

Welcome to Rulemaking!

IDAPA 20.03.05
Rules Governing Riverbed Mineral
Leasing in Idaho

Agenda

- Welcome and Introductions
- Rulemaking
- Participation & guidance
- Draft Changes to Negotiated Rule
- Discussion
- Next Steps

IDAHO CONSTITUTION

LEGISLATIVE STATUTES (IDAHO CODE)

STATE AGENCY RULES (ADMINISTRATIVE CODE)

POLICIES

PROCEDURES

GUIDELINES AND OTHER WRITTEN INTERPRETATIONS

Public Participation

<https://www.idl.idaho.gov/rulemaking/docket-20-0305-2301/>

- Idaho Administrative Bulletin
- Postcards, Social Media Post
- Public Meetings
- Comments
 - rulemaking@idl.idaho.gov
 - Online Comment Form
 - 300 N. 6th St., Suite 103 – Boise ID 83720



Guidelines for Success

- Stay on topic
- Be respectful of others (raise hand / take turns speaking)
- Keep comments brief and relevant
- Offer specific wording suggestions

Zero-Based Regulation

Red Tape Reduction

Ensure Idaho regulations remain streamlined, user-friendly, and easy to understand.

Rule Text	Word Count	Restrictive Words	must	may not	required
Current Rule Text	2,253	20	8	2	10
IDL Draft	1,673	20	7	2	11
Reductions	- 580 (25.7%)	0	1	0	+1

Changes to Draft Rule Text (1 of 4)

Reduction to Overall Word Count

- ~~02. **Discretionary Powers.** The Board of Land Commissioners is delegated discretionary power to regulate and control the use or disposition of lands in the beds of navigable lakes, rivers, and streams, to the natural or ordinary high water mark thereof, so as to provide for their commercial, navigational, recreational or other public use; provided that the Board will take no action in derogation of or seeking to interfere with the riparian or littoral rights of the owners of upland property abutting or adjoining such lands. (Section 58-104(9), Idaho Code). (3-18-22)~~
- ~~01. **Title.** These rules are titled IDAPA 20.03.05, “Riverbed Mineral Leasing in Idaho.”~~

Changes to Draft Rule Text (2 of 4)

Efficiency

~~03. — **Casual Exploration.** Entry and/or exploration which does not appreciably disturb or damage the land or resources thereon. Casual exploration includes, but is not limited to, geochemical and/or geophysical exploration techniques, sampling with hand tools, and entry using wheeled vehicles for transportation to conduct such exploration. Exploration using suction dredges having an intake diameter of two inches (2") or less are considered casual exploration when operated in a perennial stream and authorized under the stream protection act, Title 42, Chapter 38, Idaho Code. Refer to Section 015 for further clarification regarding casual exploration and recreational mining. (3-18-22)~~

~~07. — **Motorized Exploration.** Exploration that may appreciably disturb or damage the land or resources thereon. Motorized exploration includes, but is not limited to, drilling, trenching, dredging, or other techniques that employ the use of earth moving or other motorized equipment, seismic operations using explosives, and sampling with suction dredges having an intake diameter greater than two inches (2") when operated in a perennial stream. When operated in an intermittent stream, suction dredges are considered motorized exploration regardless of the intake size. (3-18-22)~~

~~10. — **Recreational Mining.** Mining with a suction dredge having an intake diameter of five inches (5") or less, and attendant power sources, rated at fifteen (15) horsepower or less, pans, rockers, hand tools, hand operated sluices and other similar equipment. (3-18-22)~~

Changes to Draft Rule Text (3 of 4)

Efficiency

- **08. State-Owned Navigable Waterways and Navigable Waterways.** As used in these rules, the beds of all navigable rivers and lakes up to the natural or ordinary high water mark as of the date Idaho was admitted into statehood. This includes any such bed that was formerly submerged and subsequently filled, and is now uplands because of human activity (e.g., dikes, berms, jetties) or by natural processes, and includes islands within navigable waterways resulting from human activity or by natural processes.
- **05. Lake Encroachment Permits.** An encroachment permit pursuant to Title 58, Chapter 13, Idaho Code is required prior to any mineral exploration or extraction in a navigable lake.
- ~~**02. Minimum Annual Royalty.** In addition to the annual rental, the commercial lessee pays an annual minimum royalty of five hundred dollars (\$500) per year and all other lessees pay an annual minimum royalty of three hundred forty dollars (\$340) per year.
(3-18-22)~~
- ~~**03. Deduction of Royalty.** The annual minimum royalty and the annual rental for any year is deducted from the actual production royalty as it accrues for that year. (3-18-22)~~

Changes to Draft Rule Text (4 of 4)

Fee Increase

- 20.03.05.045. FEES
- 01. **Nonrefundable Lease Application-Fee for Lease.** ~~Fifty~~ Four hundred twenty five dollars (~~\$50~~425) per application.
- 02. **Nonrefundable Fee for Lease Application Advertising Application.** ~~Forty-seventy-~~five dollars (~~\$45~~75) per application.
- 03. **Exploration Location Fee.** ~~Two hundred fifty~~ Five hundred dollars (~~\$250~~500) per location.
- 04. **Application Fee for Approval of Assignment.** ~~Fifty~~ Two hundred dollars (~~\$5~~200) per lease ~~or location~~ involved in the assignment.

Program: Navigable Waterways Mineral Leasing	Current	Proposed
Assignment Fee	\$ 50	\$ 200
Lease Application Advertising Fee	\$ 50	\$ 75
Exploration Location Fee	\$ 250	\$ 500
Application Fee	\$ 50	\$ 425

Fee Increase

Lease Application/ Renewal Process		
Step	Cost (\$)	Time (hr) Avg
Education/Correspondence	\$ 30.33	0.75
Date stamp & Deposit fee	\$ 14.67	0.50
Process Payment	\$ 14.67	0.50
Review application & data	\$ 80.88	2.00
Enter Record into Landfolio	\$ 53.92	1.33
Inspect Site	\$ 107.84	2.67
Write up & issue Compliance Report	\$ 60.66	1.50
Correspondence w. Applicant/Finalize Lease	\$ 30.33	0.75
Issue Lease	\$ 29.34	1.00
Total	\$ 422.64	11.00
	\$ 425.00	

Lease Assignment Process		
Step	Cost (\$)	Time (hr) Avg
Education/Correspondence	\$ 30.33	0.75
Receive Assignment, date stamp & deposit fee	\$ 14.67	0.50
Process payment	\$ 14.67	0.50
Review application & data	\$ 60.66	1.50
Enter into Landfolio	\$ 53.92	1.33
Issue assignment	\$ 29.34	1.00
Total	\$ 203.59	5.58
	\$ 200.00	

Next Steps

- June 16 Public's deadline to submit comments to IDL
- July 18 IDL update to Land Board
- September 6 Proposed rule published in Bulletin and start of 21-day public comment period
- September 27 Deadline to submit comments to the Bulletin
- October 17 Present pending rule to Land Board
- 2024 Present pending rule to 2024 Legislature

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Thank you for your input today!

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Idaho Department of Lands · Navigable Waterways Program

<https://www.idl.idaho.gov/rulemaking/docket-20-0305-2301/>