



ADMINISTRATIVE RULES OF MONTANA



17.24.228 REQUIREMENTS FOR DRYLAND PERMIT APPLICATIONS AND RECLAMATION

- (1) Dryland permits must meet all the application requirements of 82-4-432(14), MCA.
- (2) Before submitting a dryland permit application, an operator must provide public notice. The applicant must:
 - (a) post notice of the following in at least two prominent locations at the proposed opencut site, including near a public road if possible:
 - (i) applicant's name, address, and telephone number;
 - (ii) proposed permitted acreage;
 - (iii) type of material to be mined; and
 - (iv) proposed reclamation date;
 - (b) mail the notice to surface landowners of land located within one-half mile of the boundary of the proposed opencut permit area using the most current known owners of record as shown in the records of the county clerk and recorder for the county where the proposed opencut operation is located. The mailed notice must include the following:
 - (i) applicant's name, address, and telephone number;
 - (ii) location map meeting the requirements of ARM 17.24.221;
 - (iii) proposed permitted acreage;
 - (iv) type of material to be mined; and
 - (v) proposed reclamation date;
 - (c) publish a notice at least twice, a minimum of a week apart, in a newspaper of general circulation in the locality of the proposed opencut operation. The published notice must include the following:
 - (i) applicant's name, address, and telephone number;
 - (ii) location map meeting the requirements of ARM 17.24.221;
 - (iii) proposed permitted acreage;
 - (iv) type of material to be mined; and
 - (v) proposed reclamation date.

- (3) If available, up to 24 inches of soil and overburden must be stripped, salvaged, and replaced for reclamation. If overburden is a mine material or will be used as binder, an appropriate quantity must first be stripped and salvaged to satisfy the soil plus overburden replacement thickness requirement (24 inches cumulative).
- (4) The operator must complete phase I reclamation and begin phase II reclamation on any area that the operator no longer needs for opencut operations or no longer has the right to use, within one year after the cessation of such operations or termination of such right. The operator must request release using forms provided by the department. If it is not practical for the operator to reclaim a certain area until other areas are also available for reclamation, the operator may propose an alternate reclamation schedule.
- (5) Boundary markers and road markers must be placed so that no fewer than two consecutive markers are readily visible in any direction from any point on a line. The following requirements apply to marking boundaries and permitted access roads to be improved or constructed:
 - (a) markers must be in place before submitting an application for a permit or a permit amendment;
 - (b) markers should be durable, stout posts made of steel, wood, or similar high-quality materials. A prominent, permanent feature such as a pole, tree, or large rock may also serve as a marker. Each marker, whether man-made or natural, must be painted or flagged;
 - (c) road markers may be removed as the road is constructed, but each boundary marker must be maintained in place and readily visible until the adjacent permit area is reclaimed and released;
 - (d) the following areas and features must be marked according to this rule:
 - (i) proposed permit or proposed amended permit boundaries;
 - (ii) non-bonded areas;
 - (iii) proposed permitted access roads to be improved or constructed;
 - (iv) phase I release areas previously approved by the department; and
 - (v) before submission of an application for bond release, areas that are the subject of an application for phase I or phase II bond release; and
 - (vi) the requirements of (5) do not apply to active hayland, cropland, or existing roads to be permitted.
- (6) Where required by 82-4-434, MCA, berms constructed of soil and/or overburden must be a minimum of 6 feet high, protected from erosion, commingling, contamination, compaction, and unnecessary disturbance. At the first seasonal opportunity, the operator must shape and seed, with weed-free seed mix, any berm capable of sustaining plant growth.
- (7) The only map required for a dryland permit is a location map as described in ARM 17.24.221(2) and (6).

Authorizing statute(s): 82-4-422, MCA

Implementing statute(s): 82-4-432, MCA



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History: NEW, 2022 MAR p. 2009, Eff. 10/8/22.