

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

Resource Protection and Assistance Bureau

20.03.01 – Rules Governing Dredge and Placer Mining Operations in Idaho

Who does this rule apply to?

- Dredge or placer miners
- Exploration activities upon a placer deposit using motorized earth-moving equipment

What is the purpose of this rule?

This rule implements the Idaho Dredge and Placer Mining Protection Act, which enables the removal of minerals while preserving water quality and ensuring rehabilitation for beneficial use of the land following mining.

The Act and this rule establish:

- Requirements for placer mine exploration;
- Procedures for getting a placer and dredge mining permit;
- Requirements for posting financial assurance to ensure the completion of rehabilitation; and
- Procedures for inspections

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statute passed by the Idaho Legislature:

Mines and Mining -

- [Section 47-1316, Idaho Code](#) – Dredge Mining: Administrative Agency

Who do I contact for more information on this rule?

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20.03.01 – RULES GOVERNING DREDGE AND PLACER MINING OPERATIONS IN IDAHO

000. LEGAL AUTHORITY.

This Chapter is adopted under the legal authorities of Title 47, Chapter 13, Idaho Code, Section 47-1316; Title 58, Chapter 1, Idaho Code, Sections 58-104(6) and 58-105; and Title 67, Chapter 52, Idaho Code. The Board has delegated to the Director the duties and powers under the act and these rules; provided that the Board retains responsibility for approval of permits. (7-1-24)

001. SCOPE.

01. Scope. These rules establish the notification requirements for dredge and placer exploration, and the application and operation requirements of dredge and placer mines. In addition, these rules establish the reclamation and financial assurance requirements for all these activities. (7-1-24)

02. Applicability. These rules are to be read and applied in conjunction with the Act. (7-1-24)

a. These rules apply to all lands within the state, including private and federal lands, which are disturbed by dredge or placer mining conducted after November 24, 1954. (7-1-24)

b. These rules apply to the following activities: (7-1-24)

i. All dredge and placer exploration activities using motorized earth-moving equipment. (7-1-24)

ii. The extraction of minerals from a placer deposit, including the removal of vegetation, topsoil, overburden, and minerals; construction and operation of on-site processing equipment; disposal of overburden and waste materials; design and operation of siltation and other water quality control facilities; and other activities contiguous to the mining site that disturb land and affect water quality and/or water quantity. (7-1-24)

c. These rules do not apply to the following: (7-1-24)

i. Mining operations regulated by the Mined Land Reclamation Act; (7-1-24)

ii. Surface disturbance caused by the underground mining of a placer deposit, unless the deposit outcrops on or near the surface and the operation will result in the probable subsidence of the land surface. (7-1-24)

iii. Dredging operations conducted for the sole purpose of establishing and maintaining a channel for navigation. (7-1-24)

iv. Dredging operations in streams or rivers using suction dredges with an intake diameter of eight (8) inches or less. (7-1-24)

03. Other Laws. Dredge and placer exploration and mining operations must comply with all applicable rules and laws of the state of Idaho including, but not limited to, the following: (7-1-24)

a. Idaho water quality standards established in Title 39, Chapters 1 and 36, Idaho Code and IDAPA 58.01.02, "Water Quality Standards". (7-1-24)

b. Wastewater treatment or disposal plan and specification review established in IDAPA 58.01.16, and IPDES requirements in IDAPA 58.01.25 administered by DEQ. (7-1-24)

c. Idaho Dam Safety Act, Section 42-1710 through 42-1721, Idaho Code, and applicable rules as promulgated and administered by the Idaho Department of Water Resources. (7-1-24)

d. Idaho Stream Channel Protection Act, Title 42, Chapter 38, Idaho Code, and applicable rules as promulgated and administered by the Idaho Department of Water Resources. (7-1-24)

002. -- 009. (RESERVED)

010. DEFINITIONS.

In addition to the definitions set forth in the Act, the following definitions apply to these rules: (7-1-24)

01. Act. The Idaho Dredge and Placer Mining Protection Act, Title 47, Chapter 13, Idaho Code. (7-1-24)

- 02. Approximate Previous Contour.** A contour reasonably comparable to that contour existing prior to disturbance, or that blends with the adjacent topography. (7-1-24)
- 03. Best Management Practices.** A practice or combination of practices, techniques or measures developed, or identified, by the designated agency and identified in the state water quality management plan which are determined to be the cost-effective and practicable means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals. (7-1-24)
- 04. Department.** The Idaho Department of Lands. (7-1-24)
- 05. Mine Panel.** That area designated by the Permittee as an identifiable portion of a placer or dredge mine on the map submitted under Subsection 021.04 of these rules. (7-1-24)
- 06. Mulch.** Vegetation residues or other suitable materials to aid in the stabilization of soil and soil moisture conservation. (7-1-24)
- 07. Overburden.** Material extracted by a Permittee which is not a part of the material ultimately removed from a placer or dredge mine and marketed by a Permittee, exclusive of mineral stockpiles. Overburden is comprised of topsoil and waste. (7-1-24)
- 08. Overburden Disposal Area.** Land surface upon which overburden is piled or planned to be piled. (7-1-24)
- 09. Permanent Cessation.** Mining operations as to the whole or any part of the permit area have stopped and there is substantial evidence that such operations will not resume within one (1) year. The date of permanent cessation is the last day when mining operations are known or can be shown to have occurred. (7-1-24)
- 10. Permit.** Dredge or placer mining permit issued under the Act and these rules. (7-1-24)
- 11. Permittee.** The person in whose name the permit is issued and who is held responsible for compliance with the conditions of the permit by the Department. (7-1-24)
- 12. Pit.** An excavation created by the extraction of minerals or overburden during placer mining or exploration operations. (7-1-24)
- 13. Placer Stockpile.** Placer deposit material extracted during past or present dredge or placer mining operations. (7-1-24)
- 14. Reclamation.** The process of restoring an area disturbed by a placer or dredge mining operation or exploration operation to its original or another beneficial use, considering land uses, possible future uses, and surrounding topography. The objective is to re-establish a diverse, self-perpetuating plant community, and to minimize erosion, remove hazards, and maintain water quality. (7-1-24)
- 15. Revegetation.** The establishment of the premining vegetation or a comparable vegetative cover on the land disturbed by placer or dredge mining operations. (7-1-24)
- 16. Settling Pond.** A man-made enclosure or natural impoundment structure constructed and used for the purpose of treating mine process water and/or runoff water from adjacent disturbed areas by the removal or settling of sediment particles. Several types of settling ponds or a series of smaller ponds may be used in water management. The most common type is a recycle or recirculation pond which is used to pump clarified water back to the wash plant operation. (7-1-24)
- 17. Surface Waters.** The surface waters of the state of Idaho. (7-1-24)
- 18. Topsoil.** The unconsolidated mineral and organic matter naturally present on the surface of the earth that is necessary for the growth and regeneration of vegetation. (7-1-24)

