

Dredge and Placer Mining Rules

IDAPA 20.03.01

Docket No. 20-0000-1900F

August 14, 2019, Coeur d'Alene

August 15, 2019, Idaho Falls

August 16, 2019, Boise

Agenda

- Introduction
- History of Placer Mining and Regulation in Idaho
- What is required by IDL through state statute and rule
- Why this rulemaking is being conducted
- Testimony

What is Placer Mining?

Extraction and concentration of heavy metals or minerals from a placer deposit, often using running water.

In Idaho:

Gold is historically the most important target.

Monazite and other radioactive minerals (with uranium and thorium) have also been extracted in the past.

Garnet currently has the most production.

Historic Roots in Idaho

Placer mining helped to settle Idaho Territory

Gold first discovered on Orofino Creek in 1860 by Elias Pierce

Placer gold then found on Salmon River and Boise Basin in 1862

1863 placer gold found in Owyhee County

1869 placer gold found on Loon Creek, and in 1870 on Yankee Fork



Panning

Started with simple hand work



Sluice

Hand work gave way to industrial scale placer mining



Hydraulic Giant,
Pioneerville

Hydraulic Giant,
Rocky Bar





Bucket Line Dredge, Yankee Fork Salmon River, 1950s



Dredge tailings, Yankee Fork



Dredge tailings, Grimes Creek



Dredge tailings, Middle Fork Boise

Placer Regulation

Large scale placer and dredge mining continued until about 1952.

Several hundred miles of streams were impacted.

Sportsmen grew tired of sediment-filled streams and impacted fisheries.

Idaho Code § 47-13 passed by initiative vote in 1954.

This requires plans, bonding, maintenance of water quality standards, and reclamation.

Very active program through the 1990s, but has tapered off.

Dredge and Placer Permits

Area	Number of Permits	Commodity
Cataldo	7	Gold
St. Joe	14	Garnet
Maggie Creek	2	Gold
Craig Mountain	1	Gold
Payette Lakes	2	Gold
Southwest	1	Gold
Eastern	1	Gold

When is a permit required?

When disturbance exceeds $\frac{1}{2}$ acre cumulative disturbance.

Cannot work $\frac{1}{2}$ acre and reclaim it, then repeat the following year at the same site, etc. without a permit.

Less than $\frac{1}{2}$ acre is considered exploration.

What about suction dredging?

Idaho Code § 47-13 only applies to suction dredges larger than 8 inch diameter. No such applications received by IDL in the last 20 years.

IDWR handles regulatory requirements for suction dredges with diameter 8 inches and under.

IDL does not regulate recreational suction dredging under Idaho Code § 47-13 or IDAPA 20.03.01.

What type of activities are done under 47-13?

Mostly outside of stream channels.

Traditional excavating equipment that feed a wash plant where the gravels are processed.

Settling ponds required.

Backfilling and reclamation follows mining.

Operations may mine through stream channels, with proper permitting and reclamation. Only garnet operations have done this in the recent past.

Rulemaking Process

Governed by the Administrative Procedures Act, Idaho Code § 67-52.

All rules expire July 1 of every year unless extended by statute by the legislature.

In 2019 the legislature failed to extend the rules.

All state agencies then initiated Temporary and Proposed Rulemakings to fill the regulatory gaps.

Temporary Rules were effective on June 30, 2019.

For IDAPA 20.03.01, Dredge and Placer Mining, no changes were made from the prior rule.

