

From: [Will Tiedemann](#)
To: [Andy Mork, PG](#)
Cc: [Marin Sanborn](#); [Anna Maria Mancini](#); [Andrew Smyth](#); [Rulemaking](#); [Josh Johnson](#)
Subject: Public Comments RE IDAPA 20.03.02
Date: Friday, October 17, 2025 10:33:58 AM
Attachments:

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Hi IDL Staff,

Please see attached for ICL comments regarding the proposed IDAPA 20.03.02 rule. Thank you.

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October 17, 2025

Idaho Department of Lands
Attn: Andy Mork – Rulemaking
P.O. Box 83720
Boise, Idaho 83720-0050
rulemaking@idl.idaho.gov

RE: Rules Governing Mined Land Reclamation (IDAPA 20.03.02)

Dear Idaho Department of Lands:

I am writing on behalf of the Idaho Conservation League (ICL) to submit comments on the on-going, Zero-Based negotiated rulemaking process for IDAPA 20.03.02 Rules Mined Land Reclamation (the rules). Since 1973, the Idaho Conservation League has had a long history of involvement with the environmental protection of Idaho's lands and waters. As Idaho's largest state-based conservation organization we represent over 25,000 members and supporters who have a deep personal interest in ensuring that our public lands and water quality is protected throughout the state.

We thank you for the opportunity to submit comments and ask that you please send us any response to public comments on this opportunity from the Idaho Department of Lands (IDL). Please feel free to contact us if you have any questions or require additional information.

Sincerely,

Will Tiedemann
Conservation Associate
Idaho Conservation League
wtiedemann@idahoconservation.org
208.286.4445

Statutory Requirement to Review Reclamation Plans

Under previously submitted comments (see April 21, 2025 letter) we proposed modifications to subsection 155 of the rules to comply with statutory requirements for departmental review of reclamation plans (Idaho Code 47-1508(e)). However, subsection 155 of the proposed rule still does not appear to effectively address this statutory requirement.

Subsection 155.03 has been updated to include the following sentence, “Timing of inspections is governed by Section 45-1508(e), Idaho Code.” Idaho Code 45-1508(e) contains rules on trusts and deeds and its reference appears to be a typo. Instead, it is assumed IDL intended to reference Idaho Code 47-1508(e), which states:

“At least once every five (5) years, the board shall review reclamation plans and revise if necessary to meet the requirements of sections 47-1506, 47-1509, 47-1510, and 47-1511, Idaho Code, when there is a material change in the reclamation plan. As part of this review, the board shall revise the amount, terms, and conditions of any financial assurance when there is a material change in the reclamation plan or a material change in the estimated reasonable costs of reclamation determined pursuant to section 47-1512, Idaho Code. Any such revision shall apply only to the affected lands covered by the material change.”

Considering subsection 155.03 discusses frequency of inspections, it is unclear why Idaho Code 47-1508(e), which does not discuss inspections, is being referenced here.

Instead, as our previous comments suggested, subsection 155.01 would be an appropriate place to incorporate the requirements of Idaho Code 47-1508(e) given it discusses the updating and revision of mine operation plans. As such, we again proposed the following changes to Subsection 155.01:

01 Five (5) Year Updates. At least once every five (5) years, the Department shall review reclamation plans and revise if necessary to meet the requirements of these Rules when there is a material change in the reclamation plan. To this end, the Department may require operators to submit an update on their mining operation at least every five (5) years. The update will be on a Department form, and will be used to assist the Department in determining whether or not adjustments are needed for financial assurance or if a plan amendment is required due to a material change. Failure by an operator to complete the form and return it to the Department, or an operator providing false statements on the form, may result in the penalties in Section 47-1513(g), Idaho Code. A mine plan update provided to the federal government for mines subject to

financial assurance requirements may be considered to meet the requirement.

The proposed language is entirely reasonable and simply quotes Idaho Code 47-1508(e). It adds no additional requirements outside what is already legally mandated. Despite this, IDL chose not to incorporate our suggestion and has now proposed incorporating Idaho Code 47-1508(e) in a way that only adds confusion to the rules and makes them less clear, outcomes which are completely antithetical to ZBR rulemaking.

IDL has provided no response to our previous comments and the proposed language above. Furthermore, during to October 1, 2025 public meeting, IDL provided no explanation or context for any changes between draft rule #2 and the now proposed rule.

We respectfully request that IDL incorporate the suggested change above to merely align Idaho Code with IDAPA 20.03.02.