

ENVIRONMENTAL QUALITY

CHAPTER 24

RECLAMATION

Subchapter 10

Strip and Underground Mine
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Subchapter 10

Strip and Underground Mine
Reclamation Act: Prospecting

17.24.1001 PERMIT REQUIREMENT (1) A person who intends to prospect for coal or uranium on land not included in a valid strip or underground mining permit must obtain a prospecting permit from the department if the prospecting will be:

- (a) conducted to determine the location, quality, or quantity of a mineral deposit and will substantially disturb, as defined in ARM 17.24.301, the natural land surface; or
- (b) conducted to determine the location, quality, or quantity of mineral using drilling operations; or
- (c) conducted on an area designated unsuitable for strip or underground coal mining pursuant to 82-4-227 or 82-4-228, MCA, or ARM 17.24.1131.

(2) An application for a prospecting permit must be made on forms provided by the department and, except for an application for a coal drilling operation that is subject to the application and review requirements of 82-4-226(8), MCA, must be accompanied by the following information:

- (a) the name, address, and telephone number of the applicant and, if applicable, the representative of the applicant who will be present at and be responsible for the prospecting;
- (b) documentation that the proposed prospecting program would not adversely affect any area possessing special, exceptional, critical, or unique characteristics as defined in 82-4-227, MCA. The applicant shall promptly report the existence of such characteristics if in the course of prospecting he becomes aware of them;
- (c) identification of any historical, archaeological, and ethnological values in the area to be affected to the same extent required for a permit application by ARM 17.24.304(1)(b) and possible mitigating measures to be exercised should any of those values be encountered;
- (d) for any lands protected under 82-4-227(13), MCA, or ARM 17.24.1131, a demonstration that, to the extent technologically and economically feasible, the proposed prospecting activities will minimize interference with the values for which those lands were designated. The application must include documentation of consultation with the owner of the feature causing the land to come under the designation, and, when applicable, with the agency with primary jurisdiction over the feature with respect to the values that caused the land to be so designated;
- (e) a narrative description of the significant fish and wildlife species and habitats in the general area of operations, including rare and endangered species and critical habitats, as listed by the U.S. fish and wildlife service and other appropriate agencies, and written documentation from appropriate management agencies that the proposed prospecting activity will not adversely affect such species;

- (f) documentation that habitats of unique or unusually high value to fish and wildlife would not be disturbed;
- (g) a narrative description of the local topographic and geologic formations, scenic values, and vegetation in the area to be affected;
- (h) a prospecting map that meets the following requirements:
 - (i) the map must be of sufficient size and scale to adequately show all areas to be prospected. Standard United States geological survey topographic quadrangle maps must be used as base maps, if available;
 - (ii) whenever prospecting by test hole is proposed, the maps must include proposed locations of test holes. Specific locations for initial prospecting shall be shown by quarter section, section, township, and range. New road construction for drill rig or seismic equipment access must be clearly indicated on the maps. Permanent roads, and roads that are to be abandoned, must be identified;
 - (iii) each map must contain:
 - (A) proposed excavations or test pits and disposal areas for excavated earth and waste materials shown by location and size;
 - (B) locations of streams, lakes, stockwater ponds, wells, and springs that are known or readily discoverable proximate to prospecting operations;
 - (C) roads and access routes;
 - (D) location of occupied dwellings and pipelines;
 - (E) a description and location of historic, topographic, cultural and drainage features;
 - (F) the location of habitat of species described in (e); and
 - (G) the name, address, and phone number of surface owners and surface lessees of the land affected;
 - (H) a certification in the same form required in ARM 17.24.305(2)(b);
 - (i) a narrative description of the prospecting program including at a minimum:
 - (i) a description of the proposed method of prospecting;
 - (ii) the type of equipment to be used in the prospecting;
 - (iii) the size, depth, and number and location by legal description, of proposed drill holes (refer to map location), the depth(s) of any known subsurface ground water occurring above the deepest projected depth of the prospecting operation, the drilling medium used (air, water, mud, etc.), and the method of containing drilling fluids;
 - (iv) a description of the plugging procedures and materials used to comply with the provisions of ARM 17.24.1005(3);
 - (v) a discussion of preventive and corrective measures that will be taken to guard against or correct water pollution problems that may develop with streams, lakes, stockwater ponds, wells or springs, and other measures proposed to be followed to protect the environment from adverse impacts;
 - (vi) a plan showing earth moving proposed for roads, disposal pits, and drill sites in compliance with ARM 17.24.1006(2) and 17.24.1009; and
 - (vii) a drill hole marking technique that provides durable markers and that will allow the department to locate the drill hole for bond release inspection purposes;

