Surface Mining Act – Frequently Asked Questions

Does the Act apply to placer mining?
No. Placer and dredge mining of placer deposits are regulated under the Dredge and Placer Mining Protection Act, Idaho Code Title 47, Chapter 13.

Does the Act apply to patented mining claims?
Yes. Patented mining claims are treated just like other private lands.

What is the bond rate?
Actual cost of reclamation not to exceed $15,000 per acre of land to be affected. Bonds requested in excess of this amount must be approved by the board.

What about exploration?
You may explore using motorized earth moving equipment if you provide a notice of exploration to the Department within seven days of commencing operations. Holes and trenches must be closed within one year and reseeded. If exploration exceeds five contiguous or ten noncontiguous acres, a reclamation plan approval and bond are required.

What about using hazardous chemicals?
Any use of hazardous chemicals must be reviewed by the Idaho Department of Environmental Quality to meet state water quality standards.

What if I build tailings ponds or dams?
Any water containment dams over ten feet high, or tailings ponds over thirty feet high, must be reviewed by the Department of Water Resources. Settling ponds with dams under ten feet in height must be reviewed and approved by the Department of Environmental Quality.

Can the Department of Lands deny a reclamation plan?
Yes. The Department may deny a reclamation plan if it does not adequately address all the requirements of the Act.

Can I post bond with the U.S. Forest Service or Bureau of Land Management?
Yes. The state has a memorandum of understanding which allows the state to recognize valid bonds held by the other agency as long as such bonds are in an amount as great as or greater than the required state bond.

How do I appeal a decision of the Department?
The procedure is outlined in Rule 080 and Rule 160.07 of the Rules and Regulations Governing Exploration and Surface Mining Operations in Idaho.

Can my permit application be confidential?
Drilling results, reserve calculations and production data may be kept confidential under the provisions of Idaho Code Section 9-340 after July 1, 1993.