



Laws & Lawlessness: An Update from the Gem State

Mining and Land Resources Institute: Education Session

Thursday, April 16, 2026, 9:15 a.m. – 10:15 a.m.

Speaker: Andrew Irvine



OVERVIEW

Idaho Legislative Update

New legislation
and policies
affecting Idaho
mineral
development

Idaho Mineral Development

Status of mine
development
and exploration
in the state,
including the
Stibnite Gold
Project

Recent Legal Issues in Idaho

Interactive
survey of claim-
staking issues
with insight on
“dos” and
“don’ts” for
successful claim
location



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Idaho Legislative Update



Idaho Legislative Update

- **2026 Idaho Legislature:** Jan. 12, 2026 – Apr. 2, 2026 (2nd regular session of the 68th Idaho Legislature)
- Governor Brad Little’s State of the State and budget address: ***Enduring Idaho Plan***
 - Supported the Idaho Launch program, which provides students with opportunities to pursue training in high-demand career fields and plays an important role in **strengthening Idaho’s mining workforce pipeline**
 - **Highlighted Idaho’s role** in advancing domestic energy production and **securing a reliable supply chain of critical and strategic minerals**
 - Emphasized that **improved permitting efficiency presents a significant opportunity for the state to responsibly advance mining projects**

Idaho Legislative Update

Creation of Office of Species, Minerals, and Energy Coordination (OSMEC)

Legislative priority – passage of **HB 737** (effective July 1, 2026), which consolidates:

- Office of Energy and Mineral Resources (OEMR) and
- Office of Species Conservation (OSC) into
- New Office of Species, Minerals and Energy Conservation (OSMEC)

Complementing HB 737, **HB 898** (effective July 1, 2026) transfers:

- State Historic Preservation Office (SHPO) from Idaho State Historical Society to OSMEC

Idaho Legislative Update

Creation of (OSMEC) Office of Species, Minerals, and Energy Coordination

Purpose of Reorganization / New Office:

- Streamline permitting through enhanced interagency coordination
- Centralize decision-making affecting communities, public lands, and wildlife
- Align permitting and coordination functions under a single executive framework
- Present a unified state voice on mineral, energy, and species-related issues

Idaho Legislative Update

Creation of (OSMEC) Office of Species, Minerals, and Energy Coordination

However, **SB 1331**, the **2026 Idaho Rescissions Act**...

- Imposed a one-time, across-the-board 4% budget reduction for most Idaho state agencies and departments for FY 2026
- Total reductions:
 - Approx. \$192.7 million
 - 110 full-time equivalent positions eliminated across various state agencies
- The Legislature also approved additional 5% reductions built into FY 2027 maintenance budgets, signaling ongoing fiscal constraint rather than a one-off event
 - Ongoing fiscal constraints may present challenges for state agencies, particularly those responsible for permitting and regulatory functions

Idaho Legislative Update

Support for the Mining Industry

SJM 107 (Integra Resources: DeLamar Project – Owyhee County)

- Expressed legislative support as the project enters NEPA review
- Recognized Integra's engagement with local communities and stakeholders
- Urged timely and cost-effective state and federal action
- Adopted Feb. 13, 2026, and transmitted to federal officials and regional congressional delegations

HJM 21 (American Tungsten, IMA Mine – Lemhi County)

- Expressed legislative support for restarting American Tungsten's IMA Mine
- Encouraged expedited issuance of Idaho permits and authorizations
- Urged the U.S. Department of Defense to award a development grant
- Adopted Apr. 2, 2026, and transmitted to federal officials and regional congressional delegations



Idaho Legislative Update

HJM 9 – Federal Land Policy and Management Act (FLPMA)

- Called on Congress to reaffirm FLPMA as the primary authority for federal land management and land exchanges
- Responded to federal court decisions blocking the Blackrock land exchange in eastern Idaho
- Decisions held that BLM could not rely on FLPMA and was instead governed by a 1900 Act preserving Shoshone-Bannock Treaty rights
- Adopted April 2, 2026, and transmitted to federal officials and regional congressional delegations

Idaho Legislative Update

Failed Public Lands Constitutional Proposals

SJR 103 – Proposed constitutional amendment distinguishing state endowment lands from future federally acquired lands

- Would have placed federally acquired lands into a protected trust, with limited exchanges allowed by legislative approval
- Advanced out of committee but did not pass the Senate; returned to committee

HJR 10 – Similar proposed constitutional amendment addressing management of state endowment and public lands

- Would have expanded land-management priorities beyond maximum long-term financial return to include uses such as mining, grazing, and recreation
- Did not advance out of committee