011. ABBREVIATIONS.

- 01. BMP.** Best Management Practices. (7-1-24)
- 02. DEQ.** Idaho Department of Environmental Quality. (7-1-24)

012. -- 019. (RESERVED)

020. PLACER OR DREDGE EXPLORATION OPERATIONS.

01. Notice. Any person desiring to conduct placer or dredge exploration operations using motorized earth-moving equipment must, prior to or within seven (7) days of commencing exploration, notify the Director. The notice includes the following: (7-1-24)

- a.** The name and address of the operator; (7-1-24)
- b.** The legal description of the exploration operation and a map of sufficient scale to show the location of the exploration and nearby roads and streams. (7-1-24)
- c.** The exploration starting and estimated completion dates; and (7-1-24)
- d.** The anticipated size of the exploration operation and the general method of operation. (7-1-24)

02. One-Half Acre Limit. Any placer or dredge exploration operation that causes a cumulative surface disturbance in excess of one-half (1/2) acre of land, including roads, is considered a placer or dredge mining operation and subject to the requirements outlined in Sections 021 through 065. Lands disturbed by any placer or dredge exploration operation that causes a cumulative surface disturbance of less than one-half (1/2) acre of land, including roads, must be restored to conditions reasonably comparable to conditions existing prior to the placer or dredge exploration operation and as outlined in Subsection 020.03. (7-1-24)

03. Reclamation Required. The following reclamation activities, required to be conducted on exploration sites, must be performed in a workmanlike manner with all reasonable diligence, and as to a given exploration drill hole, road, pit, or trench, within one (1) year after abandonment thereof: (7-1-24)

- a.** Drill holes must be plugged within one (1) year of abandonment with a permanent concrete or bentonite plug: (7-1-24)
- b.** Restore all disturbed lands, including roads, to conditions reasonably comparable to conditions existing prior to the placer or dredge exploration operations: (7-1-24)
- c.** Conduct revegetation activities in accordance with Subsection 040.15. Unless otherwise required by a federal agency, one (1) pit or trench on a federal mining claim showing discovery, may be left open pending verification by federal mining examiners. Such abandoned pits and trenches must be reclaimed within one (1) year of verification; (7-1-24)
- d.** If water runoff from exploration operations causes siltation or other pollution of surface waters, the operator will prepare disturbed lands and adjoining lands under his or her control, as is necessary to meet state water quality standards: (7-1-24)
- e.** Abandoned lands disturbed by an exploration operation must be top-dressed to the extent that such overburden is reasonably available from any pit or other excavation created by the exploration operation, with that type of overburden that is conducive to the control of erosion or the growth of vegetation that the operator elects to plant thereon; and (7-1-24)
- f.** Any water containment structure created in connection with exploration operations will be constructed, maintained, and reclaimed so as not to constitute a hazard to human health or the environment. (7-1-24)

021. APPLICATION PROCEDURE FOR PERMIT.

01. Approved Permit Required. No Permittee may conduct placer or dredge mining operations, as defined in these rules, on any lands in the state of Idaho until the permit has been approved by the Board, the Department has received a bond meeting the requirements of these rules, and the permit has been signed by the Director and the Permittee. (7-1-24)

02. Application Package. The Permittee must submit a complete application package, for each separate placer mine or mine panel, before the permit will be reviewed. Separate placer mines are individual, physically disconnected operations. The complete application package consists of: (7-1-24)

a. An application provided by the Director; (7-1-24)

b. A map or maps of the proposed mining operation which includes the information required under Subsection 021.04; (7-1-24)

c. A plan, of operations in map and narrative form, which includes the information required under Subsection 021.06. The map and plan of operations may be combined on one (1) sheet if practical; (7-1-24)

d. Document(s) identifying and assessing foreseeable, site-specific sources of water quality impacts upon adjacent surface waters, and the BMPs or other measures the applicant will take to comply with water quality requirements; (7-1-24)

e. When the Director determines, after consultation with DEQ, that there is an unreasonably high potential for pollution of adjacent surface waters, the Director will request, and the applicant will provide to the Director, baseline pre-project surface water monitoring information and furnish ongoing monitoring data during the life of the project. This provision does not require any additional baseline preproject surface water monitoring information or ongoing monitoring data where such information or data is already required to be provided pursuant to any federal or state law and is available to the Director; (7-1-24)

f. An out-of-state Permittee must designate an in-state agent authorized to act on behalf of the Permittee. In case of an emergency requiring action to be taken to prevent environmental damage, the authorized agent will be notified as well as the Permittee; (7-1-24)

g. An application fee of fifty dollars (\$50) for each ten (10) acres or fraction of land included in an application for a new permit, or of land to be affected or added in an amended application to an existing permit, must be included with the application. No application fee will exceed one thousand dollars (\$1,000); and (7-1-24)

h. If the applicant is not the owner of the lands described in the application, or any part thereof, the landowner must sign the application prior to issuance of a permit. The federal government, as a property owner, will be notified of the application, and asked to sign the application as property owner. For mining operations proposed upon land under a mining lease, either the signature of the lessor must be affixed to the application, or a copy of the complete lease attached to the application. (7-1-24)

03. Incomplete Applications. An application for a permit may be returned for correction if the information provided on the application form or associated mine map(s) or plan of operations is incomplete or otherwise unsatisfactory. The Director will not proceed on the application until all necessary information is submitted. (7-1-24)

04. Requirements of Maps. Vicinity maps must be prepared on standard United States Geological Survey, seven and one-half (7.5) minute quadrangle maps, or equivalent. In addition, maps of the proposed placer mining operation site will be of sufficient scale to show: (7-1-24)

a. The location of existing roads, access, and main haul roads constructed or reconstructed in connection with the mining operation and the approximate dates for construction, reconstruction, and abandonment; (7-1-24)

