# REQUEST FOR EXTENSION OF RECLAMATION DATE

In accordance with ARM 17.24.213(3), an applicant may apply to extend the reclamation date for a maximum period of five years if this application is submitted within five years of the first permit approval date. This form may only be used once per permit.

**Section A: Background Information:**

1. The existing permit number for this site is:
2. Operator Name:
3. Site Name:
4. Operator Address:

City:  State:  Zip Code:

Office Phone #:  Cell #:  Email:

1. Today’s Date: **12/7/2020** Permit Approval Date: **Month** **Day**  **Year**

Last Day to Submit this form is **0/0/5**

* 1. **[ ]** The site was originally permitted more than 5 years ago (i.e. this date has already passed **0/0/5**). Therefore, this form cannot be used and a full amendment is required); or
	2. **[ ]** The site was originally permitted less than 5 years ago (i.e. this date is still in the future **0/0/5**); therefore, complete the remainder of the form.
1. The site’s existing reclamation date is:  (Note: If the reclamation date has expired, this form cannot be used. The Operator must complete a full amendment to come back into compliance).
2. **[ ]** An updated Landowner Consultation form has been completed and is attached to this form.
3. **[ ]** A revised Reclamation Bond Spreadsheet has been prepared and submitted.
4. **[ ]** Bond has been submitted or **[ ]** Bond not required (no increase in cost)
5. **[ ]** I certify that the site is currently in compliance with the Opencut Mining Act and existing permit.

**Section B: Reclamation Timeframe** [MCA 82-4-434(3)(k) & 82-4-434(4)] & [ARM 17.24.219(1)]

1. Reclamation must be:
2. Completed in accordance with the existing permit and as concurrent with the Opencut operations as feasible.
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 the Operator no longer has the right to use for Opencut operations within one year after the termination of such right.
5. Completed by the Final Reclamation Date specified below.

Note: If reclamation is not completed within the term of the permit, after 30 days written notice the DEQ may order the Operator to cease operations, and if the operator does not cease, may issue an order to reclaim, or may institute an action to enjoin further operation, and may sue for damages for breach of the conditions of the permit and for payment of the performance bond.

The Operator should specify the final reclamation date based on various business and environmental factors, including:

* The estimated demand for mine materials, the expected rate of production, and the volume and grade of permitted mine material.
* The time required to establish productive vegetation comparable to that growing on similar undisturbed land nearby. Typical minimum timeframes for revegetation are:
1. At least 2 additional years to establish vegetation and control noxious weeds on grassland and forest areas.
2. At least 1 additional year for the first successful harvest on cropland.

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. Therefore, the DEQ recommends that the Operator be sure to allow sufficient time for successful vegetative growth, thereby avoiding the need to submit an amendment application requesting only to extend the final reclamation date.

**\*The Term (Final Reclamation Date) is:**  **Month December, Year**

\*Reclamation date cannot be extended for more than five years from the date of reclamation approved in the First/Original Permit [ARM 17.24.213(3)]

Note: If the postmining land use will not be achieved by this date, the Operator must submit a full amendment application to extend the final reclamation date. Such an application should be submitted well in advance of the reclamation date to allow time for processing and approval of the amendment. This *Request for* *Extension of Reclamation Date* form cannot be used again to extend the reclamation date of this permit.

**Section C: Certification**

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

**[ ]**  I am an officer or an employee of the Operator and I am duly authorized to bind the Operator identified on page 1 of the Opencut Mining Plan of Operations & 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 Opencut Mining Plan of Operation & Application and I acknowledge and certify that:

1. The attachments that follow my signature are incorporated into and enforceable as part of the Opencut Mining Plan of Operation & Application;
2. The Operator has the legal right to conduct Opencut operations in the permit area described in the Opencut Mining Plan of Operation & Application;
3. The Operator 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 this form and the existing Opencut Mining Plan of Operation & Application;
5. The information, representations, and statements provided or acknowledged on this form and in the Opencut Mining Plan of Operation & Application are, to the best of my knowledge and belief, true and correct; and,
6. The Operator 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 Opencut Mining Plan of Operation & Application and the Opencut Mining Permit approved by the DEQ, and communicate the same to any contractor or supervisor who directs Opencut operations under authority of the Opencut Mining Permit.

|  |  |  |  |
| --- | --- | --- | --- |
| By: |  |  |  |
|  | **Signature** |  | **Legibly print or type name** |
|  |  |  |  |
|  | **Title**  |  | **Date** |