**For Office Use Only**

Payor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Payment No. \_\_\_\_\_\_\_\_\_\_\_\_\_ Payment Amt $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

###### LIMITED BORROW OPERATION APPLICATION

**Operator Name:**

**Site Name:**

**Highway (MDT) Project Name:**

**Highway Project ID:**

**INSTRUCTIONS** - How to submit a complete an accurate Limited Borrow Operation Application:

1. This form can only be used for projects to obtain mixed opencut materials solely for public road or highway construction, repair, maintenance, or replacement as part of a project funded by the Sate Department of Transportation or the Federal Highway Administration (Section 14 of SB 343).
2. Before completing this form, **verify you are using the most recent version** and read the help information available on the Opencut Mining Section’s website at <http://deq.mt.gov/Mining/opencut> (click on the “Forms” tab).
3. Fill in all blanks and provide a detailed answer for each question. Write “None” if that is the correct answer.
4. This form includes automated calculations that require Microsoft Word 2010 or newer. As you enter data into this form, auto calculate fields will auto populate (tab out of each field to ensure they auto calculate). Autocalculate fields contain red text. If an autocalculate field is blank, either: a) the required information was not entered, or b) the blank field does not pertain to your application.
5. This Borrow application cannot be amended. It must be reclaimed to Phase II Release requirements by the timeframes outlined in this application
6. The Department of Environmental Quality (DEQ) strongly recommends completing this application form in electronic format.  should keep the original electronic files and backup copies.
7. is required to submit all **Required Support Documents**, unless the exception box is checked.
8. Ensure all additional support documents submitted have the same name or title shown in the “Support Documents” section. Include a Cover Letter with the application materials that lists the names of all “Other” support documents submitted.
9. Sign and date the certification in Section G.
10. Submit all required application materials to the Opencut Mining Section in Helena as one package.

|  |  |  |
| --- | --- | --- |
| ID | **SUPPORT DOCUMENTS** | |
| **Required** | **REQUIRED SUPPORT DOCUMENTS** |
| **a** |  | **$500 Fee. Make checks payable to Montana Department of Environmental Quality**  **This application was submitted electronically and the check is in the mail.** |
| **b** |  | **Consultation with DNRC on Sage Grouse**  *Exception*: Opencut site not located in Core, General Habitat, or Interconnectivity Sage Grouse Areas: <https://sagegrouse.mt.gov> |
| **c** |  | **SHPO Consultation (No Class III required) or SHPO Concurrence Attached** |
| **d** |  | **Minimum of three (3) Soil Photos (meeting requirements of Section 14 of SB 343 & the Soil Guideline (**<http://deq.mt.gov/Land/opencut/opencutpermitforms>**))** |
| **e** |  | **Limited Borrow Operation Map (meeting requirements of Section C2 below & Map Guideline)** |
| **f** |  | **Location Map** **(meeting requirements of Section C2 below & Map Guideline)** |
| **g** |  | **Boundary Coordinate Table (BCT)** |
| **h** |  | **Reclamation Bond Spreadsheet** *Exception*: Government Operator |
| **i** |  | **Landowner Consultation (ARM 17.24.206)** |
| **j** |  | **Zoning Compliance (ARM 17.24.223)** |
| **k** |  | **Surface Landowners List (MCA 82-4-432(2)(e) & (6)(b))** |
| **l** |  | **Bond (MCA 82-4-433)**  **(Original Paper Bond must be Received by Opencut prior to approval)**  *Exception*: Government Operator |

|  |  |  |
| --- | --- | --- |
| ID | **ADDITIONAL SUPPORT DOCUMENTS** | |
| **Included** |  |
| **m** |  | **Seed Mix Guideline** |
| **n** |  | Other: |
| **o** |  | Other: |
| **p** |  | Other: |
| **q** |  | Other: |
| **r** |  | Other: |

**SECTION A – APPLICATION INFORMATION**

## A1. General Information *[MCA 82-4-432 & 82-4-403(6)] & [ARM 17.24.218]*

**Operator Name:**

`

**Site Name:**

**Final Reclamation Date auto-populated from Section E1-1: December** 2

Operator Address:

City:  State:  Zip Code:

Office Phone # Cell # Operator/Business Email:

Site Contact Name: Site Contact Email:  Cell #

Note: All official correspondence will be sent to the Operator/Business email. The site contact name would be copied on emails.

requests that correspondence be emailed to the consultant for this application (if not applicable proceed to #4).

