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June 13, 2025

Idaho Department of Lands
Attn: Director Miller
300 N. 6th St., Suite 103
Boise, ID 83702

**RE: Public Comment on Proposed Rule – IDAPA 20.03.02, Rules Governing Mined Land Reclamation
(Docket No. 20-0302-2401, Draft #2 dated March 10, 2025)**

Dear Director Miller,

In the interest of advancing clear, practical, and legally consistent regulation of mining and reclamation activities in Idaho, the Idaho Mining Association (IMA) respectfully submit the following comments and accompanying redline revisions to the proposed draft of IDAPA 20.03.02.

We appreciate the Department's continued efforts to improve and streamline the Mined Land Reclamation rules. We also appreciate the Governor's directive to reduce regulatory red tape as well as consolidate the administrative code under E.O.'s 2019-02 and 2020-01. Our comments are intended to support these goals by identifying areas where terminology can be aligned with statute, redundancies reduced, and regulated entities given a more predictable and efficient compliance pathway.

Key Recommendations:

1. Standardize Use of "Affected Land"

We recommend removing all uses of "disturbed area," "disturbed acres," and "disturbance," and replacing them with the statutorily defined term "Affected Land" to ensure consistency with Idaho Code § 47-1503(5). Multiple terms for the same concept create unnecessary ambiguity and increase interpretive risk.

2. Eliminate Redundant Section 120.08

Section 120.08 repeats requirements already stated in Section 120.02 and in Section 071.02(k) regarding financial assurance for mines or cyanidation facilities. Removing this section will enhance clarity without reducing regulatory oversight.

3. **Clarify Topsoil Placement Requirement**

As written, the “Topsoil Placement” provision implies that all affected lands must receive topsoil, regardless of slope or erosion risk. We recommend clarifying that topsoil is only required where appropriate slope conditions exist and erosion can be reasonably controlled.

4. **Reconsider the Volume of Cyanidation References**

The draft rule contains over 100 references to “cyanide” or “cyanidation.” While specific requirements apply only to cyanidation facilities, much of the repetition can be consolidated. We recommend reviewing these sections to determine whether the same regulatory effect can be achieved with fewer, more general references—especially where standard closure or reclamation principles already apply.

5. **Support for Use of Federal Submittals for Five-Year Updates**

We support the proposed provision that allows mine plan updates submitted to federal agencies to satisfy the state’s five-year update requirement—provided that such updates are also submitted to IDL and contain sufficient information to evaluate the need for amendments or financial assurance adjustments.

6. **Strike “Permitted Acres” Definition.** We recommend striking this new definition as it adds ambiguity to the Rules. The only “permit” referenced in the rule is for cyanidation facilities. No “permit” is required which specifies the amount of acres of affected land from a mining operation.

We have included a highlighted version of the proposed rule showing our recommended changes and edits. We appreciate the opportunity to provide these comments. We would welcome the opportunity to participate further in this rulemaking process and would be happy to provide additional clarification or feedback upon request.

Kindest Regards,

A handwritten signature in blue ink, appearing to read 'B. J. Davenport', with a stylized flourish at the end.

Benjamin J. Davenport
Executive V.P., Idaho Mining Association