

# STATE BOARD OF LAND COMMISSIONERS

February 20, 2024

## 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, easements, and disclaimers of interest. 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 FY2017 through first half of FY2024:

Table 1: Navigable Waterways Historical Instrument Numbers								
Instrument Type	2017	2018	2019	2020	2021	2022	2023	2024
Encroachment Permits Issued	289	338	412	383	542	425	384	159
Active Submerged Land Leases	192	180	172	179	176	153	196	189
New Submerged Land Leases	8	36	48	24	17	6	39	10
Active Riverbed Mineral Leases	2	2	2	3	1	1	1	1
New Riverbed Mineral Leases	0	0	0	0	0	0	0	0
Active Exploration Locations	3	4	2	3	5	2	2	1
New Exploration Locations	1	2	4	0	0	1	0	0
New Submerged Land Easements	6	2	3	2	3	6	4	6
New Disclaimers of Interest	1	3	0	1	2	2	5	3

### PAST 6-MONTH HIGHLIGHTS

- **Administrative Hearings.** Between July 1, 2023 and December 31, 2023, the Department ordered three public hearings and three contested case hearings on encroachment permit applications. Five resulted in approval and one has not yet been held.
- **Negotiated Rulemaking.** In compliance with Executive Order 2020-01, the administrative rule "Riverbed Mineral Leasing in Idaho," IDAPA 20.03.05, was approved as a pending rule for review by the 2024 legislature.

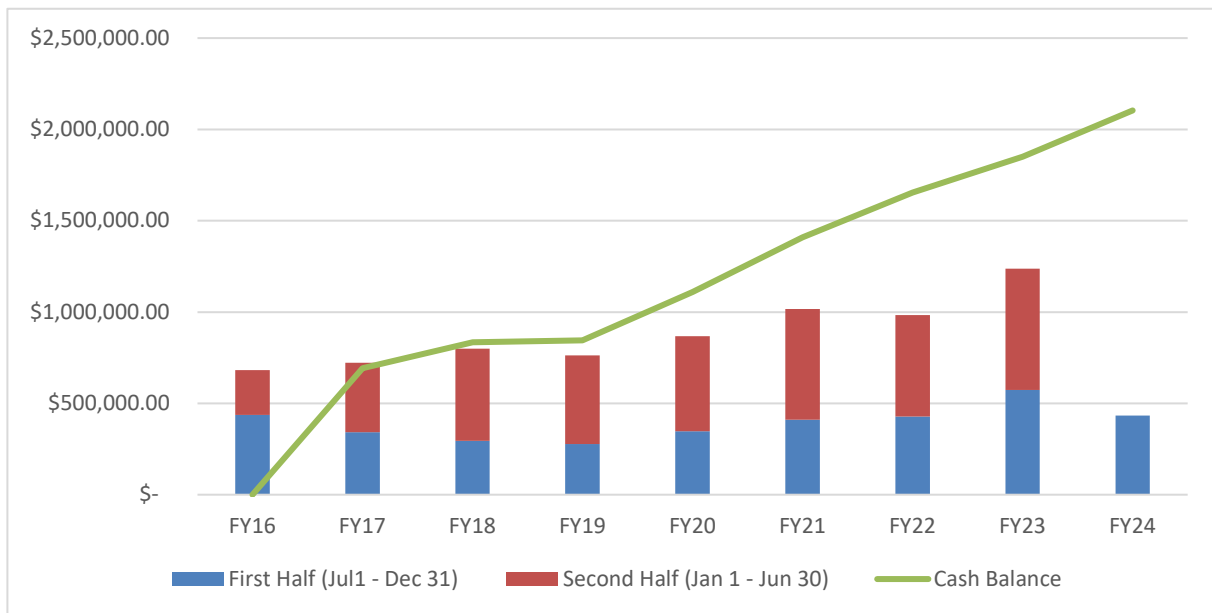
## NEXT 6 MONTHS

- **Research and Negotiated Rulemaking.** Preparations are underway to start negotiated rulemaking for "Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho," IDAPA 20.03.04. This will allow extra time for negotiations prior to presentation at the 2026 legislative session.

