



ADMINISTRATIVE RULES OF MONTANA



17.24.115 OPERATING PERMITS: RECLAMATION PLANS

- (1) The following provisions must be addressed in the reclamation plan:
 - (a) land disturbed by development or mining activities must be reclaimed for one or more specified uses, including, but not limited to: forest, pasture, orchard, cropland, residence, recreation, wilderness, industry, habitat (including food, cover or water) for wildlife or other uses. Proposed reclamation need not reclaim subject disturbed areas to a better condition or different use than that which existed prior to development or mining. The applicant must describe:
 - (i) current uses(s) of area to be disturbed;
 - (ii) current and proposed uses of nearby land that by its proximity may influence or guide the choice of a reclaimed use of the disturbed area;
 - (iii) pertinent climatic, topographical, soil, water and wildlife data that govern choice of proposed use of the reclaimed land.
 - (b) With the use of cross-sections, topographic maps or detailed prose, the proposed topography of the reclaimed land must be adequately described. As specific situations warrant, proper grading must provide for adequately designed contour trenches, benches and rock-lined channelways on disturbed areas. The applicant must submit evidence to assure the department that upon partial or complete saturation with water, graded fill, tailings or spoil slopes will be stable. The proposed grading methods must be described. Where practicable, soil materials from all disturbed areas must be stockpiled and utilized.
 - (c) The operator must establish vegetative cover commensurate with the proposed land use specified in the reclamation plan.
 - (d) Where operations result in a need to prevent acid drainage or sedimentation, on or in adjoining lands or streams, there shall be provisions for the construction of earth dams or other reasonable devices to control water drainage, provided the formation of such impoundments or devices shall not interfere with other landowner's rights or contribute to water pollution (as defined in Title 75, chapter 5, MCA) .
 - (e) All water, tailings or spoil impounding structures must be equipped with spillways or other devices that will protect against washouts during a 100 year flood.
 - (f) Upon abandonment, water from the development or mining activities shall be diverted or treated in a manner designed to control siltation, erosion or other water pollution damage to streams and natural water courses.

- (g) All operations shall be conducted so as to avoid range and forest fires and spontaneous combustion.
- (h) Proper precautions must be taken to assure that exposed cuts and tailings or spoil disposal areas will not be subject to wind erosion to the extent that airborne detritus becomes a public nuisance or detriment to the flora and fauna of the area.
- (i) In a reclamation plan, the applicant shall provide the department with sufficiently detailed information regarding method(s) of disposal of mining debris, including mill tailings, and the location and size of such areas.
- (j) Requirements regarding reclamation of stream channels and stream banks must be flexible to fit circumstances of each stream site. Many stream relocations, however, will be permanent and thus will represent the reclaimed condition of stream channels and stream banks. Accordingly, reclamation plans must contain the following provisions should stream channels or banks be permanently relocated:
 - (i) the relocation channel shall be of a length equal to or greater than the original channel, unless the department after consideration of the local circumstance shall grant a variance;
 - (ii) the relocation channel shall contain meanders, riffles and pools similar to those in the original channel;
 - (iii) stream banks shall be rounded to prevent slumping and sloughing and shall be revegetated in keeping with accepted agriculture or reforestation practices the first appropriate season following channel relocation;
 - (iv) rock riprap shall be used wherever appropriate.
- (k) Sections 82-4-332 and 82-4-335 , MCA, require that maps of the intended development or mining operation(s) accompany applications for permit. Should a copy of such maps, to scale, contain the following additional information (transparent overlays are acceptable) , a separate map need not accompany the reclamation plan:
 - (i) outline of the area to be disturbed in the first year of operation;
 - (ii) outline of areas where soil materials will be replaced;
 - (iii) outline of intended revegetation areas showing plant or seed densities and species chosen;
 - (iv) location of such structures, drainage features, etc., as may be necessary to prevent erosion of bare slopes and subsequent siltation or other pollution of natural flowing streams or other natural water bodies.
- (l) Reclamation shall be as concurrent with development or mining operations as feasible and must be completed within a specified reasonable length of time. Revegetation must be accomplished in the first appropriate season after necessary grading, in accordance with accepted agricultural or reforestation practices.
- (m) All facilities constructed as part of the operating permit must be reclaimed for the approved postmine land use. The reclamation plan must provide for removal of buildings and other structures at closure consistent with the postmine land use.

- (n) The plan must provide for postmine environmental monitoring programs and contingency plans for the postreclamation permit area. The monitoring programs and contingency plans must be related in scope and duration to the risk to public safety, water quality and adjacent lands they were designed to address.

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

Implementing statute(s): 82-4-335, 82-4-336, MCA

History: Eff. 12/31/72; TRANS, from DSL, 1996 MAR p. 2852; AMD, 1999 MAR p. 640, Eff. 4/9/99; AMD, 2002 MAR p. 3590, Eff. 12/27/02.