- b.** The approximate location and names of all known drainages, streams, creeks, or water bodies within one thousand (1,000) feet of the mining operation; (7-1-24)
- c.** The approximate boundaries of the proposed disturbed lands for the mining operation, including legal description to the quarter-quarter section; (7-1-24)
- d.** The approximate boundaries and acreage of the lands that will become disturbed land during the first year of operations; (7-1-24)
- e.** The planned location and configuration of pits, mineral stockpiles, topsoil stockpiles, and waste dumps within the permit area; (7-1-24)
- f.** Scaled cross-sections by length and height showing the surface contour prior to mining and the expected surface contour after reclamation is completed; (7-1-24)
- g.** The location of required settling ponds and the discharge points, if any; and (7-1-24)
- h.** Surface and mineral control or ownership map of appropriate scale for boundary identification. (7-1-24)
- 05. Settling Ponds.** Detailed plans and specifications for settling ponds must be drawn at an appropriate scale to show the following: (7-1-24)

 - a.** Layout of each settling pond including: (7-1-24)

 - i. Dimensions and orientation of the settling ponds and/or other wastewater treatment components of the operation; (7-1-24)
 - ii. Distance from surface waters; (7-1-24)
 - iii. Pond inlet/outlet locations including emergency spillways and detailed description of control structures and piping; (7-1-24)
 - iv. Location of erosion control structures; (7-1-24)
 - v. Location of any current ten (10) year floodplain in relation to the mining facilities if the floodplain is within one hundred (100) feet of the facilities; and (7-1-24)
 - vi. The BMPs to be implemented that will keep surface waters from entering any pits and potentially changing course. (7-1-24)
 - b.** A cross-section of each pond including: (7-1-24)

 - i. Dimensions and orientation; (7-1-24)
 - ii. Proposed sidewall elevations; (7-1-24)
 - iii. Proposed sidewall slope; (7-1-24)
 - iv. Sidewall width; (7-1-24)
 - v. Distance from and elevation above all surface water; and (7-1-24)
 - vi. Slope of settling pond location. (7-1-24)
 - c.** Narrative of the construction method(s) describing: (7-1-24)

- i. Bottom material; (7-1-24)
- ii. Sidewall material; (7-1-24)
- iii. Pond volume; (7-1-24)
- iv. Volume of water to be used in the wash plant; (7-1-24)
- v. Discharge or land application requirements; (7-1-24)
- vi. Any pond liners or filter materials to be installed; and (7-1-24)
- viii. Compaction techniques. (7-1-24)

06. Requirements for Plan of Operations. A plan of operations must be submitted in map and narrative form and include the following: (7-1-24)

a. Show how watercourses disturbed by the mining operation will be replaced on meander lines with a pool structure conducive to good fish and wildlife habitat and recreational use. Show how and where riprap or other methods of bank stabilization will be used to ensure that, following abandonment, the stream erosion will not exceed the rate normally experienced in the area. If necessary, show how the replaced watercourse will not contribute to degradation of water supplies; (7-1-24)

b. Describe and show the contour of the proposed mine site after final backfilling and grading, with grades listed for slopes after mining; (7-1-24)

c. On a drainage control map, show the best management practices to be utilized to minimize erosion on disturbed lands; (7-1-24)

d. Show roads to be reclaimed upon completion of mining; (7-1-24)

e. Show plans for both concurrent and final revegetation of disturbed lands. Indicate soil types, where soils are not present, slopes, precipitation, seed rates, species, topsoil, or other growth medium storage and handling, time of planting, method of planting and, if necessary, fertilizer and mulching rates; (7-1-24)

f. The planned reclamation of tailings or sediment ponds; (7-1-24)

g. An estimate of total reclamation cost to be used in establishing bond amount. The cost estimate should include the approximate cost of grading, revegetation, equipment mobilization, labor, and administrative overhead; and (7-1-24)

h. Make a premining estimate of trees on the site by species and forest lands utilization consideration in reclamation. (7-1-24)

07. State Approval Required. Approval of a permit must be obtained under these rules, even if approval of such plan has been or is obtained from an appropriate federal agency. (7-1-24)

08. Application Review and Inspection. If the Department determines that an inspection is necessary, the applicant may be contacted and asked that he or his duly authorized employee or representative be present for inspection at a reasonable time. An inspection may be required prior to issuance of the permit. The applicant must make such persons available for the purpose of inspection. Failure to provide a representative does not mean that the state will not conduct such inspection. (7-1-24)

022. PROCEDURES FOR REVIEW AND DECISION UPON AN APPLICATION.

01. Public Hearings. For the purpose of determining whether a proposed application complies with

these rules, the Director may call for a public hearing, as described in Section 030. (7-1-24)

02. Adverse Weather. If weather conditions prevent the Department from inspecting the proposed mining site to acquire the information required to evaluate the application, the application may be placed in suspense, pending improved weather conditions. The applicant will be notified in writing of this action. (7-1-24)

03. Interagency Comment. Nonconfidential materials submitted under Section 021 will be forwarded by the Department to the Departments of Water Resources, Environmental Quality, and Fish and Game for review and comment. If operations are to be located on federal lands, the Department will notify the U. S. Bureau of Land Management or the U.S. Forest Service. The Director may provide public notice on receipt of a reclamation plan. In addition, a copy of an application will be provided to individuals who request the information in writing, subject to Title 74, Chapter 1, Idaho Code. (7-1-24)

04. Stream Channel Alteration Permits. No permit will be issued proposing to alter, occupy or to dredge any stream or watercourse without notification to the Department of Water Resources of the pending application. The Department of Water Resources will respond to said notification within twenty (20) days. If a stream channel alteration permit is required, it must be issued prior to issuance of the placer and dredge permit. (7-1-24)

05. Water Clarification. No permit will be issued until the Department is satisfied that the methods of water clarification proposed by the applicant are of sound engineering design and capable of meeting the water quality standards established under Title 39, Chapters 1 and 36, Idaho Code, and IDAPA 58.01.02, "Water Quality Standards." (7-1-24)

06. Permit Conditions. If an application fails to meet the requirements of these rules, the Department may include permit conditions that bring the application into compliance with these rules. (7-1-24)

07. Decision on Application. Following the Department's review of an application for a new or amended permit and an opportunity for the applicant to correct any deficiencies, the Board will approve or disapprove the application and the Director will notify the applicant of the Board's decision by mail. (7-1-24)

08. Permit Offering. Upon approval by the Board, the applicant will be sent the permit for their signature and submittal of the reclamation bond and first year's inspection fees. If the signed permit, fee, and bond are not received by the Department within twelve (12) months of Board action, the approval will be automatically rescinded. Upon receipt of the signed permit, fee, and bond, the Department will complete the permit with the required state signatures and send the fully executed permit to the permittee. (7-1-24)

09. Permit Denial Authority. The Board has the power to deny any application for a permit on state lands, streams, or riverbeds, or on any unpatented mining claims, pursuant to Section 47-1317(j), Idaho Code. (7-1-24)

