



Negotiated Rulemaking Meeting

Idaho Department of Lands

Docket No. 20-0301-2301

May 4, 2023, 2:00 p.m. (MT)

Coeur D'Alene, Idaho and Zoom

Negotiated Rulemaking Meeting Notes – May 4, 2023

Name of Negotiated Rulemaking: Rules Governing Dredge and Placer Mining in Idaho (IDAPA 20.03.01)

Docket number: 20-0301-2301

Location: Coeur d'Alene, Wolf Lodge Conference Room and on Zoom/Teleconference

Date/Time: Thursday, May 4, 2023 – 2:00 p.m. MT

Attendees: See participant list

Facilitated by: Eric Wilson, – Resource Protection and Assistance Bureau Chief, Idaho Department of Lands (IDL)

This is the third of 4 scheduled meetings during the public comment period April 4 – June 16, 2023.

Eric Wilson presented an overview of rulemaking and reviewed the draft rule changes.

Discussion:

- A question was asked regarding whether IDL was going to be emailing or sending correspondence through the mail regarding the changes. IDL confirmed that if changes are made an email will be sent to those on our distribution list. IDL will also be compiling research on what other states are doing for similar regulations, and when that is posted to our website an email will also be sent.
- A question regarding changes to bonding was asked. IDL stated that no changes are currently proposed in the rule because the bond amount is set in statute. A proposal to change it may be made next year through a bill at the Legislature. The current limit was put in place around 1993 or 94 and it was to match the bond limits in the surface mining rules at the time, which was \$1,800 per acre. That limit was based on the most expensive reclamation task for surface mining when those rules were first approved around 1974. \$1,800 per acre was the cost to push down a waste rock dump at a phosphate mine from angle repose to a three to one slope. IDL knows that that is not enough to get the reclamation done, it is more like \$5-6,000 per acre. The rules should move to actual cost bonding which is what the mined land reclamation rules currently have. That is better because if IDL does not have enough money for reclamation then we simply will not have the funding to complete the reclamation if we have a forfeiture. IDL does not think taxpayers of Idaho should have to pay for an operator's failure to reclaim.