HIERARCHY OF STATE DOCUMENTS

We are here

IDAHO CONSTITUTION

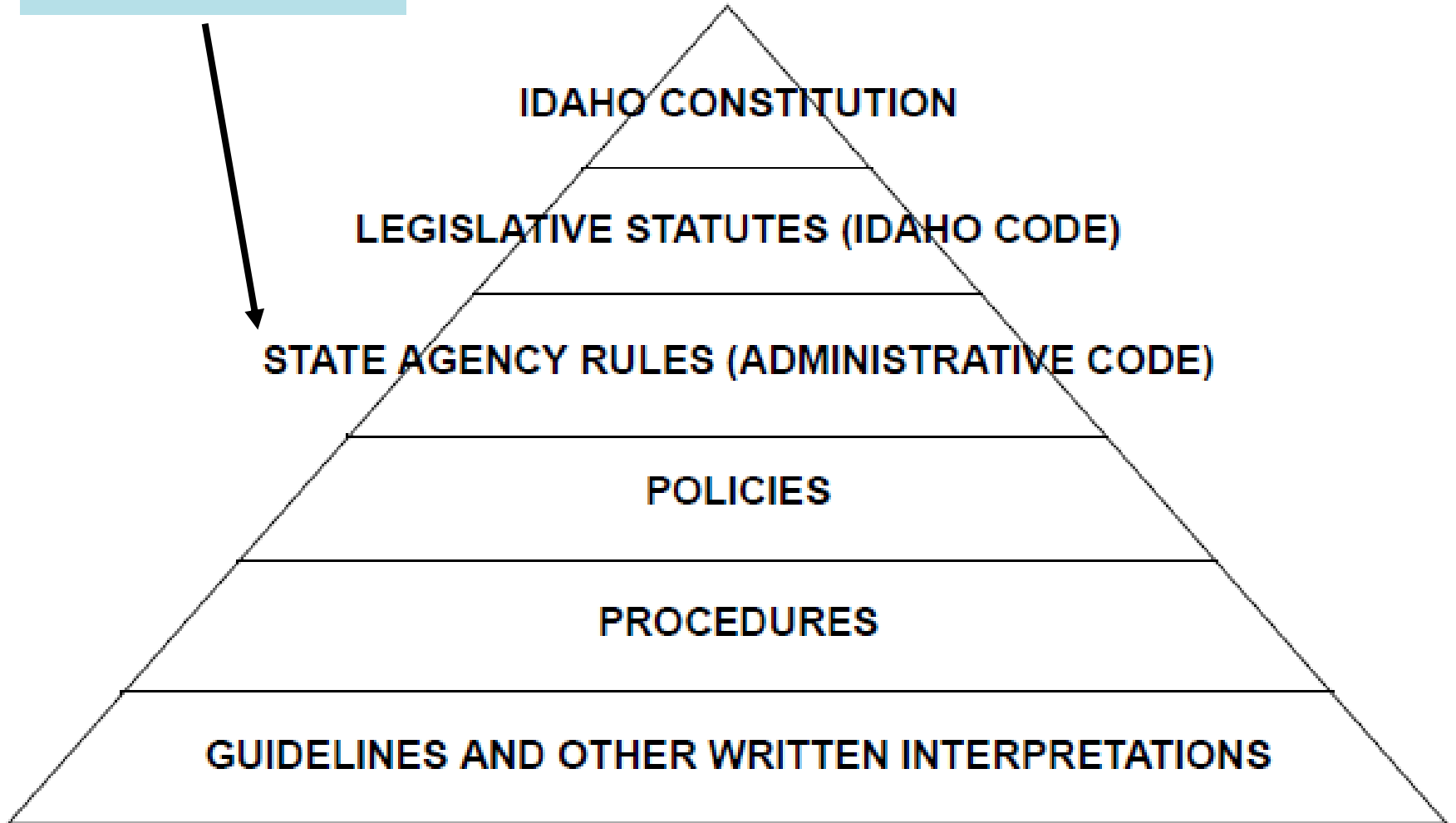
LEGISLATIVE STATUTES (IDAHO CODE)

STATE AGENCY RULES (ADMINISTRATIVE CODE)

POLICIES

PROCEDURES

GUIDELINES AND OTHER WRITTEN INTERPRETATIONS



Proposed Rulemaking

No negotiations held because existing rules were proposed for adoption.

Changes usually require a Negotiated Rulemaking.

Public comment period required for Proposed Rulemaking.

Sufficient petitions received to trigger Public Hearings for IDAPA 20.03.01, as required by Idaho Code § 67-5222(2).

Three hearings scheduled August 14, 15, and 16.

Public comments accepted through August 16.

Proposed Rulemaking, con't.

Changes to the Proposed Rule can only be made based on testimony received at these three hearings or written comments.

Comments on Proposed Rule and possible changes will be presented at the September Land Board meeting.

Pending Rule will be presented at the October 15 Land Board meeting.

Pending Rule and Notice must be submitted by October 16.

Rules then reviewed by Legislature in 2020 session.

