

Zero-Based Regulation Prospective Analysis

Fill out entire form to the best of your ability, unless submitting a Notice to Negotiate only fill out 1, 2, and 5

Agency Name: Idaho Department of Lands

Rule Docket Number: 20-0302-2401

IDAPA 20.03.02, Rules Governing Mined Land Reclamation

1. What is the specific legal authority for this proposed rule?

Statute Section (include direct link)	Is the authority mandatory or discretionary?
Idaho Code Title 47, Chapter 15 – Mined Land Reclamation	Mandatory
Idaho Code § 58-104(6) – State Land Board – Powers and Duties	Discretionary
Idaho Code § 58-105 – Director	Discretionary

2. Define the specific problem that the proposed rule is attempting to solve? Can the problem be addressed by non-regulatory measures?

IDAPA 20.03.02 provides consistent and specific guidance on mining exploration requirements and the application, operation, and reclamation requirements for mined lands. In addition, these rules establish the application and closure requirements for cyanidation facilities. Lastly, these rules contain the financial assurance requirements for mining and cyanidation facilities. The proposed changes seek to comply with Executive Order 2020-01 and simplify and consolidate requirements.

Over 1,500 mines are currently covered by these regulations. Hundreds of mines that predate this authority remain unreclaimed and degrade wildlife habitat and land values, contribute pollutants to surface and ground waters, and endanger human health and safety. The state has limited funds and authorities to address these abandoned mines, and IDAPA 20.03.02 prevents current mines from adding to this problem.

3. How have other jurisdictions approached the problem this proposed rule intends to address?

a. Is this proposed rule related to any existing federal law?

Federal citation	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)

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b. How does this proposed rule compare to other state laws?

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)
Washington		
Oregon		
Nevada		
Utah		
Wyoming		
Montana		
Alaska		
South Dakota		

c. If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

4. What evidence is there that the rule, as proposed, will solve the problem?

5. What is the anticipated impact of the proposed rule on various stakeholders? Include, how will you involve them in the negotiated rulemaking process?

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	No impact to the General Fund, dedicated funds, or federal funds is anticipated.
Impact to Idaho businesses, with special consideration for small businesses	This will potentially affect all current and future mine operators to the extent that the current rules already affect them. All current operators will be notified of the negotiated rulemaking, and public meetings will be held around the state.
Impact to any local government in Idaho	No impact to local government is anticipated.

6. What cumulative regulatory volume does this proposed rule add?

Category	Impact
Net change in word count	
Net change in restrictive word count	