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Handwritten: H BILL NO. 577
INTRODUCED BY Conroy Day Sabat Mark Thayer
Falanga Leon Wyznick Vinger Rogerson Elson
Handwritten: M. Lane

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA STRIP AND UNDERGROUND MINE RECLAMATION ACT BY PROVIDING FOR A RECLAMATION AND REVEGETATION PLAN WHICH PERMITS PLACING THE RECLAIMED LAND INTO CROP PRODUCTION OR IRRIGATED PASTURE; AMENDING SECTIONS 50-1045 AND 50-1047, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 50-1045, R.C.M. 1947, is amended to read as follows:

"50-1045. Planting of vegetation following grading of disturbed area. (1) After the operation has been backfilled, graded, topsoiled, and approved by the department, the operator shall prepare the soil and plant such legumes, grasses, shrubs, and trees upon the area of land affected as are necessary to provide:

(a) a suitable permanent diverse vegetative cover capable of:

~~(i)~~ feeding and withstanding grazing pressure from a quantity and mixture of wildlife and livestock at least comparable to that which the land could have sustained prior to the operation;

~~(ii)~~ regenerating under the natural conditions prevailing at the site, including occasional drought, heavy snowfalls, and strong winds; and

~~(iii)~~ preventing soil erosion to the extent achieved prior to the operation; or

(b) crop production or irrigated pasture.

(2) The seed or plant mixtures, quantities, method of planting, type and amount of lime or fertilizer, mulching, irrigation, fencing, and any other measures necessary to provide a suitable permanent diverse vegetative cover or crop production or irrigated pasture shall be defined by rules of the board.

~~(3)~~ All underground shafts, tunnels, or other excavations are excluded from the provisions of subsection (1) of this section.

(4) (a) An operator may propose a revegetation plan to place the reclaimed land in crop production or irrigated pasture. The department may approve such a plan, after consultation with the present and any known future landowners, if the reclamation plan is consistent with the purposes of 50-1035. Before approval is given, the operator shall affirmatively demonstrate to the department that the land is suitable for crop production or irrigated pasture with respect to:

(i) topsoil quality and quantity;

Handwritten: HB 577

1 (iii) probability of adverse effects on groundwater
 2 quality and adverse effects due to surface seepage of
 3 groundwater;

4 (iii) precipitation or availability of irrigation water
 5 of adequate quality, quantity, and permanence;

6 (iv) use of similar lands in the area based on soil
 7 type, precipitation, topography, and any other factors which
 8 affect the growth of crops or pasture; and

9 (v) other criteria determined to be necessary to
 10 consideration of the revegetation plan.

11 (b) The operator shall submit plans for regrading,
 12 topsoiling, reclamation, revegetation, and management which
 13 will produce optimal economic, microclimatic, and agronomic
 14 conditions for crop and irrigated pasture production with
 15 minimal adverse effects on soil erosion, water, pollution,
 16 and other environmental factors.

17 (c) If the department determines that a revegetation
 18 plan for crop production or irrigated pasture is not
 19 appropriate for the land in question, reclamation and
 20 revegetation shall be carried out under the standards of
 21 subsection (1) (a) of this section.

22 (d) If the land has been used for crop production or
 23 irrigated pasture for 5 years or more prior to mining
 24 operations, it is presumed that the land is suitable for
 25 crop production or irrigated pasture and the operator need

1 only submit the information required by subsection (4) (b) of
 2 this section. The use of the land in the past for crop
 3 production or irrigated pasture does not require approval
 4 for such use in the future if the department finds crop
 5 production or irrigated pasture would not be appropriate.

6 (5) When a reclamation and revegetation plan is
 7 approved or disapproved, the department shall issue written
 8 findings concerning the plan."

9 Section 2. Section 50-1047, R.C.M. 1947, is amended to
 10 read as follows:

11 "50-1047. Planting report -- inspection and release of
 12 bond. (1) At least sixty (60) days prior to the date of
 13 each permit expiration, the operator shall file a planting
 14 report with the department on a form to be prescribed and
 15 furnished by the department, giving the following
 16 information:

- 17 (a) identification of the operation;
 18 (b) the type of planting or seeding, including
 19 mixtures and amounts;
 20 (c) the date of planting or seeding;
 21 (d) the area of land planted;
 22 (e) any other relevant information the department
 23 requires.
 24 (2) All planting reports shall be certified by the
 25 operator.

