CHAPTER NO. 196.

HOUSE BILL NO. 739

INTRODUCED BY DAY

BY REQUEST OF THE DEPARTMENT OF STATE LANDS

IN THE HOUSE

February 10, 1979	Introduced and referred to Committee on Natural Resources.
February 14, 1979	Committee recommend bill do pass. Report adopted.
February 15, 1979	Second reading, do pass.
February 17, 1979	Considered correctly engrossed.
February 19, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February	20, 1979	Introduced and referred to Committee on Natural Resources.
March 3,	1979	Committee recommend bill be concurred in. Report adopted.
March 6,	1979	Second reading, concurred in.
March 9,	1979	Third reading, concurred in.

IN THE HOUSE

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March 10, 1979 Returned from second house. Concurred in. Sent to enrolling.

Reported correctly enrolled.

ALTUAE BILL NO. 739 1 INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF STATE LANDS 3 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE HONTANA STRIP AND UNDERGROUND MINE RECLAMATION ACT: AMENDING 6 7 SECTIONS 82-4-222, 82-4-226, 82-4-234, 82-4-235, AND 82-4-237. MCA.. 8 q BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 82-4-222, MCA, is amended to read: 11 #82-4-222. Permit application. (1) An operator 12 desiring a permit shall file an application which shall 13 contain a complete and detailed plan for the mining. 14 reclamation, revegetation, and rehabilitation of the land 15 and water to be affected by the operation. Such plan shall 16 17 reflect thorough advance investigation and study by the operator and shall include all known or readily discoverable 18 past and present uses of the land and water to be affected 19 and the approximate periods of such use and shall state: 20 (a) the location and area of land to be affected by 21 the operation, with a description of access to the area from 22 23 the nearest public highways;

(b) the names and addresses of the owners of record of
the surface of the area of land to be affected by the permit

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and the owners of record of all surface area within one-half
 mile of any part of the affected area;

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

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

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

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

13 (q) whether the applicant is in compliance with 14 82-4-251 and, if known, whether every officer, partner, director, or any individual owning of record or 15 16 beneficially, alone or with associates, 10% or more of any 17 class of stock of the applicant is subject to any of the provisions of 82-4-251 and he shall so certify and whether 16 19 any of the foregoing parties or persons have ever had a 20 strip-mining or underground-mining license or permit issued 21 by any other state or federal agency revoked or have ever 22 forfeited a strip-mining or underground-mining bond or a 23 security deposited in lieu of a bond and, if so, a detailed 24 explanation of the facts involved in each case must be 25 attached:

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

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

7 (i) the results of any test borings or core samplings 8 which the applicant or his agent has conducted on the land 9 to be affected. including the nature and the depth of the 10 various strata or overburden and topsoil, the quantities and 11 location of subsurface water and its quality, the thickness 12 of any mineral seam, an analysis of the chemical properties 13 of such minerals, including the acidity, subbur content, and trace mineral elements of any coal seam, as well as the -14 British thermal unit (Btu) content of such seam, and an 15 analysis of the overburden, including topsoil. If test 16 17 borings or core samplings are submitted, each permit 18 application shall contain two copies each of two sets of 19 geologic cross sections accurately depicting the known 20 geologic makeup beneath the surface of the affected land. 21 Each set shall depict subsurface conditions at 500-foot such 22 intervals as the department requires across the surface and 23 shall run at a 90-degree angle to the other set unless-the department-determines-that-closer--intervols--ore--required. 24 The department may not require intervals of less than 500 25

feats Each cross section shall depict the thickness and 1 geologic character of all known strata beginning with the 2 topsoil. In addition, each application for an underground 3 mining permit shall be accompanied by cross sections and 4 maps showing the proposed underground locations of all 5 shafts, entries, and haulageways or other excavations to be 6 excavated during the permit year period. These cross 7 я sections shall also include all existing shafts, entries, and haulageways. 9

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

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

21 (a) identify the area to correspond with the22 application;

(b) show any adjacent deep mining or surface mining
and the boundaries of surface properties and names of owners
of record of the affected area and within 1,000 feet of any