- (j) the mineral or minerals to be prospected;
 - (k) a listing of all surface and subsurface estate owners, their current mailing addresses and phone;
 - (l) copies of the documents upon which the applicant bases his or her legal right to prospect for the mineral or minerals on the land affected;
 - (m) documentation that the owners of the land affected have been notified and understand that the department must make investigations and inspections necessary to ensure compliance with the Act, applicable rules, and permit conditions;
 - (n) an estimated timetable for conducting and completing each phase of prospecting and reclamation;
 - (o) the measures to be taken to comply with the performance standards of this subchapter;
 - (p) the proposed post-disturbance land use; and
 - (q) the proposed public notice of the prospecting activities and proof of publication, in accordance with ARM 17.24.303(1)(x). The procedures of ARM 17.24.401(3) and (5), 17.24.402, and 17.24.403 must be followed in the processing of a prospecting permit application.
- (3) A prospecting permit is issued on a yearly basis and is subject to renewal, suspension, and revocation in the same manner as a strip or underground mining permit.
- (4) Each person who conducts prospecting shall, while in the prospecting area, have available a copy of the prospecting permit for review by the department upon request.
- (5) Prospecting operations conducted pursuant to a prospecting permit are subject to all provisions of this subchapter except ARM 17.24.1018.
- (6) The department may not approve a prospecting permit application unless the application affirmatively demonstrates and the department finds in writing, on the basis of information set forth in the application or information otherwise available that is compiled by the department, that:
- (a) the application is complete and accurate and that the prospecting and reclamation will be conducted in accordance with all applicable requirements of this subchapter;
 - (b) the proposed prospecting operation will not jeopardize the continued existence of endangered or threatened species or result in destruction or adverse modifications of their critical habitats;
 - (c) the application complies with applicable federal and state cultural resource requirements, including ARM 17.24.318, 17.24.1131 and 17.24.1137; and
 - (d) the proposed prospecting activities will meet the requirements of (2)(d) and that the owner of the feature causing any land to come under a protected designation, pursuant to 82-4-227(13), MCA, or ARM 17.24.1131, and, when applicable, with the agency with primary jurisdiction over the feature with respect to the values that caused the land to be so designated, have been provided the opportunity to comment on the department's finding on this matter.

(7) Prospecting-related activities or facilities that are conducted or created in accordance with this rule and ARM 17.24.1002 through 17.24.1014 and 17.24.1016 through 17.24.1019 must be transferred to a valid strip or underground mining permit whenever such activities or facilities become part of mine operations in conjunction with ARM 17.24.308(1)(b) or 17.24.609. (History: 82-4-204, MCA; IMP, 82-4-226, MCA; NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; AMD, 1995 MAR p. 31, Eff. 1/13/95; AMD, 1995 MAR p. 2263, Eff. 10/27/95; TRANS, from DSL, 1996 MAR p. 2852; AMD, 1999 MAR p. 811, Eff. 4/23/99; AMD, 2004 MAR p. 2548, Eff. 10/22/04; AMD, 2012 MAR p. 737, Eff. 4/13/12.)

17.24.1002 INFORMATION AND MONTHLY REPORTS (1) Whenever the department must investigate possible environmental damage or complaints which may occur as a direct result of prospecting activities, the prospector shall furnish sufficient information to the department to facilitate such investigation. Such information must include, but is not limited to, stratigraphic findings, geophysical and lithological logs, construction details (for example, on roads and environmental monitoring sites), and related data.

