

1 *Senate* BILL NO. *284*  
 2 INTRODUCED BY *Thomas - Rocky Galt Devine*  
 3 *Story, Dan Eckhart McPherson Jackson Flynn*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS *Madew*  
 5 50-1039, 50-1043, 50-1045, AND 50-1047, R.C.M. 1947 *E. Smith*  
 6 RELATING TO THE RECLAMATION AND REVEGETATION OF LANDS *Mauney*  
 7 AFFECTED BY STRIP-MINING OPERATIONS IN THE STATE OF MONTANA *Manly*  
 8 TO PROVIDE FOR FUTURE USE OF THE RECLAIMED LANDS WITH  
 9 CONSENT OF THE SURFACE OWNER."

10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 12 Section 1. Section 50-1039, R.C.M. 1947, is amended to  
 13 read as follows:  
 14 \*50-1039. Permit required to engage in strip mining or  
 15 underground mining — application for permit — contents —  
 16 fee — bond — agencies exempt. (1) An operator may not  
 17 engage in strip or underground mining without having first  
 18 obtained from the department a permit designating the area  
 19 of land affected by the operation. The permit shall  
 20 authorize the operator to engage in strip or underground  
 21 mining upon the area of land described in his application  
 22 and designated in the permit for a period of one (1) year  
 23 from the date of its issuance. Such permit shall be  
 24 renewable from year to year thereafter upon application to  
 25 the department at least thirty (30) but not more than sixty

1 (60) days prior to the renewal date so long as the operator  
 2 is in compliance with the requirements of this act, the  
 3 rules hereunder, and the reclamation plan provided for in  
 4 section 50-1043 and agrees to comply with all applicable  
 5 laws and rules in effect at the time of renewal. Such  
 6 renewal shall further be subject to the denial provisions of  
 7 sections 50-1042, 50-1046 and 50-1050.

8 (2) An operator desiring a permit shall file an  
 9 application which shall contain a complete and detailed plan  
 10 for the mining, reclamation, ~~revegetation,~~ and  
 11 rehabilitation, and future use of the land and water to be  
 12 affected by the operation. The application shall include the  
 13 written consent of the owner of the surface land to the  
 14 proposed future use specified in the plan. Revegetation of  
 15 the affected land will be required in the reclamation plan  
 16 and shall be appropriate to the future use of the land as  
 17 specified in the reclamation plan. Such plan shall reflect  
 18 thorough advance investigation and study by the operator and  
 19 shall include all known or readily discoverable past and  
 20 present uses of the land and water to be affected and the  
 21 approximate periods of such use and shall state:

- 22 (a) the location and area of land to be affected by
- 23 the operation, with a description of access to the area from
- 24 the nearest public highways;
- 25 (b) the names and addresses of the owners of record of

1 the surface of the area of land to be affected by the permit  
2 and the owners of record of all surface area within one-half  
3 (.5) mile of any part of the affected area;

4 (c) the names and addresses of the present owners of  
5 record of all subsurface minerals in the land to be  
6 affected;

7 (d) the source of the applicant's legal right to mine  
8 the mineral on the land affected by the permit;

9 (e) the permanent and temporary post-office addresses  
10 of the applicant;

11 (f) whether the applicant or any person associated  
12 with the applicant holds or has held any other permits under  
13 this act, and an identification of those permits;

14 (g) whether the applicant is in compliance with  
15 section 50-1050 and whether every officer, partner,  
16 director, or any individual owning of record or beneficially  
17 (alone or with associates) if known, ten percent (10%) or  
18 more of any class of stock of the applicant, is subject to  
19 any of the provisions of section 50-1050 and he shall so  
20 certify, and whether any of the foregoing parties or persons  
21 have ever had a strip mining or underground mining license  
22 or permit issued by any other state or federal agency  
23 revoked, or have ever forfeited a strip mining or  
24 underground mining bond or a security deposited in lieu of a  
25 bond and if so, a detailed explanation of the facts involved

1 in each case must be attached;

2 (h) the names and addresses of any persons who are  
3 engaged in strip or underground mining activities on behalf  
4 of the applicant;

5 (i) the annual rainfall and the direction and average  
6 velocity of the prevailing winds in the area where the  
7 applicant has requested a permit;