1 (3) Inspection and evaluation for permanent diverse
2 vegetative cover or crop production or irrigated pasture
3 shall be made as soon as it is possible to determine if a
4 satisfactory stand has been established. If the department
5 determines that a satisfactory permanent diverse vegetative
6 cover or crop production or irrigated pasture has been
7 established, it shall release the remaining bond held on the
8 area reclaimed after public notice and an opportunity for a
9 hearing; but in no event shall such remaining bond be
10 released prior to a period of five (5) years from the
11 initial planting provided for in section 12 [50-1045] of
12 this act.

13 (4) The department shall adopt rules to provide
14 guidelines and criteria for determining if the reclamation
15 and revegetation plan is progressing satisfactorily.

16 (5) The department may modify an approved plan if it
17 determines a modification is needed to accomplish the goals
18 of 50-1035."

-End-

STATE OF MONTANA

REQUEST NO. 302-77

FISCAL NOTE

Form BD-15

In compliance with a written request received on February 4, 19 77, there is hereby submitted a Fiscal Note for House Bill 577 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 577 provides for a reclamation and revegetation plan which permits placing the reclaimed land into crop condition or irrigated pasture.

ASSUMPTION:

One agriculture production specialist is needed to perform the new responsibilities of placing the reclaimed land into crop production or irrigated pasture.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>
Personal services	\$14,237	\$15,091
Travel and other costs	<u>5,000</u>	<u>5,000</u>
Additional cost of proposed legislation	<u>\$19,237</u>	<u>\$20,091</u>

Richard L. Luong / CD

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-4-77

Committee on Natural Resources

Objection Raised to
Adverse Committee Report

Handwritten:
1 *Handwritten:* Knopp
2 *Handwritten:* Conroy
3 *Handwritten:* Day
4 *Handwritten:* Light
5 *Handwritten:* Mark
6 *Handwritten:* Thayer
7 *Handwritten:* Fausto
8 *Handwritten:* Leon
9 *Handwritten:* Wynick
10 *Handwritten:* Vinow
11 *Handwritten:* Rogers
12 *Handwritten:* Johnson
13 *Handwritten:* McLain

BILL NO. 577

INTRODUCED BY Conroy Day Light Mark Thayer

Fausto Leon Wynick Vinow Rogers Johnson

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA
5 STRIP AND UNDERGROUND MINE RECLAMATION ACT BY PROVIDING FOR
6 A RECLAMATION AND REVEGETATION PLAN WHICH PERMITS PLACING
7 THE RECLAIMED LAND INTO CROP PRODUCTION OR IRRIGATED
8 PASTURE; AMENDING SECTIONS 50-1045 AND 50-1047, R.C.M.
9 1947."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 50-1045, R.C.M. 1947, is amended to
13 read as follows:

14 "50-1045. Planting of vegetation following grading of
15 disturbed area. (1) After the operation has been backfilled,
16 graded, topsoiled, and approved by the department, the
17 operator shall prepare the soil and plant such legumes,
18 grasses, shrubs, and trees upon the area of land affected as
19 are necessary to provide;

20 (a) a suitable permanent diverse vegetative cover
21 capable of:

22 ~~(a)(i)~~ feeding and withstanding grazing pressure from
23 a quantity and mixture of wildlife and livestock at least
24 comparable to that which the land could have sustained prior
25 to the operation;

1 ~~(b)(ii)~~ regenerating under the natural conditions
2 prevailing at the site, including occasional drought, heavy
3 snowfalls, and strong winds; and

4 ~~(a)(iii)~~ preventing soil erosion to the extent achieved
5 prior to the operation; or

6 (b) crop production or irrigated pasture.

7 (2) The seed or plant mixtures, quantities, method of
8 planting, type and amount of lime or fertilizer, mulching,
9 irrigation, fencing, and any other measures necessary to
10 provide a suitable permanent diverse vegetative cover or
11 crop production or irrigated pasture shall be defined by
12 rules of the board.

