

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 510

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO PROSPECTING AND SMALL-SCALE SUCTION DREDGE MINING; PROVIDING
2 LEGISLATIVE FINDINGS AND INTENT; AMENDING SECTION 42-1731, IDAHO CODE,
3 TO REVISE A DEFINITION; AMENDING SECTION 42-1734A, IDAHO CODE, TO PRO-
4 VIDE EXCEPTIONS TO CERTAIN PROHIBITED ACTIVITIES ASSOCIATED WITH THE
5 COMPREHENSIVE STATE WATER PLAN; AMENDING SECTION 42-3802, IDAHO CODE,
6 TO REVISE A DEFINITION, TO DEFINE TERMS AND TO MAKE A TECHNICAL CORREC-
7 TION; AMENDING CHAPTER 38, TITLE 42, IDAHO CODE, BY THE ADDITION OF A
8 NEW SECTION 42-3813, IDAHO CODE, TO PROVIDE THAT CERTAIN PROVISIONS OF
9 SPECIFIED LAW SHALL NOT APPLY TO PROSPECTING AND SMALL-SCALE SUCTION
10 DREDGE MINING AND TO PRECLUDE CERTAIN PROHIBITION OF PROSPECTING AND
11 SMALL-SCALE SUCTION DREDGE MINING; AMENDING SECTION 47-703A, IDAHO
12 CODE, TO REVISE PROVISIONS REGARDING CASUAL EXPLORATION USING CERTAIN
13 SUCTION DREDGES AND TO REVISE PROVISIONS REGARDING MOTORIZED EXPLO-
14 RATION USING CERTAIN SUCTION DREDGES; AMENDING SECTION 47-1312, IDAHO
15 CODE, TO PROVIDE THAT SMALL-SCALE SUCTION DREDGE MINING SHALL BE EXEMPT
16 FROM SPECIFIED REGULATION; AMENDING SECTION 47-1313, IDAHO CODE, TO
17 DEFINE TERMS; AND DECLARING AN EMERGENCY.
18

19 Be It Enacted by the Legislature of the State of Idaho:

20 SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The Legislature finds that
21 prospecting and small-scale suction dredge mining are important aspects of
22 the heritage of the State of Idaho, provide economic benefits to federal and
23 state government, local communities, prospectors and miners, and can be con-
24 ducted in a manner that is not harmful, and may be beneficial, to fish habi-
25 tat and fish propagation. The Legislature finds that prospecting and small-
26 scale suction dredge mining do not discharge or add pollutants into the in-
27 volved waters and therefore are not subject to regulation under the Idaho
28 Dredge and Placer Mining Protection Act as provided for in chapter 13, ti-
29 tle 47, Idaho Code, except for the prohibitions found in section 47-1323,
30 Idaho Code, is not subject to onerous regulation under the Idaho Stream Chan-
31 nel Alteration Act as provided for in chapter 38, title 42, Idaho Code, and
32 shall not be prohibited by state comprehensive water plans. The Legisla-
33 ture further finds that prospecting and small-scale suction dredge mining
34 remove lead and other contaminants present in waters, which has long-last-
35 ing beneficial effects on the environment. The Legislature also recognizes
36 the cases of American Mining Congress v. U.S. Army Corps of Engineers, 951 F.
37 Supp. 267 (D.D.C. 1997), South Florida Water Management District v. Micco-
38 sukee Tribe, 541 U.S. 95 (2004) and Los Angeles County Flood Control District
39 v. Natural Resources Defense Council, Inc., 568 U.S. _____, 133 S.Ct. 710,
40 184 L.Ed.2d 547 (2013).

41 SECTION 2. That Section 42-1731, Idaho Code, be, and the same is hereby
42 amended to read as follows:

1 42-1731. DEFINITIONS. For the purpose of this chapter:

2 (1) "Alteration" means any activity using mechanized equipment that
3 moves or overturns gravel or earth.

4 (2) "Board" means the Idaho water resource board.

5 (3) "Comprehensive state water plan" means the plan adopted by the
6 board pursuant to section 42-1734A, Idaho Code, or a component of such plan
7 developed for a particular water resource, waterway or waterways and ap-
8 proved by the legislature.

