

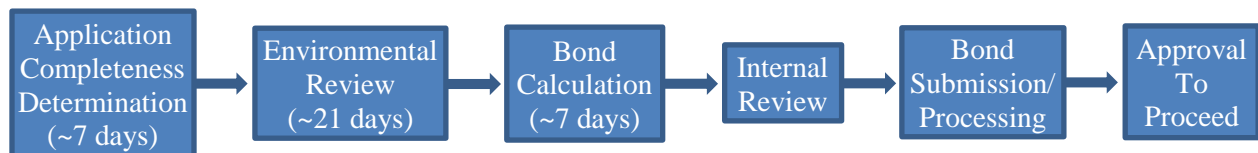


## State of Montana Department of Environmental Quality License for Mineral Exploration

Under Section 82-4-332(2), Montana Code Annotated (MCA), an application for an exploration license must be made in writing, notarized, and submitted to the Department of Environmental Quality (DEQ) on forms prepared and furnished by DEQ. The following information outlines the DEQ process and expectations for submitting an application for an exploration license or amendment to an existing exploration license.

### DEQ Process

As a general guideline, an application for a new exploration license or amendment to an existing exploration license may take one or more months to process. Once an application has been submitted to DEQ, several distinct steps will follow. Please see the following diagram for the typical process for an approved exploration license application and timeline for review of an exploration license submittal (federal agency participation may modify this process and extend the timeline):



### Completeness Determination

The submitted application must be deemed “complete” by DEQ before the environmental review can begin. A checklist for completeness is included for reference. If an application is not deemed complete, it will be returned to the applicant and would need to be completed prior to being re-submitted to DEQ.

### Field Inspections

In general, DEQ must inspect the proposed exploration site before work may begin. Initial site inspections may occur during the application process described above, but are subject to staff availability and seasonal limitations. DEQ may also conduct site inspections during exploration activities. Upon completion of the project, and following surface reclamation, the licensee may request DEQ to release the reclamation bond. DEQ will release the reclamation bond only after a site inspection reveals the reclamation requirements have been achieved. DEQ will typically conduct no more than one reclamation inspection per year at the licensee’s request.

No reclamation inspections will be conducted while snow is on the ground, as it is not feasible to adequately assess reclamation progress.

### Bonding

Before DEQ may issue an exploration license, Section 82-4-332(3), MCA requires an applicant to file with DEQ a reclamation and revegetation bond in a form and amount as determined by DEQ in

accordance with Section 82-4-338, MCA. While reclamation is expected of the licensee, the bond may not be less than the estimated cost to the state of reclaiming the disturbances caused by the exploration activities described in the application for exploration license and/or amendment. Reclamation consideration need to ensure compliance with Montana's Clean Air and Water Quality Acts, the Metal Mine Reclamation Act, administrative rules adopted under the Metal Mine Reclamation Act, and the exploration license.

Traditional Bonding: Under the traditional bonding approach, the applicant is required to submit a bond in an amount reflecting the estimated cost to the state to reclaim all land to be disturbed under the exploration license. This bond must include costs associated with reclaiming all surface disturbances and the plugging of all drill holes (as required by the Administrative Rules of Montana [ARM] 17.24.106) described in the application for exploration license or amendment. The total amount of the bond must be in place and accepted by DEQ prior to issuance of the exploration license or amendment and prior to any disturbance.

Incremental Bonding: Under ARM 17.24.140, DEQ may accept an incremental bond if the approved exploration plan identifies separate and distinct phases for which the estimated cost to the state to reclaim the associated disturbance may be individually calculated. The submitted plan must state that the licensee will not proceed to the next phase until the incremental bond is in place and has been approved in writing by DEQ.