13 ~~(3)~~ (3) All underground shafts, tunnels, or other
14 excavations are excluded from the provisions of subsection
15 (1) of this section.

16 (4) (a) An operator may propose a revegetation plan to
17 place the reclaimed land in crop production or irrigated
18 pasture. The department may approve such a plan, after
19 consultation with the present and any known future
20 landowners, if the reclamation plan is consistent with the
21 purposes of 50-1035. Before approval is given, the operator
22 shall affirmatively demonstrate to the department that the
23 land is suitable for crop production or irrigated pasture
24 with respect to:

25 (i) topsoil quality and quantity;

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1 (ii) probability of adverse effects on groundwater
 2 quality and adverse effects due to surface seepage of
 3 groundwater;

4 (iii) precipitation or availability of irrigation water
 5 of adequate quality, quantity, and permanence;

6 (iv) use of similar lands in the area based on soil
 7 type, precipitation, topography, and any other factors which
 8 affect the growth of crops or pasture; and

9 (v) other criteria determined to be necessary to
 10 consideration of the revegetation plan.

11 (b) The operator shall submit plans for regrading,
 12 topsoiling, reclamation, revegetation, and management which
 13 will produce optimal economic, microclimatic, and agronomic
 14 conditions for crop and irrigated pasture production with
 15 minimal adverse effects on soil erosion, water, pollution,
 16 and other environmental factors.

17 (c) If the department determines that a revegetation
 18 plan for crop production or irrigated pasture is not
 19 appropriate for the land in question, reclamation and
 20 revegetation shall be carried out under the standards of
 21 subsection (1)(a) of this section.

22 (d) If the land has been used for crop production or
 23 irrigated pasture for 5 years or more prior to mining
 24 operations, it is presumed that the land is suitable for
 25 crop production or irrigated pasture and the operator need

1 only submit the information required by subsection (4)(b) of
 2 this section. The use of the land in the past for crop
 3 production or irrigated pasture does not require approval
 4 for such use in the future if the department finds crop
 5 production or irrigated pasture would not be appropriate.

6 (5) When a reclamation and revegetation plan is
 7 approved or disapproved, the department shall issue written
 8 findings concerning the plan."

9 Section 2. Section 50-1047, R.C.M. 1947, is amended to
 10 read as follows:

11 "50-1047. Planting report -- inspection and release of
 12 bond. (1) At least sixty (60) days prior to the date of
 13 each permit expiration, the operator shall file a planting
 14 report with the department on a form to be prescribed and
 15 furnished by the department, giving the following
 16 information:

- 17 (a) identification of the operation;
 18 (b) the type of planting or seeding, including
 19 mixtures and amounts;
 20 (c) the date of planting or seeding;
 21 (d) the area of land planted;
 22 (e) any other relevant information the department
 23 requires.

24 (2) All planting reports shall be certified by the
 25 operator.

1 (3) Inspection and evaluation for permanent diverse
2 vegetative cover or crop production or irrigated pasture
3 shall be made as soon as it is possible to determine if a
4 satisfactory stand has been established. If the department
5 determines that a satisfactory permanent diverse vegetative
6 cover or crop production or irrigated pasture has been
7 established, it shall release the remaining bond held on the
8 area reclaimed after public notice and an opportunity for a
9 hearing; but in no event shall such remaining bond be
10 released prior to a period of five (5) years from the
11 initial planting provided for in section 12 [50-1045] of
12 this act.

13 (4) The department shall adopt rules to provide
14 guidelines and criteria for determining if the reclamation
15 and revegetation plan is progressing satisfactorily.

16 (5) The department may modify an approved plan if it
17 determines a modification is needed to accomplish the goals
18 of 50-1035."

