45th Legislature LC 1349/01 LC 1349/01

INTRODUCED BY Convoy Day Safet Market Name

The BILL NO. 577

INTRODUCED BY Convoy Day Safet Market Name

The BILL FOR AN ACT ENTITLED: "AN ACT TO ABEND THE BONTANA MY Jame

5 STRIP AND UNDERGROUND MINE RECLAMATION ACT BY PROVIDING FOR

2 SINTE WAS CHARGEOUSED HIRE PROPERTIES HOT DI YES-IDING 104

A RECLAMATION AND REVEGETATION PLAN WHICH PERMITS PLACING

THE RECLAIMED LAND INTO CROP PRODUCTION OR IRRIGATED

8 PASTURE: AMENDING SECTIONS 50-1045 AND 50-1047, R.C.H.

9 1947."

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

12 Section 1. Section 50-1045, B.C.M. 1947, is amended to

13 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:

20 <u>(a)</u> a suitable permanent diverse vegetative cover 21 capable of:

(a)(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

25 to the operation;

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

(e) (iii) preventing soil erosion to the extent achieved prior to the operation : or

(b) crop production or irrigated pasture.

7 (2) The seed or plant mixtures, quantities, method of planting, type and amount of line 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.

13 (2)(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 plag, 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

25 (i) topsoil quality and quantity:

with respect to:

24

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LC 1349/01 LC 1349/01

24 25

operator.

quality and adverse effects due to surface seepage of 3 groundwater; (iii) precipitation or availability of irrigation water of adequate quality, quantity, and permanence: (iv) use of similar lands in the area based on scil 7 type, precipitation, topography, and any other factors which 8 affect the growth of crops or pasture; and (v) other criteria determined to be necessary to 9 10 consideration of the revegetation plan. 11 (b) The operator shall submit plans for regrading. 12 topsoiling, reclamation, reveretation, 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, and other environmental factors. 16 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, reclaration and 20 revegetation shall be carried cut under the standards of subsection (1) (a) of this section. 21 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

(ii) probability of adverse effects on groundwater

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1 only subsit the information required by subsection (4) (b) of this section. The use of the land in the past for cref 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 rlan is approved or disapproved, the department shall issue written 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 report with the department on a form to be prescribed and furnished by the department, giving the following 15 16 information: 17 (a) identification of the operation; (b) the type of planting or seeding, including 18 19 mixtures and amounts: (c) the date of planting or seeding: 21 (d) the area of land planted; 22 (e) any other relevant information the department 23 requires.

crop rroduction or irrigated pasture and the operator need

(2) All planting reports shall be certified by the

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 satisfactory stand has been established. If the department determines that a satisfactory permanent diverse vegetative cover or crop production or irrigated pasture has been established, it shall release the remaining bond held on the area reclaimed after public notice and an opportunity for a 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 quidelines and criteria for determining if the reclasation

15 and revegetation plan is progressing satisfactorily.

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

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. _302-77

	готт ви-	1.
53, Laws of Mo	ontana, 1965 - Thirty-Ninth Legislative Assembly.	
n plan which p	ermits placing the reclaimed land into crop	
the new respon	nsibilities of placing the reclaimed land into	
FY 78	FY 79	
\$14,237	\$15,091	
5,000	<u> 5,000</u>	
<u>\$19,237</u>	<u>\$20,091</u>	
	53, Laws of Monailable from the plan which p	\$14,237 \$15,091 5,000 5,000

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-7-//

Committee on Natural Resources

Objection Raised to Adverse Committee Report

"AN ACT TO AMEND THE MONTANA WY

STRIP AND UNDERGROUND HIME 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. *

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BR IT PRACTED BY THE LEGISLATURE OF THE STATE OF BONTABA:

Section 1. Section 50-1045, R.C.H. 1947, is amended to 12

13 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:

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

(a) (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

(a) (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 9 provide a suitable permanent diverse vegetative cover or 10 crop production or irrigated pasture shall be defined by 11 rules of the board. 12