8 (j) the results of any test borings or core samplings  
9 which the applicant or his agent has conducted on the land  
10 to be affected, including the nature and the depth of the  
11 various strata or overburden and topsoil, the quantities and  
12 location of subsurface water and its quality, the thickness  
13 of any mineral seam, an analysis of the chemical properties  
14 of such minerals, including the acidity, sulphur content,  
15 and trace mineral elements of any coal seam, as well as the  
16 British thermal unit (B.T.U.) content of such seam, and an  
17 analysis of the overburden, including topsoil. If test  
18 borings or core samplings are submitted, each permit  
19 application shall contain two (2) copies each of two (2)  
20 sets of geologic cross-sections accurately depicting the  
21 known geologic makeup beneath the surface of the affected  
22 land. Each set shall depict subsurface conditions at five  
23 hundred (500) foot intervals across the surface and shall  
24 run at a ninety (90) degree angle to the other set unless  
25 the department determines that closer intervals are

1 required. Each cross-section shall depict the thickness and  
 2 geological character of all known strata beginning with the  
 3 top soil; in addition, each application for an underground  
 4 mining permit shall be accompanied by cross-sections and  
 5 maps showing the proposed underground locations of all  
 6 shafts, entries, and haulageways or other excavations to be  
 7 excavated during the permit year. These cross-sections  
 8 shall also include all existing shafts, entries and  
 9 haulageways;

10 (k) the name and date of a daily newspaper of general  
 11 circulation within the county in which the applicant has  
 12 prominently published an announcement of his application for  
 13 a strip mining or underground mining permit, and a detailed  
 14 description of the area of land to be affected should a  
 15 permit be granted;

16 (l) such other or further information as the  
 17 department may require.

18 (3) The application for a permit shall be accompanied  
 19 by two (2) copies of all maps meeting the requirements of  
 20 the subsections below. The maps shall:

21 (a) identify the area to correspond with the  
 22 application;

23 (b) show any adjacent deep mining or surface mining  
 24 and the boundaries of surface properties and names of owners  
 25 of record of the affected area and within one thousand

1 (1,000) feet of any part of the affected area;

2 (c) show the names and locations of all streams,  
 3 creeks, or other bodies of water, roads, buildings,  
 4 cemeteries, oil and gas wells, and utility lines on the area  
 5 of land affected and within one thousand (1,000) feet of  
 6 such area;

7 (d) show by appropriate markings the boundaries of the  
 8 area of land affected, any cropline of the seam or deposit  
 9 of mineral to be mined, and the total number of acres  
 10 involved in the area of land affected;

11 (e) show the date on which the map was prepared and  
 12 the north point;

13 (f) show the final surface and underground water  
 14 drainage plan on and away from the area of land affected.  
 15 This plan shall indicate the directional and volume flow of  
 16 water, constructed drainways, natural waterways used for  
 17 drainage, and the streams or tributaries receiving the  
 18 discharge;

19 (g) show the proposed location of waste or refuse  
 20 area;

21 (h) show the proposed location of temporary subscil  
 22 and topsoil storage area;

23 (i) show the location of test boring holes;

24 (j) show the surface location lines of any geologic  
 25 cross-sections which have been submitted;

1 (k) show a listing of plant varieties encountered in  
 2 the area to be affected and their relative dominance in the  
 3 area, together with an enumeration of tree varieties and the  
 4 approximate number of each variety occurring per acre on the  
 5 area to be affected, and the locations generally of the  
 6 various kinds and varieties of plants, including but not  
 7 limited to grasses, shrubs, legumes, forbs and trees;

8 (l) be certified as follows: "I, the undersigned,  
 9 hereby certify that this map is correct, and shows to the  
 10 best of my knowledge and belief all the information required  
 11 by the mining laws of this state." The certification shall  
 12 be signed and notarized. The department may reject a map as  
 13 incomplete if its accuracy is not so attested;

14 (m) contain such other or further information as the  
 15 department may require.

16 (4) In addition to the information and maps required  
 17 above, each application for a permit shall be accompanied by  
 18 detailed plans or proposals showing the method of operation,  
 19 the manner, time or distance, and estimated cost for  
 20 backfilling, subsidence stabilization, water control,  
 21 grading work, highwall reduction, topsoiling, planting,  
 22 revegetating, and a reclamation plan for the area affected  
 23 by the operation, which proposals shall meet the  
 24 requirements of this act and rules adopted under this act.

