



ADMINISTRATIVE RULES OF MONTANA



17.24.1001 PERMIT REQUIREMENT

- (1) A person who intends to prospect for coal or uranium on land not included in a valid strip or underground mining permit must obtain a prospecting permit from the department if the prospecting will be:
 - (a) conducted to determine the location, quality, or quantity of a mineral deposit and will substantially disturb, as defined in ARM 17.24.301, the natural land surface; or
 - (b) conducted to determine the location, quality, or quantity of mineral using drilling operations; or
 - (c) conducted on an area designated unsuitable for strip or underground coal mining pursuant to 82-4-227 or 82-4-228, MCA, or ARM 17.24.1131.
- (2) An application for a prospecting permit must be made on forms provided by the department and, except for an application for a coal drilling operation that is subject to the application and review requirements of 82-4-226(8), MCA, must be accompanied by the following information:
 - (a) the name, address, and telephone number of the applicant and, if applicable, the representative of the applicant who will be present at and be responsible for the prospecting;
 - (b) documentation that the proposed prospecting program would not adversely affect any area possessing special, exceptional, critical, or unique characteristics as defined in 82-4-227, MCA. The applicant shall promptly report the existence of such characteristics if in the course of prospecting he becomes aware of them;
 - (c) identification of any historical, archaeological, and ethnological values in the area to be affected to the same extent required for a permit application by ARM 17.24.304(1)(b) and possible mitigating measures to be exercised should any of those values be encountered;
 - (d) for any lands protected under 82-4-227(13), MCA, or ARM 17.24.1131, a demonstration that, to the extent technologically and economically feasible, the proposed prospecting activities will minimize interference with the values for which those lands were designated. The application must include documentation of consultation with the owner of the feature causing the land to come under the designation, and, when applicable, with the agency with primary jurisdiction over the feature with respect to the values that caused the land to be so designated;
 - (e) a narrative description of the significant fish and wildlife species and habitats in the general area of operations, including rare and endangered species and critical habitats, as listed by the U.S. fish and wildlife service and other appropriate agencies, and written documentation

from appropriate management agencies that the proposed prospecting activity will not adversely affect such species;

- (f) documentation that habitats of unique or unusually high value to fish and wildlife would not be disturbed;
- (g) a narrative description of the local topographic and geologic formations, scenic values, and vegetation in the area to be affected;
- (h) a prospecting map that meets the following requirements:
 - (i) the map must be of sufficient size and scale to adequately show all areas to be prospected. Standard United States geological survey topographic quadrangle maps must be used as base maps, if available;
 - (ii) whenever prospecting by test hole is proposed, the maps must include proposed locations of test holes. Specific locations for initial prospecting shall be shown by quarter section, section, township, and range. New road construction for drill rig or seismic equipment access must be clearly indicated on the maps. Permanent roads, and roads that are to be abandoned, must be identified;
 - (iii) each map must contain:
 - (A) proposed excavations or test pits and disposal areas for excavated earth and waste materials shown by location and size;
 - (B) locations of streams, lakes, stockwater ponds, wells, and springs that are known or readily discoverable proximate to prospecting operations;
 - (C) roads and access routes;
 - (D) location of occupied dwellings and pipelines;
 - (E) a description and location of historic, topographic, cultural and drainage features;
 - (F) the location of habitat of species described in (e); and
 - (G) the name, address, and phone number of surface owners and surface lessees of the land affected;
 - (H) a certification in the same form required in ARM 17.24.305(2)(b);
- (i) a narrative description of the prospecting program including at a minimum:
 - (i) a description of the proposed method of prospecting;
 - (ii) the type of equipment to be used in the prospecting;
 - (iii) the size, depth, and number and location by legal description, of proposed drill holes (refer to map location), the depth(s) of any known subsurface ground water occurring above the deepest projected depth of the prospecting operation, the drilling medium used (air, water, mud, etc.), and the method of containing drilling fluids;
 - (iv) a description of the plugging procedures and materials used to comply with the provisions of ARM 17.24.1005(3);

- (v) a discussion of preventive and corrective measures that will be taken to guard against or correct water pollution problems that may develop with streams, lakes, stockwater ponds, wells or springs, and other measures proposed to be followed to protect the environment from adverse impacts;
 - (vi) a plan showing earth moving proposed for roads, disposal pits, and drill sites in compliance with ARM 17.24.1006(2) and 17.24.1009; and
 - (vii) a drill hole marking technique that provides durable markers and that will allow the department to locate the drill hole for bond release inspection purposes;
 - (j) the mineral or minerals to be prospected;
 - (k) a listing of all surface and subsurface estate owners, their current mailing addresses and phone;
 - (l) copies of the documents upon which the applicant bases his or her legal right to prospect for the mineral or minerals on the land affected;
 - (m) documentation that the owners of the land affected have been notified and understand that the department must make investigations and inspections necessary to ensure compliance with the Act, applicable rules, and permit conditions;
 - (n) an estimated timetable for conducting and completing each phase of prospecting and reclamation;
 - (o) the measures to be taken to comply with the performance standards of this subchapter;
 - (p) the proposed post-disturbance land use; and
 - (q) the proposed public notice of the prospecting activities and proof of publication, in accordance with ARM 17.24.303(1)(x). The procedures of ARM 17.24.401(3) and (5), 17.24.402, and 17.24.403 must be followed in the processing of a prospecting permit application.
- (3) A prospecting permit is issued on a yearly basis and is subject to renewal, suspension, and revocation in the same manner as a strip or underground mining permit.
 - (4) Each person who conducts prospecting shall, while in the prospecting area, have available a copy of the prospecting permit for review by the department upon request.
 - (5) Prospecting operations conducted pursuant to a prospecting permit are subject to all provisions of this subchapter except ARM 17.24.1018.
 - (6) The department may not approve a prospecting permit application unless the application affirmatively demonstrates and the department finds in writing, on the basis of information set forth in the application or information otherwise available that is compiled by the department, that:
 - (a) the application is complete and accurate and that the prospecting and reclamation will be conducted in accordance with all applicable requirements of this subchapter;
 - (b) the proposed prospecting operation will not jeopardize the continued existence of endangered or threatened species or result in destruction or adverse modifications of their critical habitats;

- (c) the application complies with applicable federal and state cultural resource requirements, including ARM 17.24.318, 17.24.1131 and 17.24.1137; and
 - (d) the proposed prospecting activities will meet the requirements of (2)(d) and that the owner of the feature causing any land to come under a protected designation, pursuant to 82-4-227(13), MCA, or ARM 17.24.1131, and, when applicable, with the agency with primary jurisdiction over the feature with respect to the values that caused the land to be so designated, have been provided the opportunity to comment on the department's finding on this matter.
- (7) Prospecting-related activities or facilities that are conducted or created in accordance with this rule and ARM 17.24.1002 through 17.24.1014 and 17.24.1016 through 17.24.1019 must be transferred to a valid strip or underground mining permit whenever such activities or facilities become part of mine operations in conjunction with ARM 17.24.308(1)(b) or 17.24.609.

Authorizing statute(s): 82-4-205, MCA

Implementing statute(s): 82-4-226, MCA

History: NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; AMD, 1995 MAR p. 31, Eff. 1/13/95; AMD, 1995 MAR p. 2263, Eff. 10/27/95; TRANS, from DSL, 1996 MAR p. 2852; AMD, 1999 MAR p. 811, Eff. 4/23/99; AMD, 2004 MAR p. 2548, Eff. 10/22/04; AMD, 2012 MAR p. 737, Eff. 4/13/12; AMD, 2024 MAR p. 258, Eff. 2/10/24.