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1 part of the affected area;

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

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

10 (e) show the date on which the map was prepared and11 the north point;

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

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

(h) show the proposed location of temporary subsoil
 and topsoil storage area;

22 (i) show the proposed location of all facilities:

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

tj)(k) show the surface location lines of any geologic
 cross sections which have been submitted;

1 fkt(l) show a listing of plant varieties encountered in the area to be affected and their relative dominance in 2 the area, together with an enumeration of tree varieties and 3 the approximate number of each variety occurring per acre on 4 the area to be affected, and the locations generally of the 5 various kinds and varieties of plants, including but not 6 limited to grasses, shrubs, legumes, forbs, and trees; 7 (++(m) be certified as follows: "I, the undersigned, 8 hereby certify that this map is correct and shows to the 9 best of my knowledge and belief all the information required 10 11 by the mining laws of this state." The certification shall 12 be signed and notarized. The department may reject a map as incomplete if its accuracy is not so attested. 13

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14 <u>{m}[n]</u> contain such other or further information as 15 the department may require.

(3) In addition to the information and maps required 16 above, each application for a permit shall be accompanied by 17 detailed plans or proposals showing the method of operation, 18 the manner, time or distance, and estimated cost for 19 backfilling. subsidence stabilization, water control, 20 21 grading work, highwall reduction, topsoiling, planting, revegetating, and a reclamation plan for the area affected 22 by the operation, which proposals shall meet the Z 3 requirements of this part and rules adopted under this 24 25 part."

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1 Section 2. Section 82-4-226. MCA, is amended to read: 2 #82-4-226. Prospecting permit. (1) On and after March З 16, 1973, prospecting by any person on land not included in a valid strip-mining or underground-mining permit shall be 4 5 unlawful without possessing a valid prospecting permit issued by the department as provided in this section. No 6 7 prospecting permit shall be issued until the operator person submits an application, the application is examined, amended 8 9 if necessary, and approved by the department, and adequate 10 reclamation performance bond is posted, all of which 11 prerequisites must be done in conformity with the 12 requirements of this part.

13 (2) An application for a prospecting permit shall be 14 made in writing, notarized, and submitted to the department in duplicate upon forms prepared and furnished by it. The 15 application shall include among other things a prospecting 16 17 map and a prospecting reclamation plan of substantially the 18 same character as required for a surface-mining or 19 underground-mining map and reclamation plan under this part. 20 The department shall determine by rules the precise nature 21 of such required prospecting map and reclamation plan. Any 22 operator applicant who intends to prospect by means of core 23 drilling shall specify the location and number of holes to be drilled, methods to be used in sealing aguifers, and such 24 other information as may be required by the department. The 25

applicant must state what types of prospecting and
 excavating techniques will be employed on the affected land.
 The application shall also include any other or further
 information the department may require.

(3) The application shall be accompanied by a fee of 5 6 \$100. This fee shall be used as a credit toward the 7 strip-mining or underground-mining permit fee provided by 8 this part if the area covered by the prospecting permit becomes covered by а valid surface-mining 9 or underground-mining permit obtained before or at the time the 10 11 prospecting permit expires.

12 (4) Before the department gives final approval to the 13 prospecting permit application, the applicant shall file 14 with the department a reclamation and revegetation bond in a 15 form and in an amount as determined in the same manner for 16 strip-mining or underground-mining reclamation and 17 revegetation bonds under this part.

(5) In the event that the holder of a prospecting 18 19 permit desires to strip mine or underground mine the area covered by the prospecting permit and has fulfilled all the 20 21 requirements for a strip-mining or underground-mining 22 permit, the department may permit the postponement of the 23 reclamation of the acreage prospected if that acreage is 24 incorporated into the complete reclamation plan submitted 25 with application the for а strip-mining or

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underground-mining permit. Any land actually affected by
 prospecting or excavating under a prospecting permit and not
 covered by the strip-mining or underground-mining
 reclamation plan shall be promptly reclaimed.