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

(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 consultation with the present and any known future landowners, if the reclamation plan is consistent with the 20

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:

16

25 (i) topsoil quality and quantity:

HB511

LC 1349/01 LC 1349/01

1	(ii) probability of adverse effects on groundwater
2	quality and adverse effects due to surface seepage of
3	<u>droundwater:</u>
ı	(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 affect the growth of crops or pasture; and 8
- 9 (v) other criteria determined to be necessary to 10 consideration of the revegetation plan.
- 11 (b) The operator shall subsit plans for regreding. 12 topsciling, reclaration, revegetation, and management which will produce optimal economic, microclimatic, and agropomic conditions for crop and irrigated pasture production with minimal adverse effects on soil erosion, water, pollution, 15 and other environmental factors.

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- 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, reclaration 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 crop production or irrigated pasture and the operator need

- only submit the information required by subsection (4) (b) of
- this section. The use of the land in the past for cres
- 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.
- 6 (5) When a reclamation and revegetation plan is
- 7 approved or disapproved, the department shall issue written
- findings concerning the plan."
- 9 Section 2. Section 50-1047, R.C.B. 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
- furnished by the department, giving the following 15
- 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;
- (d) the area of land planted; 21
- (e) any other relevant information the department 22
- 23 requires.
- 24 (2) All planting reports shall be certified by the
- 25 operator.

- 1 (3) Inspection and evaluation for permanent diverse vegetative cover or crop production or irrigated pasture 2 shall be made as soon as it is possible to determine if a 3 satisfactory stand has been established. If the department 5 determines that a satisfactory permanent diverse vegetative cover or crop production or irrigated pasture has been established, it shall release the remaining bond held on the 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 14) The department shall adopt rules to provide

 14 quidelines 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-

RB 0577/02 BE 0577/02 45th Legislature

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(1) of this section.

1	HOUSE BILL NO. 577
2	INTRODUCED BY COMMON, DAY, SEIFERT, MARKS,
3	MOORE, UNDERDAL, KROPP, MENAHAN, STAIGHILLER, ELLISCH,
Ū	PABREGA, LIEN, WYRICK, VINGER, AAGESCH, SIVERTSEN, MCLANE
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE HONTANA
7	STRIP AND UNDERGROUND MINE RECLAMATION ACT BY PROVIDING FOR
8	A RECLAMATION AND REVEGETATION PLAN WHICH PERMITS PLACING
9	THE RECLAIMED LAND INTO CROP PRODUCTION OR IRRIGATED
10	PASTURE; AMENDING SECTIONS 50-1045 AND 50-1047, R.C.M.
1	1947."
2	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MOBTAWA:
14	Section 1. Section 50-1045, R.C.M. 1947, is amended to
15	read as follows:
16	#50-1045. Planting of vegetation following grading of
17	disturbed area. (1) After the operation has been backfilled,
18	graded, topsoiled, and approved by the department, the
19	operator shall prepare the soil and plant such legumes,
20	grasses, shrubs, and trees upon the area of land affected as
21	are necessary to provide;
22	(a) a suitable permanent diverse vegetative cover
23	capable of:
24	(a)(i) feeding and withstanding grazing pressure from
25	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 4e+(iii) preventing soil erosion to the extent achieved prior to the operation -: or (b) erop-production or irrigated pasture. 121 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 persament diverse - vegetative - sever 91 erop-production or irrigated pasture shall be defined by 13 14 rules of the board. ESTABLISH OF THE REGRADED ARIAS. AND ALL OTHER LANDS APPECTED, A DIVERSE, EFFECTIVE, AND PERMANENT VEGETATIVE COVER NATIVE TO THE ARRA OF LAND TO BE APPECIED AND CAPABLE OF SELF-REGENERATION AND PLANT SUCCESSION AT LEAST BOUAL IN EXTENT OF COVER TO THE NATURAL VEGETATION OF THE AREA SHALL BE APPROVED BY THE DEPARTMENT. INTRODUCED SPECIES HAY BE USED IN THE BEVEGETATION PROCESS WHERE DESTRABLE AND NECESSARY TO ACHIEVE THE APPROVED POSTMINING IRRIGATED PASTURE USE PLAN. 22 (2) (3) All underground shafts, tunnels, or other 23 excavations are excluded from the provisions of subsection HB 0577/02

