

From: gmr@yaho.com
To: [Rule Making](#)
Subject: Re: July 31 meeting
Date: Friday, July 24, 2020 1:27:45 PM
Attachments: [IDL Draft Mining Rule - 072420a.pdf](#)

Hello,

Thank you for the opportunity to review IDL's proposed mine and reclamation rules, Draft #8. Attached are comments on the unintended impact these proposed rules will have on individual and small operators in the State of Idaho and a proposed solution - similar to how our neighboring States addressed this concern for their small operators.

Thank you again and please let me know if you have any questions.

Sincerely,

Alan Gilda - Bucket Miner
N. Idaho
e. gmr@yaho.com

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

July 23, 2020

Re: Rulemaking for IDAPA 20.03.02
Docket No. 20-0302-1901 - Draft Rule No. 8

Dear MS Johnson,

Thank you for the opportunity to attend your previous online discussion.

After review of Draft Rule No. 8, please add the following line to: "20.03.02 - 001.05, Applicability".

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

(v) a small operator that does not exceed 3-acre unreclaimed and operates in compliance with 060.03-08.

The following are reasons this addition is needed:

Review of Draft Rule No. 8, shows there is still no relief, remedy, or option for an individual or small operator who wants to mine in Idaho. From the online meeting, it is clear these rules are intended to address large mining operations with large disturbance and with significant financial resources. But, while doing so, the individual and small operator are being discriminated against. If not corrected, it will send a message to everyone that Idaho is not open for business - **if** you are an individual or small operator.

IDL needs to know these rules discriminate against and significantly prohibit an individual or small operator from legally operating in Idaho because the permitting process is too complex and too costly. Most individuals do not have the technical and scientific expertise to even begin filling out the three "Plans" required by the rule, much less being able to satisfying everything IDL and involved agencies may want now and in the future. Nor do most individuals have the financial resources to hire a consulting or engineering firm to obtain data and information these rules require so one can conduct bucket mining or small-scale mining on an acre or so of land. Yet developers and landowners can permanently disfigure 10's and 100's of acres at will and IDL doesn't blink an eye.

So defacto, these rules will prohibit individuals and small operators from being able to operate within the State. I truly hope this is not IDL and the Legislatures intentions when they started this process. Hopefully, this is just an oversight due to lack of consideration for individual and small operators.

It was suggestion that an individual or small operator can just operate under "Exploration" because it would be too cumbersome for IDL to try to monitor and regulate every bucket-miner and small operator in Idaho. Under draft rule 060, it allows for multiple acres of

disturbance without having to go through the time-consuming and cost-prohibitive mine permitting process. That sounded like a great solution until I looked into it further.

Unfortunately, the definition of "Exploration" in the Code (47-1503) clearly states, "Exploration Operations" are activity on the "surface of lands" to "locate mineral bodies and to determine the mineability and merchantability thereof."

So while "Exploration" might be manipulated to cover a small surface operation, it clearly does not cover anything underground. So as soon as I do anything underground, it is "mining" and I am back to square one again.

Also, as soon as I want to "extract" any minerals to sell, it is now "Mining Operations". The Code defines "Mining Operations" as whenever **any** minerals are extracted from the surface and from underground. So as soon as I think about extracting a bucket or coffee can of material, by Code, I am a "mining operation" and subject to all IDL permitting requirements, include the exorbitant application fee

I continue to urge IDL to please provide relief from the regulatory burden and prohibitive costs these rules will impose on the individual and small operator.

Our adjoining states acknowledge individual and small operators, why won't Idaho? One state exempts operations of 3-acres or less. Another exempts operations of 1-acre or less. And another has an exemption process for disturbances of 5-acres or less, similar to what the Fed's have.

So as it currently stands, when these rules go through, Idaho will be the **only** state in the NW region who will discriminate against individual and small operators.

Please do not discriminate against me and ban me from ever being able to bucket-mine in Idaho again because I can't afford your permitting costs.

Please add just this one line: 001 05 (b) These rules do not apply to:

(v) a small operator that does not exceed 3-acre unreclaimed and operates in compliance with 060.03-08.

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@yahoo.com