



ADMINISTRATIVE RULES OF MONTANA



17.24.184 SMALL MINER BOND FORFEITURE AND SMES REVOCATION

- (1) If a small miner who conducts a placer or dredge operation fails to commence reclamation within six months after cessation of mining or within an extended period allowed by the department for good cause shown pursuant to (4) , or fails to diligently complete reclamation, the department shall notify the small miner by certified mail at the small miner's last reported address that bond will be forfeited and the department will reclaim the site unless the small miner commences reclamation within 30 days and diligently completes reclamation.
- (2) The department shall revoke the small miner exclusion statement for any small miner whose bond is forfeited.
- (3) Cessation of mining is considered to have occurred:
 - (a) whenever a small miner notifies the department of intent to cease operations; or
 - (b) whenever a site has been inactive through one operating season and the operator has failed to seek an extension for good cause shown.
- (4) The department may grant an extension only when a site is temporarily stabilized in a manner which assures stability through spring runoff when impact to the environment will be minimized, and when public safety is ensured.
- (5) Diligent completion of reclamation will be considered to have occurred whenever:
 - (a) a site has been graded and seeded in compliance with the requirements of ARM 17.24.183 during the first planting season, after cessation of activity; and
 - (b) reclamation standards are achieved within two years of completion of reclamation.
- (6) An extension of time to reclaim must be renewed annually.
- (7) A forfeited bond must be used as follows:
 - (a) Whenever reclamation can be achieved using the amount of the forfeited bond, excess funds must be returned to the small miner.
 - (b) Whenever the department documents in a written finding that reclamation cannot be achieved using the amount of the forfeited bond, funds may be deposited in the environmental rehabilitation and response account established by 82-4-311 , MCA, and reclamation must be conducted as priorities and additional funding allow. Forfeited funds deposited in the account may not be used for reclamation of other sites.
 - (c) Whenever reclamation costs exceed the bonded amount, the department may issue a notice to the placer or dredge operator that the excess costs are due and payable within 30 days,

pursuant to 82-4-305 (6) , MCA. The department may bill the operator only for the cost of activities that are reasonably necessary to return the site to comparable stability and utility and to prevent pollution of state waters as defined in Title 75, chapter 5, MCA.

Authorizing statute(s): 82-4-321, MCA

Implementing statute(s): 82-4-305, MCA

History: NEW, 1991 MAR p. 445, Eff. 4/12/91; TRANS, from DSL, 1996 MAR p. 2852; AMD, 2000 MAR p. 473, Eff. 2/11/00; AMD, 2002 MAR p. 3590, Eff. 12/27/02.