



Senate Resources and Environment Committee

IDAPA 20.03.01 – Rules for Dredge and Placer Mining Operations in Idaho
February 6, 2019

Mr. Chairman and members of the Committee, my name is Todd Drage, and I'm the Regulatory Minerals Program Manager at the Idaho Department of Lands. Thank you for the opportunity to appear before you today to testify. I'm here to present the pending rule docket number 20-0301-1801, which can be found in your 2019 Pending Rules Review book, starting on page 76. The Department is seeking your approval of this pending rule.

This rule falls under Idaho's Dredge and Placer Mining Protection Act as defined in Title 47 Chapter 13 of Idaho Code. I'll provide a brief overview of the Dredge and Placer Mining Act and the reasons for pursuing rule changes. I'll then talk about the negotiated rulemaking the Department carried out in 2018 before summarizing these pending rule changes for your consideration.

Dredge and placer mining is the extraction of minerals from an alluvial deposit containing particles of gold or other valuable minerals. A placer deposit can be in a natural watercourse or an ancient river channel high above a stream. The Idaho Dredge and Placer Mining Protection Act was created to promote responsible resource extraction while protecting the lands, streams, and watercourses of the state.

The Department entered negotiated rulemaking to allow potential operators to submit notices electronically. Currently, when a potential operator wants to conduct exploration, the rules require notices be sent to the Department via certified mail. If an operator wants to actively mine, the rules require that applications are submitted to the Department with five copies of their Reclamation Plan. These are requirements that today seem burdensome and unnecessary. Further, the department is implementing a new system that will allow operators to submit documents online. We believe this will be more convenient for everyone but requires a change to the rules.

Prior to holding any negotiated rulemaking meetings, we sent out a mailer with the draft rule changes and directed stakeholders to IDL's website for more specific information and details on upcoming negotiated rulemaking meetings. The Department then held three negotiated rulemaking meetings in Coeur d'Alene, Pocatello, and Boise in June of 2018.

No comments were provided at the meetings, and no written comments were received at any point during the rulemaking. We also held a public hearing in Boise on September 20th, and no testimony was given.



I'll provide a summary of the content of the changes in the pending rule.

- A couple of edits were language changes that allowed for the electronic submittal of documents and applications. This will allow operators to submit documents in paper or electronic format.
- Secondly, changes were made to incorporate required standard rule sections as outlined in the Administrative Procedures Act.
- And lastly, language was updated to reference specific surface water quality standards (IDAPA 58.01.02) and ground water standards (IDAPA 58.01.11).

Once again, no comments were received during the negotiated rulemaking process or during the public hearing, and we do not believe any outstanding issues exist.

The Department requests approval of this pending rule. Thank you again for the opportunity to provide testimony. I will stand for any questions.