

State Lands

Dredge and Placer Mining Permit

Does the Idaho Placer and Dredge Mining Protection Act (Idaho Code § 47-13) apply to suction dredges?

Yes, if the suction dredge has an intake diameter larger than eight inches. Smaller suction dredges on private, federal, and state lands are regulated by the IDWR. Suction dredges eight inches or smaller on state lands may have additional requirements under Idaho Code § 47-7, see section on State Lands. <https://legislature.idaho.gov/statutesrules/idstat/Title47/T47CH7/>

Does the Idaho Placer and Dredge Mining Protection Act apply to private patented mining claims?

Yes. The Act applies to all private, state and federally owned lands. For more information see: <https://adminrules.idaho.gov/rules/current/20/200301.pdf>

What about exploration of a placer deposit?

Excluding in-stream activities, you may conduct exploration using motorized earth moving equipment with a Notice of Motorized Exploration to the IDL. Holes or trenches must be closed and reseeded within one year. Hand work does not require notification. If the exploration exceeds one-half acre of cumulative disturbance, a Placer and Dredge Mining Permit is required.

Can my Placer and Dredge Permit application be confidential?

No, the permit application and related documents are public record. Trade secrets and production data **may** be kept confidential under the provisions of the Idaho Code Sections 74-107 if they are clearly marked as Confidential.

How much reclamation bonding is required under the Placer and Dredge Mining Permit?

You must bond for the projected actual cost of reclamation, up to \$1,800 per acre.

For more information, please visit:

<https://www.idl.idaho.gov/mining-minerals/dredge-placer-mining/>



Can I conduct recreational mining on State Endowment Lands and Public Trust Lands?

Yes, see general information section of this pamphlet regarding land ownership. Also see Exploration Locations on the IDL website:

<https://www.idl.idaho.gov/lakes-rivers/riverbed-mineral-lease-and-exploration-location/#>

And see the Mineral Leasing information: <https://www.idl.idaho.gov/leasing/minerals-leasing/>

What's the difference between State Endowment Lands and Public Trust Lands?

"Endowment Lands": Approximately 2.4 million acres of surface and 3.3 million acres of subsurface endowment trust lands in Idaho are managed under a constitutional mandate to maximize long-term financial returns to public schools and other State of Idaho institutions. At statehood, Idaho was granted millions of acres of land under the condition they be managed in perpetuity as a trust for the beneficiary institutions.

"Public Trust Lands" Lands lying below the Ordinary High Water Mark (OHWM) of navigable lakes and rivers within the State, managed for the public good rather than for a specific beneficiary. The OHWM is defined in Idaho as "The line which the water impresses upon the soil by covering it for sufficient periods to deprive the soil of its vegetation and destroy its value for agricultural purposes."

Where can I find out what rivers are considered Navigable?

Go to: <https://www.idl.idaho.gov/wp-content/uploads/sites/116/2020/01/list-navigable-lakes-rivers-1-1.pdf>

What is "casual exploration" and "motorized exploration"?

These terms only apply to state lands, and are defined in Idaho Code § 47-703A.

What's the difference between an Exploration Location and a Federal Mining Claim?

A **Federal Mining Claim** is located on Federal Land and is permitted through the BLM or US Forest Service.

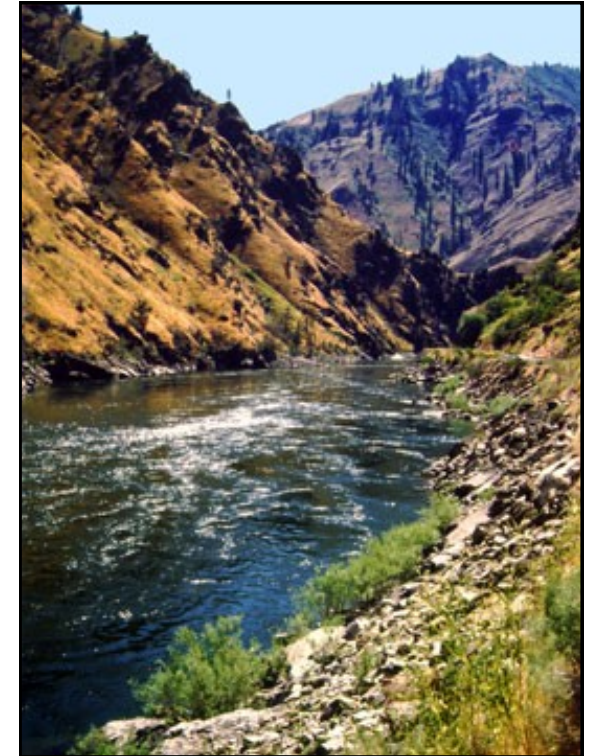
A state **Exploration Location** gives the locator the exclusive right to explore and prospect for gold and other minerals on state lands not already under location or lease. A Land Exploration Location covers 20 acres or one-half (½) of a surveyed government lot on Endowment Lands. Riverbed Exploration Locations cover up to one-half (½) mile of a state owned navigable river. Exploration Locations are valid for a two-year period, at which time the locator must apply for a mineral lease or their interest in the state land is terminated. Successive Exploration Locations on the same parcel are not allowed. The Locator must obtain a mineral lease to continue exploration or mineral development. More than one Exploration Location may be held at one time. If commercial quantities of minerals are found on an exploration location, a mineral lease from the state is required before removing the minerals. Exploration Location forms are available at IDL offices. For information on available state lands, visit the Lands Records Database System – Digital Land Records:

<https://landfoliportal.idl.idaho.gov/site/CustomHtml.aspx?PageID=d7f3f61d-4689-4280-a59a-b865f002dd60>

Fees: Land Exploration Location is \$100.00 per location; Riverbed Exploration Location is \$250.00 per location.