9 (4) "Dredge or placer mining" means any dredge or other placer mining
10 operation to recover minerals with the use of a dredge boat or sluice wash-
11 ing plant whether fed by bucket line as a part of such dredge or by a separate
12 dragline or any other method, ~~including, but not limited to, suction dredges~~
13 ~~which are capable of moving more than two (2) cubic yards per hour of earth~~
14 ~~material but does not include small-scale suction dredge mining as defined~~
15 in section 47-1313, Idaho Code.

16 (5) "Hydropower project" means any development which uses a flow of wa-
17 ter as a source of electrical or mechanical power, or which regulates the
18 flow of water for the purpose of generating electrical or mechanical power.
19 A hydropower project development includes all powerhouses, dams, water con-
20 duits, transmission lines, water impoundments, roads, and other appurtenant
21 works and structures.

22 (6) "Interim protected river" means a waterway designated pursuant
23 to section 42-1734D or 42-1734H, Idaho Code, as protected for up to two (2)
24 years while a component of the comprehensive state water plan is prepared for
25 that waterway.

26 (7) "Natural river" means a waterway which possesses outstanding fish
27 and wildlife, recreation, geologic or aesthetic values, which are free of
28 substantial existing man-made impoundments, dams or other structures, and
29 of which the riparian areas are largely undeveloped, although accessible in
30 places by trails and roads.

31 (8) "Protected river" means a waterway protected in the comprehensive
32 state water plan by designation as either a natural river or a recreational
33 river.

34 (9) "Recreational river" means a waterway which possesses outstanding
35 fish and wildlife, recreation, geologic or aesthetic values, and which might
36 include some man-made development within the waterway or within the riparian
37 area of the waterway.

38 (10) "Riparian area" means that area within one hundred (100) feet of
39 the mean highwater mark of a waterway.

40 (11) "State agency" means any board, commission, department or execu-
41 tive agency of the state of Idaho.

42 (12) "Stream bed" means a natural water course of perceptible extent
43 with definite bed and banks, which confines and conducts the water of a wa-
44 terway which lies below and between the ordinary high water mark on either
45 side of that waterway.

46 (13) "Waterway" means a river, stream, creek, lake or spring, or a por-
47 tion thereof, and shall not include any tributary thereof.

48 SECTION 3. That Section 42-1734A, Idaho Code, be, and the same is hereby
49 amended to read as follows:

1 42-1734A. COMPREHENSIVE STATE WATER PLAN. (1) The board shall, sub-
2 ject to legislative approval, progressively formulate, adopt and implement
3 a comprehensive state water plan for conservation, development, management
4 and optimum use of all unappropriated water resources and waterways of this
5 state in the public interest. The comprehensive state water plan shall con-
6 sist of: Part A -- statewide policies, goals and objectives; and Part B --
7 component water plans for individual waterways, river basins, drainage ar-
8 eas, river reaches, ground water aquifers or other geographic designations.
9 As part of Part B of the comprehensive state water plan, the board may des-
10 ignate selected waterways as protected rivers as provided in this chapter.
11 The comprehensive state water plan shall be based upon studies and public
12 hearings in affected areas at which all interested parties shall be given
13 the opportunity to appear, or to present written testimony in response to
14 published proposals for such policy programs and proposed designations. A
15 minimum of sixty (60) days shall be allowed between publication of a pro-
16 posal and the date on which no further testimony on the proposal will be ac-
17 cepted. All comments in writing shall be preserved as a part of the record of
18 the board. In adopting a comprehensive state water plan the board shall be
19 guided by these criteria:

20 (a) Existing rights, established duties, and the relative priorities
21 of water established in article XV, section 3, of the constitution of
22 the state of Idaho, shall be protected and preserved;

23 (b) Optimum economic development in the interest of and for the benefit
24 of the state as a whole shall be achieved by integration and coordina-
25 tion of the use of water and the augmentation of existing supplies and by
26 protection of designated waterways for all beneficial purposes;

27 (c) Adequate and safe water supplies for human consumption and maximum
28 supplies for other beneficial uses shall be preserved and protected;

29 (d) Subject to prior existing water rights for the beneficial uses now
30 or hereafter prescribed by law, minimum stream flow for aquatic life,
31 recreation and aesthetics and the minimization of pollution and the
32 protection and preservation of waterways in the manner hereafter pro-
33 vided shall be fostered and encouraged and consideration shall be given
34 to the development and protection of water recreation facilities;

35 (e) Watershed conservation practices consistent with sound engineer-
36 ing and economic principles shall be encouraged.

