

From: [Eric Wilson](#)
To: [Rule Making](#)
Subject: Comments on Proposed Rule
Date: Tuesday, September 24, 2019 9:54:40 AM
Attachments: [20-03-03comment_2019_09_24.pdf](#)

Please log this comment. Thank you.

Eric Wilson
Resource Protection and Assistance Bureau Chief

DIVISION OF LANDS AND WATERWAYS
RESOURCE PROTECTION & ASSISTANCE BUREAU
300 N 6th Street, Suite 103
PO Box 83720
Boise, ID 83720-0050
Phone (208) 334-0200
Fax (208) 334-3698



STATE BOARD OF LAND COMMISSIONERS
Brad Little, Governor
Lawrence E. Denney, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon D Woolf, State Controller
Sherri Ybarra, Sup't of Public Instruction

September 24, 2019

Todd Drage
300 N. 6th St. Suite 103
Boise, Idaho 83720

via e-mail: tdrage@idl.idaho.gov

Re: Comments on Proposed Rule for IDAPA 20.03.03, Rules Governing Administration of the Reclamation Fund

Dear Mr. Drage:

Please accept these comments on the Proposed Rule for IDAPA 20.03.03. These comments are intended to clarify and shorten the Proposed Rule.

Subsection 017.01. Disturbed Acres Limit — Remove the comma after “disturbance.”

Subsection 017.02. Reclamation Cost Limit — Change “distributed acreage” to “disturbed acres.”

Section 018. ACREAGE AND RECLAMATION COST LIMITATIONS.

01. ~~Limitations for~~Actual Allowable Participation. The Board will ~~determine~~establish by policy the actual allowable disturbance, actual allowable reclamation cost, and the minimum dollar per acre of disturbance in order to provide financial assurance to opt out of participation in the Reclamation Fund.

~~02. Maximum Affected Lands And Reclamation Costs. The maximum acreage of affected land and maximum allowable reclamation costs in these rules are maximums. Actual allowable acreage of affected lands and reclamation costs shall be established by Board policy.~~

~~03. Maximum Allowable Disturbance & and Reclamation Cost Liability. The maximum disturbance and maximum reclamation costs in these rules are maximums.~~ The maximum allowable disturbance shall be eighty (80) acres; the maximum allowable reclamation cost shall be four hundred forty thousand dollars (\$440,000) ~~dollars~~.

~~04. Multiple Plans or Permits/Sites.~~ An operator who has multiple mining reclamation plans or permits, ~~which~~ that have a total disturbance in excess of the actual allowable disturbance, or with total reclamation costs in excess of the actual allowable reclamation cost, may participate in the Reclamation Fund with one (1) or more sites that together contain less than both of the Board ~~determined~~ established actual allowable limits.

Subsection 026.01. Board Approved Payment Schedule

The Board shall adopt a payment schedule ~~to be used to~~ that determines the annual Reclamation Fund payment for each mineral lease, reclamation plan, placer permit or temporary permit required to participate operator participating in the Reclamation Fund. Any changes to the payment structure must schedule will be reviewed and approved by the Board. Participating operators shall pay all required payments annually.

Subsection 031.01 Forfeiture

Prior to withdrawing monies from the Reclamation Fund due to a violation of the Dredge Mining Act, the Mined Land Reclamation Act, Mineral Leasing Act, or a mineral lease, the Department shall comply with the respective financial assurance forfeiture procedures ~~for traditional performance bond forfeiture set forth in Section 47-1513, Idaho Code.~~

If you have questions, please contact me at 334-0261.

Sincerely,



Eric Wilson
Resource Protection and Assistance Bureau Chief