(2) A monthly report must be submitted for each successive 30-day period no later than the 15th of the following month, provided, however, that monthly reports need not be submitted for 30-day periods of inactivity. Reports must include, but are not limited to, the following information:

- (a) the legal description (to nearest ten acres) of each bore and core hole drilled, and drill hole identification numbers;
- (b) updated maps showing bore and core hole locations and identification numbers, as well as drill hole additions, deletions or relocations;
- (c) the date each hole was drilled, logged, and abandoned;
- (d) total depth and diameter of each hole drilled;
- (e) trade name and amount of abandonment material used on each drilled hole;
- (f) results of additional mud, cement, concrete or other grout tests required by the department (i.e., gel strength, fluid loss or water-chemical analyses, etc.) completed for each hole drilled and abandoned or converted to a well;
- (g) depths of all encountered water-bearing zones for each hole drilled, including all artesian conditions;
- (h) depth of all lost circulation zones;
- (i) a detailed report of all prospecting holes converted to water or monitor wells including:
 - (i) water-bearing zone developed (depth, formation name, lithology);
 - (ii) type of material used to case, grout, seal and cap each well;
 - (iii) casing diameter; and
 - (iv) anticipated plans for the well;

- (j) description of any activity that substantially disturbs land or water resources pursuant to ARM 17.24.301(120);
 - (k) mapped location of any surface disturbance such as road, disposal pit, or mud pit construction;
 - (l) mapped location and description of areas seeded or otherwise reclaimed; and
 - (m) anticipated location of activity in next reporting period.
- (3) Annual reports must be filed in accordance with 82-4-226(6) and 82-4-237, MCA, and must include the information required under (2) for all activities conducted during the report year. (History: 82-4-204, MCA; IMP, 82-4-226, MCA; NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; AMD, 1995 MAR p. 31, Eff. 1/13/95; TRANS, from DSL, 1996 MAR p. 3042; AMD, 1999 MAR p. 811, Eff. 4/23/99; AMD, 2004 MAR p. 2548, Eff. 10/22/04; AMD, 2012 MAR p. 737, Eff. 4/13/12.)

17.24.1003 RENEWAL AND TRANSFER OF PERMITS (1) An application for renewal of a prospecting permit must be submitted by the permittee on forms provided by the department. The application must be submitted at least 15 days prior to the anniversary date of the permit and must include:

- (a) the number of drill holes permitted;
 - (b) the number of drill holes disturbed;
 - (c) a listing of any other surface disturbances;
 - (d) the number of acres of land disturbed by the operation;
 - (e) the number of drill holes and other disturbances that have been reclaimed and the extent such has been carried out; and
 - (f) an updated map that shows all revisions to the current permit.
- (2) No transfer or assignment of any prospecting permit may be made without the prior written approval of the department.
- (3) The department may not approve any transfer or assignment of any permit unless the potential transferee or assignee:
- (a) obtains the performance bond coverage of the original permittee by:
 - (i) obtaining transfer of the original bond;
 - (ii) obtaining a written agreement with the original permittee and all subsequent successors in interest (if any) that the bond posted by the original permittee and all successors shall continue in force on all areas affected by the original permittee and all successors, and supplementing such previous bonding with such additional bond as may be required by the department. If such an agreement is reached, the department may authorize for each previous successor and the original permittee the release of any remaining amount of bond in excess of that required by the agreement; or
 - (iii) providing sufficient bond to cover the original permit in its entirety from inception to completion of reclamation operations; and

(b) provides the department with an application for approval of such proposed transfer, assignment, or sale, including:

- (i) the name and address of the existing permittee;
- (ii) the name and address of the person proposing to succeed by such transfer, assignment, or sale and the name and address of that person's resident agent and a brief description of the proposed transaction; and
- (iii) the same information as is required in subchapter 10 for applications for new permits.

(4) The successor shall immediately provide notice to the department of the consummation of the transfer, assignment, or sale of permit rights. Upon receipt of this notice, the department shall release the original permittee from all obligations not retained under (3). (History: 82-4-204, 82-4-205, MCA; IMP, 82-4-226, MCA; NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; TRANS, from DSL, 1996 MAR p. 3042; AMD, 1999 MAR p. 811, Eff. 4/23/99; AMD, 2004 MAR p. 2548, Eff. 10/22/04; AMD, 2012 MAR p. 737, Eff. 4/13/12.)

17.24.1004 ENVIRONMENTAL MONITORING (1) As prescribed or approved by the department, the permittee shall monitor important environmental characteristics of the area during prospecting to ensure minimization of environmental damage to the area. (History: 82-4-204, 82-4-205, MCA; IMP, 82-4-226, MCA; NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; TRANS, from DSL, 1996 MAR p. 3042.)