Under this incremental bonding approach, the licensee may submit an application proposing to conduct separate phases of an exploration program. At any time, the licensee may request bond release based on reclamation of the disturbance (including drill hole plugging). If bond release is requested for drill hole plugging, DEQ's bond release determination would be based on documentation submitted by the licensee, including daily drill logs documenting the drill hole plugging, and photographs of the plugging process. If bond release is requested for reclamation of surface disturbances, a bond release inspection would be conducted. Generally, surface disturbance bond release inspections would be scheduled at the end of all phases of an exploration program and is subject to the availability of DEQ inspectors. At the request of the licensee, any bond release dollars could be applied to subsequent phases of the exploration program.

Allowance for incremental bonding is within the complete discretion of DEQ.

### **Submittals**

Photos: As part of the application submittal, a licensee should electronically submit site photographs depicting the area which would be disturbed. A licensee should also submit photos of the reclaimed land when submitting a request for a reclamation bond release.

Annual Renewals: Exploration licenses are valid for a period of one year and can be renewed by submitting a renewal fee along with a notarized annual renewal form 30 days preceding the expiration of the current license. A license must be renewed annually until DEQ issues a full bond release. Failure to renew as required may result in suspension of the license and may impact approved exploration activities.

Annual renewals must include an updated map depicting areas of land that were disturbed in the prior year and areas of land that were reclaimed in the prior year. The target for this map is something of higher quality than a sketch or drawing. In addition, the licensee should describe the exploration activities anticipated during the coming year and any intentions to submit an amendment to the existing license in the coming year.

**Complete Application:** For a new license application or amendment to an existing license to be considered complete, the following additional documents must be submitted along with the completed application form:

- Company Agent(s) Authorization Letter
- 2 maps (the target for these maps is something of higher quality than a sketch or drawing):
  - broad overview map
  - site detail map
- Complete Application Checklist

### **Reclamation Plan**

As part of the application, the licensee must include a final reclamation plan for the proposed disturbances. In general, the plan should include salvaging soil prior to any other site disturbance. To the extent possible, all surface disturbances should be reclaimed to a condition that approximates the original topography. Site specific conditions may be considered. DEQ may also require interim revegetation for the purposes of erosion control and reduction of noxious weed propagation. ARM 17.24.104 through 107 further defines reclamation expectations for exploration projects.

### **Responsibility**

DEQ cannot over emphasize the importance of adhering to the approved exploration license and the corresponding application and plan. Everyone on site is expected to read and fully understand the approved exploration license and corresponding application and plan. Typically, if there are issues with exploration projects it is due to lack of understanding of the environmental constraints, conditions, or commitments. Non-adherence to the provisions of the approved plan may result in issuance of a violation letter and may also result in initiation of an administrative or judicial proceeding seeking penalties, suspension of the exploration license, and/or other enforcement action by DEQ.



**State of Montana**  
Department of Environmental Quality  
Application for Mineral Exploration License

**Completeness Checklist**

**Exploration License Application**

- Notarized (not required for amendment to existing license)
- Signed (not required for amendment to existing license)

**Fee Included**

- Check for \$100 for new application (not required for amendment to existing license)

**Supplemental Information Packet**

- Complete Supplemental Information Questionnaire
- Company Agent Authorization Letter(s)
- Map 1. – Overview Map showing project location
- Map 2. – Detailed Map





STATE OF MONTANA  
 DEPARTMENT OF ENVIRONMENTAL QUALITY  
 HARD ROCK MINING BUREAU  
 PO BOX 200901  
 HELENA, MONTANA 59620-0901  
 PHONE :(406) 444-4953 FAX :(406)444-1499

EXPLORATION LICENSE  
 Pursuant to Title 82, Chapter 4,  
 Part 3, MCA; requiring the  
 licensing of persons engaged in mineral  
 exploration and related activities.

