



IDAHO DEPARTMENT OF LANDS RESOURCE PROTECTION AND ASSISTANCE BUREAU

Mined Land Reclamation 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 are the financial assurance requirements?

Operations with five acres or less of disturbance will have a minimum financial assurance of \$5,000 per disturbed acre and it cannot exceed \$15,000 per disturbed acre unless conditions are met.

Operations with over five acres of disturbance must provide financial assurance in the amount necessary for the Board to pay the estimated reasonable costs of reclamation required under the reclamation plan, including indirect costs.

Are underground mines now regulated?

Yes, but only the surface effects. Existing underground mines that expand more than 50% over their July 1, 2019 surface disturbance, or new underground mines, must submit a reclamation plan and bond to IDL.

What are the requirements for underground mines?

Generally the same as those for surface mines. In addition, the size of all surface openings to underground mines must be described, and how those openings will be secured during reclamation.

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 financial assurance 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 twenty (20) feet high, or tailings ponds over thirty (30) 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 financial assurance with the U.S. Forest Service or Bureau of Land Management?

Yes. The state has a memorandum of understanding which allows the state to recognized valid financial assurances held by the other agency as long as such financial assurances are in an amount as great as or greater than that required by IDL. The U.S. Forest Service does not recognize corporate guarantees as a valid form of financial assurance, and the Bureau of Land Management does not recognize real property and corporate guarantees as valid forms of financial assurance.

How do I appeal a decision of the Department?

The procedure is outlined in Rule 080 and Rule 160.04 of the Rules Governing Mined Land Reclamation.

Can my permit application be confidential?

Drilling results, reserve calculations and production data may be kept confidential under the provisions of Sections 74-107 and 74-108, Idaho Code.

What are the application fees?

Type of Plan	Fee (Dollars)
Section 069* of IDAPA 20.03.02, Reclamation Plan 0 to 5 acres	Five hundred (\$500)
Section 069 of IDAPA 20.03.02, Reclamation Plan >5 to 40 acres	Six hundred (\$600)
Section 069 of IDAPA 20.03.02, Reclamation Plan over 40 acres	Seven hundred fifty (\$750)
Section 070** of IDAPA 20.03.02, Reclamation Plan 0 to 100 acres	One thousand (\$1,000)
Section 070 of IDAPA 20.03.02, Reclamation Plan >100 to 1000 acres	One thousand five hundred (\$1,500)
Section 070 of IDAPA 20.03.02, Reclamation Plan >1000 acres	Two thousand (\$2,000)
* Section 069 is for gravel pits, quarries, decorative stone sources, and simple industrial mineral mines	
** Section 070 is for hardrock, phosphate, and underground mines, and complex industrial mineral mines	