17.24.1005 DRILL HOLES (1) Prospecting operations must be conducted to completely avoid:

- (a) degradation or diminution of any existing or potential water supply; and
- (b) adverse impacts to existing or potential mining operations. All prospecting holes must be abandoned in accordance with the following provisions unless the hole has been transferred as a water well in compliance with ARM 17.24.647 or unless a delay is approved by the department.

- (2) The prospector shall use appropriate techniques to:
 - (a) prevent the escape of water, oil, or gas from all drill holes;
 - (b) prevent contamination of all surface and ground waters, and prevent interaquifer mixing;
 - (c) prevent aquifer contamination by surface drainage; and
 - (d) reclaim all surface impacts and prevent settling that may result from prospecting-related activities.

(3) Unless alternative procedures are approved or required by the department, the prospector shall use the following reclamation techniques:

- (a) cuttings must be spread over the earth's surface to a depth less than 1/2 inch or be removed to an approved disposal pit. Cuttings must not be placed in the hole. Proper soil salvage and reclamation techniques consistent with ARM 17.24.501 and 17.24.701 through 17.24.703 must be used at the disposal pit;
- (b) whenever a cased drill hole is not transferred to the affected landowner as a water well, the casing must be cut off at the surface on rangeland and two feet below the surface on cropland or pastureland;

(c) promptly after prospecting on a site is completed, and unless otherwise approved by the department, all drill holes must be abandoned in accordance with the following:

(i) Whenever circulation is lost to the formation or artesian conditions are encountered, a homogeneous cement grout must be slurried into the hole from the bottom to within two feet of the surface and topsoil placed in the remaining two feet.

(ii) Whenever circulation is not lost, a swelling bentonitic clay grout with no less than 50% bentonite solids per unit volume must be placed in each abandoned drill hole, from the bottom of the hole to within two feet of the land surface.

Precautions must be taken to ensure that no bridging occurs between the bottom and top of the hole. The entire hole must be filled with the grout to form a continuous grout column from bottom of the hole to two feet below the natural land surface.

(iii) A magnetic marker must be placed on the top of the grout. The remaining two feet of the hole must be backfilled with cuttings or suitable soil material;

(d) A detailed description of all methods and materials to be used for casing and grouting all water wells, monitor wells, or holes that are not abandoned in accordance with (c) immediately after drilling must be provided to the department. All cased holes, water wells, and monitor wells must be completed in a manner approved by the department. All wells and other drill holes must be constructed and maintained in compliance with the performance standards contained in ARM 17.24.632, 17.24.647, 17.24.1005, and 17.24.1011 through 17.24.1013, and ARM Title 36, chapter 21, subchapters 6 and 8.

(4) If excavations, artificially flat areas, or embankments are created for or during prospecting, they must be promptly returned to approximate original contour after they are no longer needed for prospecting. (History: 82-4-204, 82-4-205, MCA; IMP, 82-4-226, MCA; NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; AMD, 1995 MAR p. 31, Eff. 1/13/95; TRANS, from DSL, 1996 MAR p. 3042; AMD, 1999 MAR p. 811, Eff. 4/23/99; AMD, 2012 MAR p. 737, Eff. 4/13/12.)

17.24.1006 ROADS AND OTHER TRANSPORTATION FACILITIES

- (1) The prospector shall limit vehicular travel on other than established graded and surfaced roads to the minimum that is necessary to conduct the prospecting. Travel must be confined to graded and surfaced roads during periods when excessive damage to vegetation or erosion of the land surface could result.
- (2) Any new roads or other transportation facilities constructed for prospecting activities must meet the requirements of ARM 17.24.601 through 17.24.608 and 17.24.609(2).
- (3) Existing roads and transportation facilities may be used for prospecting in accordance with the following:
- (a) All applicable federal, state, and local requirements must be met.
 - (b) Whenever the road is significantly altered, including, but not limited to, change of grade, widening, or change of route, or if use of the road contributes additional suspended solids to streamflow or runoff, ARM 17.24.1009 applies to all areas of the road that are altered or that result in additional contributions.
 - (c) Whenever the road or other transportation facility is substantially disturbed by prospecting, the design, construction, alteration, maintenance, and reclamation of the road must meet the appropriate requirements of ARM 17.24.601 through 17.24.608 and 17.24.609(2). (History: 82-4-204, 82-4-205, MCA; IMP, 82-4-226, 82-4-231, 82-4-232, 82-4-233, MCA; NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; AMD, 1995 MAR p. 31, Eff. 1/13/95; TRANS, from DSL, 1996 MAR p. 3042; AMD, 1999 MAR p. 811, Eff. 4/23/99.)