-End-

HOUSE BILL NO. 577

INTRODUCED BY CONROY, DAY, SEIFERT, MARKS,

MOORE, UNDERDAL, KROPP, MENAHAN, STAIGHILLER, ELLISON,

FABREGA, LIEN, WYRICK, VINGER, AAGESON, SIVERTSEN, McLANE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA STRIP AND UNDERGROUND MINE RECLAMATION ACT BY PROVIDING FOR A RECLAMATION AND REVEGETATION PLAN WHICH PERMITS PLACING THE RECLAIMED LAND INTO ~~CROP PRODUCTION OR~~ IRRIGATED PASTURE; AMENDING SECTIONS 50-1045 AND 50-1047, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-1045, R.C.M. 1947, is amended to read as follows:

"50-1045. Planting of vegetation following grading of disturbed area. (1) After the operation has been backfilled, graded, topsoiled, and approved by the department, the operator shall prepare the soil and plant such legumes, grasses, shrubs, and trees upon the area of land affected as are necessary to provide;

(a) a suitable permanent diverse vegetative cover capable of:

(i) feeding and withstanding grazing pressure from a quantity and mixture of wildlife and livestock at least

comparable to that which the land could have sustained prior to the operation;

(b) (ii) regenerating under the natural conditions prevailing at the site, including occasional drought, heavy snowfalls, and strong winds; and

(c) (iii) preventing soil erosion to the extent achieved prior to the operation; ~~OR~~

~~(b) crop production or irrigated pasture.~~

(2) The seed or plant mixtures, quantities, method of planting, type and amount of lime or fertilizer, mulching, irrigation, fencing, and any other measures necessary to provide a suitable permanent diverse vegetative cover ~~or crop production or irrigated pasture shall be defined by rule of the board, ESTABLISH ON THE REGRADED AREAS, AND ALL OTHER LANDS AFFECTED, A DIVERSE, EFFECTIVE, AND PERMANENT VEGETATIVE COVER NATIVE TO THE AREA OF LAND TO BE AFFECTED AND CAPABLE OF SELF-REGENERATION AND PLANT SUCCESSION AT LEAST EQUAL IN EXTENT OF COVER TO THE NATURAL VEGETATION OF THE AREA SHALL BE APPROVED BY THE DEPARTMENT. INTRODUCED SPECIES MAY BE USED IN THE REVEGETATION PROCESS WHERE DESIRABLE AND NECESSARY TO ACHIEVE THE APPROVED PERMANENT IRRIGATED PASTURE USE PLAN.~~

(3) All underground shafts, tunnels, or other excavations are excluded from the provisions of subsection (1) of this section.

~~(4) (a) An operator may propose a revegetation plan to place the reclaimed land in crop production or irrigated pasture. The department may approve such a plan, after consultation with the present and any known future landowners, if the reclamation plan is consistent with the purposes of 59-1035. Before approval is given, the operator shall affirmatively demonstrate to the department that the land is suitable for crop production or irrigated pasture with respect to:~~

~~(i) topsoil quality and quantity;~~

~~(ii) probability of adverse effects on groundwater quality and adverse effects due to surface seepage of groundwater;~~

~~(iii) precipitation or availability of irrigation water of adequate quality, quantity, and permanence;~~

~~(iv) use of similar lands in the area based on soil type, precipitation, topography, and any other factors which affect the growth of crops or pastures; and~~

~~(v) other criteria determined to be necessary to consideration of the revegetation plan.~~

~~(b) The operator shall submit plans for reseedling, topsoiling, reclamation, revegetation, and management which will produce optimal economic, microclimatic, and agronomic conditions for crop and irrigated pasture production with minimal adverse effects on soil erosion, water pollution,~~

~~and other environmental factors.~~

~~(c) If the department determines that a revegetation plan for crop production or irrigated pasture is not appropriate for the land in question, reclamation and revegetation shall be carried out under the standards of subsection (1)(a) of this section.~~

~~(d) If the land has been used for crop production or irrigated pasture for 5 years or more prior to mining operations, it is presumed that the land is suitable for crop production or irrigated pasture and the operator need only submit the information required by subsection (1)(b) of this section. The use of the land in the past for crop production or irrigated pasture does not require approval for such use in the future if the department finds crop production or irrigated pasture would not be appropriate.~~

~~(5) When a reclamation and revegetation plan is approved or disapproved, the department shall issue written findings concerning the plan."~~

