

STATE BOARD OF LAND COMMISSIONERS

August 16, 2022

Resource Protection and Assistance Bureau Biannual Report

The Resource Protection and Assistance (RPA) Bureau houses the non-endowment regulatory functions within the Division of Minerals, Navigable Waterways, and Oil and Gas. The Navigable Waterways Program administers mostly lake encroachment permits and submerged lands leases, and the Minerals Program administers the surface mining reclamation plans, dredge and placer permits, and abandoned mine land projects. The Navigable Waterways Program is self-supported through a dedicated account, and the Minerals Program is supported through a mixture of general fund and dedicated fund sources.

Navigable Waterways Program

INSTRUMENT ACTIVITY - Instruments issued FY2015 through FY2022:

Table 1: Navigable Waterways Historical Instrument Numbers								
Instrument Type	2015	2016	2017	2018	2019	2020	2021	2022
Encroachment Permits Issued	282	327	289	338	412	383	542	425
Active Submerged Land Leases	179	185	192	180	172	179	176	153
New Submerged Land Leases	26	11	8	36	48	24	17	6
Active Riverbed Mineral Leases	3	2	2	2	2	3	1	1
New Riverbed Mineral Leases	0	1	0	0	0	0	0	0
Active Exploration Locations	10	2	3	4	2	3	5	2
New Exploration Locations	2	0	1	2	4	0	0	1
New Submerged Land Easements	11	27	6	2	3	2	3	6
New Disclaimers of Interest	2	2	1	3	0	1	2	2

PAST 6-MONTH HIGHLIGHTS

- **Winter Dock Storage.** The Department has been working with three marine contractors over the last two years to bring their winter dock storage areas into compliance. Three storage areas are on Lake Coeur d'Alene, and one is on Hayden Lake. Two leases are now signed and two are being circulated for signature.
- **Administrative Hearings.** Between January 1, 2022 and June 30, 2022, the Department ordered two public hearings and three contested case hearings on encroachment permit applications. Two were approved, two were denied, one was vacated.

- Negotiated Rulemaking.** In compliance with Executive Order 2020-01, negotiated rulemaking occurred for the administrative rule "Rules Governing Leases on State-Owned Submerged Lands and Formerly Submerged Lands," IDAPA 20.03.17. A proposed rule was completed and will be published in the September Bulletin for the 2023 legislative session.