Recreational Mining



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What is recreational mining?

In regards to the program administered by the Idaho Department of Water Resources (IDWR), recreational mining is the use of **any** equipment to dig, scrape, dredge, or otherwise move stream bed materials from below the ordinary high watermark in search of minerals.

When is it no longer considered recreational mining?

Specific to Riverbed Mineral Leasing in Idaho, IDAPA 20.03.05 defines recreational mining as “mining with a suction dredge having an intake diameter of 5 inches or less, and attendant power sources, rated at 15 horsepower or less, pans, rockers, hand tools, hand operated sluices and other similar equipment.”

Non-recreational suction dredge mining with a nozzle size that is larger than 5 inches but less than 8 inches requires permit consultation with IDWR for a stream channel alteration permit. Suction dredges larger than 8 inches require permit consultation with IDL for a Dredge and Placer Permit, which is explained in the Dredge and Placer section of this pamphlet. Additionally, for mining above the recreational thresholds Army Corp of Engineers consultation may be required.

Where can I go for recreational mining opportunities?

IDL does not keep information on mineable material locations, however, information from the Idaho Geological Survey on past mines and prospects can be found at: www.idahogeology.org/

Do I need any regulatory permits for recreational mining?

Yes, in most cases two permits will be required. A Recreational Mining Permit issued by IDWR is needed prior to Recreational Mining. Please check with IDWR for more details at this location: <https://idwr.idaho.gov/streams/recreational-mining-permits/>. If a miner has a recreational dredging permit issued by IDWR they do not need an additional permit from the Idaho Department of Lands (IDL) to mine in a navigable stream.

Recreational mining also requires a permit from the Idaho Department of Environmental Quality (DEQ). Suction dredges must obtain Idaho Pollutant Discharge Elimination System (IPDES) permit coverage for operations in Idaho. The IPDES General Permit is only needed for discharges from suction dredges to surface waters. If water is not present, then no discharge is occurring.

Additional information regarding IPDES permitting may be obtained via DEQ’s website: <https://www.deq.idaho.gov/media/60183716/user-guide-permitting-and-compliance-1219.pdf>, see page 50.

General Information

How does land ownership affect recreational mining?

Ownership of the land or stream must be determined prior to any mining activity. The county assessor’s office or published maps can be used to help determine ownership. The need for access permission prior to activity varies depending on ownership:

- Private Land. If the land or stream is on privately owned land you may be able to obtain permission from the landowner.
- State Land. This includes both endowment lands and navigable rivers (Public Trust Lands). Management goals for these two types of lands are different, so recreational mining is handled differently on these lands. See the section of this pamphlet on State Lands for more information.



- Streams on state endowment land may require an exploration location or a mineral lease from IDL because these lands are managed for the benefit of public schools and other endowment beneficiaries. In addition, a plan may be required for motorized exploration. Please contact the local Idaho Department of Lands Area Office for further information.
- Many navigable rivers are open for casual exploration **if** no one has filed an exploration location or mineral lease on that portion of the river **and** a Recreational Mining Permit is obtained from IDWR. However, a number of navigable rivers have been withdrawn from mineral entry. For additional information concerning these withdrawals, check with the local IDL Area office or the IDL website at: <https://www.idl.idaho.gov/wp-content/uploads/sites/116/2020/01/SectionsOfNavigableRiversWithdrawnFromMineralEntry-1.pdf>
- Federal Land. For streams within public lands administered by the US Forest Service (USFS) or the Bureau of Land Management (BLM), check with those agencies for any mining claims which may have been filed and for current regulations. They may also have surface management conditions or restrictions.

Are all waters open to recreational mining?

No. Please visit the links to IDWR and DEQ permits within this pamphlet for more information on open and closed streams and rivers.

What if I want to conduct recreational mining on BLM or USFS lands?

For the BLM Field Office contact information, visit the BLM website:

www.blm.gov

Contact your local USFS Ranger District office. Contact information may be obtained by visiting: www.fs.fed.us

Federal Mining Claims gives the claimant certain rights for mineral exploration on BLM and USFS owned mineral lands. IDL does not have information concerning Federal Mining Claims. This information can be found by visiting: www.blm.gov/lr2000/

Can I use my “high-banker” above the Ordinary High Water Mark (OHWM)?

Any equipment set up and/or operated above the OHWM is not covered by the Stream Channel Alteration Program and does not require a Letter Permit from IDWR so long as the material being processed is from above the OHWM and does not result in a discharge into State waters. However, the upland ownership must always be considered.

- If the high banker is motorized and used on State Endowment Lands an Exploration Location and Land Use Permit (LUP) with bonding are required.
- If the high banker is located on BLM or USFS ownership, contact those agencies for their permitting requirements.
- If the high banker is located on private ground, permission is needed from the landowner. If the equipment is motorized, a notification of motorized exploration must be sent to IDL. Depending upon the amount of disturbance, a Dredge and Placer Permit and bonding with IDL may be required.
- Discharge directly into surface waters is not allowed and may be a violation of Idaho Water Quality Standards and the Clean Water Act.

Do I have to get water rights to use water from a stream or river?

Yes. Under Idaho Code § 42-201, diversion of water by pumping or other methods from a stream requires a water right from the IDWR if the diverted water is used to operate mining equipment located above the Mean High Water Mark (MHW). Any withdrawal of water from a stream to operate mining equipment located above the MHW requires a valid temporary water right from IDWR: <http://www.idwr.idaho.gov/water-rights/>