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Idaho Mineral Development

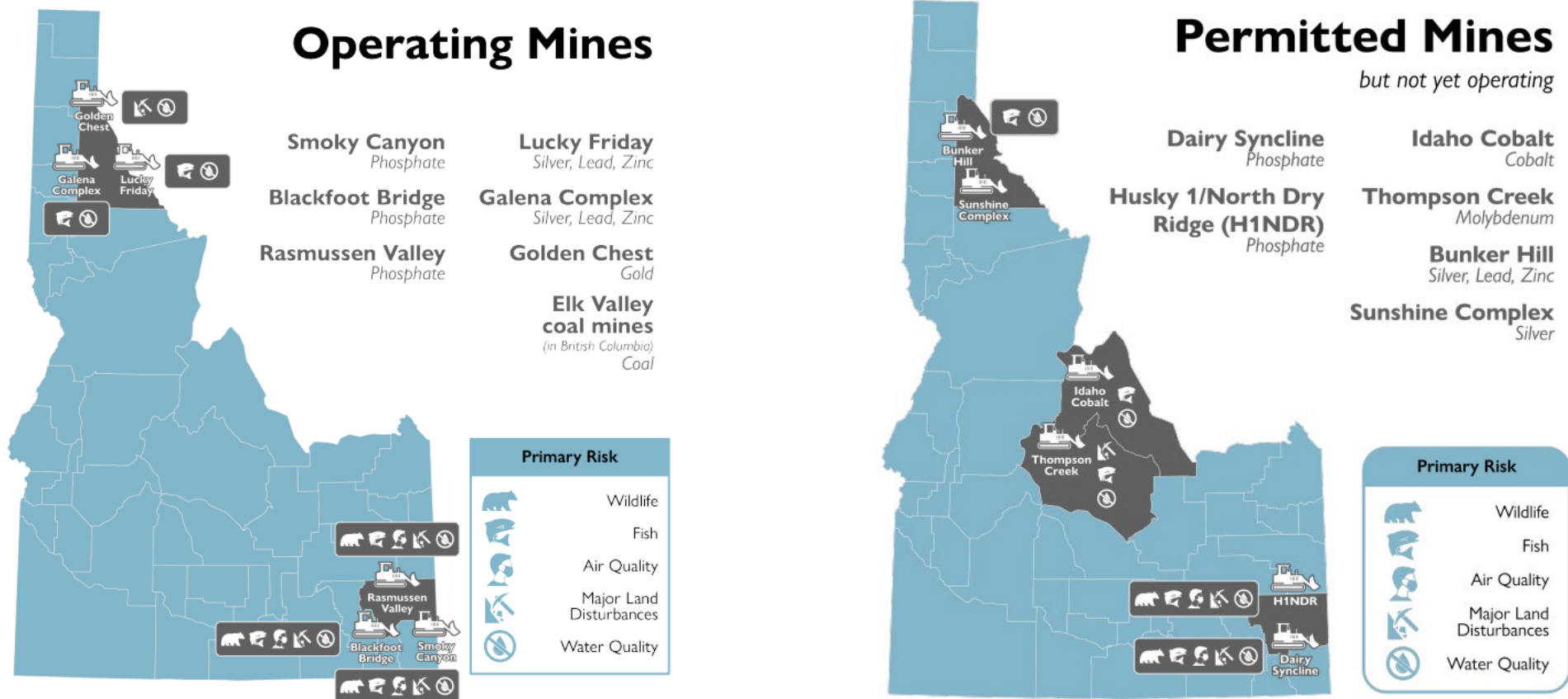
Statewide Mining Investments in Idaho

Current Best Estimates - Overall Investment Scale (2024-2026)

- **Multi-billion-dollar investment cycle underway** in Idaho mining
- Based on publicly disclosed project budgets and sunk costs, **statewide mining investment either committed or underway is conservatively estimated at \$2–3+ billion**
- Investment is concentrated in:
 - Gold
 - Critical minerals (antimony, cobalt, copper)
 - Large-scale heap-leach projects moving through federal permitting