(6) The prospecting permit shall be valid for 1 year
and shall be subject to renewal, suspension, and revocation
in the same manner as strip-mining or underground-mining
permits under this part.

9 (7) The holder of the prospecting permit shall file 10 with the department the same progress reports. maps. and 11 revegetation progress reports as are required of 12 strip-mining or underground-mining operators under this 13 part."

Section 3. Section 82-4-234, MCA, is amended to read: 14 #82-4-234. Commencement of reclamation. The operator 15 shall commence the reclamation of the area of land affected 16 17 by his operation as soon as possible after the beginning of strip mining or underground mining of that area in 18 accordance with plans previously approved by the department. 19 Those grading, backfilling, subsidence stabilization, 20 topsciling, and water management practices that are approved 21 in the plans shall be kept current with the operation as 22 defined by rules of the board, and a permit or supplement to 23 a permit may not be issued if, in the discretion of the 24 department, these practices are not current. A permittee may 25

1 not, without department approval, disturb any area that has 2 been seeded oursuant to 82-4-233." Section 4. Section 82-4-235, MCA, is amended to read: 3 #82-4-235. Planting report. 11-At-least-60-days-prior 4 5 to-the-date-of-each-permit-expirationy--the--operator--shall file--a--alenting-report-with-the-department-on-a-form-to-be 6 prescribed-and--furnished--by--the--departmenty--qiving--the 7 following-information+ 8 9 10 fb}--the---type---of--ptanting--or--seedingy--including 11 mixtures-end-emounts; 12 tel--the-date-of-planting-or-seedingt 13 td)--the-area-of-land-plantedt 14 fel--sny--other--relevant--information--the--deportment 15 requires. 16 +21--A11--planting--reports--shall--be-certified-by-the 17 operators 18 +3+ Inspection and evaluation for permanent diverse 19 vegetative cover shall be made as soon as it is possible to determine if a satisfactory stand has been established. If 20 21 the department determines that a satisfactory permanent 22 diverse vegetative cover has been established, it shall 23 release the remaining bond held on the area reclaimed after 24 public notice and an opportunity for a hearing. In no event 25 shall such remaining bond be released prior to a period of 5

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years from the initial planting provided for in 82-4-233."
 Section 5. Section 82-4-237. MCA, is amended to read:
 "82-4-237. Operator to file annual reports. (1) An
 operator shall file an annual report with the department
 within 30 days of the anniversary date of each permit.
 Included within this report shall be:

7 (a) the name and address of the operator and permit8 number;

9 (b) a report in such detail as the department shall 10 require, supplemented with maps, cross sections, or other material indicating the extent to which mining operations 11 have been carried out, the progress of all reclamation work, 12 13 including the type of planting or seedings mixture and 14 amount of seed, date of planting or seeding, and area of land planteds the extent to which expectations and 15 predictions made in the original application have been 16 fulfilled and any deviation therefrom, and the number of 17 acres affected; and 18

(c) a revised schedule or timetable of operations and
reclamation and an estimate of the number of acres to be
affected during the next 1-year period.

(2) Upon receipt of the annual report, the department
may make further inquiry and request further information
and, if it does so, shall allow a reasonable opportunity for
the operator to respond.

1 (3) When problem situations are revealed by review of 2 new information or as a result of field inspections, the 3 department may order such changes in the mining and 4 reclamation plans as are necessary to insure compliance with 5 this part."

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INTRIDUCED BY BY REQUES OF THE DEPARTMENT OF STATE LANDS A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE MONTANA STRIP AND UNDERGROUND MINE RECLAMATION ACT: AMENDING SECTIONS 82-4-222, 82-4-126, 82-4-234, 82-4-235, AND

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32-4-237+ HCA."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 82-4-222, MCA, is amended to read: #82-4-222. Permit application. (1) An operator 12 13 desiring a permit shall file an application which shall 14 contain a complete and detailed plan for the mining. 15 reclamation, revecetation, and rehabilitation of the land and water to be affected by the operation. Such plan shall 16 reflect thorough advance investigation and study by the 17 18 operator and shall include all known or readily discoverable past and present uses of the land and water to be affected 19 20 and the approximate periods of such use and shall state:

21 (a) the location and area of land to be affected by 22 the operation, with a description of access to the area from the nearest public highways; 23

(b) the names and addresses of the owners of record of 24 25 the surface of the area of land to be affected by the permit

and the owners of record of all surface area within one-half 1 mile of any part of the affected area; 2

3 (c) the names and addresses of the present owners of record of all subsurface winerals in the land to be 4 affected: 5

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

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

10 (f) whether the applicant or any person associated 11 with the applicant holds or has held any other permits under 12 this part and an identification of those permits:

13 (g) whether the applicant is in compliance with 14 82-4-251 and, if known, whether every officer, partner, 15 director, or any individual owning of record or 16 beneficially, alone or with associates, 10% or more of any 17 class of stock of the applicant is subject to any of the 18 provisions of 82-4-251 and he shall so certify and whether 19 any of the foregoing parties or persons have ever had a strip-mining or underground-mining license or permit issued 20 21 by any other state or federal agency revoked or have ever 22 forfeited a strip-mining or underground-mining bond or a security deposited in lieu of a bond and, if so, a detailed 23 explanation of the facts involved in each case must be 24 25 attached; HB 739

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THIRD READING

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

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

7 (j) the results of any test borings or core samplings which the applicant or his agent has conducted on the land 8 9 to be affected, including the nature and the depth of the various strata or overburden and topsoil, the quantities and 10 11 location of subsurface water and its quality, the thickness 12 of any mineral seam, an analysis of the chemical properties 13 of such minerals, including the acidity, sulphur content, and trace mineral elements of any coal seams as well as the 14 British thermal unit (Btu) content of such seam, and an 15 16 analysis of the overburden, including topsoil. If test 17 borings or core samplings are submitted, each permit application shall contain two copies each of two sets of 18 19 geologic cross sections accurately depicting the known geologic makeup beneath the surface of the affected land. 20 21 Each set shall depict subsurface conditions at 500-foot such 22 intervals as the department requires across the surface and 23 shall run at a 90-degree angle to the other set unless-the 24 department-determines-that-closer--intervals--are--required. 25 The department may not require intervals of less than 500

feet. Each cross section shall depict the thickness and 1 2 geologic character of all known strate beginning with the topsoil. In addition, each application for an underground 3 4 mining permit shall be accompanied by cross sections and maps showing the proposed underground locations of all 5 6 shafts, entries, and haulageways or other excavations to be excavated during the permit year period. These cross 7 sections shall also include all existing shafts, entries, 8 9 and 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 (1) such other or further information as the17 department may require.

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

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

(b) show any adjacent deep mining or surface mining
and the boundaries of surface properties and names of owners
of record of the affected area and within 1,000 feet of any

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1 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 1,000 feet of such area;

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

10 (e) show the date on which the map was prepared and11 the north point;

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

18 (g) show the proposed location of waste or refuse19 area;

20 (h) show the proposed location of temporary subsoil21 and topsoil storage area;

22 (i) show the proposed location of all facilities:

23 <u>fill</u> show the location of test boring holes:

tjt(k) show the surface location lines of any geologic
 cross sections which have been submitted;

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

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8 (+)(m) 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 <u>{m+in}</u> contain such other or further information as
15 the department may require.

16 (3) 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, grading work, highwall reduction, topsoiling, planting, 21 22 revegetating, and a reclamation plan for the area affected 23 by the operation, which proposals shall meet the requirements of this part and rules adopted under this 24 25 part."

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1 Section 2. Section 82-4-226, MCA, is amended to read: 2 #82-4-226. Prospecting permit. (1) On and after March 16: 1973: prospecting by any person on land not included in 3 4 a valid strip-mining or underground-mining permit shall be 5 unlawful without possessing a valid prospecting permit 6 issued by the department as provided in this section. No prospecting permit shall be issued until the operator person 7 8 submits an application, the application is examined, amended if necessary, and approved by the department, and adequate 9 10 reclamation performance bond is posted, all of which prerequisites must be done in conformity with the 11 12 requirements of this part.