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HB 577

1	(4) (8) ha operator for propose a revenetation plan to	1	and other environmental fasters;
2	place_the_resisted_land_in erop production_er_invisated	2	ich lie the department determines that a referentier
3	pasture. The deportment ser approve such a plant office	3	plan for grop production or irrigated pasture is not
4	consultation with the present and non known fature	ŧ	approprieto for the land in guestion, regionation and
5	landsmore, if the reclassion plan is consistent with the	5	rovogotation shall be carried sti saler the standards of
6	purposes of 50 1035. Before approved is siven; the operator	6	embecotion (1) (a) of this soction
7	chall affirmatively descaptrate to the descriptor that the	7	(d) If the land has been used for ores production or
В	land is suitable for stop production or irrigated pasture	8	Chiefe et 1914 - 91 - 9101 - 5 - 101 - 91 - 91 - 91 - 91 - 91 - 91 - 9
9	vith respond to:	9	operations, it is presented that the land is suitable for
10	1it topsoil swelity and sweptity:	10	erop production or irrigated pasture and the grounder need
11	(ii) probability of adverse offests es groundwater	11	only submit the information required by submostics (4) (b) of
12	quality and adverse offerts due to surface secrate of	12	this section. The sec of the land in the rest for ever
13	groundwater :	13	production or irrigated pasture door not restaint apprenal
14	filit progipitation or availability of irrigation vator	14	for such use in the future if the depastment finds oren
15	of adoquate quality, quantity, and permanences	15	production or irrigated pasture would not be appropriate.
16	(iv) -see of civiler lands is the area based on soil	16	15) Hon a reclemation and resectation plan is
17	typor progresitation, topography, and aby other factors which	17	approved or disapproved, the department shall issue written
18	affort the greath of grops or pastage; and	18	findings concerning the plan."
19	(7) other griteria determined to be accompary to	19	(4) IF THE PROPOSED PLAN CALLS FOR USING INTRODUCED
20	consideration of the reposetation plans	20	SPECIES FOR IBRIGATED PASTURE, THE APPLICANT SHALL:
21	(b) The operator shall exhait plans for regreding,	21	(A) FILE WITH THE DEPARTMENT A COPY OF A PURCHASE BACK
22	topsoiling, reclassion, reresolution, and panagement which	22	AGREEMENT OR OTHER DOCUMENT WHICH REQUIRES POTUBE TRANSFER
23	will produce optical economic, microglimatic, and agreenate	23	OF TITLE TO A SURFACE OWERE WHO INTENDS TO CONTINUE THE
24	conditions for eror and irrigated pasture production with	24	IRRIGATION OF THE PROPERTY, THE DEPARTMENT SHALL NCTIFY AND
25	minimal adverse offerts on soil exosion, vator, pellution,	25	CONSULT WITH THE FUTURE OWNER CONCERNING THE PROPOSED

HB 577

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HB 0577/02

BB 0577/02

1	PPCT.1	MATION	DI. AN .
•	いたくたき	DETTOR	r.L.B.

- 2 (B) SUBBIT PLANS FOR REGRACING, TOPSCILING,
- 3 RECLAMATION, REVEGETATION, AND MARAGEMENT WHICH WILL PRODUCE
- 4 OPTIBAL ECONOMIC, MICROCLIMATIC, AND AGRONOMIC COMPITIONS
- 5 FOR IRRIGATED PASTURE PRODUCTION WITH MINIMAL ADVERSE
- 6 EFFECTS CK SOIL EROSION, WATER, POLLUTION, AND CTHER
- 7 ENVIRONMENTAL FACTORS.
- 8 (C) IF THE DEPARTMENT DETERMINES THAT THE RECLAMATION
- 9 PLAN POR IRRIGATED PASTURE HAS NOT SUCCERDED. RECLAIM AND
- 10 REVEGETATE UNDER THE PROVISION OF SUBSECTION (1) (A) OF THIS
- 11 SECTION.
- 12 Section 2. Section 50-1047, R.C.B. 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