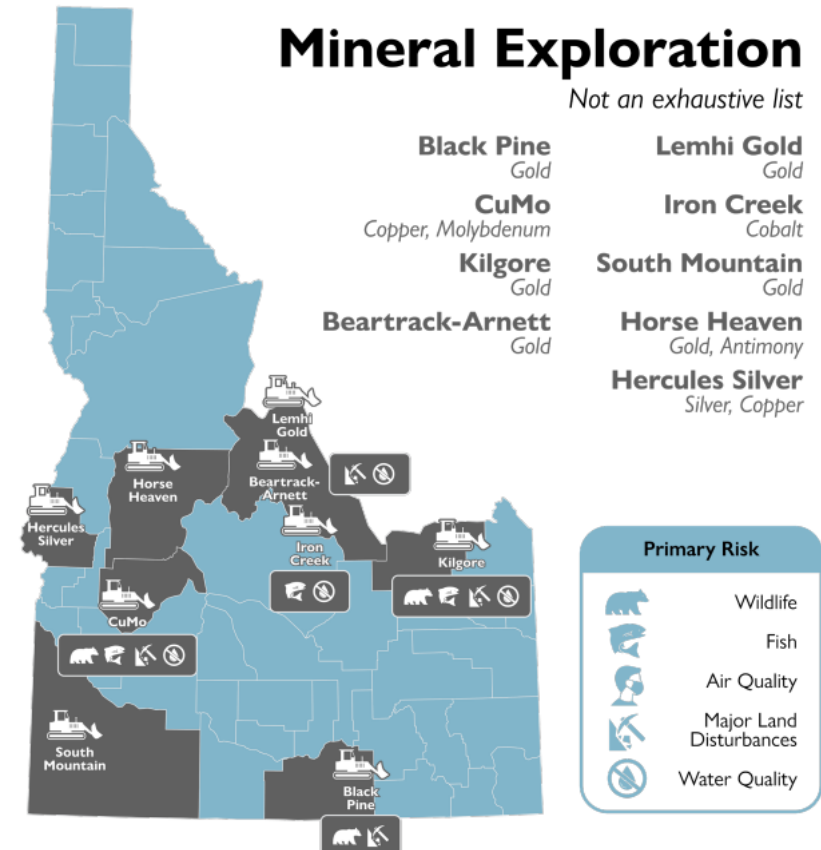
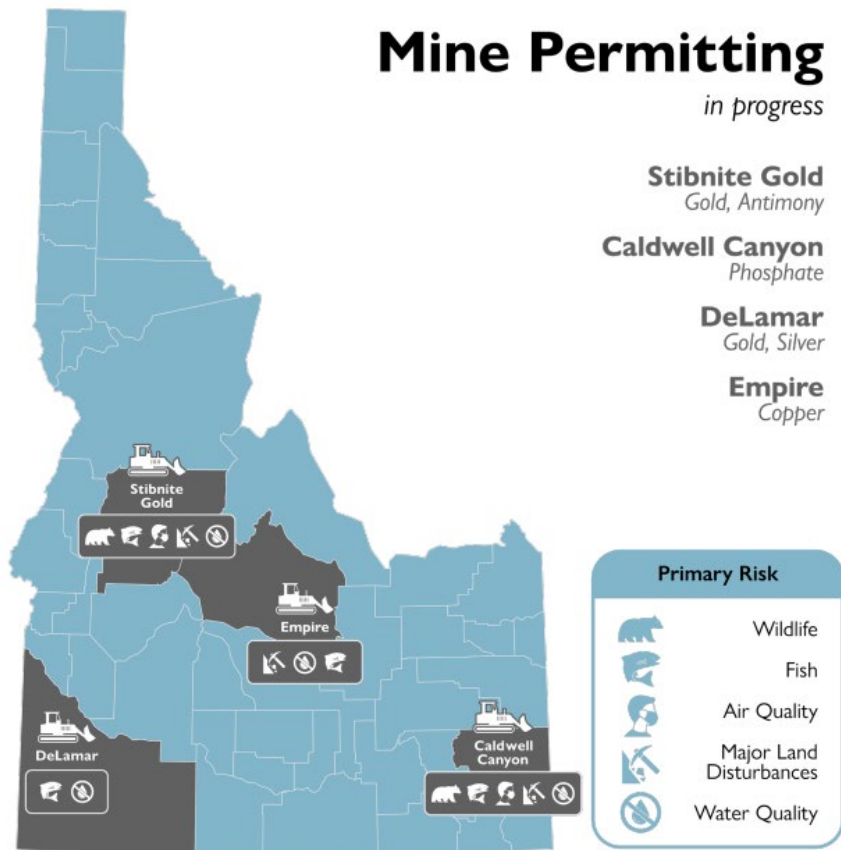
Idaho Mineral Development

(From Idaho Conservation League (2024))



Idaho Mineral Development

(From Idaho Conservation League (2024))



Perpetua Resources – Stibnite Gold Project



“World class gold-antimony project and national strategic asset with robust investor support”

- **~\$1.3 billion total project capital** estimate
- **>\$400 million already invested** in permitting, engineering, land acquisition, and studies
- **~\$80 million in Department of Defense funding** awarded to date (critical-minerals support)
- Early construction activities initiated following federal approvals in late 2025

Perpetua Resources – Stibnite Gold Project

RECENT HIGHLIGHTS:

- ✓ Completed basic engineering, power contract (Feb 2025)
- ✓ Selected as Priority Project by White House (Apr 2025)
- ✓ Received Preliminary Project Letter and Indicative Term Sheet from EXIM (Sept 2025)
- ✓ Announced Request for Proposals for antimony offtake opportunities (Sept 2025)
- ✓ Announced \$317 million strategic equity investments and private placements, including Agnico Eagle and JPMorganChase; Completed additional \$527 million net equity financing (Jun-Dec 2025)
- ✓ Announced partnership with Idaho National Labs on antimony pilot plant (Dec 2025)
- ✓ Filed updated Technical Report Summary (Mar 2026)