Consultant Name:  Consultant Email:

Landowner 1 Name:

Address:

City: State: Zip Code:

Phone #:  Optional Additional Contact Information (e.g. email, other phone #):

*If there is an additional landowner, provide contact information below; otherwise leave blank.*

Landowner 2 Name:

Address:

City: State: Zip Code:

Phone #: Optional Additional Contact Information (e.g. email, other phone #):

Additional Landowners (if applicable, use the space provided and use same format as above):

County where the proposed site is located:

Legal Description (Includes Permit Area, Access Roads, and Non-Bonded Areas):

**Sec****tion(s)**  & **Township**  **North** or **South** **Range**  **East** or **West**

**Section(s)**  & **Township**  **North** or **South Range**  **East** or **West**

Additional Sections, Township & Range (if applicable use same format as above):

certifies that they currently have an existing Opencut permit. Section 14 of SB 343 requires the Operator to hold an existing Opencut mining permit in order to conduct the Limited Borrow Operation.

certifies that this Limited Borrow Operation is solely for obtaining mixed materials for a public road or highway construction, repair, maintenance, or replacement project that is funded by the State Department of Transportation or the Federal Highway Administration.

certifies that they will only operate during hours that are consistent with the hours of the associated project.

certifies that a screen would be the only processing equipment located onsite and the site would not contain any other processing equipment, including but not limited to asphalt plant, concrete plant, crusher, pug mill or wash plant.

certifies that the Limited Borrow Operation would not occur in ephemeral, intermittent, or perennial streams, and would not intercept surface water or ground water.

certifies that all soil and an appropriate amount of overburden would be stripped and salvaged from the site for reclamation.

certifies that conducting a Limited Borrow Operation at this site is not restricted by Federal, State or Local Law.

certifies that this Limited Borrow Operation would not occur where 10 or more surface owners are within ½ mile of the exterior boundary of the Limited Borrow Operation.  has attached a surface landowners list identifying the landowners within ½ mile.

certifies that the Limited Borrow Operation is located more than 1 mile from all of  **‘s** existing Limited Borrow Operations and Limited Opencut Operations.

certifies that the Limited Borrow Operation is within 2.5 miles of the right-of-way of the associated project.

certifies that they would grade the affected land to 3:1 or flatter slopes, blend the graded land into the surrounding topography, and replace the amount of soil identified in Section C2-3 of this form.

certifies that they would reclaim to conditions present prior to operations all access roads used for the operation unless the landowner requests on the *Landowner Consultation* form that specific roads or portions of roads remain in place. Roads left at the landowner’s request must be sized to support the use of the road after operations.

**Limited Borrow Operation Acreage Breakdown *(acreages must be entered to the nearest TENTH of an acre and cannot exceed 15 acres)*. Acreages must match those created from the boundary submitted to Opencut.**

|  |  |  |
| --- | --- | --- |
|  | **New Permit Acres** | **Total Permitted Acres**  Note: To ensure that the “Totals” display, use the Tab key after entering each acreage amount. |
| 1. **Limited Borrow Acres** | **0** | **0.0** |
| 1. **Limited Borrow Access Road Acres\*** | **0** | **0.0** |
| **Totals** | **0.0** | **0.0** |

1. **\***Completed only if Landowner Consultation form states an access road would be permitted.

## A2. ADDITIONAL INFORMATION *[MCA 82-4-432(1) & 82-4-434(3)] & [ARM 17.24.222]*

1. If applicable, provide additional application information not addressed above.

**Answer**:

**SECTION B – PRE-MINE INFORMATION**

## B1. DIRECTIONS TO SITE *[ARM 17.24.221(6)]*

1. Describe in detail how to get from the nearest town or public road intersection to the permit area. Provide directions that can be interpreted and followed by anyone viewing the Location Map for the site, both now and in the future (e.g. identify roads, mileposts, landmarks, and distances; include information on how to obtain keys or combinations for locks).