10. Amended Applications. If the Board disapproves the application, the applicant will be informed of the rules that have not been complied with, the manner in which they have not been complied with, and the requirements necessary to correct the deficiencies. The applicant may then submit an amended application and application fee, which will be processed as described in Section 022 of these rules. (7-1-24)

11. Reclamation Obligations. The permit issued by the Board governs and determines the nature and extent of the reclamation obligations of the Permittee. (7-1-24)

023. -- 024. (RESERVED)

025. AMENDING AN APPROVED PERMIT.

01. Application to Amendment. If circumstances arise that require significant change in the plan of operations, method of operation, increase in acreage, water management or other details associated with an approved permit, the Permittee will submit an application covering the proposed changes as described in Section 021 of these rules. (7-1-24)

- 02. Processing.** An application to amend a permit will be processed in accord with Section 022.
(7-1-24)

026. DEVIATION FROM AN APPROVED PERMIT.

01. Unforeseen Events. If unforeseen events or unexpected conditions require immediate deviation from an approved permit, the Permittee may continue mining as dictated by the changed conditions, pending submission and approval of an amended permit. This does not excuse the Permittee from complying with the BMPs and reclamation requirements of Sections 020 and 040. If water quality is being impaired or the stability of settling ponds or other mine features is compromised due to the unforeseen events, then mining must stop until the mine features are stabilized.
(7-1-24)

02. Notification. Notification of such unforeseen events must be given to the Department within forty-eight (48) hours after discovery, and an application to amend the permit must be submitted within thirty (30) days of deviation from the approved permit by the Permittee.
(7-1-24)

027. TRANSFER OF PERMITS.

Permits may be transferred from an existing Permittee to a new Permittee only after the Department's approval. Transfer is made by the new Permittee filing a notarized Department form and providing replacement bonding. The new Permittee is then responsible for the past Permittee's obligations under the Act, these rules, and the permit.
(7-1-24)

028. -- 029. (RESERVED)

030. PUBLIC HEARING FOR PERMIT APPLICATION.

01. Public Hearings. During any stage of the application process the Department may conduct a public hearing.
(7-1-24)

02. Basis for Hearing. This action will be based upon the preliminary review of the application and upon any concern registered with the Department by the public, affected land owners, reviewing agencies, other interested entities, or upon request by the applicant.
(7-1-24)

03. Site of Hearing. The hearing will be held, in the locality of the proposed operation, or in Ada County, at a reasonable time and place.
(7-1-24)

04. Hearing Notice. The Department will give notice of the date, time, and place of the hearing to the applicant; federal, state, and local agencies, and Indian tribes which may have an interest in the application; any persons petitioning for the hearing; and all persons identified as an owner of the specific acreage to be affected by the proposed operation. Such hearing notice will be sent by certified mail and postmarked not less than thirty (30) days before the scheduled date of the public hearing.
(7-1-24)

05. Public Notice. The Director will notify the general public of the date, time, and place of the hearing by placing a newspaper advertisement once a week, for two (2) consecutive weeks in a newspaper in the county in which the mining is proposed. The advertisements will be between seven (7) and twenty (20) days prior to the scheduled date of the hearing. A copy of the application is to be placed for review in a conspicuous place in the local area of the proposed mining operations, in the Department's nearest area office, and the Department's administrative office in Boise.
(7-1-24)

06. Hearing Officer. The hearing will be conducted by the Director or his duly authorized representative. Both oral and written testimony will be accepted.
(7-1-24)

031. -- 034. (RESERVED)

035. PERFORMANCE BOND REQUIREMENTS.

- 01. Amount of Bond.** The initial bond is in the amount determined by the Board to be the estimated

reasonable costs of reclamation of lands proposed to be disturbed in the permit area, plus ten percent (10%), and subject to the limitations in Idaho Code 47-1317(b). (7-1-24)

02. Form of Performance Bond. (7-1-24)

a. Corporate surety bond. This is an indemnity agreement executed for the Permittee by a corporate surety licensed to do business in the state of Idaho and submitted on a Department form. Surety bonds are subject to the following conditions: (7-1-24)

i. The bond is to be conditioned upon the Permittee faithfully performing all requirements of the Act, these rules, and the permit, and must be payable to the state of Idaho; (7-1-24)

ii. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties in Circular 570 of the U.S. Department of the Treasury; and (7-1-24)

iii. When a replacement bond is submitted, the following rider must be filed with the Department as part of the replacement before the existing bond will be released: “(Surety company or principal) understands and expressly agrees that the liability under this bond will extend to all acts for which reclamation is required on areas disturbed in connection with placer or dredge mining permit [number], both prior to and subsequent to the date of this rider.” (7-1-24)

iv. Any surety company canceling a bond must give the Department at least ninety (90) days’ notice prior to cancellation. The Director will not release a surety from liability under an existing bond until the Permittee has submitted an acceptable replacement bond to the Director or reclaimed the site. A replacement bond must be received within thirty (30) days following written notice by the Director or prior to the effective date of cancellation, whichever is later. (7-1-24)

v. If a surety’s Idaho business license is suspended or revoked the Permittee must, within thirty (30) days after notice by the Department, submit a replacement bond for such surety to the Department. (7-1-24)

vi. If the Permittee fails to submit a replacement bond or complete reclamation as directed in subparagraphs iv and v above, the Director may issue a cease-and-desist order and seek injunctive relief to stop the Permittee from conducting placer and dredge mining operations on the lands covered by the bond until a replacement bond has been submitted. The Permittee must cease mining operations on lands covered by the bond until a bond acceptable to the Department is filed. (7-1-24)

b. Collateral bond. This is an indemnity agreement executed by or for the Permittee, and payable to the state of Idaho, pledging cash deposits, governmental securities, or certificates of deposit of any financial institution doing business in the United States. Collateral bonds are subject to the following conditions: (7-1-24)

i. The Director will obtain possession of cash or other collateral bonds and then deposit them with the state treasurer to hold in trust for the purpose of bonding reclamation performance; (7-1-24)

ii. The Director will value collateral at its current market value minus any penalty for early withdrawal, not its face value; (7-1-24)

iii. Certificates of deposit or time deposit receipts are issued or assigned, in writing, to the state of Idaho and upon the books of the financial institution issuing such certificates. Interest will be allowed to accrue and may be paid by the bank, upon demand and after written release by the Department, to the Permittee or other person who posted the collateral bond; (7-1-24)

iv. Amount of an individual certificate of deposit or time deposit receipt may not exceed the maximum amount insured by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation or their successors; (7-1-24)

v. Financial institutions issuing certificates of deposit or time deposit receipts will waive all rights of set-off or liens which it has or might have against such certificates, and will place holds on those funds that prevent

the Permittee from withdrawing funds until the Department sends a written release to the financial institution;
(7-1-24)

vi. Certificates of deposit and time deposit receipts must be automatically renewable. (7-1-24)

c. Letters of credit. A letter of credit is an instrument executed by a bank doing business in Idaho and made at the request of a customer. A letter of credit states that the issuing bank will honor drafts for payment upon compliance with the terms of the credit. Letters of credit are subject to the following conditions: (7-1-24)

i. All credits are irrevocable and prepared in a format prescribed by the Director; (7-1-24)

ii. All credits must be issued by an institution authorized to do business in the state of Idaho or through a correspondent bank authorized to do business in the state of Idaho; and (7-1-24)

iii. The account party on all credits must be identical to the entity identified on the permit as the Permittee. (7-1-24)

