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Paula Wilson  
Idaho Department of Environmental Quality  
Attorney Generals Office  
1410 N. Hilton  
Boise, ID 83706

Dear Paula Wilson,

Thank you for the opportunity to comment on the proposed rulemaking effort currently underway by the Idaho Department of Environmental Quality (DEQ). The following comments were developed in coordination with U.S. Forest Service minerals program managers and administrators throughout the state of Idaho.

The U.S. Forest Service recognizes Idaho DEQs evaluation of the 2006 rules as currently written is in response to a request received by the Idaho Mining Association (IMA). IMA has requested Idaho DEQ review and modernize regulations as they pertain to these facilities so member companies may utilize and explore more innovative and science-based methods for mineral extraction while protecting and preserving Idaho's environment. IMA has expressed concern over the prescriptive design approach with minimum design standards they believe do not necessarily align with current industry experience or best practice.

Cyanidation is the method of extracting precious metals, typically gold or silver, from ores treated with a cyanide solution, which is the primary leaching agent for extraction. These facilities are lined in order to contain, treat, recycle and dispose of cyanide process waters. The scope and intent as expressed in Section 58.01.13.001.02 is the rules are intended to ensure that process water and process-contamination water generated in ore processing operations that utilize cyanide as a primary leaching agent and pollutants associated with the cyanidation process are safely contained, controlled and treated so that they do not interfere with the beneficial uses of the waters of the state and do not endanger public safety or the environment. While Idaho has not issued a new cyanidation permit since the rule was last revised in 2006, cyanidation and associated facilities have been used in the mining industry for decades and are expected to be elements of future mining operations proposed in Idaho.

#### Current Cyanidation Rule

Current requirements for water quality protection at IDAPA 58.01.13.200 outline design and performance standards intended to be the minimum criteria for protection of public health and the waters of the state. While these are prescriptive minimum standards outlined by Idaho DEQ, the Department may determine that other site-specific criteria are appropriate to protect water quality and the public health. Development of rigid, design criteria to be applied statewide may not be practical due to the wide range of geologic, hydrologic and climatic conditions in Idaho.



The statute as currently written allows Idaho DEQ latitude in evaluating additional criteria and does not close the door to the assessment of comparative methodologies, site-specific conditions, or design and technological considerations that could be more protective than the minimum standard. Nor is the current rule silent on a collaborative approach between the applicant and Idaho DEQ; rather such collaboration is recommended to ensure all baseline data requirements and initial conceptual facility designs are considered.

#### Other Mining Jurisdictions

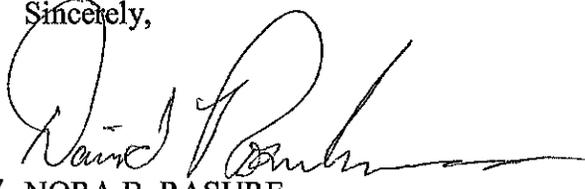
Idaho DEQ is encouraged to research and consider rules and regulatory practices for cyanide facilities in other states, in particular Nevada and Arizona where there is a preponderance of leaching facilities. Design criteria must be based on the reasonable assumption that leaks will occur and leak detection and recovery systems are necessary. Both Nevada and Arizona outline minimum design criteria but provide for individual and site specific approaches to facility design that speak to performance based standards and guidelines. The performance of these permitted systems should be evaluated in relation to hydrologic regimes present in Idaho but differ in Arizona or Nevada. While Nevada permitting requirements are not applicable to facilities in other states or countries, they are often included as standards for best practice.

#### Engineering/Design Considerations

Engineering and design specifications and facility plans of recently permitted leach processing facilities should be reviewed by Idaho DEQ in addition to prepared tailings and heap leach management plans. Many of these plans are publically available to review. DEQ should consider reviewing the available body of peer-reviewed publications pertaining to heap leach facility design and construction practices to determine if industry practices have changed substantially since the 2006 rule was initiated.

The U.S. Forest Service Intermountain Region appreciates the opportunity to submit these comments. If you have any questions about our comments, please contact Heidie Torrealday at [Heidie.torrealday@usda.gov](mailto:Heidie.torrealday@usda.gov).

Sincerely,

  
for  
NORA B. RASURE  
Regional Forester

Kathryn Conant; Heidie Torrealday; Andy Brunelle