



ADMINISTRATIVE RULES OF MONTANA



17.24.1017 BOND RELEASE PROCEDURES FOR DRILLING OPERATIONS

- (1) Bond release may be requested at the following times:
 - (a) Partial release may be requested and granted after:
 - (i) downhole plugging is completed; and
 - (ii) backfilling and grading, pursuant to the approved plan, is completed;
 - (b) Complete release may be requested and granted after:
 - (i) expiration of the responsibility period of ARM 17.24.1016(4) and the remaining requirements of this subchapter have been met; or
 - (ii) when a well has been drilled, completed, and transferred in accordance with ARM 17.24.647; or
 - (iii) a determination has been made by the department that sites remain undisturbed.
- (2) The bond release application must be submitted in duplicate and must include:
 - (a) a completed application on forms provided by the department;
 - (b) copies of letters sent to surface owners and county commissioners in the county or consolidated government in which the prospecting occurred. The letters must notify those persons of the permittee's intent to seek release of performance bond. These letters must include the same information required in (3);
 - (c) final updated, certified maps that include the precise location of each prospecting disturbance and each permitted site that remains undisturbed. Maps must be of a workable scale with topographic delineations equal to or better than those found on United States geological survey topographic maps;
 - (d) an affidavit of publication of the advertisement as required by (3). The affidavit must be submitted within 60 days of the date of filing of the application; and
 - (e) a legal description (to within 10 acres) of each disturbance.
- (3) At the time of filing an application for bond release, the permittee shall advertise the filing of the application in a newspaper of general circulation in the locality of the permit area. The advertisement must:
 - (a) be placed in the newspaper at least once a week for two consecutive weeks;

- (b) contain the name of the permittee, the permit number, and the date of issuance or renewal of the permit;
 - (c) describe the township, range, and section of the area where release is requested;
 - (d) describe the extent of disturbance, in acres, or for prospecting drilling, the total number of drill holes;
 - (e) indicate total performance bond held and the amount of bond release requested;
 - (f) indicate whether reclamation was completed as approved with regard to surface and subsurface disturbances; and
 - (g) state that written comments, objections, and requests for public hearing may be submitted to the department within 30 days of the last date of publication of the notice, and provide the address of the department.
- (4) Written objections, comments, and requests for an informal conference, may be filed by any affected person within 30 days following the last date of advertisement of the filing of the application. For the purpose of this rule, an "affected person" is:
- (a) any person with a valid legal interest which may be adversely affected by bond release; or
 - (b) any federal, state or local government agency that:
 - (i) has jurisdiction by law with respect to any environmental, social, or economic impact involved; or
 - (ii) is authorized to develop and enforce environmental standards with respect to strip or underground mining operations.
- (5) The department shall inspect and evaluate the reclamation for which bond release is requested within a reasonable period of time after receiving a complete application for bond release. Affected persons shall be given notice of such inspection and may participate in the inspection.
- (6) Informal conferences may be requested in the same manner provided in ARM 17.24.1113.
- (7) Notice of decision must be made in the same manner as is required for operating permit bonds under ARM 17.24.1114.

Authorizing statute(s): 82-4-205, MCA

Implementing statute(s): 82-4-226, 82-4-232, 82-4-235, MCA

History: NEW, 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, 2024 MAR p. 258, Eff. 2/10/24.