LICENSE NO. \_\_\_\_\_

This license, when executed by the Department of Environmental Quality (DEQ) and the Licensee, shall authorize the Licensee to explore for minerals in the State of Montana, in accordance with and subject to the exploration plan of operations and exploration map submitted with the application for this Exploration License to the extent that the Licensee's exploration activities have been approved by DEQ and with any modifications or conditions agreed upon by DEQ and the Licensee. The Licensee certifies that he shall reclaim any surface area disturbed by mineral exploration activities in accordance with the Montana Metal Mine Reclamation Act and Rules and Regulations pursuant to the Act. The Licensee certifies that he/she is not in default of any reclamation obligations under Title 82, Chapter 4, Part 3, Montana Code Annotated (MCA). **As of May 1, 2001, the fee for a new Exploration License is \$100 USD; the fee for annual Exploration License renewals is \$25 USD.**

Please be advised that any information provided to DEQ in conjunction with this Exploration License may be open to public disclosure. Submission of information that you wish to remain confidential must clearly request confidentiality, specifically identify the confidential information, and state why the information qualifies for protection from disclosure.

Subscribed and sworn to me this _____ day of _____, _____. _____ Notary Signature _____ Residency (City & State or Province) Notary Public for the State/Province of: My Commission expires:	_____ NAME OF LICENSEE _____ ADDRESS _____ CITY, STATE/PROVINCE, ZIP/POSTAL CODE _____ PHONE E-MAIL ADDRESS _____ SIGNATURE: TITLE: _____ DATE: _____
Date Received: _____ Fee Received: _____	License issued by: _____ Hard Rock Mining Bureau, Air, Energy, & Mining Division Date: _____
This License is Valid from _____ to _____.	

Excerpts from Title 82, Chapter 4, Part 3, MCA:

"Exploration" means all activities that are conducted on or beneath the surface of lands and that result in material disturbance of the surface for the purpose of determining the presence, location, extent, depth, grade, and economic viability of mineralization in those lands, if any, other than mining for production and economic exploitation; and all roads made for the purpose of facilitating exploration...

"Mineral" means any ore, rock, or substance (**other than** oil, gas, bentonite, clay, coal, sand, gravel, peat, soil materials, or uranium) that is taken from below the surface or from the surface of the earth...

A person may not engage in exploration in the state without first obtaining an exploration license from the department. A license must be issued for a period of 1 year from date of issue and is renewable from year to year on application. An application for renewal must be filed within 30 days preceding the expiration of the current license and be accompanied by payment of a fee as required for a new license. A license may not be renewed if the applicant for renewal is in violation of any provision of this part. A license is subject to suspension and revocation as provided by this part.

...a person or operator who violates a provision of this part, a rule or order adopted under this part, or a term or condition of a permit ...[or]...any director, officer, or agent of a corporation who willfully authorizes, orders, or carries out a violation of a provision of this part, a rule or order adopted under this part, or a term or condition of a permit [is subject to] a civil penalty of not less than \$100 or more than \$1,000 for each of the following violations, an additional civil penalty of not less than \$100 or more than \$1,000 for each day during which the violation continues, and an injunction from continuing the violation. If the violation created an imminent danger to the health or safety of the public or caused significant environmental harm, the maximum penalty is \$5,000 for each day of violation. In addition, if any provisions of the Montana Water Quality Act, and/or rules and regulations adopted pursuant to the Act, are violated as a result of the exploration operation, the operator is subject to penalties of up to \$25,000 for each day of violation.







**State of Montana**  
Department of Environmental Quality  
Application for Exploration License – Supplemental  
Information

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SUBMITTED BY:

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PRIMARY LICENSE CONTACT (attach authorization letter):

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_ PHONE: \_\_\_\_\_

LEVEL OF AUTHORITY (describe): \_\_\_\_\_

OTHER AUTHORIZED COMPANY AGENT(s) (attach authorization letter for each/all)

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_ PHONE: \_\_\_\_\_

LEVEL OF AUTHORITY (describe): \_\_\_\_\_

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

E-MAIL: \_\_\_\_\_ PHONE: \_\_\_\_\_

LEVEL OF AUTHORITY (describe): \_\_\_\_\_

Use Additional Pages if Necessary

\*Please included additional pages if necessary\*

NAME OF PROJECT: \_\_\_\_\_

TYPE OF APPLICATION (circle one):

New License — New Site to Existing License — Modification to Existing License  
(License # \_\_\_\_\_)

TYPE OF EXPLORATION ACTIVITY (circle all that apply)