37 (2) The board may develop a comprehensive state water plan in stages
38 based upon waterways, river basins, drainage areas, river reaches, ground-
39 water aquifers, or other geographic considerations. The component of the
40 comprehensive state water plan prepared for particular water resources and
41 waterways shall contain, among other things, the following:

42 (a) A description of the water resources and waterway or waterways that
43 are the subject of the plan, including pertinent maps detailing the geo-
44 graphic area of the plan;

45 (b) A description of the significant resources of the water resources
46 and waterway or waterways;

47 (c) A description of the various existing and planned uses for these re-
48 sources including currently undeveloped areas of the waterway and fu-
49 ture plans for those areas, with a discussion of the advantages and dis-
50 advantages associated with each planned use; and

1 (d) A discussion of goals, objectives, and recommendations for im-
 2 proving, developing, or conserving the water resources and waterway or
 3 waterways in relation to these resources, including an examination of
 4 how different uses will promote the overall public interest, a state-
 5 ment as to the goals the plan expects to achieve, and an analysis of how
 6 any specific recommendations further those goals. A description of the
 7 methodology used in developing the plan shall be included.

8 (3) The description of the resources and uses in subsections (2) (b) and
 9 (2) (c) of this section shall contain, among other things:

- 10 (a) navigation;
- 11 (b) power development;
- 12 (c) energy conservation;
- 13 (d) fish and wildlife;
- 14 (e) recreational opportunities;
- 15 (f) irrigation;
- 16 (g) flood control;
- 17 (h) water supply;
- 18 (i) timber;
- 19 (j) mining;
- 20 (k) livestock watering;
- 21 (l) scenic values;
- 22 (m) natural or cultural features;
- 23 (n) domestic, municipal, commercial and industrial uses; and
- 24 (o) other aspects of environmental quality and economic development.

25 (4) The comprehensive state water plan may designate protected rivers.
 26 Designations shall be based upon a determination by the board that the value
 27 of preserving a waterway for particular uses outweighs that of developing
 28 the waterway for other beneficial uses and shall specify whether a protected
 29 river is designated as a natural or recreational river. The plan may also de-
 30 scribe those water resources and waterways which are not designated as pro-
 31 tected rivers.

32 (5) In designating a natural river, the board shall prohibit the fol-
 33 lowing activities:

- 34 (a) construction or expansion of dams or impoundments;
- 35 (b) construction of hydropower projects;
- 36 (c) construction of water diversion works;
- 37 (d) dredge or placer mining, provided however, that small-scale suc-
 38 suction dredge mining as defined in section 47-1313(o), Idaho Code, shall
 39 not be prohibited;
- 40 (e) alterations of the stream bed; and
- 41 (f) mineral or sand and gravel extraction within the stream bed.

42 (6) In designating a recreational river, the board shall determine
 43 which of the activities listed in subsection (5) of this section shall be
 44 prohibited and may specify the terms and conditions under which activities
 45 that are not prohibited may go forward, provided however, that small-scale
 46 suction dredge mining as defined in section 47-1313(o), Idaho Code, shall
 47 not be prohibited.

48 (7) Any prohibition or terms and conditions imposed pursuant to sub-
 49 sections (5) and (6) of this section shall remain in effect until the leg-
 50 islature acts upon the recommendation of the board as provided in section

1 42-1734B, Idaho Code, or until the legislature revokes its earlier approval
2 of a protected river by law.

3 SECTION 4. That Section 42-3802, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 42-3802. DEFINITIONS. Whenever used in this ~~act~~ chapter, the term:

6 (a) "Person" means any individual, partnership, company, corporation,
7 municipality, county, state or federal agency, or other entity proposing to
8 alter a stream channel.

9 (b) "Alter" means to obstruct, diminish, destroy, alter, modify, relo-
10 cate, or change the natural existing shape or direction of water flow of any
11 stream channel within or below the mean high watermark thereof. "Alter" does
12 not mean a de minimis determination for prospecting and small-scale suction
13 dredge mining conducted within fourteen (14) days of application.

14 (c) "Board" means the Idaho water resource board.

15 (d) "Stream channel" means a natural watercourse of perceptible ex-
16 tent, with definite bed and banks, which confines and conducts continuously
17 flowing water. Ditches, canals, laterals and drains that are constructed
18 and used for irrigation or drainage purposes are not stream channels.