- requires.
- 2 (2) All planting reports shall be certified by the
- 3 operator.
- (3) Inspection and evaluation for permanent diverse
- 5 vegetative cover <u>er-grop-production</u> 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 <u>er-grop-production</u> 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 shell adopt rules to provide
- 17 quidelises and oritoria-for determining if the reclaration
- 18 and reverention plan is progressing satisfactorily.
- 19 15) The department say sedify an approved plan if it
- 20 determines a modification is needed to accomplish the quals
- 21 of 50 1035.
- 22 (4) THE DEPARTMENT SHALL ADOPT BULES 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

-5-

- 1 DETERMINES A MODIFICATION IS NEEDED TO ACCOMPLISH THE GOALS
- 2 <u>OP 50-1035.</u>*

-End-

-7-

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.

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]."

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 DALL NO. 533

1	HOOSE BILL NO. 311
2	INTRODUCED BY CONROY, DAY, SEIFERT, MARKS,
3	MOURE, UNDERDAL, KROPP, MENAHAN, STAIGMILLER, ELLISON,
4	FABREGA: LIEN, WYRICK: VINGER: AAGESON: SIVERTSEN: MCLANE
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE MONTANA
7	STRIP AND UNDERGROUND MINE RECLAMATION ACT BY PROVIDING FOR
6	A RECLAMATION AND REVEGETATION PLAN WHICH PERMITS THE USE OF
9	INTRODUCED SPECIES AND PLACING THE RECLAIMED LAND INTO CARP
10	PRODUCTIONOR IRRIGATED PASTURE; AMENDING SECTIONS 50-1045
11	AND 50-1047, R.C.M. 1947.
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 50-1045, R.C.M. 1947, is amended to
15	read as follows:
16	<pre>"50-1045. Planting of vegetation following grading of</pre>
17	disturbed area. (1) After the operation has been backfilled,
18	graded, topsoiled, and approved by the department, the
19	operator shall prepare the soil and plant such legumes,
20	grasses, shrubs, and trees upon the area of land affected as
21	are necessary to provide <u>:</u>
22	(a) a suitable permanent diverse vegetative cover
23	capable of:
24	(a)(i) feeding and withstanding grazing pressure from
25	a quantity and mixture of wildlife and livestock at least

1 comparable to that which the land could have sustained prior 2 to the operation; 3 fbf(ii) regenerating under the natural conditions prevailing at the site, including occasional drought, heavy snowfalls, and strong winds; and tetilii) preventing soil erosion to the extent achieved 7 prior to the operationw: or (b) erop-production-or irrigated pasture. 9 121 The seed or plant mixtures, quantities, method of 10 planting, type and amount of lime or fertilizer, mulching, 11 irrigation, fencing, and any other measures necessary to 12 provide--a-suitable--permanent--diverse-vegetative-cover or 13 crop production or irrigated posture shall-be-defined by 14 rules-of-the-boards ESTABLISH ON THE REGRADED AREAS, AND ALL 15 OTHER LANDS AFFECTED. A DIVERSE. FFFECTIVE. AND PERMANENT 16 VEGETATIVE COVER NATIVE ADAPTABLE TO THE AREA OF LAND TO BE 17 AFFECTED AND CAPABLE OF SELF-REGENERATION AND PLANT 18 SUCCESSION AT LEAST EQUAL IN EXTENT OF COVER TO THE NATURAL 19 VEGETATION OF THE AREA SHALL BE APPROVED BY THE DEPARTMENT. 20 INTRODUCED SPECIES MAY BE USED IN THE REVEGETATION PROCESS 21 WHERE DESIRABLE AND NECESSARY TO ACHIEVE THE APPROVED 22 POSTMINING IRRIGATED-PASTURE LAND USE PLAN. 23 121(3) All underground shafts, tunnels, or other