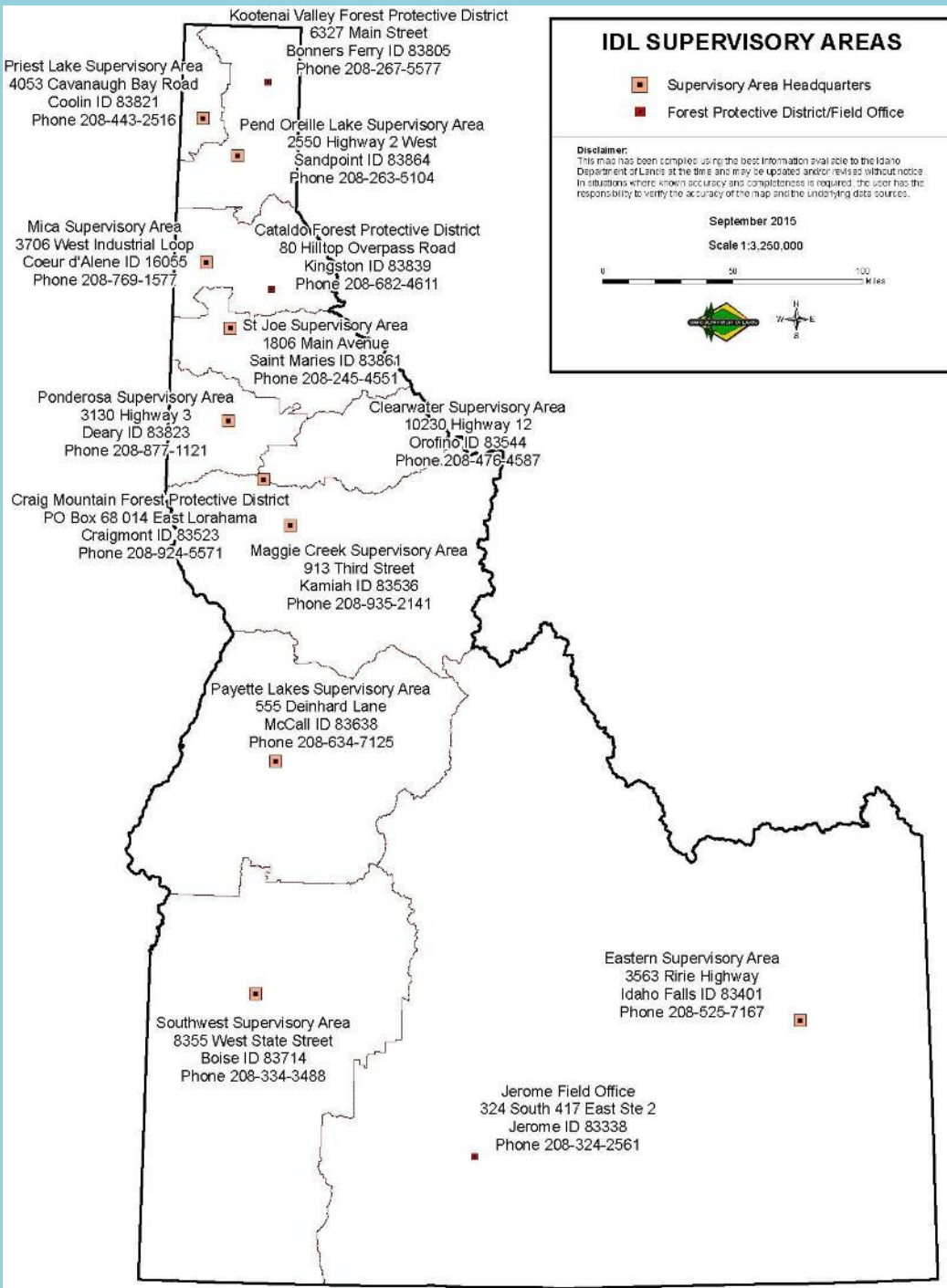
Hearing Format

Opportunity to provide testimony.

Time limit may be imposed depending on number of people signed up.

Written comments also accepted.

Not a forum for debate.



Eric Wilson
Resource Protection and
Assistance Bureau Chief

Todd Drage
Minerals Program Manager

Questions?