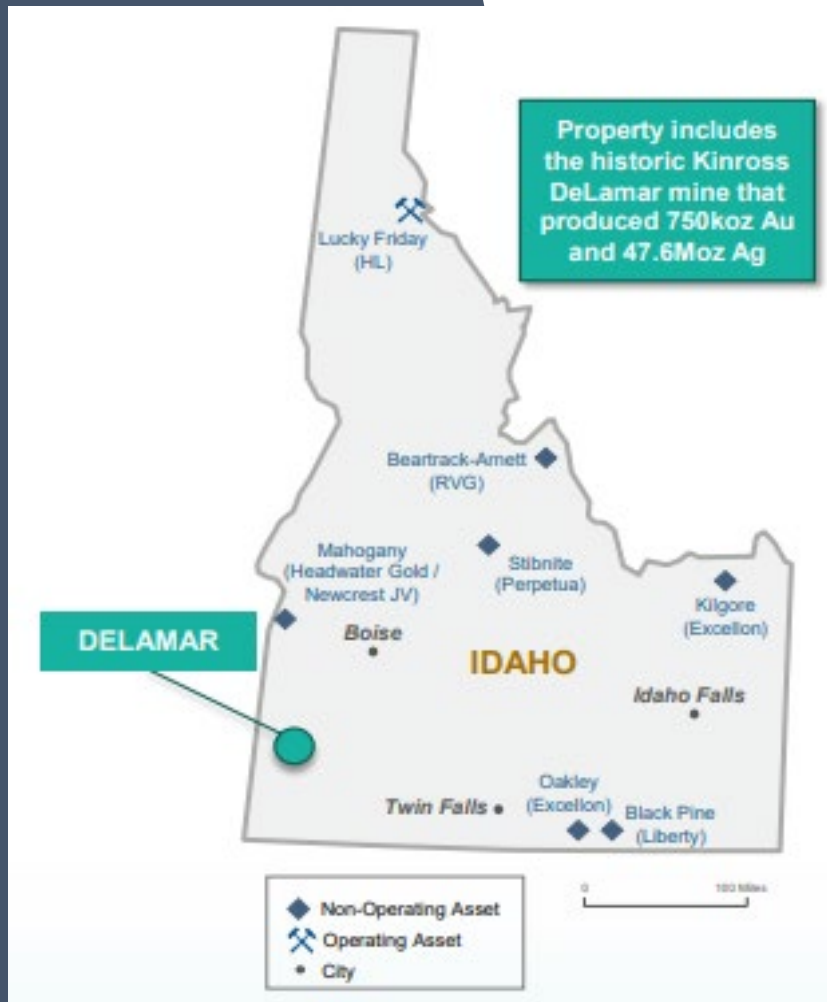
Key Company Catalysts:

- ✓ Final Record of Decision (Jan 2025) and Final Federal Permit (May 2025)
- ✓ Posted construction phase financial assurance and began early works construction (Oct 2025)
- ✓ Selected Hatch as EPCM contractor – a global expert on process plant construction (Dec 2025)
- ✓ Notification to Congress of EXIM debt financing commencing 25-day period (March 30, 2026)
- ❑ Ongoing Exploration Activities of gold and critical minerals (2026)
- ❑ Close EXIM debt financing (2026)
- ❑ Antimony Offtake (2026)
- ❑ Final Investment Decision (2026)
- ❑ Commercial operations (2029)