03. Blanket Bond. Where a Permittee is involved in numerous placer or dredge operations, the Director may accept a blanket bond in lieu of separate bonds under approved permits. The amount of such bond must comply with other applicable provisions of Section 035 and must be equal to the total of the amounts of the separate bonds being combined into a single bond. (7-1-24)

04. Bond Reduction. (7-1-24)

a. Upon finding that any land bonded under a permit will not be affected by mining, the Permittee will notify the Department. When the Department has verified that the bonding requirement for the remaining permit area is adequate, any excess reclamation bond will be released. Any request for bond reduction will be answered by the Director within thirty (30) days of receiving such request unless weather conditions prevent inspection. (7-1-24)

b. A Permittee may petition the Department for a change in the initial bond rate. The Department will review the petition and if satisfied with the information presented a revised bond amount will be determined. The revised bond amount will be based upon the estimated cost that the Department would incur should a forfeiture of bond occur and it becomes necessary for the Department to complete reclamation to the standards established in the permit. This amount is subject to the limitations in Section 47-1317(b), Idaho Code. (7-1-24)

05. Bond Release. Upon completion of the reclamation, specified in the permit, the Permittee must notify the Department in writing of their desire to secure release from bonding. When the Department has verified that the requirements of the permit have been met the bond will be released. (7-1-24)

a. Any request for bond release will be answered by the Department within thirty (30) days of receiving such request unless weather conditions prevent inspection. (7-1-24)

b. If the Department finds that a specific portion of the reclamation has been satisfactorily completed, the bond may be reduced to the amount required to complete the remaining reclamation. The following schedule will be used to complete these bond reductions unless the Department determines in a specific case that this schedule is not appropriate and specifies a different schedule: (7-1-24)

i. Sixty percent (60%) of the bond may be released when the Permittee completes the required backfilling, regrading, topsoil replacement, and drainage control of the bonded area in accordance with the approved permit; and (7-1-24)

ii. An additional twenty-five percent (25%) of the bond may be released after the Permittee performs revegetation activities on the regraded lands according to the approved permit and Section 040 of these rules. (7-1-24)

c. The remaining bond will not be released: (7-1-24)

i. As long as the disturbed lands are contributing sediment or other pollution to surface waters outside the disturbed land in excess of state water quality standards established under Title 39, Chapters 1 and 36, Idaho Code; (7-1-24)

ii. Until final removal of equipment and structures related to the mining activity, or until any remaining equipment and structures are brought under an approved permit and bond by a new Permittee; (7-1-24)

iii. Until all temporary sediment or erosion control structures have been removed and reclaimed or until such structures are brought under an approved permit and bond by a new Permittee; and (7-1-24)

iv. Until vegetation meets the standards in Subsection 040.15 of these rules. (7-1-24)

06. Forfeiture. In accord with Subsection 051.02, a bond may be forfeited if the Director determines that the Permittee has not conducted the placer and dredge mining and reclamation in accord with the Act, these rules, and the permit. (7-1-24)

07. Correction of Deficiencies. The Director may, through cooperative agreement with the Permittee, devise a schedule to correct deficiencies in complying with the permit and thereby postpone action to recover the bond. (7-1-24)

08. Federal Bonds Recognized. The Director may accept as a bond, evidence of a valid reclamation bond with the United States government. The bond must equal or exceed the amount determined in Subsection 035.01.a. This does not release a Permittee from bonding under these rules if the Permittee fails to continuously maintain a valid federal bond. (7-1-24)

09. Insufficient Bond. In the event the amount of the bond is insufficient to reclaim the land in compliance with the Act, these rules, the permit, and the plan of operations, the attorney general is empowered to commence legal action against the Permittee in the name of the Board to recover the amount, in excess of the recoverable bond, necessary to reclaim the land in compliance with the Act, these rules, the permit, and the plan of operations. (7-1-24)

036. -- 039. (RESERVED)

040. BEST MANAGEMENT PRACTICES AND RECLAMATION FOR PLACER AND DREDGE MINING OPERATION.

01. Pollution Control. (7-1-24)

a. Appropriate best management practices for nonpoint source sediment or other pollution controls must be designed, constructed, and maintained with respect to site-specific placer or dredge mining operations. (7-1-24)

b. State water quality standards, including protection of existing beneficial uses, are the standard that must be achieved by best management practices. In addition to proper mining techniques and reclamation measures, the Permittee will take necessary steps at the close of each operating season to assure that sediment movement or other pollution associated with surface runoff over the area is minimized in order to achieve water quality standards. (7-1-24)

c. Sediment or pollution control measures refer to best management practices that are carried out within and, if necessary, adjacent to the disturbed land and consist of utilization of proper mining and reclamation measures, as well as specific necessary pollution control methods, separately or in combination. Specific pollution control methods may include, but are not limited to: (7-1-24)

i. Keeping the disturbed land to a minimum at any given time through concurrent reclamation; (7-1-24)

ii. Shaping waste to help reduce the rate and volume of water runoff by increasing infiltration;

- (7-1-24)
- iii. Retaining sediment within the disturbed land; (7-1-24)
- iv. Diverting surface runoff to limit water coming into the disturbed land and settling ponds; (7-1-24)
- v. Routing runoff through the disturbed land using protected channels or pipes so as not to increase sediment load; (7-1-24)
- vi. Use of riprap, straw dikes, check dams, mulches, temporary vegetation, or other measures to reduce overland flow velocities, reduce runoff volume, or retain sediment; and (7-1-24)
- vii. Use of adequate sediment ponds, with or without chemical treatment. (7-1-24)

02. Modification of Best Management Practices. If best management practices utilized by the Permittee do not result in compliance with Subsection 040.01, the Director will require the Permittee to modify or improve such best management practices to meet state water quality standards. (7-1-24)