19 (e) "Department" means the Idaho department of water resources.

20 (f) "Director" means the director of the Idaho department of water re-
21 sources.

22 (g) "Plans" means maps, sketches, engineering drawings, word descrip-
23 tions and specifications sufficient to describe the extent, nature and lo-
24 cation of the proposed stream channel alteration and the proposed method of
25 accomplishing same.

26 (h) "Mean high watermark" means a water level corresponding to the nat-
27 ural or ordinary high watermark and is the line which the water impresses on
28 the soil by covering it for sufficient periods of time to deprive the soil of
29 its terrestrial vegetation and destroy its value for commonly accepted agri-
30 cultural purposes.

31 (i) "Small-scale suction dredge mining" has the same meaning as pro-
32 vided in section 47-1313(o), Idaho Code.

33 (j) "Prospecting" has the same meaning as provided in section
34 47-1313(q), Idaho Code.

35 SECTION 5. That Chapter 38, Title 42, Idaho Code, be, and the same is
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
37 ignated as Section 42-3813, Idaho Code, and to read as follows:

38 42-3813. INAPPLICABILITY TO PROSPECTING AND SMALL-SCALE SUCTION
39 DREDGE MINING. Prospecting and small-scale suction dredge mining are de min-
40 imis activities and do not alter streams significantly. The provisions of
41 sections 42-3803 through 42-3805, Idaho Code, and sections 42-3807 through
42 42-3812, Idaho Code, are not applicable to and may not be enforced with
43 respect to prospecting and small-scale suction dredge mining. The board,
44 department, director, any agency of the state of Idaho and any political sub-
45 division of the state of Idaho shall not adopt, enact or promulgate any rule,
46 regulation, ordinance, order, standard or other policy that would act as a
47 prohibition of prospecting or small-scale suction dredge mining.

1 SECTION 6. That Section 47-703A, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 47-703A. EXPLORATION ON STATE LANDS -- BOND. (1) With the exception of
4 casual exploration as defined in subsection (6) (a) of this section, prior to
5 motorized exploration on state lands, an operator shall first submit to the
6 director of the department of lands, an exploration and reclamation plan and
7 a bond in such form as prescribed by the board. The bond shall be in an amount
8 determined by the board to be the estimated reasonable costs to perform the
9 reclamation activities described in the exploration and reclamation plan in
10 the event of the failure of the operator to complete those activities, plus
11 ten percent (10%) of such costs, and conditioned on the payment of all dam-
12 ages to the land and resources thereon caused by the motorized exploration.
13 An operator shall also comply with the dredge and placer mining act, chap-
14 ter 13, title 47, Idaho Code, and the surface mining act, chapter 15, title
15 47, Idaho Code, where applicable. Written approval by the board is required
16 prior to entry for motorized exploration.

17 (2) Except as provided in this subsection, no bond for exploration
18 reclamation submitted pursuant to this chapter shall exceed two thousand
19 five hundred dollars (\$2,500) for any given acre of affected land. The board
20 may require a bond in excess of two thousand five hundred dollars (\$2,500)
21 for any given acre of affected land only when the following conditions have
22 been met:

23 (a) The board has determined that such bond is necessary to meet the re-
24 quirements of this chapter;

25 (b) The board has delivered to the operator, in writing, a notice set-
26 ting forth the reasons it believes such bond is necessary; and

27 (c) The board has conducted a hearing where the operator is allowed to
28 give testimony to the board concerning the amount of the proposed bond.
29 The hearing shall be held under such rules as promulgated by the board.
30 This requirement for hearing may be waived, in writing, by the operator.
31 Any hearing that is held shall, at the discretion of the director, ex-
32 tend the time up to thirty (30) days in which the board must act on a sub-
33 mitted plan.

34 (3) Weather permitting, the board shall deliver to the operator within
35 sixty (60) days after the receipt of any exploration and reclamation plan a
36 notice of rejection or notice of approval of said plan, as the case may be;
37 provided, however, that if the board fails to deliver a notice of approval
38 or notice of rejection within said time period, the plan submitted shall be
39 deemed approved under subsection (1) of this section, and the operator may,
40 upon furnishing a bond to the board that meets the requirements of subsec-
41 tion (1) of this section, commence and conduct his motorized exploration on
42 the lands covered by such plan as if a notice of approval of said plan had been
43 received from the board; provided, however, that if weather conditions pre-
44 vent the board from inspecting the lands to obtain information needed to ap-
45 prove or reject a submitted plan, it may, in writing to the operator, extend
46 the time not to exceed thirty (30) days after weather conditions permit such
47 inspection. Any notice of rejection issued by the director of the department
48 of lands or his properly authorized designated officer may be appealed by the
49 operator to the board.