Legal Challenges Remain

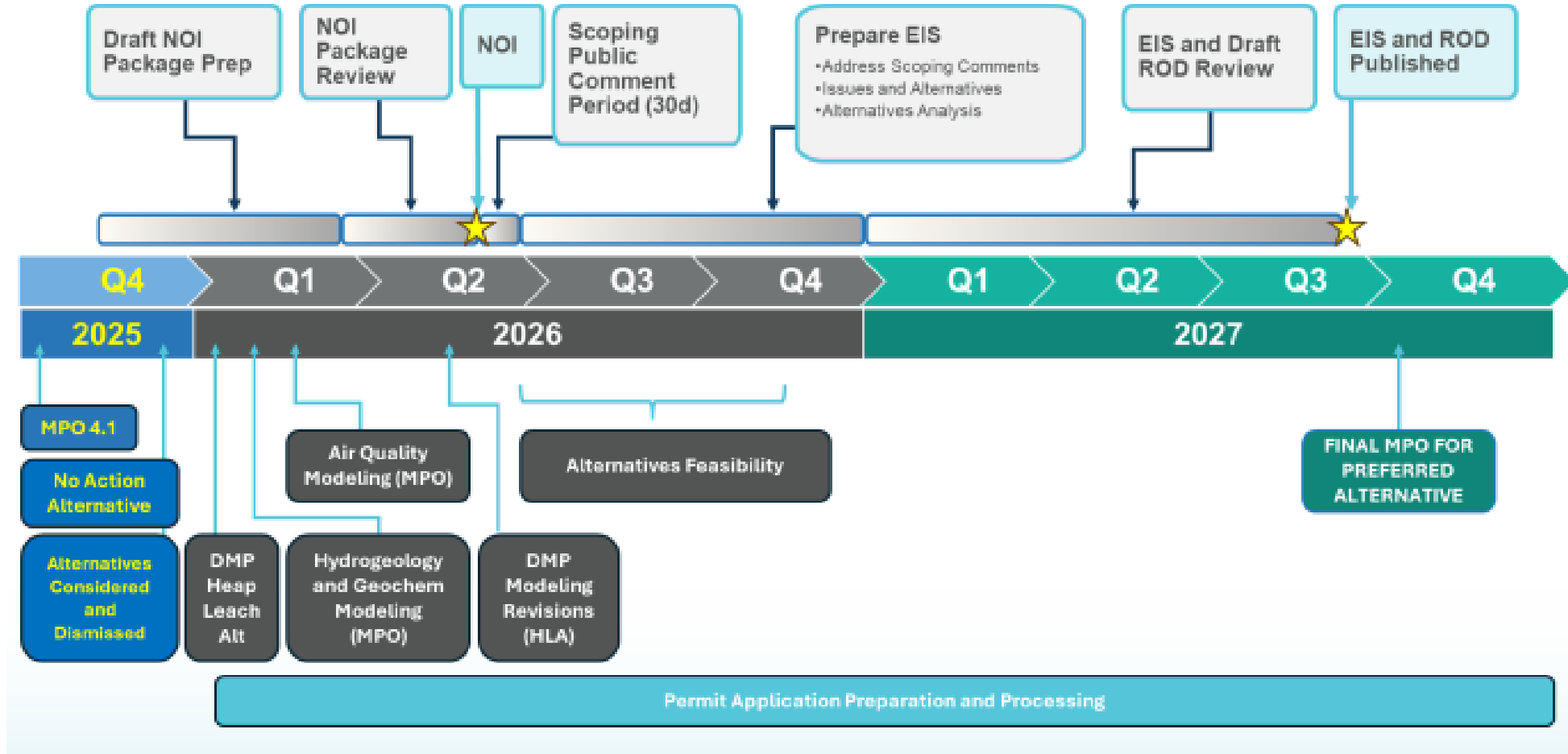
- Perpetua now holds *all major federal permits* needed for construction
- Key state permits are in effect but legally contested
- Issued & Effective
 - Federal permits (NEPA, CWA § 404)
 - State permits (air, CWA § 401, IPDES)
- Contested / Pending Review
 - Air quality – state court
 - § 401 - admin appeal
 - IPDES – judicial review
- Adverse rulings could:
 - Require supplemental analysis or remand
 - Impose more restrictive permit conditions
 - Delay construction timelines
- **Bottom line:** All major permits are issued; remaining risk is litigation-driven delay or permit conditions, not project approval