25 (5) An application fee of fifty dollars (\$50) shall be

1 paid before the permit required in this section shall be  
 2 issued. The operator shall file with the department a bond  
 3 payable to the state of Montana with surety satisfactory to  
 4 the department in the penal sum to be determined by the  
 5 board (on the recommendation of the commissioner) of not  
 6 less than two hundred dollars (\$200) nor more than  
 7 twenty-five hundred dollars (\$2,500) for each acre or  
 8 fraction thereof of the area of land affected, with a  
 9 minimum bond of two thousand dollars (\$2,000), conditioned  
 10 upon the faithful performance of the requirements set forth  
 11 in this act and of the rules of the board. A political  
 12 subdivision or agency of the state need not file a bond  
 13 unless required to do so by the board. The board may require  
 14 the filing of the bond prior to permit issuance or at any  
 15 time thereafter.

16 In determining the amount of the bond within the above  
 17 limits, the board shall take into consideration the  
 18 character and nature of the overburden, the future suitable  
 19 use of the land involved and the cost of backfilling,  
 20 grading, highwall reduction, subsidence stabilization,  
 21 water control, topsoiling, and reclamation to be required;  
 22 but in no event shall the bond be less than the total  
 23 estimated cost to the state of completing the work described  
 24 in the reclamation plan."

25 Section 2. Section 50-1043, R.C.M. 1947, is amended to

1 read as follows:

2 "50-1043. Reclamation operations — submission and  
3 action on plan. (1) As rapidly, completely, and effectively  
4 as the most modern technology and the most advanced state of  
5 the art will allow, each operator granted a permit under  
6 this act, shall reclaim ~~and revegetate~~ the land affected by  
7 his operation, as appropriate to the future use of the land  
8 as specified in the reclamation plan, except that  
9 underground tunnels, shafts, or other subsurface excavations  
10 need not be revegetated. Under the provisions of this act  
11 and rules adopted by the board, an operator shall prepare  
12 and carry out a method of operation, plan of grading,  
13 backfilling, highwall reduction, subsidence stabilization,  
14 water control, topsoiling and a reclamation plan for the  
15 area of land affected by his operation. In developing a  
16 method of operation, and plans of backfilling, subsidence  
17 stabilization, water control, grading, highwall reduction,  
18 topsoiling and reclamation, all measures shall be taken to  
19 eliminate damages to landowners and members of the public,  
20 their real and personal property, public roads, streams and  
21 all other public property from soil erosion, subsidence,  
22 landslides, water pollution, and hazards dangerous to life  
23 and property. The reclamation plan shall set forth in detail  
24 the manner in which the applicant intends to comply with  
25 this section and sections 50-1044, 50-1045 and 50-1046. The

1 plan shall be submitted to the department and the department  
2 shall notify the applicant by registered mail within one  
3 hundred twenty (120) days after receipt of the plan and  
4 complete application if it is or is not acceptable. The  
5 department may extend the one hundred twenty (120) days an  
6 additional one hundred twenty (120) days upon notification  
7 of the operator in writing. If the plan is not acceptable,  
8 the department shall set forth the reasons why the plan is  
9 not acceptable and it may propose modifications, delete  
10 areas, or reject the entire plan. A land owner, operator, or  
11 any person aggrieved by the decision of the department may,  
12 by written notice, request a hearing by the board. The board  
13 shall notify the person by registered mail within twenty  
14 (20) days after the hearing of its decision. Every  
15 reclamation plan shall be subject to annual review and  
16 modification.