## FINANCIAL UPDATE

- The Department generated \$432,780 from navigable waterways in the first half of FY2024. The dedicated fund for this program exceeded \$2 million for the first time as shown in Figure 1. The Department anticipates a transfer to the waterways improvement fund established pursuant to § [57-1501](#) at the end of this fiscal year.

**Figure 1: Navigable Waterways Program Revenue and Cash Balance**



## Regulatory Minerals Program

### PAST 6-MONTH HIGHLIGHTS

- **Negotiated Rulemaking.** In compliance with Executive Order 2020-01, the administrative rules "Rules Governing Dredge and Placer Mining Operations in Idaho," IDAPA 20.03.01, and "Rules Governing Administration of the Reclamation Fund," IDAPA 20.03.03, were approved as pending rules for review by the 2024 legislature.
- **Large Mine Reviews.** The Department reviewed the Preliminary Final Supplemental EIS prepared for Perpetua Resources' Stibnite Gold Project and worked with the Forest Service on a possible mitigation measure related to topsoil. The Department

also worked with DEQ to review the cyanidation permit and permanent closure plan. Integra's DeLamar Mine expansion continued to evolve, and the Department reviewed related documents with other agencies. First Gold hosted an interagency site visit for a new Black Pine Mountain Mine in Cassia County.

**LOOKING FORWARD**

- **Research and Negotiated Rulemaking.** Preparations are underway to start negotiated rulemaking for "Rules Governing Mined Land Reclamation," IDAPA 20.03.02. This will allow extra time for negotiations prior to presentation at the 2026 legislative session.
- **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. Staff are working with them to set up a third party review of the reclamation cost estimate for that plan as allowed by statute.

**TOTAL PERMITS AND BONDING**

The Department currently administers 1,584 mine sites covered by reclamation plans and 28 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)
1552	32	-	28

Table 3: Regulatory Minerals Historical Instrument Numbers										
Instrument Type	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
<b>Mined Land Reclamation</b>										
New Reclamation Plans	25	36	24	18	28	17	10	10	29	17
Retirements	14	36	15	22	9	13	7	14	20	12
Total Reclamation Plans	1,528	1,530	1,542	1,540	1,561	1,580	1574	1545	1571	1584
<b>Dredge and Placer</b>										
New/Amended Permits	1	3	3	1	2	0	1	2	0	0
Retirements	-	-	2	0	1	0	0	0	3	0
Total Permits	25	25	26	27	28	28	29	31	28	28

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. Table 6 has details from the FY2024 BAF billing. Figure 2 illustrates the revenue, expenditures, and balance for this fund.

<b>Table 4: Bonding for Sand and Gravel, Light Industrial, and Placer Permits</b>								
	<b>Reclamation Plans (IDAPA 20.03.02.069)</b>				<b>Dredge and Placer Permits (IDAPA 20.03.01)</b>			
	<b>Plans</b>	<b>Permitted Acres</b>	<b>Total Bond</b>	<b>Bond/Acre</b>	<b>Permits</b>	<b>Affected Acres</b>	<b>Total Bond</b>	<b>Bond/Acre</b>
Traditional Bond <sup>1</sup>	312	23,633	\$22 Million	\$939	22	97.5	\$232K	\$2,380
Bond Assurance Fund	621	28,352	n/a	n/a	6	32	n/a	n/a

