

## 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, 5, and 7. The rest of the form must be completed prior to the adoption of the proposed rule.**

**Agency Name:** Idaho Department of Lands

**Rule Docket Number:** 20-0302-2401

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

Statute Section (include direct link)	Is the authority mandatory or discretionary?
<a href="#">Idaho Code title 47, Chapter 15</a> – Mined Land Reclamation	Mandatory
<a href="#">Idaho Code title 58, Chapter 1</a> - Public lands	Discretionary
<a href="#">Idaho Code title 58, Chapter 1</a> - 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 specify 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 1,550 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 groundwater, and endanger human health and safety. The state has limited funds and authorities to address these abandoned mines, and IDAPA 20.03.02 is intended to prevent 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)
	Not applicable	

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

Refer to the attached table.

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:**

Not applicable

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

Evidence is reflected in the compliance record for the vast majority of the over 1,550 reclamation plan holders.

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

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	No new impacts to the General Fund, dedicated funds, or federal funds are anticipated.

Category	Potential Impact
Impact to Idaho businesses, with special consideration for small businesses	This will affect all current and future mine operators to the extent that the current rules already affect them. All current operators have been notified of the negotiated rulemaking, and eleven public meetings have been held around the state.
Impact to any local government in Idaho	No impacts to local government entities are anticipated.

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

Category	Impact
Net change in word count	Decrease word count by 394 words
Net change in restrictive word count	Decrease restrictive words by 63 words

**7. Should this rule chapter remain as a rule chapter or be moved to statute as suggested in Section 67- 5292, Idaho Code?**

Category	Impact
What is the cost of publishing this rule chapter annually? (Multiply the number of pages x \$56)	36 pages x \$56/page = \$2016.
How frequently has this rule chapter been substantively updated over the past 5 years? (Exclude republishing triggered solely by recent sunset dates)	0
What is the benefit of having all related requirements in a single location in Idaho Code?	The state would save \$2016 annually.

IDAPA 20.03.02 Mined Land Reclamation  
Proposed Rule Prospective Analysis  
Question 3b. Comparison with Other State Laws  
1-Aug-25

State	Fees		Reclamation Plan Review Period (days)		Public Notice/Comment Required
	Reclamation Plan Application	Annual Fee	Completeness	After Application is Complete	
Washington	\$4,500	\$3,500 surface mines/\$2500 public agencies/\$1,000 public if < 7 ac	60	No statutory review period	Yes
Oregon	per application, up to \$6,500	\$2,300 + royalty \$0.03/ton	No statutory review period	No statutory review period	No <sup>1</sup>
Nevada <sup>2</sup>	Fed/State land - \$3.10/ac; private land \$0.15/ac	\$750 to \$24,000 based on acreage	30 <sup>3</sup>	No statutory review period	Yes
Utah <sup>2</sup>	Large mines (>20 ac) \$500 - \$ 1,000; small mines (<20 ac) \$150	Same as application fees	No statutory review period	No statutory review period	No < 20 ac; Yes, > 20 ac
Wyoming	\$200 + \$10/acre; \$2,000 max	No annual fee	60	150	Yes
Montana	\$1,000 to \$5,000 for hard rock; \$500 for sand and gravel	Same as application fees	90	No statutory review period	Yes
Alaska	No application fee	No annual fee	No statutory review period	No statutory review period	Yes
South Dakota	\$100	\$100	No statutory review period	No statutory review period	Yes

- Notes**
- 1. No public notice/comment requirements. DOGAMI only required to notify other state agencies and host county.
  - 2. Information is for non-coal hard rock mining only. Aggregates permitted at county level.
  - 3. If all required information is not submitted within one year, the application is rejected and must be resubmitted.