

**From:** [Benjamin Davenport](#)  
**To:** [Rulemaking](#); [Shannon Chollett](#)  
**Subject:** IDAPA 20.03.02 Docket 20-0302-2401 Mined Land Reclamation  
**Date:** Wednesday, October 22, 2025 6:47:03 PM  
**Attachments:** [1](#)

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Please see the Idaho Mining Association comments attached.

Kindest Regards,

Ben



**Benjamin Davenport**  
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October 22, 2025

Idaho Department of Lands  
Attn: Andy Mork  
300 N. 6<sup>th</sup> 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)**

Dear Mr. Mork:

In the interest of advancing clear, practical, and legally consistent regulation of mining and reclamation activities in Idaho, the Idaho Mining Association 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. Overall, we feel that the Department has done admirable work to meet the goals of the administration to identify areas where terminology can be aligned with statute, redundancies reduced, and regulated entities given a more predictable and efficient compliance pathway.

While we recognize that certain sections of this rule could benefit from additional clarity, we are also aware that statutory limitations may restrict the Department's flexibility to address some of our previous concerns. Nonetheless, we do have an additional substantive change which we respectfully submit below in italics for your consideration.

**Substantive Change Request**

- In section 120.14 we request the addition of the following sentence between the existing first and second sentence.

"Any financial assurance provided to the federal government that also meets the requirements of Section 120 of these rules will be sufficient for the purposes of these rules. **The Director will confirm this sufficiency to the operator and federal government by written letter or written agreement stating the Department has reviewed and is in concurrence with the federal government's reasonable financial assurance estimate and entrusts the federal government with the Department's financial assurance, reclamation, and permanent closure requirements.** A mine providing financial assurance through an order under the Comprehensive Environmental Response, Compensation, and

Liability Act is not required to submit financial assurance to the Department as described in Idaho Code 47-1512(n)."

The inclusion of the proposed statement serves to ensure that the Department is actively exercising the authority granted under provision 120.14. Specifically, this addition clarifies the process by which financial assurance and reclamation responsibilities are transferred to the federal government in the event of an operator default. By confirming this transfer of obligations, the Department retains its oversight and authority, while establishing a clear mechanism for coordination with federal agencies. This approach provides regulatory certainty for all parties involved and supports the maintenance of the Department's regulatory role.

We welcome continued involvement in the rulemaking process and are available to provide further clarification or feedback upon request. Thank you for the opportunity to comment on the draft rule, and we look forward to ongoing negotiations regarding the proposed rule.

Kindest Regards,

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

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