Integra Resources – DeLamar Project

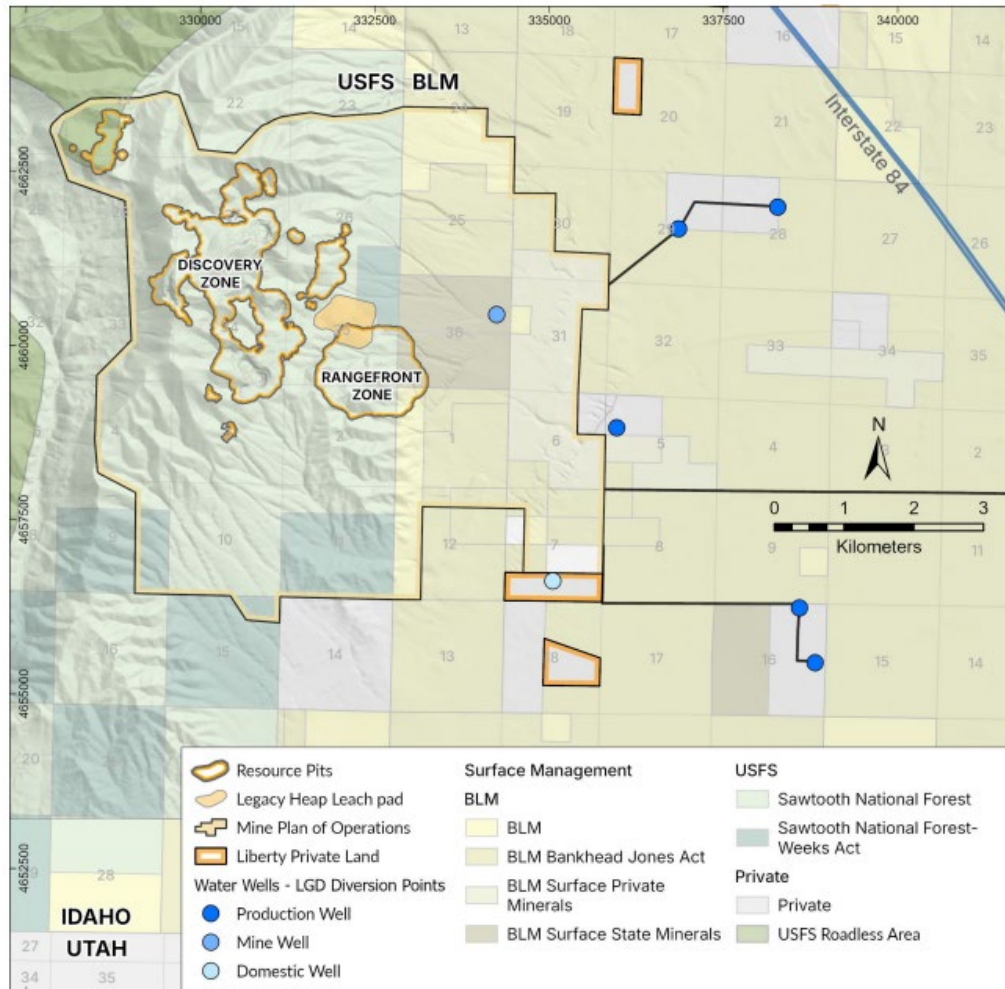


- Advanced gold-silver heap-leach project
- **~1.9 million oz AuEq Proven & Probable reserves**
- Revised Mine Plan of Operations submitted in 2025, initiating NEPA review
- Designated as a **FAST-41 Transparency Project**, signaling federal prioritization
- Anticipated capital investment: **hundreds of millions**, consistent with similar projects (company estimates pending final feasibility)

Integra Resources – DeLamar Project NEPA Permitting Schedule



Liberty Gold – Black Pine Gold Project



- One of the **largest undeveloped oxide gold projects in the U.S.**
- **~4.9 million ounces of indicated gold resources**
- **~40,000 meters of drilling completed in 2025**
- Entered formal NEPA EIS process in 2026 (USFS Notice of Intent published)
- Capital costs not finalized, but comparable projects imply **hundreds of millions of dollars** in anticipated development investment

Liberty Gold – Black Pine Gold Project Permitting Progress

Engineering, permitting, and community workstreams advancing in parallel



Idaho remains one of the most active mineral exploration states in the western U.S.

- **Exploration and development driven by gold, antimony, copper, cobalt, phosphate, and silver**, with a growing emphasis on federally designated **critical minerals**
- Activity spans the development cycle:
 - Producing operations (phosphate)
 - Late-stage permitting and development (gold, antimony)
 - Early- to mid-stage exploration (copper, cobalt)

Idaho Cobalt Belt

- Largest known primary cobalt resource in the United States
- No large-scale cobalt production currently operating
- Ongoing exploration and redevelopment driven by critical-minerals policy
- **Jervois / Idaho Cobalt Operations:** mine constructed but idled due to low cobalt prices

Copper

- Increased exploration activity statewide
- Hercules Metals Project (Western Idaho):
 - Active drilling program
 - Backed by major investors
- Multiple early-stage copper-gold porphyry and skarn targets under evaluation

Phosphate

- Southeastern Idaho supplies approximately 22–25% of U.S. phosphate used in fertilizer and industrial products
- Remains one of Idaho's most consistently producing mineral sectors

Exploration Profile

- Significant junior mining activity, particularly by Australian- and Canadian-listed companies, focused on both precious metals and critical minerals

Bottom line: Idaho's mineral activity is broad-based, but capital and regulatory attention are increasingly concentrated on gold and federally prioritized critical minerals.



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The Lawlessness: Recent Legal Issues in Idaho (and nearby)



Helicopter staking: Legal in Idaho?

Issue: Reports of mining claims being staked using helicopters in Idaho

Question: Does helicopter staking comply with Idaho and federal mining law?

Governing Law:

- **Idaho Code § 47-601:** Claim must be located by posting notice and **marking boundaries**
- **Idaho Code § 47-602:** Locator must **place** substantial monuments at corners and mark boundaries so they are **readily traceable**
- **30 U.S.C. § 28:** Claims must be **distinctly marked on the ground** so boundaries can be readily traced

Key Legal Standard

Idaho applies substantial compliance and good faith, not strict technical perfection

Helicopter Staking

Case and court: *Arizona Lithium Company Ltd. v. North American Cobalt, Inc.*, U.S. District Court for the District of Idaho; memorandum decision and order dated September 30, 2019

Dispute: Competing, overlapping unpatented lode claims in Lemhi County (BATT vs. BOCO claims)

Issue: Prior claims staked by helicopter; junior locator argued helicopter staking was invalid under Idaho law

Legal standard: Claims must be distinctly marked so boundaries are readily traceable; Idaho applies substantial compliance and good-faith, not strict technical perfection