13 (2) An application for a prospecting permit shall be 14 made in writing, notarized, and submitted to the department 15 in duplicate upon forms prepared and furnished by it. The 16 application shall include among other things a prospecting 17 map and a prospecting reclamation plan of substantially the 18 same character as required for a surface-mining or 19 underground-mining map and reclamation plan under this part. 20 The department shall determine by rules the precise nature 21 of such required prospecting map and reclamation plan. Any 22 operator applicant who intends to prospect by means of core 23 drilling shall specify the location and number of holes to be drilled, methods to be used in sealing aguifers, and such 24 other information as may be required by the department. The 25

applicant must state what types of prospecting and
 excavating techniques will be employed on the affected land.
 The application shall also include any other or further
 information the dupartment may require.

(3) The application shall be accompanied by a fee of 5 6 \$100. This fee shall be used as a credit toward the strig-mining or underground-mining permit fee provided by 7 8 this part if the area covered by the prospecting permit 9 becomes covered by valid surface-mining а or underground-mining permit obtained before or at the time the 10 11 prospecting permit expires.

12 (4) Before the department gives final approval to the 13 prospecting permit application, the applicant shall file 14 with the department a reclamation and revegetation bond in a 15 form and in an amount as determined in the same manner for 16 strip-mining or underground-mining reclamation and 17 revegetation bonds under this part.

18 (5) In the event that the holder of a prospect ag 19 permit desires to strip mine or underground wine the area covered by the prospecting permit and has fulfilled all the 20 21 requirements for a strip-mining or underground-mining 22 permit, the department may permit the postponement of the reclamation of the acreage prospected if that acreage is 23 24 incorporated into the complete reclamation plan submitted 25 with the application strip-mining for а or

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underground-mining permit. Any land actually affected by
 prospecting or excavating under a prospecting permit and not
 covered by the strip-mining or underground-mining
 reclamation plan shall be promptly reclaimed.

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(6) The prospecting permit shall be valid for 1 year
and shall be subject to renewal, suspension, and revocation
in the same manner as strip-mining or underground-mining
permits under this part.

9 (7) The holder of the prospecting permit shall file 10 with the department the same progress reports, maps, and 11 revegetation progress reports as are required of 12 strip-mining or underground-mining operators under this 13 part."

14 Section 3. Section 82-4-234, HCA, is amended to read: #82-4-234. Commencement of reclamation. The operator 15 16 shall commence the reclamation of the area of land affected 17 by his operation as soon as possible after the beginning of strip mining or underground mining of that area in 18 19 accordance with plans previously approved by the department. 20 Those grading, backfilling, subsidence stabilization, 21 topsoiling, and water management practices that are approved 22 in the plans shall be kept current with the operation as defined by rules of the board, and a permit or supplement to 23 a permit may not be issued if, in the discretion of the 24 25 department, these practices are not current. A permittee may

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1	<u>nots without department approvals disturb any area that has</u>
2	been seeded pursuant to 82-4-233."
3	Section 4. Section 82-4-235, MCA, is amended to read:
4	=82-4-235。 Planting reports {1}-At-least-60-deys-prior
5	to-the-date-of-each-permit-expirationstheoperatorshait
6	fileoplanting-report-with-the-doportment-on-o-form-to-be
۲	prescribed-andfurnishedbythedepartmentygivingthe
8	following-information+
9	to} identification-of-the-operation:
10	{b}thetypeofplantingorsocdingvi ncluding
11	sixtures-and-emounts;
12	fc}the-data-of-p}onting-or-seeding;
13	{d}the-ares-of-land-planted;
14	te}anyotherrelevantinformationthedepartment
15	requires.
16	{2}A}}-p}ontingreportsshallbe-certified-by-the
17	operatory
18	(3) Inspection and evaluation for permanent diverse
19	vegetative cover shall be made as soon as it is possible to
20	determine if a satisfactory stand has been established. If
21	the department determines that a satisfactory permanent
22	diverse vegetative cover has been established, it shall
23	release the remaining bond held on the area reclaimed after
24	public notice and an opportunity for a hearing. In no event
25	shall such remaining bond be released prior to a period of 5