17 (2) In addition to the method of operation, grading,  
18 backfilling, subsidence stabilization, water control,  
19 highwall reduction, topsoiling and reclamation requirements  
20 of this act and rules adopted under this act, the operator,  
21 consistent with the directives of subsection (1) of this  
22 section shall:

23 (a) bury under adequate fill all toxic materials,  
24 shale, mineral, or any other material determined by the  
25 department to be acid producing, toxic, undesirable, or

1 creating a hazard;

2 (b) seal off, as directed by rules, tunnels, shafts,  
3 or other openings or any breakthrough of water creating a  
4 hazard;

5 (c) impound, drain, or treat all runoff or underground  
6 mine waters so as to reduce soil erosion, damage to grazing  
7 and agricultural lands, and pollution of surface and  
8 subsurface waters;

9 (d) remove or bury all metal, lumber, and other refuse  
10 resulting from the operation;

11 (e) use explosives in connection with the operation  
12 only in accordance with department regulations designed to  
13 minimize noise, damage to adjacent lands and water  
14 pollution, ensure public safety, and for other purposes;

15 (f) adopt measures to prevent land subsidence unless  
16 the board approves a plan for inducing subsidence into an  
17 abandoned operation in a predictable and controlled manner  
18 with measures for grading, topsoiling, and revegetating the  
19 subsided land surface. In order for a controlled subsidence  
20 plan to be approved the applicant must show that subsidence  
21 will not cause a direct or indirect hazard to any public or  
22 private buildings, roads, facilities, or use areas;  
23 constitute a hazard to human life or health; constitute a  
24 hazard to domestic livestock or to a viable agricultural  
25 operation; or any other restrictions the board may consider

1 necessary;

2 (g) stockpile and protect from erosion all mining and  
3 processing wastes until such wastes can be disposed of  
4 according to the provisions of this act;

5 (h) deposit as much stockpiled waste material as  
6 possible back into the mine voids upon abandonment in such  
7 manner as to prevent or minimize land subsidence. The  
8 remaining waste material shall be disposed of as provided by  
9 this act and the rules of the board;

10 (i) seal all portals, entryways, drifts, shafts or  
11 other openings between the surface and underground mine  
12 workings upon abandonment.

13 (3) An operator may not throw, dump, pile or permit  
14 the dumping, piling, or throwing or otherwise placing any  
15 overburden, stones, rocks, mineral, earth, soil, dirt,  
16 debris, trees, wood, logs or any other materials or  
17 substances of any kind or nature beyond or outside of the  
18 area of land which is under permit and for which a bond has  
19 been posted under section 50-1039, or place the materials  
20 described in this section in such a way that normal erosion  
21 or slides brought about by natural physical causes will  
22 permit the materials to go beyond or outside of the area of  
23 land which is under permit and for which a bond has been  
24 posted under section 50-1039."

25 Section 3. Section 50-1045, R.C.M. 1947, is amended to

1 read as follows:

2 "50-1045. Planting of vegetation following grading of  
3 disturbed area. (1) After the operation has been backfilled,  
4 graded, topsoiled, and approved by the department, the  
5 operator shall prepare the soil and plant that vegetation  
6 necessary to make the area suitable for the planned  
7 subsequent use as approved by the department and the owner  
8 of the surface estate, including but not limited to such  
9 productive uses as forestry, agriculture, grazing, wildlife  
10 habitat, recreation, residential, and industrial sites. If  
11 the area is to be used for grazing or wildlife habitat, the  
12 planted vegetation shall include such those legumes,  
13 grasses, shrubs, and trees ~~upon the area of land affected~~ as  
14 are necessary to provide a suitable permanent ~~diverse~~  
15 vegetative cover capable of:

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

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

23 (c) preventing soil erosion to the extent achieved  
24 prior to the operation.

25 The seed or plant mixtures, quantities, method of

1 planting, type and amount of lime or fertilizer, mulching,  
2 irrigation, fencing, and any other measures necessary to  
3 provide a suitable permanent ~~diverse~~ vegetative cover shall  
4 be defined by rules of the board.

5 (2) All underground shafts, tunnels, or other  
6 excavations are excluded from the provisions of subsection  
7 (1) of this section."

8 Section 4. Section 50-1047, R.C.M. 1947, is amended to  
9 read as follows:

10 "50-1047. Planting report — inspection and release of  
11 bond. (1) At least sixty (60) days prior to the date of  
12 each permit expiration, the operator shall file a planting  
13 report with the department on a form to be prescribed and  
14 furnished by the department, giving the following  
15 information:

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

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

25 (3) Inspection and evaluation ~~for permanent diverse~~

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

-End-



Approved by Committee  
on Natural Resources

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 3 *Stony, Don Eckhart Mcomber Jackson Flynn*  
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 23 the operation, with a description of access to the area from  
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5 record of all subsurface minerals in the land to be  
6 affected;

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16 In determining the amount of the bond within the above  
 17 limits, the board shall take into consideration the  
 18 character and nature of the overburden, the future suitable  
 19 use of the land involved and the cost of backfilling,  
 20 grading, highwall reduction, subsidence stabilization,  
 21 water control, topsoiling, and reclamation to be required;  
 22 but in no event shall the bond be less than the total  
 23 estimated cost to the state of completing the work described  
 24 in the reclamation plan."