03. Clearing and Grubbing. Clearing and grubbing of land in preparation for mining exposes mineral soil to the erosive effects of moving water. Permittees are cautioned to keep such areas as small as possible (preferably no more than one (1) year's mining activity) as the Permittee is required to meet state water quality standards. Trees and slash should be stockpiled for use in seedbed protection and erosion control and such stockpiling may be a requirement of the approved permit. (7-1-24)

04. Overburden/Topsoil. To aid in the revegetation of disturbed land, where placer or dredge mining operations result in the removal of substantial amounts of overburden, including any topsoil, the Permittee must remove, where practicable, the available topsoil or other growth medium as a separate operation for such area. Unless there are previously disturbed lands which are graded and immediately available for placement of the newly removed topsoil or other growth medium, the topsoil or other growth medium must be stockpiled and protected from erosion and contamination until such areas become available. (7-1-24)

- a. Overburden/topsoil removal: (7-1-24)
 - i. Any overburden/topsoil to be removed will be removed prior to any other mining activity to prevent loss or contamination; (7-1-24)
 - ii. Where overburden/topsoil removal exposes land area to potential erosion, the Director may, as a condition of a permit, limit the size of any one (1) area having topsoil removed at any one (1) time; and (7-1-24)
 - iii. Where the Permittee can show that an overburden material other than topsoil is more conducive to plant growth, or where overburden other than topsoil is the only material reasonably available, such overburden may be allowed as a substitute for or a supplement to the available topsoil. (7-1-24)

b. Topsoil storage. Topsoil stockpiles must be placed to minimize rehandling and exposure and to avoid excessive wind and water erosion. Topsoil stockpiles must be protected, as necessary, from erosion by use of temporary vegetation or by other methods which will control erosion including, but not limited to, silt fences, chemical binders, seeding, and mulching. (7-1-24)

c. Overburden storage. Stockpiled ridges of overburden must be leveled to a minimum width of ten (10) feet at the top. Peaks of overburden must be leveled to a minimum width of fifteen (15) feet at the top. The overburden piles must be reasonably prepared to control erosion using best management practices such as terracing, silt fences, chemical binders, seeding, and mulching. (7-1-24)

05. Roads. (7-1-24)

a. Roads must be constructed to minimize soil erosion. Such construction may require, but is not limited to, restrictions on length and grade of roadbed, surfacing of roads with durable non-toxic material,

stabilization of cut and fill slopes, and other techniques designed to control erosion. (7-1-24)

b. All access and haul roads must be adequately drained. Drainage structures may include, but are not limited to, properly installed ditches, water-bars, cross drains, culverts, and sediment traps. (7-1-24)

c. Culverts that are to be maintained for more than one (1) year must be designed to pass peak flows from not less than a twenty (20) year, twenty-four (24) hour precipitation event and have a minimum diameter of eighteen (18) inches. (7-1-24)

d. Roads and water control structures must be maintained at periodic intervals as needed. Water control structures serving to drain roads may not be blocked or restricted in any manner to impede drainage or significantly alter the intended purpose of the structure. (7-1-24)

e. Roads that are to be abandoned must be cross-ditched, ripped, and revegetated or otherwise obliterated to control erosion. (7-1-24)

f. Roads that will be used under the jurisdiction of a governmental or private landowner after reclamation is completed are the Permittee's responsibility under Subsection 040.01 until the successor assumes control. (7-1-24)

06. Settling Ponds -- Minimum Criteria. (7-1-24)

a. Settling ponds must provide adequate sediment storage capacity to achieve compliance with applicable water quality standards and protect existing beneficial uses, and may require periodic cleaning and proper disposal of sediment. (7-1-24)

b. No settling pond, used for process water clarification may be constructed to block a surface water drainage. (7-1-24)

c. All settling ponds will be constructed and designed to prevent surface water runoff from entering the pond. (7-1-24)

d. All settling ponds will be constructed and maintained to contain direct precipitation to the pond surface from a fifty (50) year twenty-four (24) hour storm event. (7-1-24)

e. No chemicals may be used for water clarification or on site gold recovery without prior notification to, and approval from, the DEQ. (7-1-24)

07. Dewatering Settling Ponds. Upon reclamation, settling ponds must be dewatered, detoxified, and stabilized. Stabilization includes regrading to the approximate original contour, and may require removal and disposal of settling pond contents. (7-1-24)

08. Backfilling and Grading. (7-1-24)

a. Every operator who conducts placer mining exploration operations that disturb less than one-half (1/2) acre must contour the disturbed land to its approximate previous contour. These lands must be revegetated in accordance with Subsection 040.15. For showing discovery on federal mining claims, unless otherwise required by a federal agency, one (1) pit may be left open on each claim pending verification by federal mining examiners, but must not create a hazard to humans or animals. Such pits and trenches must be reclaimed within one (1) year of verification. (7-1-24)

b. Every Permittee who disturbs more than one-half (1/2) acre must shape and smooth the disturbed ground to a grade reasonably comparable with the natural contour of the ground prior to mining, and to a condition that promotes the growth of vegetation except as provided in Paragraph 040.15.m. or minimize erosion through other means. Any disturbed natural watercourse must be restored to a configuration and structure conducive to good fish and wildlife habitat and recreational use. (7-1-24)