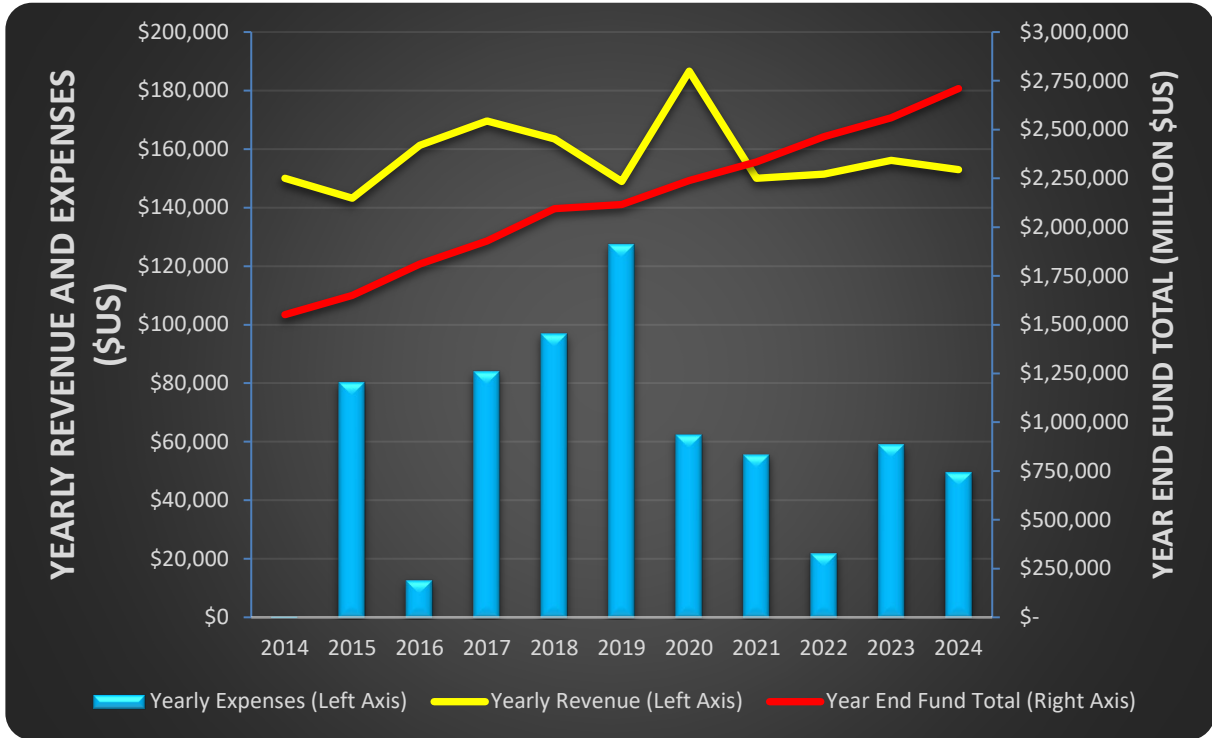
<sup>1</sup> Surety Bond, Letter of Credit, Certificate of Deposit, or Cash

<b>Table 5: Bonding for Hardrock, Phosphate &amp; Complex Industrial</b>				
	<b>Reclamation Plans (IDAPA 20.03.02.070)</b>			
	<b>Permits</b>	<b>Permitted Acres</b>	<b>Total Bond</b>	<b>Bond/Acre</b>
Traditional Bond <sup>1</sup>	32	22,029	\$224 Million	\$10,159

<sup>1</sup> Surety Bond, Letter of Credit, Certificate of Deposit, or Cash

<b>Table 6: Bond Assurance Fund Billing (For FY2024)</b>			
<b>Disturbance (ACRES)</b>	<b>Annual Fee Schedule (\$)</b>	<b>Total Permits Distribution</b>	<b>Total Annual Fees Due (\$)</b>
2 acres or less	\$100	157	\$15,700
> 2 acres ≤ 5 acres	\$200	154	\$30,800
> 5 acres ≤ 10 acres	\$250	140	\$35,000
> 10 acres ≤ 15 acres	\$300	54	\$16,200
> 15 acres ≤ 20 acres	\$350	39	\$13,650
> 20 acres ≤ 25 acres	\$400	27	\$10,800
> 25 acres ≤ 30 acres	\$450	24	\$10,800
> 30 acres ≤ 35 acres	\$500	7	\$3,500
> 35 acres ≤ 40 acres	\$550	19	\$10,450
<b>TOTAL</b>		<b>621</b>	<b>\$146,900.00</b>

**Figure 2: Bond Assurance Fund - Revenue, Expenses, and Fund Balance Through May**



**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 FY2024 was \$160,363.36. Table 7 lists the projects worked on in the first half of FY2024. 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.
Star Hope Mine	Closed one adit, inspected one open shaft
Yankee Fork Mines	Inspected several caved adits and a shaft, and one open adit
Copper Basin Mine	Inspected several caved adits and three open shafts
Silver City	Inspected stope in city street

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

