



## Permitting and enforcement for “Upland” Placer mines: Current Requirements and Changes Proposed under Senate Bill 3

### Changes Proposed Under SB 3

#### **SB 3 proposes changes to permit requirements:**

- Placer mines that are within 100 yards of the ordinary high water mark and that use motorized equipment greater than 6 horsepower for site preparation or excavation ( “upland” placer mines) would be required to obtain an operating permit from DOGAMI
- An exclusion certificate would no longer be required for small-scale placer mines
- Exclusion certificates would be required for small-scale aggregate mines

#### **SB 3 adds enforcement tools for “upland” placer mines:**

- Class A violation for Failure to obtain operating permit
- Class A violation for failure to observe operating hour restrictions

### Current Permit Requirements

**Operating Permits.** Operating permits are required for all placer mines that excavate *more than* 5,000 cubic yards per year, or disturb *more than* 1 acre per year or *more than* a total of 5 acres.

- Minimum permitting costs are approximately \$10,000-\$15,000, including:
  - o Application fee of at least \$1,750
  - o A surveyed site map is required, at a cost of at least \$3,000
  - o Site security is required, at a cost of at least \$5,000
  - o Local land use approval is required; costs varying by county, and range from several hundred to tens of thousands
- Additional permitting considerations:
  - o Storm or process water permit may be required from DEQ, at a cost of hundreds to thousands of dollars
  - o If on USFS or BLM land, special use permit or operating plan may be required
  - o A cultural resource survey, or studies of floodplain, ground water, or slope stability may be required at an additional cost of thousands of dollars
  - o Permit applications are circulated to state and federal agencies and tribal governments for review and comment
  - o Permits are conditioned to protect resource, minimize offsite impacts, and ensure reclamation
- The annual permit renewal fee is \$850, plus a production fee
- Reclamation is required

**Exclusion Certificates.** All small-scale placer mines falling below operating permit thresholds are required to obtain an exclusion certificate. Requirements for exclusion certificates went into effect on January 1, 2016. Prior to that, no permit was required for small-scale placer mines.

- Permitting costs are:
  - o \$80 application fee
  - o \$150 annual renewal fee

- Additional permitting considerations:
  - o An annual production report is required
  - o There are no additional requirements

## **Current Enforcement Tools**

**Enforcement Tools for Sites with Operating Permits.** For placer mines with operating permits, available enforcement tools include:

- Notice of Violation
- Suspension Order
- Notice of intent to recover security
- Closure and reclamation of site\*
- Class A violation
- Criminal penalties, with fines up to \$10,000\*
- Civil Penalties, up to \$10,000 per day\*
  - o \*These tools have been rarely used, if ever

**Enforcement Tools for Sites with Exclusion Certificates.** For sites that fail to apply for a required operating permit or exclusion certificate, or for sites with an exclusion certificate that fail to renew:

- Notice of Violation
- Suspension Order
- Class A violation
- Criminal penalties, with fines up to \$10,000\*
- Civil Penalties , up to \$10,000 per day \*
  - o \*These tools have been rarely used, if ever

### **DOGAMI Contact**

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