**Answer:**

## B2. ADDITIONAL INFORMATION *[MCA 82-4-432(1) & 82-4-434(2)] & [ARM 17.24.222]*

1. If applicable, provide additional pre-mine site characteristics or circumstances not addressed above.

**Answer**:

**SECTION C – SITE PREPARATION AND PLANNING**

**C1. SOIL AND OVERBURDEN** *[MCA 82-4-403(14) & 82-4-434(3)(c)] & [ARM 17.24.218(c-d) & 17.24.220(2)(b)]*

* + **In the table below**, provide soil and overburden thickness data obtained from no less than three test holes excavated within the proposed permit area.  is required to space test holes so they best describe the proposed permit area.
  + **Clear, labeled photos showing the top three feet of the soil profile with a visible scale must be provided to the DEQ for each test hole. Soil photos must be labeled with the *Soil Test Hole ID* (see below table) and their locations must be shown on the Limited Borrow Map. Label the soil photos and Limited Borrow Map with the proper *Test Hole I.D.* as provided in the table in Section C1-2 of the application (i.e. T1, T2 and T3). Applications submitted with poor photos not meeting the Soil Guideline would be deemed incomplete.**
  + Test holes must be of sufficient depth to measure the thicknesses of soil and overburden (minimum of 3 feet deep).
  + Exposures of the soil and overburden profile, such as a roadcut, may be used in lieu of a test hole, as long as 3 feet of the profile is exposed and clear photos are taken.
  + The soil is usually darker than overburden, may contain roots, and typically extends deeper than just the top few inches of rich organic matter. The number of roots and degree of darkening typically decrease with depth. Soil is the “growth media” that allows for successful revegetation. Soil in many areas is rocky, but that does not preclude the need to save it for use in reclamation.
  + Test hole and observation point locations must be shown on the Limited Borrow Map *[ARM 17.24.221(3)].*
  + For tips on proper identification of soil depths and taking photos that will be accepted by the Opencut Mining Section, refer to the Opencut Mining Section’s Soil Guideline: <http://deq.mt.gov/Mining/opencut> (click on the “Forms” tab)
  + NRCS soil data can be used as a reference but does not replace onsite soil data.

1. **Date test pits were dug:**

**Logged by:**

\*If test hole is dry, either answer with “none” in “Depth to Water” column, or leave it blank.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Soil Test Hole I.D. on Map** | **Soil Thickness (inches)** | **Overburden Thickness (inches)** | **Total Depth of Test Hole (ft)** | **Water encountered**  **in Test Hole?**  **(ft)** | **Optional Information (e.g. soil and overburden type, texture, or structure, rock content, root description, etc.)** |
| **T1** |  |  |  | **No**  **Yes-Depth to water =** |  |
| **T2** |  |  |  | **No**  **Yes-Depth to water =** |  |
| **T3** |  |  |  | **No**  **Yes-Depth to water =** |  |

1. **In the table below**, provide soil thicknesses to be stripped and salvaged for reclamation to the nearest inch.

All soil and an appropriate amount of overburden (if present) must be replaced.

|  |  |
| --- | --- |
| **Soil** | **Average Soil Thickness**  **to be Stripped, Salvaged, Replaced for Reclamation(inches)** |
| Limited Borrow Operation Soil |  |
| Limited Borrow Operation Access Road Soil |  |
| **Total Soil to be Saved for Reclamation** | **0** |

1. Use this section to provide custom information pertaining soil and overburden replacement if applicable:

**C2. MAPPING** *[MCA 82-4-403(11)(b)] & [ARM 17.24.221]*

1. The below maps must meet the requirement of the Opencut Act, Rules and Map Guideline. The Map Guideline can be found here: <http://deq.mt.gov/Mining/opencut> (click on the “Forms” tab). The Boundary Coordinate Table (BCT) must be completed and submitted with the application.
2. **Limited Borrow Map**
   1. Displayed on an aerial photo base.
   2. Displays Limited Borrow Boundary that is clearly labeled or uses a legend to clearly identify the boundary.
   3. Displays soil test hole locations.
   4. Displays soil stockpile locations.
   5. Displays location of mineral stockpile, if applicable (refer to E3 below).
3. Location Map
   1. Displayed on an aerial photo base.
   2. Displays the site’s location in relation to the nearest town, city, or public road intersection.
   3. Displays Limited Borrow Boundary that is clearly labeled or uses a legend to clearly identify the boundary.