~~(4) IF THE PROPOSED PLAN CALLS FOR USING INTRODUCED SPECIES FOR IRRIGATED PASTURE, THE APPLICANT SHALL:~~

~~(A) FILE WITH THE DEPARTMENT A COPY OF A PURCHASE BACK AGREEMENT OR OTHER DOCUMENT WHICH REQUIRES FUTURE TRANSFER OF TITLE TO A SURFACE OWNER WHO INTENDS TO CONTINUE THE IRRIGATION OF THE PROPERTY. THE DEPARTMENT SHALL NOTIFY AND CONSULT WITH THE FUTURE OWNER CONCERNING THE PROPOSED~~

1 RECLAMATION PLAN:
 2 (B) SUBMIT PLANS FOR REGRADING, TOPSCILING,
 3 RECLAMATION, REVEGETATION, AND MANAGEMENT WHICH WILL PRODUCE
 4 OPTIMAL ECONOMIC, MICROCLIMATIC, AND AGRONOMIC CONDITIONS
 5 FOR IRRIGATED PASTURE PRODUCTION WITH MINIMAL ADVERSE
 6 EFFECTS ON SOIL EROSION, WATER, POLLUTION, AND OTHER
 7 ENVIRONMENTAL FACTORS.
 8 (C) IF THE DEPARTMENT DETERMINES THAT THE RECLAMATION
 9 PLAN FOR IRRIGATED PASTURE HAS NOT SUCCEEDED, RECLAIM AND
 10 REVEGETATE UNDER THE PROVISION OF SUBSECTION (1)(A) OF THIS
 11 SECTION.
 12 Section 2. Section 50-1047, R.C.M. 1947, is amended to
 13 read as follows:
 14 "50-1047. Planting report — inspection and release of
 15 bond. (1) At least sixty (60) days prior to the date of
 16 each permit expiration, the operator shall file a planting
 17 report with the department on a form to be prescribed and
 18 furnished by the department, giving the following
 19 information:
 20 (a) identification of the operation;
 21 (b) the type of planting or seeding, including
 22 mixtures and amounts;
 23 (c) the date of planting or seeding;
 24 (d) the area of land planted;
 25 (e) any other relevant information the department

1 requires.
 2 (2) All planting reports shall be certified by the
 3 operator.
 4 (3) Inspection and evaluation for permanent diverse
 5 vegetative cover ~~or crop production or irrigated pasture~~
 6 shall be made as soon as it is possible to determine if a
 7 satisfactory stand has been established. If the department
 8 determines that a satisfactory permanent diverse vegetative
 9 cover ~~or crop production or irrigated pasture~~ has been
 10 established, it shall release the remaining bond held on the
 11 area reclaimed after public notice and an opportunity for a
 12 hearing; but in no event shall such remaining bond be
 13 released prior to a period of five (5) years from the
 14 initial planting provided for in section 12 [50-1045] of
 15 this act.
 16 ~~(4) The department shall adopt rules to provide~~
 17 ~~guidelines and criteria for determining if the reclamation~~
 18 ~~and revegetation plan is progressing satisfactorily.~~
 19 ~~(5) The department may modify an approved plan if it~~
 20 ~~determines a modification is needed to accomplish the goals~~
 21 ~~of 50-1035.~~
 22 (4) THE DEPARTMENT SHALL ADOPT RULES TO PROVIDE
 23 GUIDELINES AND CRITERIA FOR DETERMINING IF THE RECLAMATION
 24 AND REVEGETATION PLAN IS PROGRESSING SATISFACTORILY.
 25 (5) THE DEPARTMENT MAY MODIFY AN APPROVED PLAN IF IT

HE 0577/02

- 1 DETERMINES A MODIFICATION IS NEEDED TO ACCOMPLISH THE GOALS
- 2 OF 50-1035."

-End-

March 30, 1977

STANDING COMMITTEE REPORT
Senate Committee on Taxation

That House Bill No. 577 be amended as follows:

1. Amend title, line 8.

Following: "PERMITS"

Insert: "THE USE OF INTRODUCED SPECIES AND"

2. Amend page 2, section 1, line 22.

Following: line 21

Strike: "IRRIGATED PASTURE"

Insert: "land"

3. Amend page 5, section 1, lines 8 through 11.

Following: line 7

Strike: line 8 through line 11 in their entirety.