17.24.1007 GRADING, SOIL SALVAGE, STORAGE AND REDISTRIBUTION

- (1) Excavations, artificially flat areas, or embankments that are created during prospecting must be returned to the approximate original contour promptly after the features are no longer needed for prospecting.
- (2) All soil handling must be conducted in compliance with ARM 17.24.701 through 17.24.703. Prior to any surface disturbance, all soil suitable for reclamation use must be salvaged and stored in an area that will be undisturbed and not subject to excessive wind or water erosion. Exceptions may be granted if the operator demonstrates that the site-specific disturbance would be insignificant and that soil loss, contamination, or impairment of quality would not occur. Immediately upon cessation of operations, the soil must be replaced with the surface left in a roughened condition in such a manner that the disturbed area blends smoothly with the adjacent undisturbed land surface. (History: 82-4-204, 82-4-205, MCA; IMP, 82-4-226, 82-4-231, 82-4-232, 82-4-233, MCA; NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; AMD, 1995 MAR p. 31, Eff. 1/13/95; TRANS, from DSL, 1996 MAR p. 3042.)

17.24.1008 REVEGETATION After soil has been replaced in disturbed areas, appropriate legumes, forbs, grasses, shrubs, and trees must be established unless otherwise approved by the department. The revegetation must form a diverse, effective, and permanent vegetative cover of the same seasonal variety native to the area of the land affected and be capable of:

- (1) prompt stabilization of the soil surface; and
- (2) self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area. The vegetative cover must be capable of meeting the criteria set forth in 82-4-233(1), MCA. (History: 82-4-204, MCA; IMP, 82-4-226, 82-4-231, 82-4-232, 82-4-233, MCA; NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; TRANS, from DSL, 1996 MAR p. 3042.)

17.24.1009 DIVERSIONS (1) With the exception of small and temporary diversions of overland flow of water around new roads, drill pads, test pits, and support facilities, no ephemeral, intermittent, or perennial stream may be diverted.

- (2) Overland flow of water must be diverted in a manner that:
 - (a) prevents erosion;
 - (b) to the extent possible, using the best technology currently available, prevents additional contributions of suspended solids to streamflow or runoff; and
 - (c) complies with applicable portions of ARM 17.24.635 and 17.24.636 and all other applicable state or federal requirements. (History: 82-4-204, 82-4-205, MCA; IMP, 82-4-226, 82-4-231, 82-4-232, 82-4-233, MCA; NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; AMD, 1995 MAR p. 31, Eff. 1/13/95; TRANS, from DSL, 1996 MAR p. 3042.)

17.24.1010 REMOVAL OF EQUIPMENT All equipment and facilities must be promptly removed from the prospecting area when no longer needed for exploration or reclamation, except for equipment and facilities that the department determines may remain to:

- (1) provide additional environmental quality data;
- (2) reduce or control the on- and off-site effects of the prospecting operations; or
- (3) facilitate future strip or underground mining operations by the permittee. (History: 82-4-204, MCA; IMP, 82-4-226, 82-4-231, 82-4-232, 82-4-233, MCA; NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; TRANS, from DSL, 1996 MAR p. 3042; AMD, 1999 MAR p. 811, Eff. 4/23/99.)

17.24.1011 HYDROLOGIC BALANCE (1) Prospecting must be conducted to minimize disturbance of the prevailing hydrologic balance in accordance with ARM 17.24.631 through 17.24.634, 17.24.638 through 17.24.651 and must include appropriate sediment control measures, such as those listed in ARM 17.24.638 or sedimentation ponds that comply with the requirements of ARM 17.24.639. The department may specify additional measures. (History: 82-4-204, 82-4-205, MCA; IMP, 82-4-226, 82-4-231, 82-4-232, 82-4-233, MCA; NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; AMD, 1995 MAR p. 31, Eff. 1/13/95; TRANS, from DSL, 1996 MAR p. 3042.)