- c. Backfill materials must be compacted in a manner to ensure stability of the fill. (7-1-24)
- d. After the disturbed land has been graded, slopes will be measured by the Department for compliance with the requirements of the Act, these rules, and the permit. (7-1-24)
- 09. Waste Disposal -- Disposal of Waste in Areas Other Than Mine Excavations.** Waste materials not used in backfilling mined areas must be placed, stabilized, and revegetated to ensure that drainage is compatible with the surrounding drainage and to ensure long-term stability. (7-1-24)
 - a. The Permittee may, if appropriate, use terraces to stabilize the face of any fill. Slopes of the fill material may not exceed the angle of repose. (7-1-24)
 - b. Unless adequate drainage is provided through a fill area, all surface water above a fill must be diverted away from a fill area into protected channels, and drainage may not be directed over the unprotected face of a fill. (7-1-24)
- 10. Topsoil Redistribution.** Topsoil must be spread to achieve a thickness over the regraded area, adequate to support plant life. Excessive compaction of overburden and topsoil is to be avoided. Topsoil redistribution must be timed so that seeding or other protective measures can be readily applied to prevent compaction and erosion. Final grading must be along the contour unless such grading will expose equipment operators to hazardous operating conditions, in which case the best alternative method must be used in grading. (7-1-24)
- 11. Soil Amendments.** Nutrients and soil amendments will be applied as needed to the graded areas to successfully achieve the revegetation requirements of the permit. (7-1-24)
- 12. Revegetating Waste Piles.** The Permittee must conduct revegetation activities with respect to such waste piles in accordance with Subsection 040.15. (7-1-24)
- 13. Mulching.** Mulch should be used on severe sites and may be required by the permit. Nurse crops such as rye, oats, and wheat may be used as a substitute for mulch where they will provide adequate protection and will be replaced by permanent species within a reasonable length of time. (7-1-24)
- 14. Permanent Cessation and Time Limits for Planting.** (7-1-24)
 - a. Wherever possible, but not later than one (1) year after grading, seeding and planting of disturbed lands will be completed during the first favorable growth period after seedbed preparation. If permanent vegetation is delayed or slow in establishment, temporary cover of small annual grains, grasses, or legumes may be used to control erosion until adequate permanent cover is established. (7-1-24)
 - b. Reclamation activities should be concurrent with the mining operation and may be included in the approved permit. Final reclamation of the permit area or any part of the permit area must begin within one (1) year after the placer or dredge mining operations have permanently ceased on those parts of the permit area. (7-1-24)
 - c. A Permittee will be presumed to have permanently ceased placer or dredge mining operations on a given portion of disturbed land where no substantial amount of mineral or overburden material has been removed or overburden placed on an overburden dump, or no significant use has been made of a road during the previous one (1) year. (7-1-24)
 - d. If a Permittee does not plan to use disturbed land for one (1) or more years, but intends thereafter to use the disturbed land for placer or dredge mining operations, and desires to defer final reclamation until after its subsequent use, the Permittee must submit written a notice of intent and request for deferral of reclamation to the Department. If the Department determines that the Permittee plans to continue the operation within a reasonable period of time, the Department will notify the Permittee and may require actions to be taken to stabilize stockpiles and maintain water quality until operations resume. If the Department determines that the use of the disturbed land for placer or dredge mining operations will not be continued within a reasonable period of time, the Department will proceed as though the placer or dredge mining operation has been abandoned, but the Department will notify the

Permittee of such decision at least thirty (30) days before taking any formal administrative action. (7-1-24)

15. Revegetation Activities. (7-1-24)

a. The Permittee must select and establish plant species that can be expected to result in vegetation comparable to that growing on the disturbed lands prior to placer or dredge mining operations or other species that will be conducive to the post-mining use of the disturbed lands. The Permittee may use available technical data and results of field tests for selecting seeding practices and soil amendments that will result in viable revegetation. (7-1-24)

b. Standards for success of revegetation. Revegetative success, unless otherwise specified in the approved placer mining permit, is measured against the existing vegetation at the site prior to mining, or an adjacent reference area supporting similar vegetation. (7-1-24)

c. The ground cover of living plants on the revegetated area must be comparable to the ground cover of living plants on the adjacent reference area for two (2) full growing seasons after cessation of soil amendment or irrigation. (7-1-24)

d. For purposes of this rule, ground cover is considered comparable if it has, on the area actually planted, at least seventy percent (70%) of the premining ground cover for the mined land or adjacent reference area. (7-1-24)

e. For locations with an average annual precipitation of more than twenty-six (26) inches, the Director, in approving a placer mining permit, may set a minimum standard for success of revegetation as follows: (7-1-24)

i. Vegetative cover of seventy percent (70%) for two (2) full growing seasons in areas planted to herbaceous species only; or (7-1-24)

ii. Fifty percent (50%) vegetative cover for two (2) full growing seasons and six hundred (600) woody plants per acre in areas planted to a mixture of herbaceous and woody species. (7-1-24)

f. As used in this section, “herbaceous species” means grasses, legumes, and other forbs; “woody plants” means woody shrubs, trees, and vines; and “ground cover” means the area of the ground surface covered by the combined aerial parts of vegetation and the litter that is produced naturally on-site, expressed as a percentage of the total area measurement. Rock surface areas, composed of rock three plus (3+) inches in diameter will be excluded from this calculation. For purposes of measuring ground cover, rock greater than three (3) inches in diameter is considered as ground cover. (7-1-24)

g. Previously mined areas that lack sufficient topsoil and are re-disturbed by a placer or dredge mining operation are not required to meet the revegetation standards in Section 040, but vegetation must be established to the extent necessary to control erosion and may not be less than that which existed before re-disturbance. (7-1-24)

h. Introduced species may be planted if they are comparable to previous vegetation, or if known to be of equal or superior use for the approved post-mining use of the disturbed land, or, if necessary, to achieve a quick, temporary cover for soil stabilization purposes. Species classified as poisonous, noxious weeds, or invasive may not be used in revegetation. (7-1-24)

i. By mutual agreement of the Department, the landowner, and the Permittee, a site may be converted to a different, more desirable, or more economically suitable habitat. (7-1-24)

j. Planting of grasses and forbs should be done in a manner which promotes rapid stabilization of the soil surface. Wherever terrain permits, grasses and forbs should be drilled or compacted into the ground using agricultural grass planting equipment or other seeders specifically designed for mine revegetation applications. Broadcast and hydroseeding may be used on areas where other methods are impractical or unavailable. (7-1-24)

k. The Permittee should plant shrubs or shrub seed, as required, where shrub communities existed prior to mining. Shrub seed may be planted as a portion of a grass seed mix or planted as bare-root transplants after grass seeding. Where the landowner desires a specific land use such as grazing or cropland, shrubs will not be required in the revegetation species mix. Shrub lands undergoing revegetation with shrubs must be protected from erosion by vegetation, chemical, or other acceptable means during establishment of the shrubs. (7-1-24)

l. Reforestation -- Tree stocking of forestlands should meet the following criteria: (7-1-24)

i. Trees that are adapted to the site should be planted on the land to be revegetated, in a density which can be expected over time to yield a timber stand comparable to premining timber stands. This in no way is to exclude the conversion of sites to a different, more desirable, or more economically suited species; (7-1-24)

ii. Trees must be established for two (2) full growing seasons after cessation of any soil amendments and irrigation before they are considered to be established; and (7-1-24)

iii. Forest lands undergoing revegetation with trees should be protected from erosion by vegetation, chemical binders, or other acceptable means during seedling establishment. (7-1-24)

m. Revegetation is not required on the following areas: (7-1-24)

i. Disturbed lands, or portions thereof, where planting is not practicable or reasonable because the soil is composed of excessive amounts of sand, gravel, shale, stone, or other material to such an extent to prohibit plant growth; (7-1-24)

ii. Any mined land or overburden piles proposed to be used in the mining operations; (7-1-24)

iii. Any mined land or overburden pile, where lakes are formed by rainfall or drainage run-off from adjoining lands; (7-1-24)

iv. Any mineral stockpile; (7-1-24)

v. Any exploration trench which will become a part of any pit or overburden disposal area; and (7-1-24)

vi. Any road which is to be used in mining operations, so long as the road is not abandoned. (7-1-24)

