These rules do not apply to....:

(v) an individual and small operator that operates in compliance with 060.03-08.

I am still struggling to see what the difference is between the individual and small-operator who disrupts a few hundred square-feet or a few acres of topsoil to get to bedrock to extract minerals and exploration that disturbs a few hundred square-feet or a few acres of topsoil to get to bedrock to extract material to explore for minerals? While there is no difference in surface area disturbance, the draft regulations are extremely different and adverse between the two.

Second, since IDL seems to not want to provide any regulatory relief or options for a small-operator or an individual, then at least modify 068.01 to comply with the Law: Title 47-1506.3(g) which says, *"The board may require a reasonable fee for reviewing and approving a permanent closure plan or reclamation plan."*

Nothing in the Law says they **MUST** or shall charge a fee, it only says in plain English, "the board may". Then further clarifies it by saying, "a reasonable fee..."

The \$1,000 application (bribe) fee is not a reasonable fee for a hobby miner or small operator who only disturbs a few hundred square-feet or a few acres.

But, if the Department is set on not providing any regulatory relief or options for the individual and small-operator, it should then at least comply with their Law which says "MAY require a REASONABLE fee" by not charging for 0-1 acre of disturbance and then maybe as much as \$100 for >1 to 5 acres of disturbance? IDL has compared the neighboring states, so they will know if they are even charging the small operator or individual for their limited disturbance. Please insert the proposal provided below:

068.01 Base Application Fee....

Section 070 of these rules, Reclamation Plan 0 to 1 acres no fee (\$0)

Section 070 of these rules, Reclamation Plan >1 to 5 acres One hundred (\$100)

Section 070 of these rules, Reclamation Plan θ >5 to 100 acres One thousand (\$1,000).....

Thank you for your consideration because as the rules are currently drafted, they will negatively impact and effectively prohibit any individual and small-operator from ever legally mining in the state. The rules as drafted require "plans" that are far beyond anything the individual and small-operator can provide. We do not have the technical, scientific, and financial ability like the big companies have to compile all the data required just to disturb a few hundred square-feet or even a few acres, while exploration projects can disturb acres with no such regulatory and financial burden or requirements.

So as currently written with no regulator relief or options, when these rules go through, Idaho will be the **only** state in the immediate area who will directly and it seems intentionally discriminate against individual and small operators.

Please do not discriminate against me and ban me from being able to legally bucket-mine in Idaho again.

Thank you for your consideration of this matter. Please let me know if you have any questions.

Sincerely,

Alan Gilda

Alan Gilda, N. Idaho Bucket Miner
gmr@yaho.com

From: gmr@yaho.com
To: [Rule Making](#)
Subject: Comments on IDAPA 20.03.02 Draft Rules #9
Date: Thursday, August 13, 2020 4:25:52 PM
Attachments: [IDL Draft Mining Rule - 081220a.pdf](#)

Hello Amy,

Thank you for the opportunity to review and comment on IDAPA 20.03.02, draft number 9. I attached my comments about my concern IDL is still not seriously considering the negative effects their draft rules will have on individual and small operators in Idaho.

Please let me know if you have any questions.

Sincerely,

Alan Gilda, Bucket-Miner
N. Idaho