



**Docket No. 20-0302-2401**  
Proposed Rulemaking Summary  
10-31-2025

## Proposed Rulemaking Summary

### IDAPA 20.03.02 — Rules Governing Mined Land Reclamation

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Members of the public participated in the Department's proposed rulemaking process by attending the public hearing and submitting written comments. Key information considered by the Department included applicable statute, information provided by the public, and the Department's legal counsel during this process.

Key documents from the rulemaking record, which includes rule drafts, written public comments and documents distributed during the proposed rulemaking process, are available at <https://www.idl.idaho.gov/rulemaking/docket-20-0302-2401/>. The entire rulemaking record is available for review upon request to the Department. At the conclusion of the proposed rulemaking process, the Department formatted the final rule draft for publication as a pending rule in the Idaho Administrative Bulletin.

In developing the draft rule, the Department considered all comments received during the proposed rulemaking process. The following is a summary of all comments and the Department's response to the comments:

Date	Comment	Response
10-17-2025	<u>Comment 1.</u> In section 155.03, replace Idaho Code 45-1508(e) with Idaho Code 47-1508(e). <u>Comment 2.</u> In section 155.01: insert the text in blue font: <i>"Five (5) year updates. At least once every five (5) years, the Department shall review reclamation plans and revise if necessary to meet the requirements of these rules when there is a material change in the reclamation plan. To this end, the Department may require . . ."</i>	<b>Responses:</b> <u>Comment 1.</u> Section 155.03 is deleted in the draft pending rule. The reference to Idaho Code 45-1508e/47-1508e has been deleted. <u>Comment 2.</u> The proposed text is a copy of a portion of statute in Section 47-1508(e), Idaho Code. The comment is not incorporated in the draft pending rules to meet Executive Order 2020-01 Zero Based Rulemaking goals of clarity and word count.
10-22-2025	<b>Comment:</b> In section 120.14, insert the text in blue font: <i>" . . . for the purposes of these</i>	<b>Response:</b> Neither the statute nor rule allow the Department to delegate any of the financial assurance, reclamation, or permanent

	<p><i>rules. The Director will confirm this sufficiency to the operator and federal government by written letter or written agreement stating the Department has reviewed and is in concurrence with the federal government's reasonable financial assurance estimate and entrusts the federal government with the Department's final assurance, reclamation and permanent closure plan requirements. A mine providing . . ."</i></p>	<p>closure plan requirements to a federal agency. In addition, the Department cannot delegate the financial assurance, reclamation, or permanent closure plan requirements on state and private land to the federal government because the federal government has no regulatory authority over those lands, and the Department cannot grant that authority to the federal government.</p>
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