

**Governor Brad Little**

**Director Gary Spackman**

**RE: 2023 Idaho Small Scale Mining Authorization (LETTER PERMIT) January 1, 2023 – December 31, 2023**

Dear Recreational Miner:

The Idaho Department of Water Resources (“IDWR”) hereby issues an expedited LETTER PERMIT. This LETTER PERMIT allows the Permit Holder, indicated below, authorization to operate small scale mining equipment to alter a stream channel in accordance with the Stream Channel Alteration Rules (IDAPA 37.03.07 – Rule 61) and the 2023 IDWR Instructions for “Stream Channel Alteration by Small Scale Mining Activities” (“IDWR Instructions”).

**This LETTER PERMIT does not authorize small scale mining on the South Fork Clearwater River (“SFCR”) or McCoy Creek Drainage (tributary to South Fork Snake River). To apply for consideration for mining on the SFCR, you must complete and submit an IDWR South Fork Clearwater River Special Supplement Application (“Special Supplement”). To apply for consideration for mining on McCoy Creek Drainage, you must complete and submit a Joint Application for Permits (“Joint Application”). For all other OPEN locations, this LETTER PERMIT must include information requested on page 2.**

Rule 61 (attached), “Standards for Suction Dredges and Non-Powered Sluice Equipment,” provides minimum standard conditions for this LETTER PERMIT. The authorized holder of this LETTER PERMIT may operate small scale mining equipment in stream channel segments of the state designated OPEN as described in the IDWR Instructions referenced above and available at IDWR’s website: <https://idwr.idaho.gov/form/stream/>. Mining activities authorized by this letter permit are limited by the Special Conditions listed below. Failure to adhere to these requirements can result in legal action as provided for in Idaho Code §42-3809 and 42-1701B. **Effective as of 2020, the Idaho Department of Environmental Quality (“DEQ”) requires an Idaho Pollutant Discharge Elimination System (“IPDES”) permit for suction dredging in Idaho.** Letter Permit holder must contact the DEQ before undertaking stream channel alterations (see page 3 of the IDWR Instructions for DEQ contacts).

**SPECIAL CONDITIONS – IDWR LETTER PERMIT**

1. Permit holder will only work on a stream segment listed as OPEN in the IDWR Instructions.
2. Stream channels altered by dredge mining shall be restored to their original general configuration.
3. The stream channel shall not be altered in a manner that creates a physical barrier preventing upstream or downstream fish movement.
4. This permit does not serve in lieu of other permits that may be required by federal or other state government agencies or in any way constitute an exemption of other permit requirements.
5. Permit holder shall obtain authorization from the landowner or land manager to access the property where the mining operation is located and determine if other permits are required. A copy of this permit should be submitted to the appropriate federal, state or tribal land manager if the mining operation is located on federal, state or tribal land.
6. The Permit Holder shall obtain an IPDES permit from DEQ before carrying out any mining activities authorized by this permit
7. Permit holders shall have a copy of their IDWR Letter Permit and their IPDES permit at all times while mining.
8. This permit does not constitute:
  - a. An easement or right-of-way to trespass or work upon property or mining claims belonging to others; or
  - b. Responsibility of IDWR for damage to any properties due to stream channel alterations.
9. All fuel, oil, and other hazardous materials shall be stored outside of the stream channel. The Permit holder shall not operate any equipment that leaks fuel, hydraulic fluid, or other pollutants. The Permit holder shall use a funnel when pouring fuel and place absorbent material, sufficient to absorb a spill, under and around the fuel tank. A petroleum absorbent spill kit shall be onsite in case of accidental spills and no petroleum products shall enter the stream when servicing the equipment.
10. This permit may be canceled at any time to minimize adverse impact on the stream channel.
11. This permit shall expire December 31, 2023.

Sincerely,



Aaron Golart, State Coordinator, Stream Protection Program

Permit Holder’s Name \_\_\_\_\_ Idaho Resident? Yes \_\_\_ No \_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

Certification: I certify under penalty of law that I have read and understand the IDWR Instructions and will conduct my operations in compliance with those Instructions, all rules, and other requirements. In addition, I certify that I have provided a copy of this LETTER PERMIT with the appropriate fee to IDWR.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**IDWR OFFICE USE ONLY – ID Resident \$10/Non-ID Resident \$30**

Fee \$ \_\_\_\_\_ Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_ Permit No. \_\_\_\_\_



**IDAPA 37.03.07 (RULE 61)**

**061. SMALL SCALE MINING WITH SUCTION DREDGES, POWER SLUICES, OR NON-POWERED EQUIPMENT (RULE 61).**

**01. Small Scale Mining Permit.** The Director may issue a permit for the operation of a powered suction dredge or power sluice, or certain qualified non-powered mining activities that follow minimum standards (Rule 61), within stream channels designated as open by the Department or Board. A powered suction dredge or power sluice shall only be operated in accordance with the conditions of the Small Scale Mining Permit. A power sluice and a high-banker are synonymous for the purposes of these rules. (3-18-22)

**02. Standards for Small Scale Mining Permits.** The following standards shall apply only to uses of suction dredges and power sluices below the mean high water mark with nozzle diameters of five (5) inches or less and powered equipment rated at fifteen (15) HP or less, or the use of non-powered sluice equipment moving more than one-quarter (1/4) cubic yard per hour. (3-18-22)

**03. Powered Equipment Prohibited Below High Water Mark.** There shall be no use of powered equipment below the mean high water mark except for the suction dredge, or power sluice and any human life support system necessary to operate the suction dredge or power sluice. (3-18-22)

**04. Protection of Streambanks.** The operation of a suction dredge or power sluice, or the use of non-powered equipment shall be carried out in a manner that prevents the undercutting of streambanks. (3-18-22)

**05. Permit Required for Certain Non-Powered Operations.** A Small Scale Mining Permit is required for non-powered mining activities when those activities include: (1) the use of non-powered equipment by more than five (5) people mining the same area; or (2) the use of non-powered equipment where the disturbed area at the mining location exceeds thirty three (33) percent of the width of the wetted stream channel. (3-18-22)

**06. Limitation of Mining Sites.** Only one (1) mining site per one hundred (100) linear feet of stream channel shall be worked at onetime unless waived by the Director. (3-18-22)

The entire IDAPA 37.03.07 Stream Channel Alteration Rules can be obtained from:  
<https://adminrules.idaho.gov/rules/current/37/370307.pdf>