25 Section 2. Section 50-1043, R.C.M. 1947, is amended to

1 read as follows:

2 "50-1043. Reclamation operations — submission and  
3 action on plan. (1) As rapidly, completely, and effectively  
4 as the most modern technology and the most advanced state of  
5 the art will allow, each operator granted a permit under  
6 this act, shall reclaim ~~and revegetate~~ the land affected by  
7 his operation, as appropriate to the future use of the land  
8 as specified in the reclamation plan, except that  
9 underground tunnels, shafts, or other subsurface excavations  
10 need not be revegetated. Under the provisions of this act  
11 and rules adopted by the board, an operator shall prepare  
12 and carry out a method of operation, plan of grading,  
13 backfilling, highwall reduction, subsidence stabilization,  
14 water control, topsoiling and a reclamation plan for the  
15 area of land affected by his operation. In developing a  
16 method of operation, and plans of backfilling, subsidence  
17 stabilization, water control, grading, highwall reduction,  
18 topsoiling and reclamation, all measures shall be taken to  
19 eliminate damages to landowners and members of the public,  
20 their real and personal property, public roads, streams and  
21 all other public property from soil erosion, subsidence,  
22 landslides, water pollution, and hazards dangerous to life  
23 and property. The reclamation plan shall set forth in detail  
24 the manner in which the applicant intends to comply with  
25 this section and sections 50-1044, 50-1045 and 50-1046. The

1 plan shall be submitted to the department and the department  
2 shall notify the applicant by registered mail within one  
3 hundred twenty (120) days after receipt of the plan and  
4 complete application if it is or is not acceptable. The  
5 department may extend the one hundred twenty (120) days an  
6 additional one hundred twenty (120) days upon notification  
7 of the operator in writing. If the plan is not acceptable,  
8 the department shall set forth the reasons why the plan is  
9 not acceptable and it may propose modifications, delete  
10 areas, or reject the entire plan. A land owner, operator, or  
11 any person aggrieved by the decision of the department may,  
12 by written notice, request a hearing by the board. The board  
13 shall notify the person by registered mail within twenty  
14 (20) days after the hearing of its decision. Every  
15 reclamation plan shall be subject to annual review and  
16 modification.

17 (2) In addition to the method of operation, grading,  
18 backfilling, subsidence stabilization, water control,  
19 highwall reduction, topsoiling and reclamation requirements  
20 of this act and rules adopted under this act, the operator,  
21 consistent with the directives of subsection (1) of this  
22 section shall:

23 (a) bury under adequate fill all toxic materials,  
24 shale, mineral, or any other material determined by the  
25 department to be acid producing, toxic, undesirable, or

1 creating a hazard;

2 (b) seal off, as directed by rules, tunnels, shafts,  
3 or other openings or any breakthrough of water creating a  
4 hazard;

5 (c) impound, drain, or treat all runoff or underground  
6 mine waters so as to reduce soil erosion, damage to grazing  
7 and agricultural lands, and pollution of surface and  
8 subsurface waters;

9 (d) remove or bury all metal, lumber, and other refuse  
10 resulting from the operation;

11 (e) use explosives in connection with the operation  
12 only in accordance with department regulations designed to  
13 minimize noise, damage to adjacent lands and water  
14 pollution, ensure public safety, and for other purposes;

15 (f) adopt measures to prevent land subsidence unless  
16 the board approves a plan for inducing subsidence into an  
17 abandoned operation in a predictable and controlled manner  
18 with measures for grading, topsoiling, and revegetating the  
19 subsided land surface. In order for a controlled subsidence  
20 plan to be approved the applicant must show that subsidence  
21 will not cause a direct or indirect hazard to any public or  
22 private buildings, roads, facilities, or use areas;  
23 constitute a hazard to human life or health; constitute a  
24 hazard to domestic livestock or to a viable agricultural  
25 operation; or any other restrictions the board may consider

1 necessary;

2 (g) stockpile and protect from erosion all mining and  
3 processing wastes until such wastes can be disposed of  
4 according to the provisions of this act;

5 (h) deposit as much stockpiled waste material as  
6 possible back into the mine voids upon abandonment in such  
7 manner as to prevent or minimize land subsidence. The  
8 remaining waste material shall be disposed of as provided by  
9 this act and the rules of the board;

10 (i) seal all portals, entryways, drifts, shafts or  
11 other openings between the surface and underground mine  
12 workings upon abandonment.

