



ADMINISTRATIVE RULES OF MONTANA



17.24.1018 NOTICE OF INTENT TO PROSPECT

- (1) This rule applies to a prospecting operation that is outside an area designated unsuitable for coal mining pursuant to 82-4-227 or 82-4-228, MCA, and that is:
 - (a) conducted for the purpose of gathering environmental data to establish the conditions of an area before beginning strip or underground mining; or
 - (b) conducted to determine drill hole locations and access routes prior to submittal of an application to prospect to determine the location, quality, and quantity of a mineral reserve.
- (2) A person who conducts a prospecting operation as described in (1) must, before conducting the prospecting operations, file with the department a notice of intent to prospect that meets the requirements of (3) and (4). A notice of intent to prospect is effective for one year after it is filed. If prospecting activities described in a notice are not conducted within the year, they may be incorporated by reference in a subsequent notice of intent to prospect.
- (3) The notice must include copies of the documents upon which the applicant bases his or her legal right to prospect on the land affected.
- (4) The notice must document that the owners of the land affected have been notified and understand that the department shall make investigations and inspections necessary to ensure compliance with the Act, applicable rules, and notice of intent conditions. The notice must also include the current mailing address and phone number of each affected landowner.
- (5) A notice of intent for prospecting activities that will not substantially disturb, as defined in ARM 17.24.301, the natural land surface must contain the following:
 - (a) a map of sufficient size and scale to adequately show all areas to be prospected. Standard United States geological survey topographic quadrangle maps, or other similar map showing the same level of detail, must be used as base maps. The following must be clearly identified on the map:
 - (i) topography (minimum of ten-foot contours), locations of streams, lakes, stockwater ponds, wells, and springs that are known or readily discoverable proximate to the prospecting operations;
 - (ii) surface ownership;
 - (iii) roads and access routes;
 - (iv) locations of proposed installations of monitoring facilities; and
 - (v) location of occupied dwellings and pipelines; and

- (b) sufficient additional information to demonstrate to the department's satisfaction that the prospecting activity will not substantially disturb the natural land surface.
- (6) A notice of intent to prospect for prospecting operations that will substantially disturb, as defined in ARM 17.24.301, the natural land surface, must contain the following to the extent that it is applicable to the proposed prospecting operation:
 - (a) information required in ARM 17.24.1001(2)(a) through (i), and (2)(l) through (n);
 - (b) a statement that information required in ARM 17.24.1002(1) and (2) will be provided;
 - (c) a statement that prospecting activities will be conducted in compliance with the requirements of ARM 17.24.1004 through 17.24.1013 and sufficient information to demonstrate to the department's satisfaction that the performance standards of these rules will be met.
- (7) Within 30 days of receipt of a notice of intent to prospect, the department shall notify the person who filed the notice whether the notice meets the requirements of this rule.
- (8) Each person who conducts prospecting under a notice of intent shall, while in the prospecting area, have available to the department for review upon request a copy of the notice of intent to prospect.
- (9) All provisions of this subchapter, except ARM 17.24.1001, 17.24.1003, 17.24.1014, 17.24.1016, 17.24.1017, and 17.24.1019 apply to a notice of intent to prospect.

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

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

History: NEW, 1995 MAR p. 31, Eff. 1/13/95; AMD, 1995 MAR p. 2263, Eff. 10/27/95; 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.