Trenching — Drilling — Underground — Other \_\_\_\_\_

PROPOSED START UP DATE OF OPERATION (mm/dd/yy): \_\_\_\_\_

ANTICIPATED PROJECT DURATION (not including time for reclamation): \_\_\_\_\_

ANTICIPATED DURATION OF RECLAMATION: \_\_\_\_\_

ANTICIPATED DAILY WORK SCHEDULE: \_\_\_\_\_

PROPOSED END DATE OF OPERATION (mm/dd/yy): \_\_\_\_\_

LANDOWNER (circle all that apply):

Private – own

Private – lease from \_\_\_\_\_

USFS — BLM — State — County

If on Federal Land: Name/Phone Number/E-mail for Related Federal Contact

\_\_\_\_\_

The exploration license does not convey a right to occupy land not owned by the licensee. A licensee is responsible for obtaining a lease or other authorization from the landowner to occupy the land on which the licensee is to conduct exploration activity. DEQ does not confirm whether the licensee has obtained such authorization and does not resolve any disputes regarding access between a licensee and the landowner.

PROJECT LOCATION

NEAREST CITY/TOWN: \_\_\_\_\_

LATITUDE: \_\_\_\_\_ LONGITUDE: \_\_\_\_\_

TOWNSHIP: \_\_\_\_\_ RANGE: \_\_\_\_\_ SECTION: \_\_\_\_\_ ¼ SECTION: \_\_\_\_\_

MAP: Please include two maps. The target for these maps is something of higher quality than a sketch or drawing. Maps created on GoogleEarth or a marked up USGS 1:24,000 map are sufficient.

- 1.) A broad overview map clearly showing project location in reference to nearest town/city.
- 2.) A detailed map of project site showing and labeling all project disturbances including but not limited to new roads, overland travel routes, drill pads (and labels), sumps, drill holes (and labels), new temporary and permanent buildings, camp area, laydown/loadout area, fuel storage area, and water crossings.

\*Please included additional pages if necessary\*

PROJECT DESCRIPTION:

*Please briefly describe the project including exploration methods, and total volume of material to be taken for testing.*

DIMENSIONS

Drill Pads: Quantity: \_\_\_ L x \_\_\_ W x \_\_\_ avg depth of material moved and/or compacted

Drill Sumps Quantity: \_\_\_ L x \_\_\_ W x \_\_\_ avg depth of material to be excavated

Trenches/Pits Quantity: \_\_\_ L x \_\_\_ W x \_\_\_ avg depth of material to be excavated

Roads \_\_\_ L x \_\_\_ W x \_\_\_ avg depth of material moved and/or compacted

Overland Travel \_\_\_ L x \_\_\_ W

Laydown \_\_\_ L x \_\_\_ W x \_\_\_ avg depth of material moved and/or compacted

Drill Holes:

Area 1: \_\_\_\_\_ Number \_\_\_\_\_ Max Depth \_\_\_\_\_ (ft) Total depth (all holes added) \_\_\_\_\_ (ft)

Area 2: \_\_\_\_\_ Number \_\_\_\_\_ Max Depth \_\_\_\_\_ (ft) Total depth (all holes added) \_\_\_\_\_ (ft)

Area 3: \_\_\_\_\_ Number \_\_\_\_\_ Max Depth \_\_\_\_\_ (ft) Total depth (all holes added) \_\_\_\_\_ (ft)

Other: *(camp, culverts, waste piles, slash piles, heli pads, etc.) describe and include dimensions*

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\*Please included additional pages if necessary\*

EQUIPMENT AND VEHICLES—*Please list all heavy and light equipment (drill rigs, water trucks, fuel trucks, excavators and other heavy equipment and their sizes, ATVs, UTVs, light vehicles, portable generators, lights, etc...)*

STRUCTURES—*please list and include quantity of all temporary and permanent structures (core sheds, containers, campers, tents, warehouses, saw shacks, water lines, tanks, portable toilets, etc...)*