17.24.1012 TOXIC- OR ACID-FORMING MATERIALS (1) Toxic- or acid-forming materials must be handled and disposed of in accordance with ARM 17.24.505, 17.24.507, and 17.24.510. Additional measures may be specified by the department. (History: 82-4-204, MCA; IMP, 82-4-226, 82-4-231, 82-4-232, 82-4-233, MCA; NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; TRANS, from DSL, 1996 MAR p. 3042.)

17.24.1013 DRILLING If drilling is proposed, the prospecting plan must comply with the following:

- (1) drill sites must not be constructed within 100 feet of stream channelways (dry or flowing) or in an area where drilling-related materials may enter stream channelways. The department may grant site- or condition-specific exemptions to the 100-foot requirement;
- (2) excavations and dozer work must be kept to a minimum. All reasonable efforts must be made to locate drill sites in areas where no dozer work is necessary;
- (3) portable mud pits must be used unless otherwise approved by the department;
- (4) drilling mud and all other fluids must be confined to the site. Cuttings must be disposed of in accordance with ARM 17.24.1005(3)(a).
- (5) All refuse from drilling operations must be completely disposed of by hauling to an approved landfill dump, unless the department approves an alternate method of disposal that will be as environmentally protective. (History: 82-4-204, 82-4-205, MCA; IMP, 82-4-226, 82-4-231, 82-4-232, 82-4-233, MCA; NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; TRANS, from DSL, 1996 MAR p. 3042.)

17.24.1014 TEST PITS: APPLICATION REQUIREMENTS, REVIEW PROCEDURES, BONDING, AND ADDITIONAL PERFORMANCE STANDARDS

- (1) In addition to all the other performance standards set forth in ARM 17.24.1005 through 17.24.1012, prospecting test pits must also comply with the following requirements:
 - (a) Test pits or other excavations must be located out of stream channels (dry or flowing) unless otherwise approved by the department.
 - (b) Applications, permits, bonds, prospecting activities, and related procedures, and reclamation relating to test pits or excavations that are to produce test shipments of minerals, must comply with the applicable provisions of subchapters 3 and 5 through 9, and ARM 17.24.1101 through 17.24.1122, 17.24.1125, 17.24.1129, and 17.24.1131 through 17.24.1138.

- (2) An application for a coal test pit prospecting permit must contain:
- (a) a demonstration that the test pit extraction method is necessary for development of a mining operation for which an operating permit application is to be submitted in the near future and that the minerals are being extracted for testing purposes only;
 - (b) the name of the testing firm and the locations at which the coal will be tested;
 - (c) if the coal will be sold directly to, or commercially used directly by, the intended end user, a statement from the intended end user, or, if the coal is sold through a broker or agent, a statement from the broker or agent, that contains:
 - (i) the specific reason for the test, including why the mineral may be so different from the end user's other mineral supplies as to require testing;
 - (ii) a statement of the amount of mineral necessary for the test and why a lesser amount is not sufficient; and
 - (iii) a description of the specific tests that will be conducted;
 - (d) evidence that sufficient reserves of mineral are available to the person conducting the prospecting or its principals for future commercial use or sale to the intended end user, or agent or broker of such user identified above, to demonstrate that the amount of mineral to be removed is not the total reserve, but is a sampling of a larger reserve; and
 - (e) an explanation as to why other means of prospecting, such as core drilling, are not adequate to determine the quality of the mineral and the feasibility of developing a mining operation.
- (3) An application for a test pit must include a timetable for the sampling and reclamation activities.
- (4) Subchapter 4 is applicable to test pit prospecting permit applications and permits with the following requirements:
- (a) The notice of application published by the applicant must contain, in addition to the information required in ARM 17.24.401(3), the date the application was filed.
 - (b) The affirmative demonstration and written findings required for the application by ARM 17.24.405(6) must also include the items listed in (2). (History: 82-4-204, 82-4-205, MCA; IMP, 82-4-226, MCA; NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; AMD, 1995 MAR p. 31, Eff. 1/13/95; TRANS, from DSL, 1996 MAR p. 3042; AMD, 1999 MAR p. 811, Eff. 4/23/99.)

Rule 17.24.1015 reserved

17.24.1016 BOND REQUIREMENTS FOR DRILLING OPERATIONS

(1) The department shall require bond in an amount equal to the estimated cost to the department for reclamation, restoration, and abatement work as committed to in the approved permit. Minimum bond on all active permits must not be less than \$200 per acre, with a minimum total of \$10,000. Bond must be submitted as described in ARM 17.24.1101 through 17.24.1110, unless otherwise noted below.

