

TITLE 47
MINES AND MINING

CHAPTER 17
IDAHO ABANDONED MINE RECLAMATION ACT

47-1701. PURPOSE OF ACT. It is the purpose of this act to provide for the reclamation of abandoned mines on state and federal lands and on certain private lands, thereby protecting human health, safety and welfare, conserving natural resources, aiding in the protection of wildlife, aquatic resources, domestic animals, and reducing soil erosion.

[47-1701, added 1994, ch. 220, sec. 1, p. 703; am. 1999, ch. 44, sec. 3, p. 105.]

47-1702. SHORT TITLE. This act may be known and cited as the "Idaho Abandoned Mine Reclamation Act."

[47-1702, added 1994, ch. 220, sec. 1, p. 703; am. 1999, ch. 44, sec. 4, p. 105.]

47-1703. FUNDING. This chapter shall govern the use of state and federal moneys specifically appropriated for abandoned mine reclamation. This chapter shall not require the state to expend or appropriate state moneys. The board may receive federal funds, state funds, and any other funds, and, within the limits imposed by a specific grant, expend them as directed by this chapter. All grants, funds, fees, fines, penalties and other uncleared money which has been or will be paid to the state for abandoned mine reclamation shall be placed in the state treasury and credited to the abandoned mine reclamation fund, which is hereby created. This fund shall be available to the board, by legislative appropriation, and shall be expended for the reclamation of lands affected by eligible mining operations.

[47-1703, added 1994, ch. 220, sec. 1, p. 703; am. 1999, ch. 44, sec. 5, p. 106; am. 2006, ch. 37, sec. 2, p. 104.]

47-1704. DEFINITIONS. (1) "Abandoned mine" means a mine deserted by the operator, having no regular maintenance, and not covered by a valid mining claim.

(2) "Affected land" means the land adjacent to an eligible mine that is, or may be, adversely affected by past mining operations.

(3) "Board" means the state board of land commissioners or such department, commission, or agency as may lawfully succeed to the powers and duties of such board.

(4) "Director" means the head of the department of lands or such officer as may lawfully succeed to the powers and duties of said director.

(5) "Eligible mine" means an abandoned mine located on land owned by the state or federal government or an abandoned mine located on private land when the owner of the private land has requested, and the board has granted, designation as an eligible mine.

(6) "Mine" means an area where valuable minerals were extracted from the earth and includes all associated development areas including, but not limited to, milling and processing areas, overburden disposal areas, stock-

piles, roads, tailings ponds and other areas disturbed at the mining operation site.

(7) "Operator" means any person or persons, any partnership, limited partnership, or corporation, or any association of persons, either natural or artificial including, but not limited to, every public or governmental agency engaged in mining or mineral exploration operations, whether individually, jointly, or through subsidiaries, agents, employees, or contractors and shall mean every governmental agency owning or controlling the use of any mine when the mineral extracted is to be used by or for the benefit of such agency. It shall not include any governmental agency with respect to those mining or mineral exploration operations as to which it grants mineral leases or prospecting permits or similar contracts, but nothing herein shall relieve the operator acting pursuant to a mineral lease, prospecting permit or similar contract from the terms of this chapter.

(8) "Valuable mineral" shall have the same meaning as "valuable mineral" defined in section [47-1205](#), Idaho Code.

[47-1704, added 1994, ch. 220, sec. 1, p. 703; am. 1999, ch. 44, sec. 6, p. 106.]

47-1705. RESPONSIBILITY OF STATE BOARD OF LAND COMMISSIONERS. The state board of land commissioners is charged with the responsibility of administering this act in accordance with the purpose of the act and the intent of the legislature. The director of the department of lands shall, upon authorization of the board, exercise the powers and discharge the duties vested in the board by this act.

[47-1705, added 1994, ch. 220, sec. 1, p. 704.]

47-1706. DUTIES AND POWERS OF BOARD. In addition to the other duties and powers of the board prescribed by law, the board is granted and shall be entitled to exercise the following authority and powers and perform the following duties:

(1) To reclaim any eligible mine and affected lands. Reclamation on federal lands shall be completed only upon consent of the federal agency responsible for the administration of those lands. Reclamation activities may include:

- (a) The reclamation and restoration of abandoned surface mined areas;
- (b) The reclamation of abandoned milling and processing areas;
- (c) The sealing, filling, and grading of abandoned deep mine entries;
- (d) The planting of land adversely affected by past mining to prevent erosion and sedimentation;
- (e) The prevention, abatement, treatment, and control of water pollution created by abandoned mine drainage;
- (f) The control of surface subsidence due to abandoned deep mines; and
- (g) Such other reclamation activities as may be necessary to accomplish the purposes of this act.

(2) To administer and enforce the provisions of this act and the rules and orders promulgated thereunder as provided in this act.

(3) To conduct and promote the coordination and acceleration of research, studies, surveys, experiments, demonstrations and training in carrying out the provisions of this act. In carrying out the activities authorized in this section, the board may enter into contracts with and make

grants to institutions, agencies, organizations and individuals, and shall collect and make available any information obtained therefrom.

(4) To adopt and promulgate reasonable rules respecting the administration of this act and such rules as may be necessary to carry out the intent and purposes of this act. All such rules shall be adopted in accordance with and subject to the provisions of [chapter 52, title 67](#), Idaho Code.

(5) To enter upon eligible mines and affected lands at reasonable times, for inspection purposes and to determine whether the provisions of this act are being complied with. Inspections on private lands shall be conducted in the presence of the landowner or his duly authorized employees or representatives, or with written permission of the landowner.

[47-1706, added 1994, ch. 220, sec. 1, p. 704.]

47-1707. PRIORITIES. Expenditure of funds from the abandoned mine reclamation account shall reflect the following priorities in the order stated:

(1) The protection of public health, safety, and general welfare from the adverse effects of past mining practices.

(2) The restoration of land and water resources previously degraded by the adverse effects of past mining practices.

[47-1707, added 1994, ch. 220, sec. 1, p. 705; am. 1999, ch. 44, sec. 7, p. 107.]

47-1708. INTERAGENCY COORDINATION. The board shall recognize other governmental, educational, and private organizations or agencies which have expertise and information regarding abandoned mines and affected lands. The board shall characterize, prioritize, and complete reclamation of eligible mines and affected lands in coordination with these agencies. In addition, the board may reasonably compensate them from the abandoned mine reclamation account for services that the board requests they provide.

[47-1708, added 1994, ch. 220, sec. 1, p. 705; am. 1999, ch. 44, sec. 8, p. 107.]