LC 1203/01

Senate BILL NO. 295 INTRODUCED BY A BILL FOR AN ACT ENTITLED: "AN ACT TO AREND THE MONTANA STRIP AND UNDERGROUND MINE RECLAMATION ACT TO PROVIDE FOR RECLAMATION PLANS WHICH WILL PUT THE RECLAIMED LAND INTO CROP PRODUCTION OR IRRIGATED PASTURE; AMENDING SECTIONS

8 50-1045 AND 50-1047, R.C.M. 1947."

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

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

13 "50-10%5. Planting of vegetation following grading of
14 disturbed area. (1) After the operation has been backfilled,
15 graded, topsoiled, and approved by the department, the
16 operator shall prepare the soil and plant such legumes,
17 grasses, shrubs, and trees upon the area of land affected as
18 are necessary to provide:

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

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

25 (b) (ii) regenerating under the matural conditions

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1 prevailing at the site, including occasional drought, heavy

2 snowfalls, and strong winds; and

3 (o) (iii) preventing soil erosion to the extent achieved
4 prior to the operation-: or

5 (b) a suitable vegetative stand for crop production or 6 irrigated pasture.

7 <u>(2)</u> 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 <u>or a</u> 11 <u>suitable vegetative stand for crop production or irrigated</u> 12 <u>pasture</u> 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] The department may approve for use on mined lands 17 a revegetation plan providing for the production of crops or 18 irrigated pasture. Prior to department approval of such a 19 plan, the operator shall affirmatively demonstrate to the 20 department that the land is suitable for crop production or 21 irrigated pasture with respect to: 22 (a) topsoil quality and quantity: 23 (b) probability of adverse effects on groundwater 24 quality and adverse effects due to surface seepage of

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25 <u>groundwater:</u>

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1	<u>(c) precipitation and availability of irrigation water</u>
2	of sufficient quality, quantity, and permanence;
3	(d) use of similar lands in the area based on soil
4	type, precipitation, topography, and other factors which
5	affect the growth of crops or pasture."
6	Section 2. Section 50-1047, R.C.M. 1947, is amended to
7	read as follows:
8	*50-1047. Planting report inspection and release of
9	bond. (1) At least sixty (60) days prior to the date of
10	each permit expiration, the operator shall file a planting
11	report with the department on a form to be prescribed and
12	furnished by the department, giving the following
13	information:
14	(a) identification of the operation;
15	(b) the type of planting or seeding, including
16	mixtures and amounts;
17	(c) the date of planting or seeding;
18	(d) the area of land planted;
19	(e) any other relevant information the department
20	requires.
21	(2) All planting reports shall be certified by the
22	operator.
23	(3) Inspection and evaluation for permanent diverse
24	wegetative cover <u>or vegetative stand suitable for crop</u>
25	production or irrigated pasture shall be made as soon as it
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is possible to determine if a satisfactory stand has been 1 established. If the department determines that a 2 satisfactory permanent diverse vegetative cover or 3 vegetative stand suitable for grop production or irrigated 4 pasture has been established, it shall release the remaining 5 6 bond held on the area reclaimed after public notice and an opportunity for a hearing; but in no event shall such 7 remaining bond be released prior to a period of five (5) 8 9 years from the initial planting provided for in section 12 10 [50-1045] of this act."

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