1 (4) The operator shall reclaim the surface damaged by the motorized ex-
2 ploration to the approximate previous contour and condition insofar as is
3 reasonably possible.

4 (5) When all reclamation activities described in the exploration and
5 reclamation plan have been completed, the operator shall notify the board.
6 Within thirty (30) days after the receipt of such notice, weather permit-
7 ting, the board shall notify the operator as to whether or not the recla-
8 mation activities have been satisfactorily completed. Upon the determina-
9 tion by the board that the reclamation activities in question have been sat-
10 isfactorily completed, the board shall release the bond. If weather condi-
11 tions prevent the board from obtaining information needed to determine if
12 the reclamation activities have been satisfactorily completed, it may, in
13 writing to the operator, extend the time not to exceed thirty (30) days after
14 weather conditions permit such inspection. Any notice issued by the direc-
15 tor of the department of lands or his properly authorized designated officer
16 to not release the bond may be appealed by the operator to the board.

17 (6) The following definitions shall apply to this chapter:

18 (a) "Casual exploration" means entry and/or exploration which does not
19 appreciably disturb or damage the land or resources thereon. Casual
20 exploration includes, but is not limited to, geochemical and/or geo-
21 physical exploration techniques, sampling with hand tools, and entry
22 using wheeled vehicles for transportation to conduct such exploration.
23 Exploration using suction dredges having an intake diameter of two (2)
24 inches or less shall be considered casual exploration when operated
25 on endowment lands in a perennial stream. Exploration using suction
26 dredges having ~~an intake~~ a hose diameter of ~~five eight~~ (58) inches or
27 less shall be considered casual exploration when operated in a naviga-
28 ble river. All suction dredging on state lands must follow the require-
29 ments of the stream protection act, chapter 38, title 42, Idaho Code.

30 (b) "Motorized exploration" means exploration which may appreciably
31 disturb or damage the land or resources thereon. Motorized exploration
32 includes, but is not limited to, drilling, trenching, dredging, or
33 other techniques which employ the use of earth moving or other motor-
34 ized equipment, seismic operations using explosives, and sampling with
35 suction dredges having an intake diameter greater than two (2) inches
36 when operated on endowment land in a perennial stream, and sampling
37 with suction dredges having ~~an intake~~ a hose diameter greater than ~~five~~
38 eight (58) inches when operated in a navigable river. When operated in
39 an intermittent stream, suction dredges shall be considered motorized
40 exploration regardless of the intake size.

41 (c) "Exploration and reclamation plan" means, for this section only,
42 a written plan and maps with sufficient detail to accurately describe
43 all of the activities associated with motorized exploration on state
44 lands and the activities associated with reclamation. Reclamation ac-
45 tivities may include, but are not limited to, regrading to resemble the
46 original contour, plugging drill holes and revegetation. An estimate
47 of third party reclamation costs, acceptable to the board, shall be in-
48 cluded in the plan and will be used to determine the bond amount.

49 SECTION 7. That Section 47-1312, Idaho Code, be, and the same is hereby
50 amended to read as follows:

1 47-1312. POLICY. It is hereby declared to be the policy of the state of
 2 Idaho to protect the lands, streams and watercourses within the state, from
 3 destruction by dredge mining and by placer mining, and to preserve the same
 4 for the enjoyment, use and benefit of all of the people, and that clean wa-
 5 ter in the streams of Idaho is in the public interest. Provided however, that
 6 small-scale suction dredge mining as defined in section 47-1313, Idaho Code,
 7 shall be exempt from regulation under this chapter, except for the prohibi-
 8 tions found in section 47-1323, Idaho Code.

9 SECTION 8. That Section 47-1313, Idaho Code, be, and the same is hereby
 10 amended to read as follows:

11 47-1313. DEFINITIONS. As used in this chapter:

12 (a) "Board" means the state board of land commissioners or such repre-
 13 sentative as may be designated by the board.