(2) Separate bonds are required for each permit. Permits are issued on a county basis.

(3) Each drill site is considered to be 1.0 acre unless otherwise approved by the department.

(4) Bond must be retained for a minimum period of five years after initial reclamation of areas disturbed by prospecting activities. (History: 82-4-204, 82-4-205, MCA; IMP, 82-4-223, 82-4-226, MCA; NEW, 1989 MAR p. 30, Eff. 1/13/89; TRANS, from DSL, 1996 MAR p. 3042; AMD, 2012 MAR p. 737, Eff. 4/13/12.)

17.24.1017 BOND RELEASE PROCEDURES FOR DRILLING OPERATIONS

(1) Bond release may be requested at the following times:

(a) Partial release may be requested and granted after:

(i) downhole plugging is completed; and

(ii) backfilling and grading, pursuant to the approved plan, is completed;

(b) Complete release may be requested and granted after:

(i) expiration of the responsibility period of ARM 17.24.1016(4) and the remaining requirements of this subchapter have been met; or

(ii) when a well has been drilled, completed, and transferred in accordance with ARM 17.24.647; or

(iii) a determination has been made by the department that sites remain undisturbed.

(2) The bond release application must be submitted in duplicate and must include:

(a) a completed application on forms provided by the department;

(b) copies of letters sent to surface owners and county commissioners in the county or consolidated government in which the prospecting occurred. The letters must notify those persons of the permittee's intent to seek release of performance bond. These letters must include the same information required in (3);

(c) final updated, certified maps that include the precise location of each prospecting disturbance and each permitted site that remains undisturbed. Maps must be of a workable scale with topographic delineations equal to or better than those found on United States geological survey topographic maps;

(d) an affidavit of publication of the advertisement as required by (3). The affidavit must be submitted within 60 days of the date of filing of the application; and

(e) a legal description (to within ten acres) of each disturbance.

(3) At the time of filing an application for bond release, the permittee shall advertise the filing of the application in a newspaper of general circulation in the locality of the permit area. The advertisement must:

- (a) be placed in the newspaper at least once a week for two consecutive weeks;
- (b) contain the name of the permittee, the permit number, and the date of issuance or renewal of the permit;
- (c) describe the township, range, and section of the area where release is requested;
- (d) describe the extent of disturbance, in acres, or for prospecting drilling, the total number of drill holes;
- (e) indicate total performance bond held and the amount of bond release requested;
- (f) indicate whether reclamation was completed as approved with regard to surface and subsurface disturbances; and
- (g) state that written comments, objections, and requests for public hearing may be submitted to the department within 30 days of the last date of publication of the notice, and provide the address of the department.

(4) Written objections, comments, and requests for an informal conference, may be filed by any affected person within 30 days following the last date of advertisement of the filing of the application. For the purpose of this rule, an "affected person" is:

- (a) any person with a valid legal interest which may be adversely affected by bond release; or
- (b) any federal, state or local government agency that:
 - (i) has jurisdiction by law with respect to any environmental, social, or economic impact involved; or
 - (ii) is authorized to develop and enforce environmental standards with respect to strip or underground mining operations.

(5) The department shall inspect and evaluate the reclamation for which bond release is requested within a reasonable period of time after receiving a complete application for bond release. Affected persons shall be given notice of such inspection and may participate in the inspection.

(6) Informal conferences may be requested in the same manner provided in ARM 17.24.1113.

(7) Notice of decision must be made in the same manner as is required for operating permit bonds under ARM 17.24.1114. (History: 82-4-204, MCA; IMP, 82-4-226, 82-4-232, 82-4-235, MCA; NEW, 1989 MAR p. 30, Eff. 1/13/89; TRANS, from DSL, 1996 MAR p. 3042; AMD, 1999 MAR p. 811, Eff. 4/23/99; AMD, 2004 MAR p. 2548, Eff. 10/22/04.)

17.24.1018 NOTICE OF INTENT TO PROSPECT (1) This rule applies to a prospecting operation that is outside an area designated unsuitable for coal mining pursuant to 82-4-227 or 82-4-228, MCA, and that is:

- (a) conducted for the purpose of gathering environmental data to establish the conditions of an area before beginning strip or underground mining; or
- (b) conducted to determine drill hole locations and access routes prior to submittal of an application to prospect to determine the location, quality, and quantity of a mineral reserve.