Holding: Helicopter staking is not per se unlawful under Idaho law; validity turns on facts—traceability, good faith, and actual notice; court declined to void claims as a matter of law

Helicopter staking

Arguments against helicopter staking (as raised in the case)

“Placed” vs. “dropped” monuments:

Statute required intentional placement

Posts not erected to statutory height:

Posts must be at least four feet tall

Recording before completion of marking:

Location certificates filed before compliant marking

Boundaries not readily traceable:

Monuments shattered or displaced

Absence of good faith:

Speed prioritized over accuracy and notice

Policy concern:

Accepting helicopter drops as sufficient argued to risk regime where claimants could stake vast areas without meaningful ground presence, contrary to Idaho mining-location policy

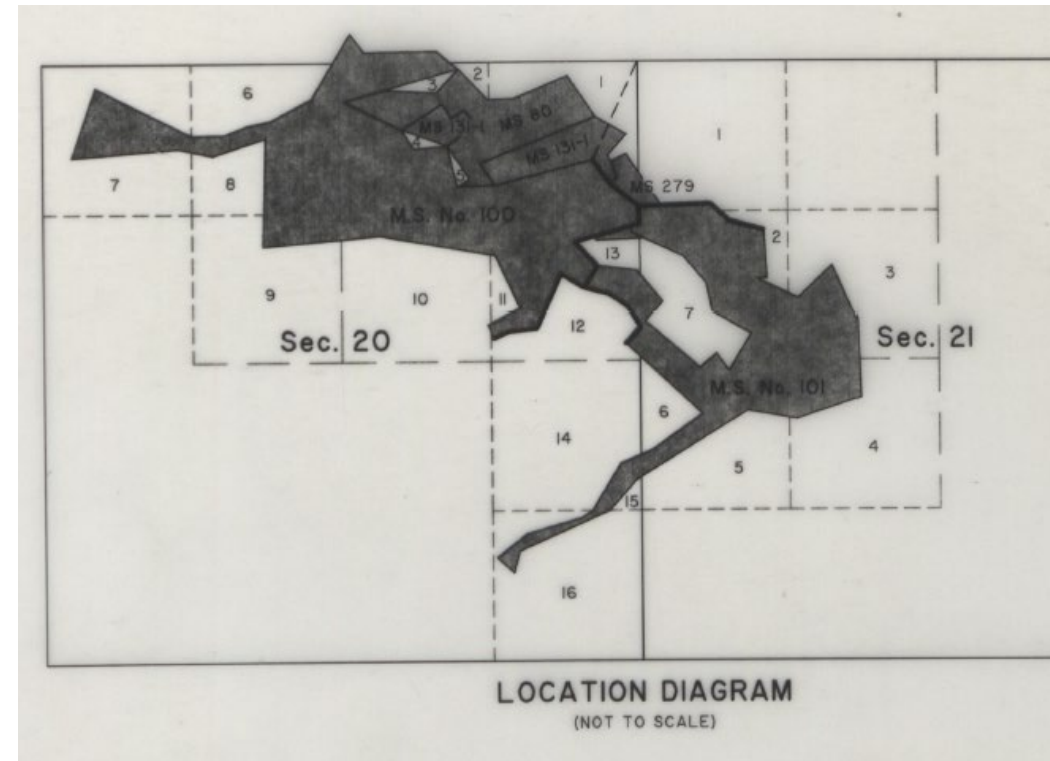
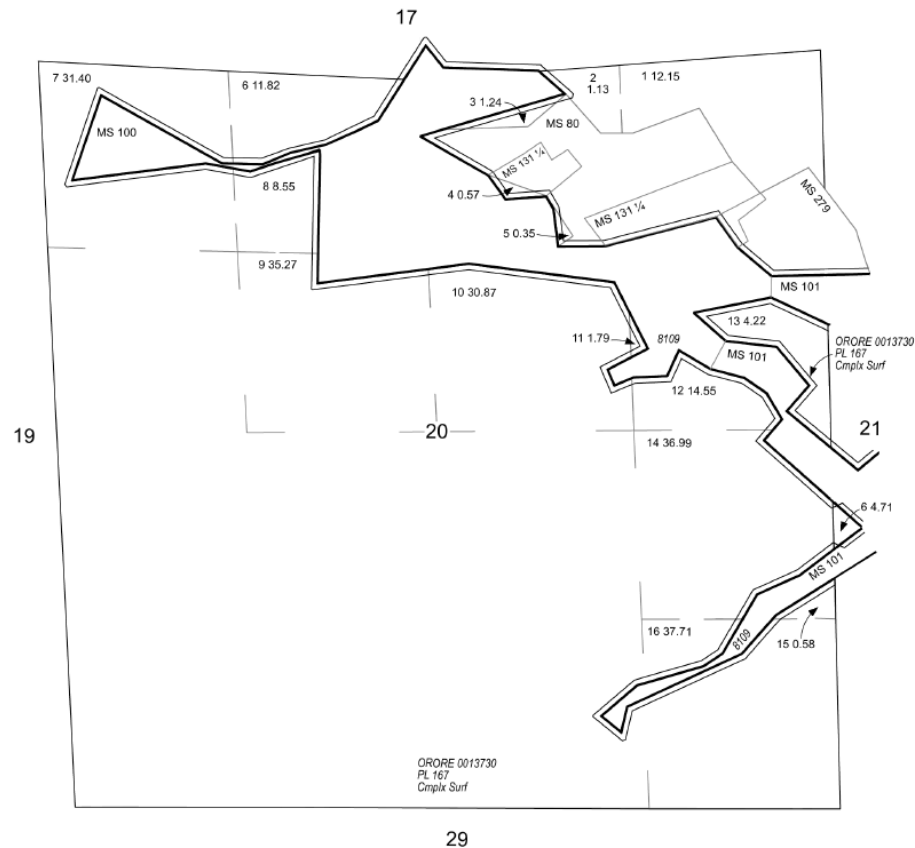