14 (b) "Director" means the director of the department of lands or such
 15 representative as may be designated by the director.

16 (c) "Disturbed land" means land, natural watercourses, or existing
 17 stockpiles and waste piles affected by placer or dredge mining, remining,
 18 exploration, stockpiling of ore or wastes from placer or dredge mining, or
 19 construction of roads, tailings ponds, structures, or facilities appur-
 20 tenant to placer or dredge mining operations.

21 (d) "Mean high watermark" has the same meaning as provided in section
 22 42-3802, Idaho Code.

23 (e) "Mineral" means any ore, rock, or substance extracted from a placer
 24 deposit or from an existing placer stockpile or waste pile, but does not in-
 25 clude coal, clay, stone, sand, gravel, phosphate, uranium, oil, or gas.

26 (f) "Motorized earth-moving equipment" means backhoes, bulldozers,
 27 front loaders, trenchers, core drills, suction dredges with an intake diame-
 28 ter exceeding eight (8) inches, and other similar equipment.

29 (g) "Natural watercourse" means any stream in the state of Idaho hav-
 30 ing definite bed and banks, and which confines and conducts continuously
 31 flowing water.

32 (h) "Permit area" means that area designated under section 47-1317,
 33 Idaho Code, as the site of a proposed placer or dredge mining operation, in-
 34 cluding all lands to be disturbed by the operation.

35 (i) "Person" means any person, corporation, partnership, associa-
 36 tion, or public or governmental agency engaged in placer or dredge mining,
 37 whether individually, jointly, or through subsidiaries, agents, employees,
 38 or contractors.

39 (j) "Placer deposit" means naturally occurring unconsolidated surfi-
 40 cial detritus containing valuable minerals, whether located inside or out-
 41 side the confines of a natural watercourse.

42 (k) "Placer or dredge exploration operation" means activities includ-
 43 ing, but not limited to, the construction of roads, trenches, and test holes,
 44 performed on a placer deposit for the purpose of locating and determining the
 45 economic feasibility of extracting minerals by placer or dredge mining.

46 (l) "Placer or dredge mining" or "dredge or other placer mining" means
 47 the extraction of minerals from a placer deposit, including remining for
 48 sale, processing, or other disposition of earth material excavated from
 49 previous placer or dredge mining. The term "dredge or other placer mining,"

1 wherever used in this chapter, is subject to this definition and all provi-
2 sions regarding it.

3 (l) "Placer or dredge mining operation" means placer or dredge mining
4 which disturbs in excess of one-half (1/2) acre of land.

5 (m) "Road" means a way, including bed, slopes, and shoulders, (1)
6 constructed within the circular tract circumscribed by a placer or dredge
7 mining operation, or (2) constructed solely for access to a placer or dredge
8 mining operation or placer or dredge exploration operation, provided, that
9 a way dedicated to public multiple use or being used by a governmental land
10 manager or private landowner at the time of cessation of operations, and
11 not constructed solely for access to a placer or dredge mining operation or
12 placer or dredge exploration operation, shall not be considered a road for
13 purposes of this act.

14 (o) "Small-scale suction dredge mining" means the location and extrac-
15 tion of valuable minerals through the use of a dredge unit at or below the
16 mean high watermark of a stream channel provided that the dredger unit is:
17 (1) equipped with a subsurface hose of eight (8) inches or less in diameter;
18 (2) powered by an engine, natural siphon or natural gravity pressure; and (3)
19 used to draw up mineral material, in a quantity of no greater than five (5)
20 cubic yards per hour, to a sluice portion of the dredge unit. A small-scale
21 suction dredge mining apparatus may include a mechanically powered or motor-
22 ized winch system.

23 (p) "Stream channel" has the same meaning as provided in section
24 42-3802, Idaho Code.

25 (q) "Prospecting" means the following when conducted or occurring
26 above or below the mean high watermark of a stream channel: (1) hand panning
27 for the location and extraction of valuable minerals; (2) hand shoveling for
28 the location and extraction of valuable minerals; (3) locating and extract-
29 ing valuable minerals through the use of a nonmotorized sluice box; or (4)
30 locating and extracting valuable minerals through the use of a nonmotorized
31 rocker box.

32 SECTION 9. An emergency existing therefor, which emergency is hereby
33 declared to exist, this act shall be in full force and effect on and after its
34 passage and approval.