



ADMINISTRATIVE RULES OF MONTANA



17.24.1003 RENEWAL AND TRANSFER OF PERMITS

- (1) An application for renewal of a prospecting permit must be submitted by the permittee on forms provided by the department. The application must be submitted at least 15 days prior to the anniversary date of the permit and must include:
 - (a) the number of drill holes permitted;
 - (b) the number of drill holes disturbed;
 - (c) a listing of any other surface disturbances;
 - (d) the number of acres of land disturbed by the operation;
 - (e) the number of drill holes and other disturbances that have been reclaimed and the extent such has been carried out; and
 - (f) an updated map that shows all revisions to the current permit.
- (2) No transfer or assignment of any prospecting permit may be made without the prior written approval of the department.
- (3) The department may not approve any transfer or assignment of any permit unless the potential transferee or assignee:
 - (a) obtains the performance bond coverage of the original permittee by:
 - (i) obtaining transfer of the original bond;
 - (ii) obtaining a written agreement with the original permittee and all subsequent successors in interest (if any) that the bond posted by the original permittee and all successors shall continue in force on all areas affected by the original permittee and all successors, and supplementing such previous bonding with such additional bond as may be required by the department. If such an agreement is reached, the department may authorize for each previous successor and the original permittee the release of any remaining amount of bond in excess of that required by the agreement; or
 - (iii) providing sufficient bond to cover the original permit in its entirety from inception to completion of reclamation operations; and
 - (b) provides the department with an application for approval of such proposed transfer, assignment, or sale, including:
 - (i) the name and address of the existing permittee;

- (ii) the name and address of the person proposing to succeed by such transfer, assignment, or sale and the name and address of that person's resident agent and a brief description of the proposed transaction; and
 - (iii) the same information as is required in subchapter 10 for applications for new permits.
- (4) The successor shall immediately provide notice to the department of the consummation of the transfer, assignment, or sale of permit rights. Upon receipt of this notice, the department shall release the original permittee from all obligations not retained under (3).

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; TRANS, from DSL, 1996 MAR p. 3042; 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.