



ADMINISTRATIVE RULES OF MONTANA



17.24.1014 TEST PITS: APPLICATION REQUIREMENTS, REVIEW PROCEDURES, BONDING, AND ADDITIONAL PERFORMANCE STANDARDS

- (1) In addition to all the other performance standards set forth in ARM 17.24.1005 through 17.24.1012, prospecting test pits must also comply with the following requirements:
 - (a) Test pits or other excavations must be located out of stream channels (dry or flowing) unless otherwise approved by the department.
 - (b) Applications, permits, bonds, prospecting activities, and related procedures, and reclamation relating to test pits or excavations that are to produce test shipments of minerals, must comply with the applicable provisions of subchapters 3 and 5 through 9, and ARM 17.24.1101 through 17.24.1122, 17.24.1125, 17.24.1129, and 17.24.1131 through 17.24.1138.
- (2) An application for a coal test pit prospecting permit must contain:
 - (a) a demonstration that the test pit extraction method is necessary for development of a mining operation for which an operating permit application is to be submitted in the near future and that the minerals are being extracted for testing purposes only;
 - (b) the name of the testing firm and the locations at which the coal will be tested;
 - (c) if the coal will be sold directly to, or commercially used directly by, the intended end user, a statement from the intended end user, or, if the coal is sold through a broker or agent, a statement from the broker or agent, that contains:
 - (i) the specific reason for the test, including why the mineral may be so different from the end user's other mineral supplies as to require testing;
 - (ii) a statement of the amount of mineral necessary for the test and why a lesser amount is not sufficient; and
 - (iii) a description of the specific tests that will be conducted;
 - (d) evidence that sufficient reserves of mineral are available to the person conducting the prospecting or its principals for future commercial use or sale to the intended end user, or agent or broker of such user identified above, to demonstrate that the amount of mineral to be removed is not the total reserve, but is a sampling of a larger reserve; and
 - (e) an explanation as to why other means of prospecting, such as core drilling, are not adequate to determine the quality of the mineral and the feasibility of developing a mining operation.
- (3) An application for a test pit must include a timetable for the sampling and reclamation activities.

- (4) Subchapter 4 is applicable to test pit prospecting permit applications and permits with the following requirements:
 - (a) The notice of application published by the applicant must contain, in addition to the information required in ARM 17.24.401(3) , the date the application was filed.
 - (b) The affirmative demonstration and written findings required for the application by ARM 17.24.405(6) must also include the items listed in (2) above.

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; TRANS, from DSL, 1996 MAR p. 3042; AMD, 1999 MAR p. 811, Eff. 4/23/99; AMD, 2024 MAR p. 258, Eff. 2/10/24.