4. Amend page 6, section 2, line 24.

Following: "SATISFACTORILY."

Insert: "If the department determines that the reclamation plan for irrigated pasture has not succeeded, the applicant shall be required to reclaim and revegetate under the provisions of [subsection (1) (a) of section 1]."

April 5, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 577 be amended as follows:

1. Amend page 2, section 1, line 16.

Following: "COVER"

Strike: "NATIVE"

Insert: "adaptable"

HOUSE BILL NO. 577

INTRODUCED BY CONROY, DAY, SEIFERT, MARKS,

MOORE, UNDERDAL, KROPP, MENAHAN, STAIGMILLER, ELLISON,

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comparable to that which the land could have sustained prior to the operation;

(b) ~~(iii)~~ regenerating under the natural conditions prevailing at the site, including occasional drought, heavy snowfalls, and strong winds; and

(c) ~~(iii)~~ preventing soil erosion to the extent achieved prior to the operation; or

(b) ~~crop production or irrigated pasture.~~

(2) The seed or plant mixtures, quantities, method of planting, type and amount of lime or fertilizer, mulching, irrigation, fencing, and any other measures necessary to ~~provide a suitable permanent diverse vegetative cover or crop production or irrigated pasture shall be defined by rules of the board.~~ ESTABLISH ON THE REGRADED AREAS, AND ALL OTHER LANDS AFFECTED, A DIVERSE, EFFECTIVE, AND PERMANENT VEGETATIVE COVER NATIVE ADAPTABLE TO THE AREA OF LAND TO BE AFFECTED AND CAPABLE OF SELF-REGENERATION AND PLANT SUCCESSION AT LEAST EQUAL IN EXTENT OF COVER TO THE NATURAL VEGETATION OF THE AREA SHALL BE APPROVED BY THE DEPARTMENT. INTRODUCED SPECIES MAY BE USED IN THE REVEGETATION PROCESS WHERE DESIRABLE AND NECESSARY TO ACHIEVE THE APPROVED POSTMINING IRRIGATED PASTURE LAND USE PLAN.

(3) All underground shafts, tunnels, or other excavations are excluded from the provisions of subsection (1) of this section.

1 ~~(4) (a) An operator may propose a revegetation plan to~~
 2 ~~place the reclaimed land in crop production or irrigated~~
 3 ~~pasture. The department may approve such a plan after~~
 4 ~~consultation with the present and any known future~~
 5 ~~landowner, if the reclamation plan is consistent with the~~
 6 ~~purposes of 58-1035. Before approval is given, the operator~~
 7 ~~shall affirmatively demonstrate to the department that the~~
 8 ~~land is suitable for crop production or irrigated pasture~~
 9 ~~with respect to:~~

10 ~~(i) topsoil quality and quantity;~~
 11 ~~(ii) probability of adverse effects on groundwater~~
 12 ~~quality and adverse effects due to surface seepage of~~
 13 ~~groundwater;~~
 14 ~~(iii) precipitation or availability of irrigation water~~
 15 ~~of adequate quality, quantity, and permanence;~~
 16 ~~(iv) use of similar lands in the area based on soil~~
 17 ~~type, precipitation, topography, and any other factors which~~
 18 ~~affect the growth of crops or pasture; and~~

19 ~~(v) other criteria determined to be necessary to~~
 20 ~~consideration of the revegetation plan;~~

21 ~~(b) The operator shall submit plans for regrading,~~
 22 ~~topsoiling, reclamation, revegetation, and management which~~
 23 ~~will produce optimal economic, microclimatic, and agronomic~~
 24 ~~conditions for crop and irrigated pasture production with~~
 25 ~~minimal adverse effects on soil erosion, water pollution,~~

1 ~~and other environmental factors;~~

2 ~~(c) If the department determines that a revegetation~~
 3 ~~plan for crop production or irrigated pasture is not~~
 4 ~~appropriate for the land in question, reclamation and~~
 5 ~~revegetation shall be carried out under the standards of~~
 6 ~~subsection (1)(a) of this section;~~

