

STATE BOARD OF LAND COMMISSIONERS

February 21, 2023

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 encroachment permits and submerged lands leases, and the Minerals Program administers 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 first half of FY2023:

Table 1: Navigable Waterways Historical Instrument Numbers								
Instrument Type	2016	2017	2018	2019	2020	2021	2022	2023
Encroachment Permits Issued	327	289	338	412	383	542	425	191
Active Submerged Land Leases	185	192	180	172	179	176	153	176
New Submerged Land Leases	11	8	36	48	24	17	6	24
Active Riverbed Mineral Leases	2	2	2	2	3	1	1	1
New Riverbed Mineral Leases	1	0	0	0	0	0	0	0
Active Exploration Locations	2	3	4	2	3	5	2	2
New Exploration Locations	0	1	2	4	0	0	1	0
New Submerged Land Easements	27	6	2	3	2	3	6	1
New Disclaimers of Interest	2	1	3	0	1	2	2	2

PAST 6-MONTH HIGHLIGHTS

- **Active Leases.** The Department has been working through new and renewed leases, and as a result active leases have increased from 153 in FY2022 to 176 in just the first half of FY2023. Income from these leases has increased 63% over the five year average.
- **Administrative Hearings.** Between July 1, 2022 and December 31, 2022, the Department ordered three public hearings and two contested case hearings on encroachment permit applications. Two were approved, two were denied, one was partially approved.

- Negotiated Rulemaking.** In compliance with Executive Order 2020-01, the administrative rule "Rules Governing Leases on State-Owned Navigable Waterways," IDAPA 20.03.17, was approved as a pending rule for review by the 2023 legislature. A rulemaking packet was prepared for the legislative session. Permission was also obtained to start negotiated rulemaking for "Riverbed Mineral Leasing in Idaho," IDAPA 20.03.05.

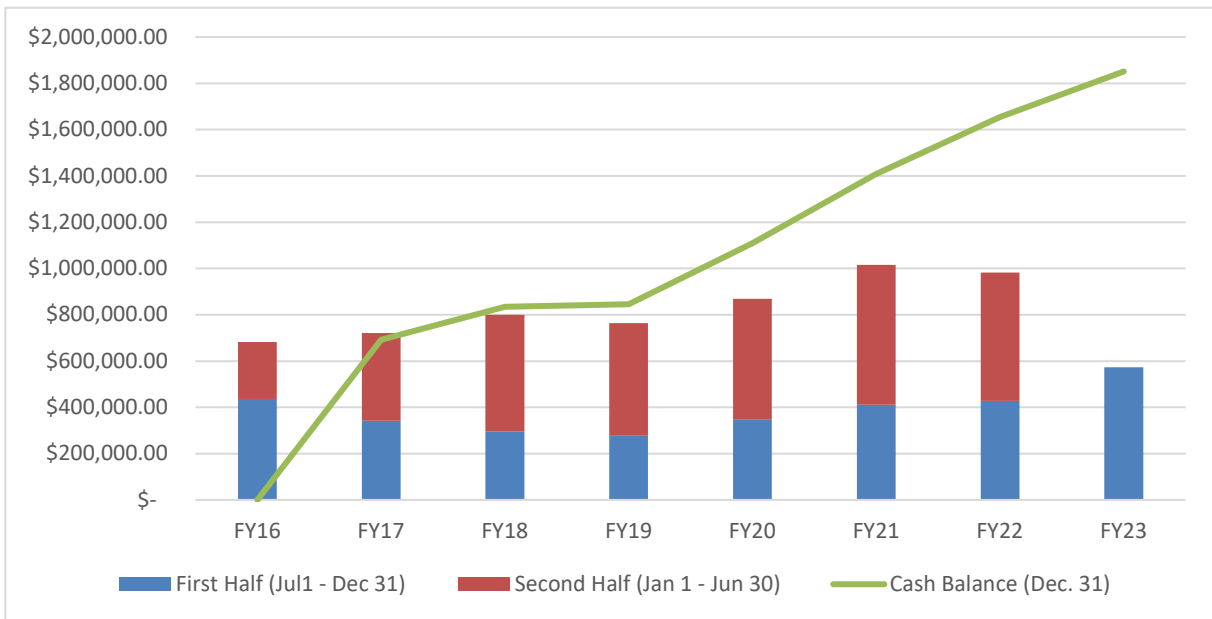
NEXT 6 MONTHS

- Research and Negotiated Rulemaking.** Research is almost completed for "Riverbed Mineral Leasing in Idaho," IDAPA 20.03.05. This rule will be negotiated in 2023 prior to the old rules being repealed in 2024.

FINANCIAL UPDATE

- The Department generated \$573,436 from navigable waterways in the first half of FY2023. This is 63% more than the 5-year average of \$351,793 for this 6-month period.

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 Draft Supplemental EIS prepared for Perpetua Resources' Stibnite Gold Project and is working with Department of Environmental Quality (DEQ) to review the supporting documents for the cyanidation permit and permanent closure plan. A Final EIS was issued for Husky 1 North Dry Ridge proposed by Itafos. Integra's DeLamar Mine expansion has been redesigned and they are working on a modified proposed plan for the agencies.

LOOKING FORWARD

- Cyanide Permanent Closure Plan.** The Department anticipates that Perpetua will submit a revised Permanent Closure Plan and Ore Processing by Cyanidation Application to the Department and DEQ for review.