Helicopter staking

The takeaway from *Arizona Lithium v. North American Cobalt* is that helicopter staking in Idaho is **not per se invalid**, but it significantly increases litigation risk. Outcomes will depend on traceability, documentation, good faith, and notice—not simply on the method used to place the monuments.

How would you stake claims here?

Patented placers (private surface and minerals) / BLM lands surrounding





Notices of Intent to Locate (NOITLs)

- **SRHA lands** are lands patented under the **Stock-Raising Homestead Act of 1916**
- The SRHA created a split-estate ownership structure:
 - Surface estate conveyed into private ownership
 - Mineral estate reserved to the United States
 - Reserved to the United States “all the coal and other minerals in the lands ... together with the right to prospect for, mine, and remove the same....”
- Mineral development must be conducted with **due regard for the surface owner’s use**
- Because the surface is privately owned, **special notice requirements apply** before mineral entry or claim location (including **NOITLs**)

Notice of Intent to Locate (NOITLs)

43 C.F.R. Part 3838 – must notify the surface owner before exploring for minerals or locating mining claims on the mineral estate of SRHA lands

Form 3830-003
(April 2020)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 1004-0114
Expires: May 31, 2027

**NOTICE OF INTENT TO LOCATE A LODE OR PLACER MINING CLAIM(S)
AND/OR A TUNNEL SITE(S)
ON LANDS PATENTED UNDER THE STOCK RAISING HOMESTEAD ACT OF 1916,
AS AMENDED BY THE ACT OF APRIL 16, 1993**

Homestead Patent Number _____

TO ALL WHOM IT MAY CONCERN:
This notice is filed under Public Law No. 103-23 of April 16, 1993 (107 Stat. 60), entitled "An Act to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes." The undersigned place(s) all interested parties on notice that, within 90 days of filing this notice with the Bureau of Land Management (BLM) and after 30 days from the date of receipt of a copy of this notice by the surface owner(s) of record, the undersigned intend(s) to enter the lands described below to explore for a valuable mineral deposit(s) and to locate a mining claim(s), and/or tunnel site(s), as provided under the mining laws of the United States (30 U.S.C. 22, et seq.). The area covered by this notice and all other notices filed by the undersigned and any affiliate(s) of the undersigned, and which continue to be in effect on the date of this filing does not exceed 6,400 acres of such land in any one State and 1,280 acres of such land for a single entity. This notice, for a single State and surface of ownership, covers the following lands:

SUBDIVISION	SECTION	TOWNSHIP	RANGE	MERIDIAN

in _____ County, State of _____.

Total acres under this notice _____.

Name(s), telephone number(s), and mailing address(es) of affected surface owner(s): _____ _____	Name(s), telephone number(s), and mailing address(es) of person(s) filing this notice: _____ _____
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Brief description of the proposed casual use exploration activities (i.e., activities that cause no more than a minimal disturbance to the surface resources and do not involve the use of mechanized earth-moving equipment, explosives, the construction of access roads, drill pads, or the use of toxic or hazardous materials):

Date(s) on which such activities will take place: _____

(Continued on page 2) (Form 3830-3)

NOITL Process

SRHA Land?
Federal minerals / Private surface

Own Surface Estate?
If yes → NOITL not required

Prepare NOITL

- Filer name & contact info
- Legal description of parcel
- Surface owner (of record!)
- Statement of intent (explore/locate claims)

File NOITL with BLM

- Pay processing fee
- Separate NOITL per surface owner

Serve Surface Owner(s)
Certified / Registered Mail (seriously), return receipt requested

Provide Proof of Service to BLM

Wait 30 Days
No entry or staking

Proceed After 30 Days

- Comply w/ Parts 3832–3835 (location, recording, maintenance)
- Stake day 31 – day 90 (exclusivity ends after day 90)



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Thank you!

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