**C3. ADDITIONAL INFORMATION** *[MCA 82-4-432(1) & 82-4-434(3)] & [ARM 17.24.222]*

1. If applicable, provide additional site preparation and planning information not addressed above.

**Answer**:

**SECTION D – WATER PROTECTION, MINING & PROCESSING**

**D1. HIGHWALLS**

1. Any slope steeper than 3:1 with a height of 5 feet or greater, present for any length of time, is considered to be a highwall. Will this site have highwalls? **Yes No** If yes, ensure the Reclamation Bond Spreadsheet clearly identifies the maximum height and length of highwall to be present at the site.

**D2. SOIL & MINE MATERIAL COMMITMENTS** *[MCA 82-4-434(2)(c)] & [ARM 17.24.218(1)(c-d) & 17.24.219(1)(c) & 17.24.220(2)(b)]*

1. will comply with the following requirements:
   1. Prior to conducting any Opencut operations, all soil and the appropriate amount of overburden must be stripped separately to the average thicknesses identified in Section C1-2. (Note: Stripping soil may create low spots that collect water, necessitating the establishment of drainage ways, or the construction of raised roadbeds and work areas.)
   2. All stripped soil must be: i) hauled directly to areas prepared for reclamation and re-soiling, or ii) promptly stockpiled and protected from erosion, comingling, contamination, compaction, and unnecessary disturbance. At the first seasonal opportunity,  must shape and seed, with an approved perennial seed mix, any stockpile that will remain for 2 or more years.
   3. Designate all soil and overburden stockpiles with signage that is legible, visible, and placed so that equipment operators and inspectors may readily identify the type of stockpile being worked for the life of the stockpile.
   4. must not haul soil off-site, give it away, or sell it.
   5. A minimum 10-foot wide buffer zone stripped of soil and needed overburden must be maintained along the crest (edge) of highwalls. This practice helps to ensure that soil will not be lost to mining. Highwalls are defined in D1-1.
   6. Soil, overburden, and mine material stockpiles must be kept out of drainage bottoms and off of slopes steeper than 3:1.All excavated and/or processed mine material must be: **i)** removed from the site, **ii)** buried on-site, or **iii)** left for the landowner in accordance with the *Landowner Consultation* form.
   7. Burn pile residue, building demolition debris, metal, plastic, tires, and other wastes must be disposed of off-site and in a lawful manner, unless otherwise stated in the permit.
   8. All clean fill (i.e. dirt, sand, fines, gravel, and oversize rock) that cannot, or will not, be buried during final reclamation must be removed from the permit area prior to bond or liability release request, with the exception of materials left for the landowner.

**D3. ADDITIONAL COMMITMENTS** *[MCA 82-4-434(3)(g)&(h) & MCA 82-4-437] & [ARM 17.24.214 & 17.24.218(1)(l)]*

1. understands that obtaining an Opencut Limited Borrow Operation permit does not relieve the Operator’s obligation to comply with any other applicable federal, state, county or local statute, regulation, or ordinance. Therefore,  is responsible for identifying and obtaining any other permits and approvals from other agencies required for the proposed activities (Refer to “How to Obtain and Comply with an Opencut Mining Permit” on the Opencut website). Obtaining an Opencut Limited Borrow Operation permit does not necessarily mean that an Operator can legally mine the site without first obtaining permits from other agencies.
2. will comply with the following requirements:
3. Key personnel and subcontractors involved in Opencut operations **must be informed** of the requirements of this Plan and **must be provided** a copy of this Plan. In addition, they **must be shown** each boundary marker location and informed of their importance.
4. Proper precautions must be taken to prevent wildfires.
5. Appropriate protection must be provided for identified cultural resources that could be affected by Opencut operations. If any other cultural resources are found,  must: i) temporarily halt work, or move to another area, and ii) promptly notify the State Historic Preservation Office (406-444-7715).
6. By March 1st of each year,  must complete and return the Annual Production Report (APR) form that the Opencut Mining Section sends early in the year.  must report the requested information regarding mining conducted during the preceding calendar year. In addition,  must calculate the fee for the preceding year’s production (per cubic yard of material mined), pay the annual fee and submit payment to the DEQ along with the APR.

