



2014 IDL Proposed Legislation | Mineral Exploration on State Lands

Updated Jan. 10, 2014

Context

The bill relates to mineral exploration activities on state lands.

The Idaho Department of Lands (IDL) administers mineral exploration and leasing activities on state lands in Idaho under the direction of the State Board of Land Commissioners (Land Board).

“State lands” include:

- ⇒ **Public trust lands**—The beds and banks of Idaho’s navigable waterways. These lands are managed for the general public (all uses).
- ⇒ **State endowment trust lands**—Lands granted to Idaho at statehood for the purpose of generating maximum long-term financial returns from the use of the lands. These lands are managed for public schools and other State institutions.

Proposed Changes

IDL is proposing changes to [Idaho Code § 47-703A](#).

- ⇒ The proposed changes **clarify the definitions of casual exploration and motorized exploration** as used in this statute. The proposed changes **harmonize the statute with Recreational Mining Permits** on navigable rivers issued by the Idaho Department of Water Resources (IDWR).
- ⇒ **Bonding requirements for mineral exploration are modified** to allow actual cost bonding for these activities and to provide a process for bond release. The proposed requirements are consistent with those for surface mines in the Idaho Surface Mining Act.
- ⇒ **A definition of an exploration and reclamation plan is added** for motorized exploration on state lands.

Process

IDL analyzed the potential conflicts regarding exploration permitting on state lands and researched the exploration bonding requirements for other state and federal land managers.

We then drafted changes to [Idaho Code § 47-703A](#) to harmonize the statutory language to the actual administration of state lands over the last 20 years.

Bonding requirements were modified to more closely align with the practices of other land management agencies and to align with the bonding requirements in the Idaho Surface Mining Act.

The proposed changes were then discussed with the Idaho Conservation League and the Idaho Mining Association.

Some additional changes were added to address the concerns of some stakeholders.



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History

Over the past two years, IDL discovered inconsistent terminology and definitions between this statute, the Rules Governing Riverbed Mineral Leasing in Idaho ([IDAPA 20.03.05](#)), and the IDWR Recreational Mining program.

These inconsistencies, along with concerns about exploration bonding, fueled a lawsuit from the Idaho Conservation League over a riverbed mineral lease approved by the Land Board in 2012.

The lawsuit was dropped when the lessee withdrew his interest in the lease, but the inconsistencies and bonding issues have not been resolved.

Proposed Change #1: The proposed changes distinguish between two types of exploration on navigable waters and endowment lands:

- ⇒ **Casual exploration** would include suction dredges **up to five (5) inches in diameter on navigable rivers**, and remain at **up to two (2) inches in diameter for perennial streams**
- ⇒ **Motorized exploration** would include suction dredges **over five (5) inches in diameter on navigable rivers** and **over two (2) inches in diameter for perennial streams on endowment lands**

Recreational mining, which includes the use of suction dredges with an intake diameter of five (5) inches or less, is recognized as a valid recreational use of navigable rivers and should be classified as casual exploration.

Also, the difference in size limitations between public trust lands (navigable rivers) and endowment lands is based on resource risk. Perennial streams on endowment lands are smaller than navigable waters, and smaller streams are less resilient to disturbances associated with suction dredging. For this reason, the use of suction dredges with an intake diameter greater than two (2) inches should continue to be classified as motorized exploration on endowment lands. Motorized exploration on state lands requires a plan and bond under [Idaho Code § 47-703A](#).

Proposed Change #3: The last change was the **addition of a definition for the exploration and reclamation plan required for motorized exploration on state lands.**

This definition provides some certainty and consistency for companies who wish to explore for minerals on state lands.

Under this definition, bond calculations are provided by the permittee and are subject to plan review by IDL.

Proposed Change #2: Bonding for exploration on state lands is currently limited to \$750 per acre in [Idaho Code § 47-703A\(1\)](#). Federal land managers and most western states require actual cost bonding for exploration.

The proposed legislation would require exploration bonding on state lands to equal the estimated reasonable reclamation cost plus ten percent (10%). The change will allow IDL to better protect state lands.

The **\$2,500 per acre limitation** is consistent with that in the Idaho Surface Mining Act, Title 47, Chapter 15, and is similar to the average exploration reclamation costs reported by other states.

Bond release processes are also consistent with those in the Idaho Surface Mining Act.