13 (3) An operator may not throw, dump, pile or permit  
14 the dumping, piling, or throwing or otherwise placing any  
15 overburden, stones, rocks, mineral, earth, soil, dirt,  
16 debris, trees, wood, logs or any other materials or  
17 substances of any kind or nature beyond or outside of the  
18 area of land which is under permit and for which a bond has  
19 been posted under section 50-1039, or place the materials  
20 described in this section in such a way that normal erosion  
21 or slides brought about by natural physical causes will  
22 permit the materials to go beyond or outside of the area of  
23 land which is under permit and for which a bond has been  
24 posted under section 50-1039."

25 Section 3. Section 50-1045, R.C.M. 1947, is amended to

1 read as follows:

2 "50-1045. Planting of vegetation following grading of  
3 disturbed area. (1) After the operation has been backfilled,  
4 graded, topsoiled, and approved by the department, the  
5 operator shall prepare the soil and plant that vegetation  
6 necessary to make the area suitable for the planned  
7 subsequent use as approved by the department and the owner  
8 of the surface estate, including but not limited to such  
9 productive uses as forestry, agriculture, grazing, wildlife  
10 habitat, recreation, residential, and industrial sites. If  
11 the area is to be used for grazing or wildlife habitat, the  
12 planted vegetation shall include such those legumes,  
13 grasses, shrubs, and trees ~~upon the area of land affected~~ as  
14 are necessary to provide a suitable permanent ~~diverse~~  
15 vegetative cover capable of:

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

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

23 (c) preventing soil erosion to the extent achieved  
24 prior to the operation.

25 The seed or plant mixtures, quantities, method of

1 planting, type and amount of lime or fertilizer, mulching,  
2 irrigation, fencing, and any other measures necessary to  
3 provide a suitable permanent ~~diverse~~ vegetative cover shall  
4 be defined by rules of the board.

5 (2) All underground shafts, tunnels, or other  
6 excavations are excluded from the provisions of subsection  
7 (1) of this section."

8 Section 4. Section 50-1047, R.C.M. 1947, is amended to  
9 read as follows:

10 "50-1047. Planting report — inspection and release of  
11 bond. (1) At least sixty (60) days prior to the date of  
12 each permit expiration, the operator shall file a planting  
13 report with the department on a form to be prescribed and  
14 furnished by the department, giving the following  
15 information:

16 (a) identification of the operation;

17 (b) the type of planting or seeding, including  
18 mixtures and amounts;

19 (c) the date of planting or seeding;

20 (d) the area of land planted;

21 (e) any other relevant information the department  
22 requires.

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

25 (3) Inspection and evaluation ~~for permanent diverse~~

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

-End-



1 *Senate* BILL NO. *284*  
 2 INTRODUCED BY *Thomson - Rodie Matt Devine*  
 3 *Stony, Dan Erhart McAnker Jackson Ferguson*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS *Mohr*  
 5 50-1039, 50-1043, 50-1045, AND 50-1047, R.C.M. 1947. *E. Smith*  
 6 RELATING TO THE RECLAMATION AND REVEGETATION OF LANDS *Manning*  
 7 AFFECTED BY STRIP-MINING OPERATIONS IN THE STATE OF MONTANA *Mundy*  
 8 TO PROVIDE FOR FUTURE USE OF THE RECLAIMED LANDS WITH  
 9 CONSENT OF THE SURFACE OWNER."