(2) A person who conducts a prospecting operation as described in (1) must, before conducting the prospecting operations, file with the department a notice of intent to prospect that meets the requirements of (3) and (4). A notice of intent to prospect is effective for one year after it is filed. If prospecting activities described in a notice are not conducted within the year, they may be incorporated by reference in a subsequent notice of intent to prospect.

(3) The notice must include copies of the documents upon which the applicant bases his or her legal right to prospect on the land affected.

(4) The notice must document that the owners of the land affected have been notified and understand that the department shall make investigations and inspections necessary to ensure compliance with the Act, applicable rules, and notice of intent conditions. The notice must also include the current mailing address and phone number of each affected landowner.

(5) A notice of intent for prospecting activities that will not substantially disturb, as defined in ARM 17.24.301, the natural land surface must contain the following:

(a) a map of sufficient size and scale to adequately show all areas to be prospected. Standard United States geological survey topographic quadrangle maps, or other similar map showing the same level of detail, must be used as base maps. The following must be clearly identified on the map:

(i) topography (minimum of ten-foot contours), locations of streams, lakes, stockwater ponds, wells, and springs that are known or readily discoverable proximate to the prospecting operations;

(ii) surface ownership;

(iii) roads and access routes;

(iv) locations of proposed installations of monitoring facilities; and

(v) location of occupied dwellings and pipelines; and

(b) sufficient additional information to demonstrate to the department's satisfaction that the prospecting activity will not substantially disturb the natural land surface.

(6) A notice of intent to prospect for prospecting operations that will substantially disturb, as defined in ARM 17.24.301, the natural land surface, must contain the following to the extent that it is applicable to the proposed prospecting operation:

(a) information required in ARM 17.24.1001(2)(a) through (i), and (2)(l) through (n);

(b) a statement that information required in ARM 17.24.1002(1) and (2) will be provided;

(c) a statement that prospecting activities will be conducted in compliance with the requirements of ARM 17.24.1004 through 17.24.1013 and sufficient information to demonstrate to the department's satisfaction that the performance standards of these rules will be met.

(7) Within 30 days of receipt of a notice of intent to prospect, the department shall notify the person who filed the notice whether the notice meets the requirements of this rule.

(8) Each person who conducts prospecting under a notice of intent shall, while in the prospecting area, have available to the department for review upon request a copy of the notice of intent to prospect.

(9) All provisions of this subchapter, except ARM 17.24.1001, 17.24.1003, 17.24.1014, 17.24.1016, 17.24.1017, and 17.24.1019 apply to a notice of intent to prospect. (History: 82-4-226, MCA; IMP, 82-4-226, MCA; NEW, 1995 MAR p. 31, Eff. 1/13/95; AMD, 1995 MAR p. 2263, Eff. 10/27/95; TRANS, from DSL, 1996 MAR p. 3042; AMD, 1999 MAR p. 811, Eff. 4/23/99; AMD, 2004 MAR p. 2548, Eff. 10/22/04; AMD, 2012 MAR p. 737, Eff. 4/13/12.)

17.24.1019 PERMIT REQUIREMENT - SHORT FORM (1) This rule applies to a prospecting operation that is outside an area designated unsuitable and conducted to determine the location, quality, or quantity of a coal deposit pursuant to 82-4-226(7), MCA, that does not remove more than 250 tons of coal and that does not substantially disturb the natural land surface.

(2) A person who conducts a coal prospecting operation pursuant to (1) must, before conducting the prospecting operations, file with the department a prospecting permit application on a form provided by the department. Prospecting operations must not be conducted until the department has reviewed the application pursuant to 82-4-226(8), MCA, and issued a permit.

(3) All provisions of this subchapter, except ARM 17.24.1001(1), (2), and (4) through (6), 17.24.1006(2) and (3)(b) and (c), 17.24.1007, 17.24.1009, 17.24.1014, and 17.24.1018 apply to a prospecting operation permitted pursuant to 82-4-226(8), MCA. (History: 82-4-226, MCA; IMP, 82-4-226, MCA; NEW, 2012 MAR p. 737, Eff. 4/13/12.)