7 ~~(d) If the land has been used for crop production or~~
 8 ~~irrigated pasture for 5 years or more prior to mining~~
 9 ~~operations, it is presumed that the land is suitable for~~
 10 ~~crop production or irrigated pasture and the operator need~~
 11 ~~only submit the information required by subsection (1)(b) of~~
 12 ~~this section. The use of the land in the past for crop~~
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 14 ~~for such use in the future if the department finds crop~~
 15 ~~production or irrigated pasture would not be appropriate;~~

16 ~~(5) When a reclamation and revegetation plan is~~
 17 ~~approved or disapproved, the department shall issue written~~
 18 ~~findings concerning the plan;~~

19 ~~(4) IF THE PROPOSED PLAN CALLS FOR USING INTRODUCED~~
 20 ~~SPECIES FOR IRRIGATED PASTURE, THE APPLICANT SHALL:~~

21 ~~(A) FILE WITH THE DEPARTMENT A COPY OF A PURCHASE BACK~~
 22 ~~AGREEMENT OR OTHER DOCUMENT WHICH REQUIRES FUTURE TRANSFER~~
 23 ~~OF TITLE TO A SURFACE OWNER WHO INTENDS TO CONTINUE THE~~
 24 ~~IRRIGATION OF THE PROPERTY. THE DEPARTMENT SHALL NOTIFY AND~~
 25 ~~CONSULT WITH THE FUTURE OWNER CONCERNING THE PROPOSED~~

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 4 OPTIMAL ECONOMIC, MICROCLIMATIC, AND AGRONOMIC CONDITIONS
 5 FOR IRRIGATED PASTURE PRODUCTION WITH MINIMAL ADVERSE
 6 EFFECTS ON SOIL EROSION, WATER, POLLUTION, AND OTHER
 7 ENVIRONMENTAL FACTORS.
 8 ~~“(E) IF THE DEPARTMENT DETERMINES THAT THE RECLAMATION~~
 9 ~~PLAN FOR IRRIGATED PASTURE HAS NOT SUCCEEDED, RECLAIM AND~~
 10 ~~REVEGETATE UNDER THE PROVISION OF SUBSECTION (1)(A) OF THIS~~
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 12 Section 2. Section 50-1047, R.C.M. 1947, is amended to
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 2 (2) All planting reports shall be certified by the
 3 operator.
 4 (3) Inspection and evaluation for permanent diverse
 5 vegetative cover ~~or crop production or irrigated pasture~~
 6 shall be made as soon as it is possible to determine if a
 7 satisfactory stand has been established. If the department
 8 determines that a satisfactory permanent diverse vegetative
 9 cover ~~or crop production or irrigated pasture~~ has been
 10 established, it shall release the remaining bond held on the
 11 area reclaimed after public notice and an opportunity for a
 12 hearing; but in no event shall such remaining bond be
 13 released prior to a period of five (5) years from the
 14 initial planting provided for in section 12 [50-1045] of
 15 this act.
 16 ~~“(4) The department shall adopt rules to provide~~
 17 ~~guidelines and criteria for determining if the reclamation~~
 18 ~~and revegetation plan is progressing satisfactorily.~~
 19 ~~“(5) The department may modify an approved plan if it~~
 20 ~~determines a modification is needed to accomplish the goals~~
 21 ~~of 50-1035.”~~
 22 “(4) THE DEPARTMENT SHALL ADOPT RULES TO PROVIDE
 23 GUIDELINES AND CRITERIA FOR DETERMINING IF THE RECLAMATION
 24 AND REVEGETATION PLAN IS PROGRESSING SATISFACTORILY. IF THE
 25 DEPARTMENT DETERMINES THAT THE RECLAMATION PLAN FOR

1 IRRIGATED PASTURE HAS NOT SUCCEEDED, THE APPLICANT SHALL BE
2 REQUIRED TO RECLAIM AND REVEGETATE UNDER THE PROVISIONS OF
3 [SUBSECTION (1) (A) OF SECTION 1].

4 (5) THE DEPARTMENT MAY MODIFY AN APPROVED PLAN IF IT
5 DETERMINES A MODIFICATION IS NEEDED TO ACCOMPLISH THE GOALS
6 OF 50-1035."

-End-