TOTAL PERMITS AND BONDING

The Department currently administers 1,556 mine sites covered by reclamation plans and 30 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)
1524	32	-	30

Table 3: Regulatory Minerals Historical Instrument Numbers										
Instrument Type	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Mined Land Reclamation										
New Reclamation Plans	20	25	36	24	18	28	17	10	10	16
Retirements	17	14	36	15	22	9	13	7	14	11
Total Reclamation Plans	1,537	1,528	1,530	1,542	1,540	1,561	1,580	1,574	1,545	1,556
Dredge and Placer										
New/Amended Permits	0	1	3	3	1	2	0	1	2	0
Retirements	-	-	-	2	0	1	0	0	0	1
Total Permits	25	25	25	26	27	28	28	29	31	30
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 \$156,000 per year. Billings are mailed in September with a November 1 due date. Table 6 has revenue from the FY2023 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	307	22,315	\$24.3 Million	\$1,088	22	167	\$235K	\$1,409
Bond Assurance Fund	607	31,676	n/a	n/a	8	63	n/a	n/a

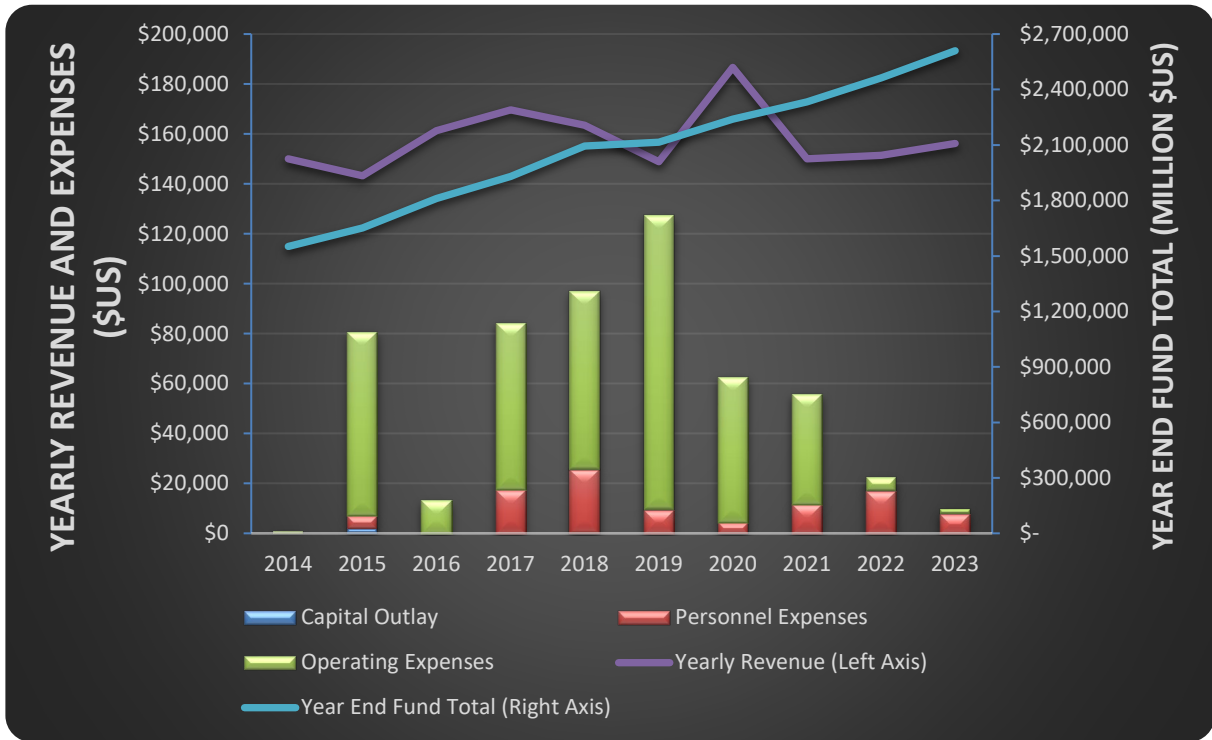
¹ Surety Bond, Letter of Credit, Certificate of Deposit, or Cash

Table 5: Bonding for Hardrock, Phosphate & Complex Industrial				
Reclamation Plans (IDAPA 20.03.02.070)				
	Permits	Permitted Acres	Total Bond	Bond/Acre
Traditional Bond ¹	32	22,003	\$223 Million	\$10,147

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

Table 6: Bond Assurance Fund Billing (For FY2023)			
Disturbance (ACRES)	Annual Fee Schedule (\$)	Total Permits Distribution	Total Annual Fees Due (\$)
2 acres or less	\$100	157	\$15,700
> 2 acres ≤ 5 acres	\$200	148	\$29,600
> 5 acres ≤ 10 acres	\$250	137	\$34,250
> 10 acres ≤ 15 acres	\$300	53	\$15,900
> 15 acres ≤ 20 acres	\$350	39	\$13,650
> 20 acres ≤ 25 acres	\$400	24	\$9,600
> 25 acres ≤ 30 acres	\$450	24	\$10,800
> 30 acres ≤ 35 acres	\$500	8	\$4,000
> 35 acres ≤ 40 acres	\$550	17	\$9,400
TOTAL		607	\$142,900.00

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 the first half of FY2023 was \$9,574. Table 7 lists the projects worked on in the first half of FY2023. 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