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 years from the initial planting provided for in 02-4-233."
 Section 5. Section 02-4-237. MCA. is amended to read: "82-4-237. Operator to file annual reports. (1) An
 operator shall file an annual report with the department
 within 30 days of the anniversary date of each permit.
 Included within this report shall be:

7 (a) the name and address of the operator and permit8 number;

9 (b) a report in such detail as the department shall 10 requires supplemented with maps, cross sections, or other 11 material indicating the extent to which mining operations 12 have been carried out, the progress of all reclamation work, 13 including the type of planting or seedings mixture and 14 amount of seeds date of planting or seedings and area of land planted, the extent to which expectations and 15 predictions made in the original application have been 16 17 fulfilled and any deviation therefrom, and the number of 18 acres affected; and

19 (c) a revised schedule or timetable of operations and 20 reclamation and an estimate of the number of acres to be 21 affected during the next 1-year period.

(2) Upon receipt of the annual report, the department
may make further inquiry and request further information
and, if it does so, shall allow a reasonable opportunity for
the operator to respond.

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1 (3) When problem situations are revealed by review of 2 new information or as a result of field inspections, the 3 department may order such changes in the mining and 4 reclamation plans as are necessary to insure compliance with 5 this part."

-End-

46th Legislature

H8 0739/02

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HOUSE BILL ND. 739 1 INTRODUCED BY DAY 2 BY REQUEST OF THE DEPARTMENT OF STATE LANDS 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE 5 MONTANA STRIP AND UNDERGROUND MINE RECLAMATION ACT; AMENDING 6 7 SECTIONS 82-4-222, 82-4-226, 82-4-234, 82-4-235, AND ß 82-4-237. MCA.* 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 82-4-222. MCA. is amended to read: 11 12 "82-4-222. Permit application. (1) An operator desiring a permit shall file an application which shall 13 contain a complete and detailed plan for the mining. 14 reclamation, revegetation, and rehabilitation of the land 15 and water to be affected by the operation. Such plan shall 16 reflect thorough advance investigation and study by the 17 operator and shall include all known or readily discoverable 18 19 past and present uses of the land and water to be affected 20 and the approximate periods of such use and shall state: (a) the location and area of land to be affected by 21 the operation, with a description of access to the area from 22 the nearest public highways; 23

24 (b) the names and addresses of the owners of record of 25 the surface of the area of land to be affected by the permit HB 0739/02

1 and the owners of record of all surface area within one-half г mile of any part of the affected area; (c) the names and addresses of the present owners of 3 4 record of all subsurface minerals in the land to be 5 affected; 6 (d) the source of the applicant's legal right to mine 7 the mineral on the land affected by the permit; 8 (e) the permanent and temporary post-office addresses 9 of the applicant; 10 (f) whether the applicant or any person associated with the applicant holds or has held any other permits under 11 12 this part and an identification of those permits; (q) whether the applicant is in compliance with 13 14 82-4-251 and, if known, whether every officer, partner, 15 director, or any individual owning of record or beneficially, alone or with associates, 10% or more of any 16 17 class of stock of the applicant is subject to any of the provisions of 82-4-251 and he shall so certify and whether 18 any of the foregoing parties or persons have ever had a 19 strip-mining or underground-mining license or permit issued 20 21 by any other state or federal agency revoked or have ever 22 forfeited a strip-mining or underground-mining bond or a 23 security deposited in lieu of a bond and, if so, a detailed explanation of the facts involved in each case must be 24 25 attached:

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REFERENCE BILL

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

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

7 (j) the results of any test borings or core samplings 8 which the applicant or his agent has conducted on the land 9 to be affected, including the nature and the depth of the various strata or overburden and topsoil, the quantities and 10 11 location of subsurface water and its quality, the thickness 12 of any mineral seam, an analysis of the chemical properties 13 of such minerals, including the acidity, sulphur content, and trace mineral elements of any coal seam, as well as the 14 15 British thermal unit (Btu) content of such seam, and an analysis of the overburden, including topsoil. If test 16 17 borings or core samplings are submitted, each permit 18 application shall contain two copies each of two sets of 19 geologic cross sections accurately depicting the known 20 geologic makeup beneath the surface of the affected land. 21 Each set shall depict subsurface conditions at 500-foot such 22 intervals as the department requires across the surface and 23 shall run at a 90-degree angle to the other set unless-the 24 department-determines-that-closer--intervals--are--required. 25 Ibe__department__may__not_require_intervals_of_less_than_500 1 feets Each cross section shall depict the thickness and 2 geologic character of all known strata beginning with the topsoil. In addition, each application for an underground з mining permit shall be accompanied by cross sections and 4 maps showing the proposed underground locations of all 5 shafts, entries, and haulageways or other excavations to be * excavated during the permit year period. These cross 7 sections shall also include all existing shafts, entries, R 9 and 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 (1) such other or further information as the 17 department may require.

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

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

(b) show any adjacent deep mining or surface mining
 and the boundaries of surface properties and names of owners
 of record of the affected area and within 1+000 feet of any

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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 1,000 feet of such area:

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

10 (e) show the date on which the map was prepared and11 the north point;

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

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

20 (h) show the proposed location of temporary subsoil21 and topsoil storage area;

22 (i) show the proposed location of all facilities:

23 titl(1) show the location of test boring holes;

tjt(k) show the surface location lines of any geologic
 cross sections which have been submitted;

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1 +k+(1) show a listing of plant varieties encountered 2 in the area to be affected and their relative dominance in 3 the area, together with an enumeration of tree varieties and 4 the approximate number of each variety occurring per acre on 5 the area to be affected, and the locations generally of the 6 various kinds and varieties of plants, including but not limited to grasses, shrubs, legumes, forbs, and trees: 7 ð t++(m) 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 by the mining laws of this state." The certification shall 11 12 be signed and notarized. The department may reject a map as incomplete if its accuracy is not so attested. 13 14 tet(n) contain such other or further information as 15 the department may require. 16 (3) 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 backfilling, subsidence stabilization, water control, 20 21 urading 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 part and rules adopted under this

25 part.*

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1 Section 2. Section 82-4-226. MCA. is amended to read: 2 *82-4-226. Prospecting permit. (1) On and after March 3 16, 1973, prospecting by any person on land not included in a valid strip-mining or underground-mining permit shall be 4 unlawful without possessing a valid prospecting permit 5 issued by the department as provided in this section. No 6 7 prospecting permit shall be issued until the operator person ß submits an application, the application is examined, amended 9 if necessary, and approved by the department, and adequate 10 reclamation performance bond is posted, all of which 11 prerequisites must be done in conformity with the 12 requirements of this part.

13 (2) An application for a prospecting permit shall be 14 made in writing, notarized, and submitted to the department 15 in duplicate upon forms prepared and furnished by it. The application shall include among other things a prospecting 16 17 map and a prospecting reclamation plan of substantially the 18 same character as required for a surface-mining or 19 underground-mining map and reclamation plan under this part. 20 The department shall determine by rules the precise nature of such required prospecting map and reclamation plan. Any 21 22 operator apulicant who intends to prospect by means of core drilling shall specify the location and number of holes to 23 24 be drilled, methods to be used in sealing aguifers, and such 25 other information as may be required by the department. The

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applicant must state what types of prospecting and
 excavating techniques will be employed on the affected land.
 The application shall also include any other or further
 information the department may require.

(3) The application shall be accompanied by a fee of 5 \$100. This fee shall be used as a credit toward the 6 7 strip-mining or underground-mining permit fee provided by 8 this part if the area covered by the prospecting permit q becomes covered by a valid surface-mining or 10 underground-mining permit obtained before or at the time the 11 prospecting permit expires.

12 (4) Before the department gives final approval to the 13 prospecting permit application, the applicant shall file 14 with the department a reclamation and revegetation bond in a 15 form and in an amount as determined in the same manner for 16 strip-mining or underground-mining reclamation and 17 revegetation bonds under this part.