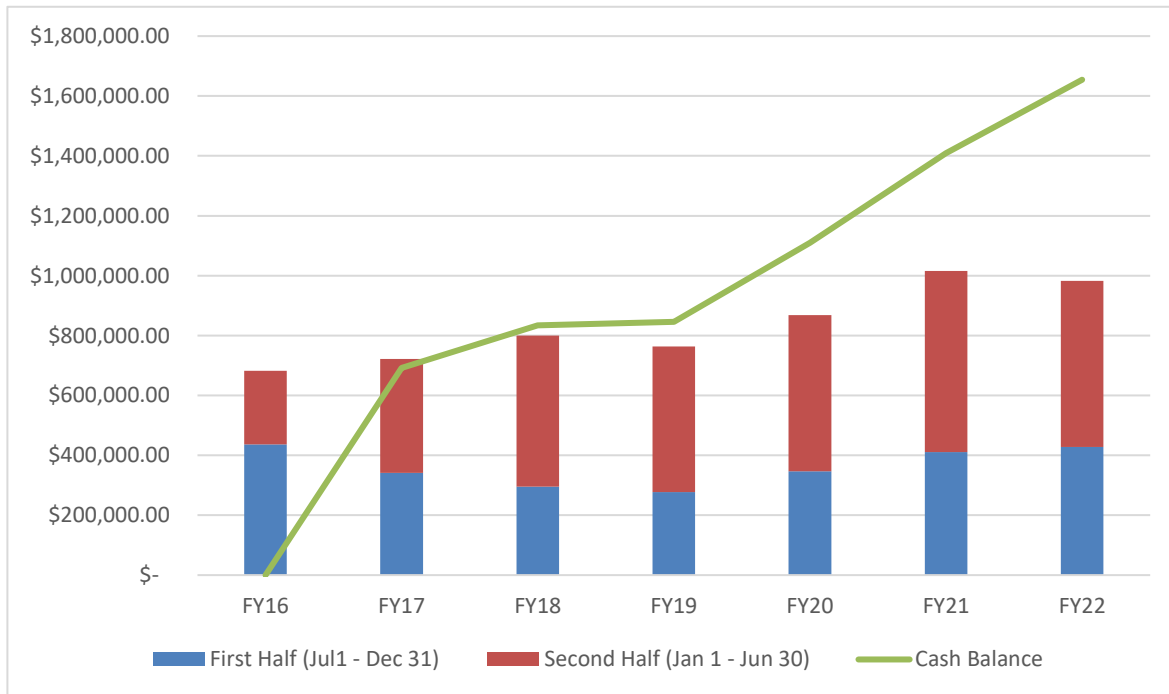
NEXT 6 MONTHS

- Research for next rulemaking.** The next scheduled rulemaking for this program under Executive Order 2020-01 is "Riverbed Mineral Leasing in Idaho," IDAPA 20.03.05. Research on navigable waterways mineral leasing is needed to lay the groundwork for a successful 2023 rulemaking. This activity has a complex interaction with other state and federal laws and rules, and a very vocal constituency.

FINANCIAL UPDATE

- The Department generated \$555,096.81 from navigable waterways in the second half of FY2022. Total revenue for FY2022 was \$982,900. This is a 3% drop from the previous year, but 18% more than the five year average.

Figure 1: Navigable Waterways Program Revenue and Cash Balance



Regulatory Minerals Program

PAST 6-MONTH HIGHLIGHTS

- **Large Mine Reviews.** The Department provided comments for a Supplemental EIS being prepared for Perpetua Resources' Stibnite Gold Project and is working with DEQ to review the cyanidation permit and permanent closure plan. The Department is also participating in the EIS process for two phosphate mines, Dairy Syncline by Simplot, and Husky North Dry Ridge by Itafos. Additionally, the Department is working on signing an MOU regarding an EIS for Integra's DeLamar Mine expansion.

LOOKING FORWARD

- **Database Cleanup.** Working on cleaning up the existing database and financial assurance information to ensure data accuracy.

TOTAL PERMITS AND BONDING

The Department currently administers 1,545 mine sites covered by reclamation plans and 31 covered by dredge and placer permits. The mines are presented in Table 2 by category, and Table 3 has historical plan numbers.

Table 2: Current Mine Permit Categories			
Sand and Gravel Mines (IDAPA 20.03.02.069)	Hardrock, Phosphate & Complex Industrial (IDAPA 20.03.02.070)	Cyanidation Mines (IDAPA 20.03.02.071)	Dredge and Placer Permits (IDAPA 20.03.01)
1514	31	-	31

Table 3: Regulatory Minerals Historical Instrument Numbers										
Instrument Type	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Mined Land Reclamation										
New Reclamation Plans	20	20	25	36	24	18	28	17	10	10
Retirements	7	17	14	36	15	22	9	13	7	14
Total Reclamation Plans	1,536	1,537	1,528	1,530	1,542	1,540	1,561	1,580	1574	1545
Dredge and Placer										
New/Amended Permits	1	0	1	3	3	1	2	0	1	2
Retirements	-	-	-	-	2	0	1	0	0	0
Total Permits	25	25	25	25	26	27	28	28	29	31
Note: Inspections, Amendments, and Non-compliance are not currently tracked										

Mine operators are eligible to provide bonding through traditional methods or the Bond Assurance Fund (BAF). Tables 4 and 5 list the acres and bond amounts currently in place for different types of mining operations. Created in 2006, the BAF provides another reclamation bonding option for small operators on private and state lands. This is a dedicated account with revenue from annual fees of approximately \$151,000 per year. Billings are mailed in September with a November 1 due date. Table 6 has revenue from the FY2022 billing. Figure 2 illustrates the revenue, expenditures, and balance for this fund.

Table 4: Bonding for Sand and Gravel, Light Industrial, and Placer Permits								
	Reclamation Plans (IDAPA 20.03.02.069)				Dredge and Placer Permits (IDAPA 20.03.01)			
	Plans	Permitted Acres	Total Bond	Bond/Acre	Permits	Affected Acres	Total Bond	Bond/Acre
Traditional Bond ¹	290	19,451	\$16.5 Million	\$848	23	169	\$238K	\$1,412
Bond Assurance Fund	610	31,773	n/a	n/a	8	63	n/a	n/a