**D4. ADDITIONAL INFORMATION***[MCA 82-4-432(1) & 82-4-434(3)] & [ARM 17.24.222]*

**1.** If applicable, provide additional water protection, mining, and processing information not addressed above.

**Answer**:

**SECTION E – RECLAMATION PLAN**

**E1. RECLAMATION TIMEFRAME** *[MCA 82-4-434(3)(k) & 82-4-434(4)] & [ARM 17.24.219(1)]*

1. Reclamation must be:
2. final reclamation date is two years from the date the project concludes or is considered concluded by the project owner.
3. Completed on an area no longer needed for Opencut operations within one year after the cessation of such operations.
4. Completed on an area that  no longer has the right to use for Opencut operations within one year after the termination of such right.
5. At the first seasonal opportunity,  shall seed or plant all land affected by the Limited Borrow Operation in accordance with the requirements of 82-4-434(2)(j).
6. Completed by the Term of the Permit (final reclamation date) that  specifies below.
7. The time required to establish productive vegetation comparable to that growing on similar undisturbed land nearby. Typical minimum timeframes for revegetation are:
8. At least 2 additional years, after the project conclusion, to establish vegetation and control noxious weeds on grassland and forest areas.
9. At least 1 additional year, after the project conclusion, for the first successful harvest on cropland.
10. Final reclamation of the site is complete when the postmining land use has been achieved, including successful revegetation or crop harvest, and noxious weed control.
11. Section 14 of SB 343 states that a Limited Borrow Operation must be reclaimed within 2 years of the date the project concludes or is considered concluded by the project owner. This project concludes in the year
12. **Final Reclamation Date is:**  **Month December, Year** 2
13. In accordance with Section 14 of SB 343  must have the site fully reclaimed and submit a Phase II Release Request to DEQ Opencut no later than December 2.

Note: If reclamation is not completed within the term of the permit,  would no longer have a Limited Borrow Operation permit and would be required to cease all Opencut activities and reclaim to a productive postmining land use of agriculture land (cropland, hayland, rangeland or pasture). Reclamation must meet the requirements of the Opencut Act and rules.

**E2. SOIL AND OVERBURDEN SURFACE PREPARATION AND REPLACEMENT**

*[ARM 17.24.202(14) & 17.24.219(1)(g)]*

1. Compacted soil and overburden must be tilled to allow air and water movement, root penetration, and the subsurface drainage necessary for plant growth.

Note: The DEQ recommends the following:

1. Ripping or deep tilling is not required for non-compactable materials such as sand and gravel.
2. Ripper shanks should be spaced about equal to the ripping depth.
3. Rip along contours where possible and when soil and overburden are dry enough to shatter.
4. Protect ripped areas from re-compaction.
5. Indicate the methods to be used to relieve soil compaction and prepare the seedbed:

**Chiseling Disking Harrowing Packing Other:**

1. would limit the presence of large rocks that are not characteristic of the soil prior to disturbance and may inhibit successful revegetation and agricultural production. Method(s) that will be used:

**Blading Off and Removal of Large Rocks Rock Picker Rolling Screening**

**Hand Picking Other:**

**E3. MATERIAL REMAINING FOR LANDOWNER** *[ARM 17.24.203(5); 17.24.206; 17.24.219(1)(b); & 17.24.221(5)(c)]*

1. Does Question B of the *Landowner Consultation* form indicate that mine material would remain at the conclusion of Opencut operations; or, if the landowner is the Operator, will mine material remain at the conclusion of Opencut operations?