(5) In the event that the holder of a prospecting 18 permit desires to strip mine or underground mine the area 19 covered by the prospecting permit and has fulfilled all the 20 21 requirements for a strip-mining or underground-mining 22 permit, the department may permit the postponement of the reclamation of the acreage prospected if that acreage is 23 incorporated into the complete reclamation plan submitted 24 25 with the application for а strip-mining or

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underground-mining permit. Any land actually affected by
 prospecting or excavating under a prospecting permit and not
 covered by the strip-mining or underground-mining
 reclamation plan shall be promptly reclaimed.

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5 (6) The prospecting permit shall be valid for 1 year 6 and shall be subject to renewal, suspension, and revocation 7 in the same manner as strip-mining or underground-mining 8 permits under this part.

9 (7) The holder of the prospecting permit shall file 10 with the department the same progress reports, maps, and 11 revegetation progress reports as are required of 12 strip-mining or underground-mining operators under this 13 part."

Section 3. Section 82-4-234, MCA, is amended to read: 14 #82-4-234. Commencement of reclamation. The operator 15 shall commence the reclamation of the area of land affected 16 by his operation as soon as possible after the beginning of 17 strip mining or underground mining of that area in 19 accordance with plans previously approved by the department. 19 Those grading, backfilling, subsidence stabilization, 20 topsoiling, and water management practices that are approved 21 in the plans shall be kept current with the operation as 22 defined by rules of the board, and a permit or supplement to 23 a permit may not be issued if, in the discretion of the 24 25 department, these practices are not current. A permittee may

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1	<u>notwithout_department_approvali_disturb_any_area_thathas</u>
2	been_seeded_pursuant_to_82=6=233."
3	Section 4. Section 82+4-235; NCA; is amended to read:
4	#82-4-235。 Planting report. {1}-At-least-60-days-prior
5	to-the-data-of-each-perwit-expirationtheoperatorshall
6	fileaplanting-report-with-the-department-on-a-form-to-be
7	prescribed-ondfurnishedbythedepartmentygivingthe
8	following-information+
9	to;identification-of-the-operationt
10	tbtthetypeofplanting- -orseeding ,including
11	mixtures-end-emounts;
12	tctthe-date-of-planting-or-seeding t
13	td;the-area-of-land-planted;
14	tet-onyotherrelevantinformationthedepartment
15	requires.
16	t2tAllplantingreportsshallbe-certified-by-the
17	aperatory
18	<pre>table to any the second </pre>
19	vegetative cover shall be made as soon as it is possible to
20	determine if a satisfactory stand bas been established. If
21	the department determines that a satisfactory permanent
22	diverse vegetative cover has been established, it shall
23	release the remaining bond held on the area reclaimed after
24	public notice and an opportunity for a hearing. In no event
25	shall such remaining bond be released prior to a period of 5

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years from the initial planting provided for in 82-4-233."
 Section 5. Section 82-4-237. MCA. is amended to read:
 "82-4-237. Operator to file annual reports. (1) An
 operator shall file an annual report with the department
 within 30 days of the anniversary date of each permit.
 Included within this report shall be:

7 (a) the name and address of the operator and permit 8 number;

(b) a report in such detail as the department shall 9 require, supplemented with maps, cross sections, or other 10 11 material indicating the extent to which mining operations 12 have been carried out, the progress of all reclamation work. 13 including the type of planting or seedings mixture and amount of seeds date of planting or seedings and area of 14 15 land plantade the extent to which expectations and predictions made in the original application have been 16 fulfilled and any deviation therefrom, and the number of 17 acres affected; and 18

19 (c) a revised schedule or timetable of operations and 20 reclamation and an estimate of the number of acres to be 21 affected during the next 1-year period.

(2) Upon receipt of the annual report, the department
may make further inquiry and request further information
and, if it does so, shall allow a reasonable opportunity for
the operator to respond.

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1 (3) When problem situations are revealed by review of 2 new information or as a result of field inspections, the 3 department may order such changes in the mining and 4 reclamation plans as are necessary to insure compliance with 5 this part.*

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