ONSITE PERSONNEL—*please list number of personnel and title or position?*

*\*Please included additional pages if necessary\**

CREW LODGING PLANS – *please describe lodging plans, ie: onsite or offsite, and give specific details about accommodations (hotels, tents on site, etc.)*

PROJECT WATER SOURCE – *please describe source, ownership, and method of transport of project water and how much water use is anticipated.*

WILL SUPPLEMENTAL LIGHTING BE REQUIRED, *if so, for what hours of the day/night, and how will light pollution be controlled ie: down facing lights, shrouds, etc...?*

AIR QUALITY – *please describe measures proposed to minimize impacts on air quality, including dust suppression, slash burning, exhaust controls, etc...*

\*Please included additional pages if necessary\*

WATER QUALITY – *please list and describe nearest surface water sources including distance to any/all streams, ponds, wetlands to the exploration activities (drill pads, trenches, campsite, laydown area, etc...). Please describe measures proposed to minimize impacts to surface water, and list applicable permits.*

EROSION CONTROL AND SEDIMENT TRANSPORT – *Please describe all erosion control measures that will be utilized, including type of product and location of installation.*

SOLID WASTE – *Describe the quantity and physical and chemical characteristics of all solid waste that may be produced by the operation. Describe how solid waste will be stored, and disposed of including location and design of storage facility and location of disposal site.*

\*Please included additional pages if necessary\*

SCENIC VALUES – *Describe protection of scenic values such as screening, slash disposal, and timely reclamation.*

FISH AND WILDLIFE—*Please list any threatened, endangered and sensitive species that may be affected by this project, and describe measures to maintain and protect fisheries and wildlife, and their habitat affected by the operations.*

CULTURAL RESOURCES – *Describe measures for protecting known historic and archeological values, or new sites in the project area.*

\*Please included additional pages if necessary\*

HAZARDOUS SUBSTANCES – *Identify the type and volume of all hazardous materials and toxic substances which will be used or generated in the operations including cyanide, solvents, petroleum products, mill, process and laboratory reagents*

RECLAMATION PLAN—*Describe the ongoing, end of season, and final reclamation that will occur. Include such items as the removal of structures identified above. Include regrading plan, weed control plan and revegetation plan (including seed mix to be utilized).*



\*Please included additional pages if necessary\*

## THIS MAY NOT BE THE ONLY LICENSE OR PERMIT YOU NEED

### **State of Montana Permits**

**310 Permit** –For work proposed in streams, wetlands, floodplains, and other water bodies. One joint application form is available to apply for several different Local/State/Federal permits.

See: <http://dnrc.mt.gov/licenses-and-permits/stream-permitting/310-permit-applications>

**Montana Pollutant Discharge Elimination System (MPDES) Permit** – for projects that have a surface water discharge.

See: <http://deq.mt.gov/Water/WPB/mpdes>

**Montana Ground Water Pollution Control System (MGWPCS) Permit** – for projects that have a groundwater discharge.

See: <http://deq.mt.gov/water/wqinfo/MGWPCS>

**Stormwater Permit** – for projects that have the potential to contribute sediment or pollution to surface waters from surface disturbances as a result of a storm event.

See: <http://deq.mt.gov/water/wpb/mpdes/stormwater>

**Suction Dredge Permit** – for projects that utilize a suction dredge.

See: <http://deq.mt.gov/Water/WPB/mpdes/suctiondredge>

**Sage Grouse** – In response to Senate Bill 261 and Executive Orders 10-2014 and 12-2015, many DEQ permits and approvals in sage grouse core, general, or connectivity habitat, received on or after January 1, 2016, must include a letter of comment from the [Sage Grouse Habitat Conservation Program](#).

See: <https://sagegrouse.mt.gov/>

### **Federal Authorizations**

**USFS** – Contact local USFS office. See: <https://www.fs.usda.gov/r1/>

**BLM** – Contact local BLM office. See: <https://www.blm.gov/montana-dakotas>

**US Army Corp of Engineers 404 Permit** – may be required for any work in streams or wetlands

See: <http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>