**Yes No**

If **No**, skip to Section E4.

1. The following requirements apply to leaving mine material for the landowner at the conclusion of Opencut operations.

* Landowner mine materials must be left in a single location that will be accessible by road. If the landowner stockpile is not adjacent to an existing public road, the road to the stockpile must be shown on the Limited Borrow Map*.*

Landowner mine material stockpiles must be segregated into piles of similar types and grades.

Landowner mine material stockpiles must be located in the area designated on the Limited Borrow Map.

must leave the quantity of soil necessary to reclaim the stockpile area within 100 feet of the material stockpile to remain for the landowner.

Thickness of soil required to be stripped from the site is  **inches \*** **acres** (estimated number of acres that will be occupied by the soil stockpile area) = **0 cubic yards of soil that must remain for the landowner material stockpile area.**

**E4. ADDITIONAL INFORMATION** *[MCA 82-4-432(1) & 82-4-434(2)] & [ARM 17.24.222]*

**1.** If applicable, provide additional reclamation information not addressed above.

**Answer**:

**SECTION F – RECLAMATION BOND CALCULATION** *[MCA 82-4-433] & [ARM 17.24.203 & ARM 17.24.220]*

**Government Operators**: Skip to Section G.

**Non-Government Operators**:

1. Attach a proposed *Reclamation Bond Spreadsheet* and check the appropriate box on page 1.
2. The purpose of the *Reclamation Bond Spreadsheet* is to provide a reasonable estimate of the cost for the DEQ to reclaim the site in accordance with the *Limited Borrow Operation* at the time of the site's maximum permitted disturbance. As a result, the estimated costs include equipment mobilization and project administration. The DEQ will review the proposed bond calculation and make a final determination as to the required bond amount.
3. understands that the DEQ may adjust the bond yearly.
4. Provide additional information relevant to the *Reclamation Bond Spreadsheet* if applicable:

**Proceed to Section G – Certification and ensure it is fully completed**

**SECTION G – CERTIFICATION** *[MCA 82-4-432(1)(e)] & [ARM 17.24.222(3)]*

The person signing below represents that (check one box):

I am an officer or an employee of and I am duly authorized to bind the Operator identified on page 1 of the *Limited Borrow Operation* application as a corporation, limited partnership, limited liability company, or other corporate entity in good standing and authorized to do business in Montana, and in this capacity I acknowledge and certify that:

Or

I am the Operator identified on page 1 of the *Limited Borrow Operation* application and I acknowledge and certify that:

1. The attachments that follow my signature are incorporated into and enforceable as part of the *Limited Borrow Operation* application;
2. has the legal right to conduct Opencut operations in the permit area described in the *Limited Borrow Operation* application;
3. consents to and acknowledges that the DEQ and its representatives may access the site to inspect the permit area at any reasonable time, and that while the DEQ attempts to provide reasonable notice of an inspection to the Operator when practicable under the circumstances, inspections may be conducted without prior notice as necessary to determine whether Opencut operations are being conducted in compliance with the permit, Act, and rules [82-4-422(1)(d) and 425, MCA] & [ARM 17-24-206(3)].
4. I have read and understand all the information, representations, terms, requirements, and conditions set forth in the *Limited Borrow Operation* application;
5. The information, representations, and statements provided or acknowledged in the *Limited Borrow Operation* application are, to the best of my knowledge and belief, true and correct; and,
6. agrees to abide by and comply with the Opencut Mining Act, Montana Code Annotated sections 82-4-401 through 82-4-446, and Administrative Rules of Montana 17.24.201 through 17.24.226, and all representations, terms, requirements, and conditions set forth in the *Limited Borrow Operation* application and the *Opencut Limited Borrow Permit* approved by the DEQ, and communicate the same to any contractor or supervisor who directs Opencut operations under authority of the *Opencut Limited Borrow Permit*.

|  |  |  |  |
| --- | --- | --- | --- |
| By: |  |  |  |
|  | Signature |  | Legibly print or type name |
|  |  |  |  |

Title Date