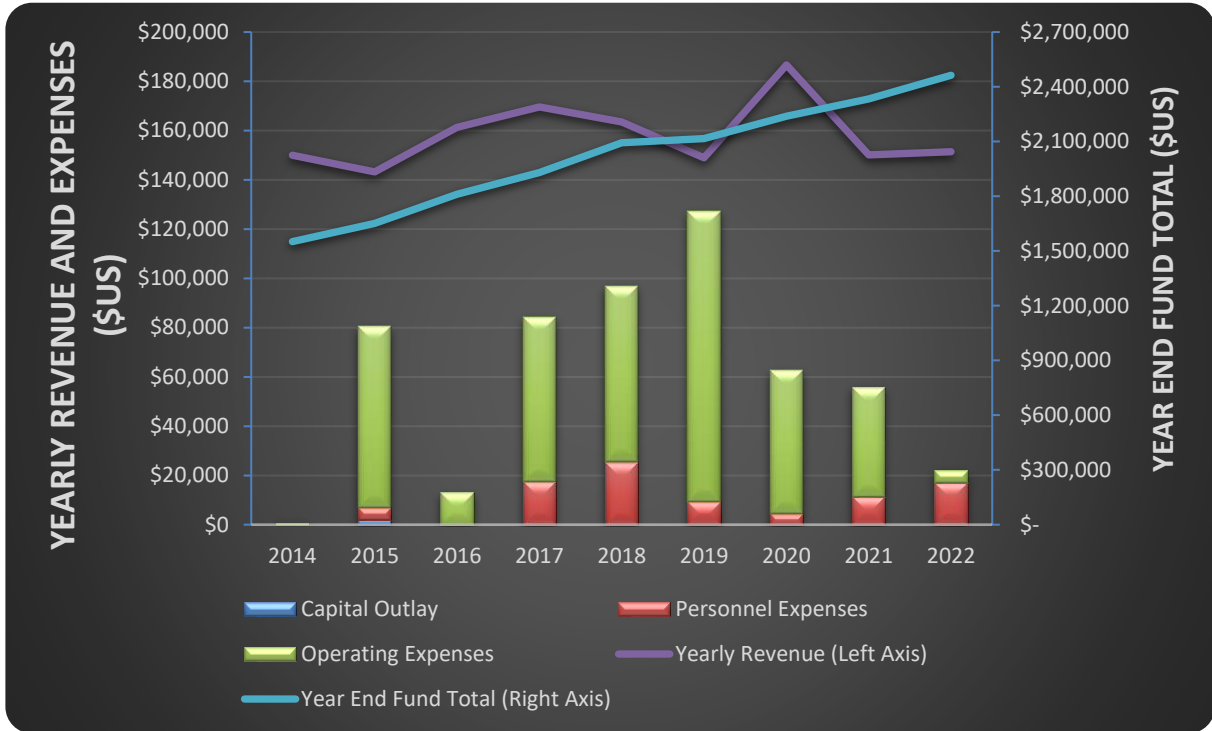
¹ Surety Bond, Letter of Credit, Certificate of Deposit, or Cash

Table 5: Bonding for Hardrock, Phosphate and Complex Industrial				
	Reclamation Plans (IDAPA 20.03.02.070)			
	Permits	Permitted Acres	Total Bond	Bond/Acre
Traditional Bond ¹	31	21,920	\$158 Million	\$7,230

¹ Surety Bond, Letter of Credit, Certificate of Deposit, or Cash

Table 6: Bond Assurance Fund Billing (For FY2022)			
Disturbance (ACRES)	Annual Fee Schedule (\$)	Total Permits Distribution	Total Annual Fees Due (\$)
2 acres or less	\$100	161	\$16,100
> 2 acres ≤ 5 acres	\$200	146	\$29,200
> 5 acres ≤ 10 acres	\$250	138	\$34,500
> 10 acres ≤ 15 acres	\$300	56	\$16,800
> 15 acres ≤ 20 acres	\$350	41	\$14,350
> 20 acres ≤ 25 acres	\$400	25	\$10,000
> 25 acres ≤ 30 acres	\$450	20	\$9,000
> 30 acres ≤ 35 acres	\$500	5	\$2,500
> 35 acres ≤ 40 acres	\$550	18	\$9,900
	TOTAL	614	\$142,350.00

Figure 2: Bond Assurance Fund - Revenue, Expenditures, and Fund Balance



ABANDONED MINE LANDS

The abandoned mine lands (AML) program is funded through 34% of Idaho's Mine License Tax, a 1% net tax of Idaho's mining industry (excluding sand and gravel as described in Idaho Code § 47-1205). The Department's share of income for FY2022 was \$7,277. Table 7 lists the projects worked on in the second half of FY2022. Figure 3 illustrates the revenue, expenditures, and balance for this fund.

Project Name	Project Description
Triumph Mine	Sampling, ground water modeling, site drainage, NPDES permitting.
Idaho Geological Survey	AML information compilation and digitization.
Project Planning	Inspected several sites across the state for closures.

Figure 3: AML Fund - Revenue, Expenditures, and Fund Balance

