

**From:** [Austin Walkins](#)  
**To:** [Rule Making](#)  
**Cc:** [Jonathan Oppenheimer](#); [John Robison](#)  
**Subject:** ICL comments on final draft rule, Docket 20-0302-2001  
**Date:** Tuesday, October 06, 2020 01:51:52 PM  
**Attachments:** [ICL Adm Bulletin comments re IDL Mine Reclamation Rulemaking.pdf](#)

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Greetings,

Attached please find comments from the Idaho Conservation League on the Idaho Department of Land's final draft negotiated rule for IDAPA 20.03.02, Rules Governing Mined Land Reclamation, Docket 20-0302-2001. We appreciate the opportunity to provide input on this rule change and we thank you for your consideration of our comments.

Respectfully,

**Austin Walkins** He|Him ([what's this?](#))  
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Idaho Conservation League  
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October 6th, 2020

Eric Wilson  
Resource Protection and Assistance Bureau Chief  
IDL Boise Staff Office  
300 N. 6th St., Suite 103  
Boise, ID 83702

Submitted via email: [rulemaking@idl.idaho.gov](mailto:rulemaking@idl.idaho.gov)

**RE: ICL's comments on final draft negotiated rule for IDAPA 20.03.02, Rules Governing Mined Land Reclamation; Docket 20-0302-2001**

Dear Mr. Wilson,

Thank you for the opportunity to submit comments regarding the Idaho Department of Land's (IDL) final draft negotiated rule for Rules Governing Mined Land Reclamation, Docket 20-0302-2001.

Since 1973, the Idaho Conservation League has been Idaho's leading voice for clean water, clean air and wilderness—values that are the foundation for Idaho's extraordinary quality of life. The Idaho Conservation League works to protect these values through public education, outreach, advocacy and policy development. As Idaho's largest state-based conservation organization, we represent over 30,000 supporters, many of whom have a deep personal interest in protecting water quality and aquatic habitat throughout Idaho.

We thank you for the opportunity to submit these topics and ask that you please send us subsequent material related to this rule change. Our comments can be found following this letter. Please do not hesitate to contact me at 208-345-6933 ext. 123 or [awalkins@idahoconservation.org](mailto:awalkins@idahoconservation.org) if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Austin Walkins". The signature is fluid and cursive.

Austin Walkins  
Climate Campaign Coordinator

### **Grammatical Error in 060.06.c**

Section 060.06.c appears to contain a grammatical error. This section should be reviewed and corrected as necessary.

### **Reliance on SWPP, IPDES, and other permits**

§070.04.c allows an applicant to submit “a summary of requirements from a SWPPP, IPDES permit, ground water point of compliance, and other permits or approvals or BMPs related to foreseeable water quality impacts on the affected land” in order to meet the requirements of §069.05.a. We are concerned that the duration of the water quality permits referenced in §070.04.c may not appropriately capture the information required by §069.05.a.

Furthermore, although many of these permits have a finite lifespan, they are often “administratively extended” by the regulating agency that administers the permit. In such an event, we question how this section, as written, will ensure that accurate, up-to-date information is being utilized to assess potential water quality impacts.

### **Five (5) Year Updates - Section 155.01**

We propose the following edit to section 155.01:

“The Department ~~may~~ *shall* require operators to submit an update on their mining operation at least every five (5) years”

Periodic reviews of an operator’s financial assurances are a critical component of IDL’s fiduciary responsibility to the people of Idaho. The appropriateness of an operator’s financial assurances can be influenced by a number of factors - both internal and external - that could significantly fluctuate over the period of 5 years. These include the market value of mined ore, construction and reclamation costs, changes in environmental regulations, severe weather events, and operations at the mine.

In light of this, the periodic review of an operator’s financial assurance should not be discretionary but rather a mandatory requirement.