041. -- 049. (RESERVED)

050. TERMINATION OF A PERMIT.

01. Completion of Reclamation. A permit may be retired upon completion of all reclamation activity to the standards specified in the permit and these rules, a written request from the Permittee, and after final inspection and approval has been granted by the Department. Upon permit retirement, the Department will release the remaining bond. (7-1-24)

02. Involuntary Termination. For continuous operation, the bonded permit will remain valid. Administrative action may be taken to terminate a permit if: (7-1-24)

a. The permit does not remain bonded; (7-1-24)

b. The placer and dredge mining operations are not commenced within two (2) years of the date of Board approval; (7-1-24)

c. The placer and dredge mining operations are permanently ceased and final reclamation has not commenced within one (1) year of the date of permanent cessation; (7-1-24)

d. Inspection fees are delinquent; or (7-1-24)

- e. Permittee fails to comply with the Act, these rules, or the permit. (7-1-24)

051. ENFORCEMENT AND FAILURE TO COMPLY.

01. Inspection. The Director may inspect the operation under permit from time to time to determine compliance with the act, these rules, the permit, and the reclamation plan. The cost and expense of such inspections will be borne by the Permittee. (3-18-22)

a. Cost of inspection is assessed at a flat rate of two hundred and fifty dollars (\$250) per year for each permit. Permits upon U.S. Forest Service administered lands is assessed at a flat rate of one hundred dollars (\$100) per year for each permit, to reflect the reduced inspection work for the department. (3-18-22)

b. A billing for inspection costs will be made in advance each May 1, with the costs due and payable within thirty (30) days of receipt of an inspection cost statement. Inspection fees become delinquent if not paid on or before June 1, and the department may assess the greater of the following; either a twenty-five dollars (\$25) late payment charge or penalty at the rate of one percent (1%) for each calendar month or fraction thereof, compounded monthly, for late payments from the date the inspection fee is due. Such costs constitute a lien upon equipment, personal property, or real property of the Permittee and upon minerals produced from the permit area. Should inspection fees be delinquent, the department will send a single notice of delinquent payment by certified mail, return receipt requested, to the Permittee. If payment is not received by the department within thirty (30) days from the date of receipt, the department may take appropriate administrative action to cancel the permit as provided by Subsection 050.02. (3-18-22)

c. Inspection costs related to a reported violation are assessed at actual costs and in addition to those costs in Paragraph 051.01.a. Costs include mileage to and from the mine site, employee meals, lodging, personnel costs, and administrative overhead. Costs are due and payable thirty (30) days after receipt of the inspection cost statement. (3-18-22)

02. Department Remedies. Without affecting the penal and injunctive provisions of these rules, the Department may pursue the following remedies: (7-1-24)

a. When the Department determines that a Permittee has not complied with the Act, these rules, or the permit the Department will notify the Permittee in writing and set forth the violations claimed and the corrective actions needed. (7-1-24)

b. If the Permittee fails to complete the requested corrective action or enter a cooperative agreement as per Subsection 035.07 of these rules within the timeframe given in the notice of the violation, the Director may take action to terminate the permit and forfeit the bond as provided in Sections 47-1318, 1319, and 1329, Idaho Code. (7-1-24)

03. Injunctive Procedures. (7-1-24)
The Director may seek injunctive relief, as provided by Section 47-1324, Idaho Code, against a Permittee or other person who violates the Act, these rules, or an approved permit. (7-1-24)

04. Civil Penalty. (7-1-24)

a. Pursuant to Section 47-1324, Idaho Code, any person violating the Act, these rules, a permit, or a related final order may be liable for a civil penalty equal to the cost of reclamation. An additional penalty of five hundred dollars (\$500) to two thousand five hundred dollars (\$2,500) may also be assessed for each day a violation continues. Such penalty is recoverable in an action brought in the name of the state of Idaho by the attorney general. (7-1-24)

b. Pursuant to Section 47-1324(f), Idaho Code, any person who willfully or knowingly falsifies any records, plans, specifications, or other information required by the Board or willfully fails, neglects, or refuses to comply with any of the provisions of these rules, is guilty of a misdemeanor and will be punished by a fine of not less than one thousand dollars (\$1,000) or more than five thousand dollars (\$5,000) or imprisonment, not to exceed one

(1) year, or both. (7-1-24)

05. Hearing Procedures. (7-1-24)

a. Hearings under Section 47-1318, Idaho Code, will be held as directed by Title 67, Chapter 52, Idaho Code. (7-1-24)

b. The cost of such hearing including, but not limited to, room rental, hearing officer fees, and transcript may be assessed against the Permittee as allowed by Section 47-1318, Idaho Code. (7-1-24)

06. Procedures for Appeals. Any applicant or permit holder aggrieved by any final decision or order of the Board is entitled to judicial review in accordance with the provisions and standards set forth in Title 67, Chapter 52, Idaho Code, the Administrative Procedures Act. (7-1-24)

052. -- 054. (RESERVED)

055. COMPUTATION OF TIME.

Computation of time for these rules will be based on calendar days. In computing any period of prescribed time, the day on which the designated period of time begins is not included. The last day of the period is included unless it is a Saturday, Sunday, or legal state holiday. In such a case, the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. Intermediate Saturdays, Sundays, or legal holidays are excluded from the computation when the period of prescribed time is seven (7) days or less. (7-1-24)

056. -- 064. (RESERVED)

065. DEPOSIT OF FORFEITURES AND DAMAGES.

01. Mining Account. All monies, forfeitures, and penalties collected under the provisions of these rules will be deposited in the Dredge and Placer Mining Account to be used as directed by Section 47-1319, Idaho Code. (7-1-24)

066. -- 069. (RESERVED)

070. COMPLIANCE OF EXISTING PLANS WITH THESE RULES.

These rules, upon their adoption, apply as appropriate to all existing placer or dredge mining operations, but will not affect the validity or modify the duties, terms, or conditions of any existing approved placer or dredge mining permits or impose any additional obligations with respect to reclamation upon any Permittee conducting placer or dredge mining operations pursuant to a placer or dredge mining permit approved prior to May 1, 2024. (7-1-24)

071. -- 999. (RESERVED)