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

12 Section 1. Section 50-1039, R.C.M. 1947, is amended to  
13 read as follows:

14 "50-1039. Permit required to engage in strip mining or  
 15 underground mining — application for permit — contents —  
 16 fee — bond — agencies exempt. (1) An operator may not  
 17 engage in strip or underground mining without having first  
 18 obtained from the department a permit designating the area  
 19 of land affected by the operation. The permit shall  
 20 authorize the operator to engage in strip or underground  
 21 mining upon the area of land described in his application  
 22 and designated in the permit for a period of one (1) year  
 23 from the date of its issuance. Such permit shall be  
 24 renewable from year to year thereafter upon application to  
 25 the department at least thirty (30) but not more than sixty

1 (60) days prior to the renewal date so long as the operator  
 2 is in compliance with the requirements of this act, the  
 3 rules hereunder, and the reclamation plan provided for in  
 4 section 50-1043 and agrees to comply with all applicable  
 5 laws and rules in effect at the time of renewal. Such  
 6 renewal shall further be subject to the denial provisions of  
 7 sections 50-1042, 50-1046 and 50-1050.

8 (2) An operator desiring a permit shall file an  
 9 application which shall contain a complete and detailed plan  
 10 for the mining, reclamation, ~~revegetation,~~ and  
 11 rehabilitation, and future use of the land and water to be  
 12 affected by the operation. The application shall include the  
 13 written consent of the owner of the surface land to the  
 14 proposed future use specified in the plan. Revegetation of  
 15 the affected land will be required in the reclamation plan  
 16 and shall be appropriate to the future use of the land as  
 17 specified in the reclamation plan. Such plan shall reflect  
 18 thorough advance investigation and study by the operator and  
 19 shall include all known or readily discoverable past and  
 20 present uses of the land and water to be affected and the  
 21 approximate periods of such use and shall state:

- 22 (a) the location and area of land to be affected by
- 23 the operation, with a description of access to the area from
- 24 the nearest public highways;
- 25 (b) the names and addresses of the owners of record of

There are no changes in *SB 284*, and due to length will not be rerun. Please refer to yellow copy for complete text.

1 the surface of the area of land to be affected by the permit  
2 and the owners of record of all surface area within one-half  
3 (.5) mile of any part of the affected area;

4 (c) the names and addresses of the present owners of  
5 record of all subsurface minerals in the land to be  
6 affected;

7 (d) the source of the applicant's legal right to mine  
8 the mineral on the land affected by the permit;

9 (e) the permanent and temporary post-office addresses  
10 of the applicant;

11 (f) whether the applicant or any person associated  
12 with the applicant holds or has held any other permits under  
13 this act, and an identification of those permits;

14 (g) whether the applicant is in compliance with  
15 section 50-1050 and whether every officer, partner,  
16 director, or any individual owning of record or beneficially  
17 (alone or with associates) if known, ten percent (10%) or  
18 more of any class of stock of the applicant, is subject to  
19 any of the provisions of section 50-1050 and he shall so  
20 certify, and whether any of the foregoing parties or persons  
21 have ever had a strip mining or underground mining license  
22 or permit issued by any other state or federal agency  
23 revoked, or have ever forfeited a strip mining or  
24 underground mining bond or a security deposited in lieu of a  
25 bond and if so, a detailed explanation of the facts involved

1 in each case must be attached;

2 (h) the names and addresses of any persons who are  
3 engaged in strip or underground mining activities on behalf  
4 of the applicant;

5 (i) the annual rainfall and the direction and average  
6 velocity of the prevailing winds in the area where the  
7 applicant has requested a permit;

8 (j) the results of any test borings or core samplings  
9 which the applicant or his agent has conducted on the land  
10 to be affected, including the nature and the depth of the  
11 various strata or overburden and topsoil, the quantities and  
12 location of subsurface water and its quality, the thickness  
13 of any mineral seam, an analysis of the chemical properties  
14 of such minerals, including the acidity, sulphur content,  
15 and trace mineral elements of any coal seam, as well as the  
16 British thermal unit (B.T.U.) content of such seam, and an  
17 analysis of the overburden, including topsoil. If test  
18 borings or core samplings are submitted, each permit  
19 applicaticn shall contain two (2) copies each of two (2)  
20 sets of geologic cross-sections accurately depicting the  
21 known geologic makeup beneath the surface of the affected  
22 land. Each set shall depict subsurface conditions at five  
23 hundred (500) foot intervals across the surface and shall  
24 run at a ninety (90) degree angle to the other set unless  
25 the department determines that closer intervals are