(1) of this section.

excavations are excluded from the provisions of subsection

24

1	147-187-An-operator-may-propose-a-revegetation-plan-to
2	place the reclaimed land in crop production or irrigated
3	pasturex The department may approve such a plany ofter
4	consultation with the present and env-known future
5	landownersy-if-the-reclosation-plan-is-consistent-with-the
6	purposes-of-50-1035-Before approval is giveny the operator
7	shall-sffirmatively-demonstrate to the department that the
8	land-is_suitable-for-crop-production-or-irrigated-posture
9	with-respect-to:
10	fit-topsoil-quality-and-quantity:
11	fii) probability of adverse offects on groundwater
12	quality_and_adverse_effects_due_to_surface_seepage_of
13	groundwaters
14	fiil-precipitation-or-evailability-of-irrigation-water
15	of-adequate-quality-quantity-and-permanencet
16	fix) use of similar lands in the area based on soil
17	typex-precipitationx-topographyx-and-any-other-factors-which
18	offect-the-growth-of-crops-or-postures-and
19	<u>tx)othercriteriadeterminedtobenecessaryto</u>
20	consideration of the revegetation plans
21	thi The operator shall submit plans - for regrading -
22	topsailingx-reclamationy-revegetationy-and-managementwhich
23	will-produce-optimal-economics-microclimatics-and-agronomic
24	conditions-for-crop-and-irrigated-pasture-production-with
25	minimal-adverse-effects-on-soil-eroriony-waters-pollutiony

2	<u>ichIf-the-deportment-determines-thatarevegetation</u>
3	plan-for-crop-production-or-irrigated-pasture-is-not
4	appropriete-for-the-lond-in-questiony-reclamation-and
5	revergetationshellbecorriedout-under-the-standords-of
6	subsection-flife}-of-this-section*
7	td:-if-the-land-hos-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	cropproductionor-irrigated-pasture-and-the-operator-need
11	only-submitthe-inforpation-required-by-subsection-(4)(b) of
12	this sections The use of the land in the spast for crop
13	productionorirrigatedposture-does-not-require-approval
14	for-such-use-in-the-futureifthedeportmentfindscrop
15	production_or-irrigated_pasture_would=not-be-appropriates
16	15) - When reclamation - und-revegetation - plan - is
17	opproved-or-disapprovedy-the-department-shall-issue-written
18	findings-concerning-the-plana
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

end-other-environmental-factors.

4- HB 577

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3	RECL	AMATTON	DI AN:

- 2 (B) SUBMIT PLANS FOR REGRADING. TOPSOILING.
- 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 <u>fel-if-the-department-defermines-that-the-reclamation</u>
- 9 PLAN-FOR-IRRIGATED PASTURE HAS NOT SUCCEEDED RECLAIM AND
- 10 REVEGETATE-UNDER-THE-PROVISION-DE-SUBSECTION-(1)(A)-DE-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:

23

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

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- 2 (2) All planting reports shall be certified by the 3 operator.
- (3) Inspection and evaluation for permanent diverse vegetative cover or cross-production or irrigated pasture shall be made as soon as it is possible to determine if a 7 satisfactory stand has been established. If the department determines that a satisfactory permanent diverse vegetative cover processor 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.
 - tite—The_department—shall—adopt—rules—to—provide
 guidelines—and—criteria—for—determining—if—the_reclamation
 and_revegetation_plan_is_progressing_satisfactorily=
- 19 <u>#51—The-department_may_modify_an_approyed_plan_if—it</u>
 20 <u>determines—a_modification_is_needed_to_accomplish_the_goals</u>
 21 <u>of_50=1035</u>
- 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. 1F THE
 25 DEPARTMENT DETERMINES THAT THE RECLAMATION PLAN FOR

HB 0577/03

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

OF 50-1035.**

-End-

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