**Additional Permits or Licenses That May Be Required**

Permits are required by state, federal, and local agencies to assure consideration of other resources, provide for reclamation, and protect water quality for downstream users. This list may not be all inclusive; however, it should get you started in the right direction.

1. State Level: Montana Department of Environmental Quality (DEQ) issues two types of permits that typically apply to hard rock mining operations, (1) hard rock mining permits/licenses/exclusion statements and 2) water quality permits:
   1. Permits to operate hard rock mines issued by DEQ’s Mining Bureau

Contact: (406) 444-4953 or <https://deq.mt.gov/mining/Programs/hardrock>

* + 1. Exploration License: activity to assess the mineral viability of a site
       1. Usually drill holes and trenches
       2. No more than 10,000 short tons may be taken for testing
       3. License is statewide and can be for multiple sites as long as each site has a Plan of Operations, a clear location map, and a bond in place for reclamation
    2. SMES (Small Miner Exclusion Statement): an exclusion from permitting for <5 acres of total surface disturbance at any given time per site; use of mechanized equipment/blasting, and >100 sq. ft. of disturbance
       1. No more than 2 sites at any given time
       2. Each site must be at least 1 mile apart at their nearest points
       3. DEQ can only bond “placer” operations under a SMES
       4. Types of operations may be placer, open pit, quarry, rock picking, underground, etc.
    3. Operating Permit: other hard rock mining, not addressed by exploration or SMES
       1. >5 acres of total surface disturbance at any given time
       2. Types of operations may be placer, open pit, quarry, underground, etc.
    4. Rock Products Operating Permit
       1. >5 acres of total surface disturbance at any given time
       2. Decorative rock, building stone, riprap, mineral aggregates, or other minerals produced by typical quarrying activities or collected from or just below the ground surface that do not contain sulfides with the potential to produce acid, toxic, or otherwise pollutive solutions
          1. Does not include talc, gypsum, limestone, metalliferous ores, gemstones, or materials extracted by underground mining
       3. Single site or multiple sites, may not cumulatively disturb more than 100 acres
       4. Sites cannot:
          1. operate within 100 feet of surface water or in ground water or impact any wetland, surface water, or ground water;
          2. have any water impounding structures other than for storm water control;
          3. adversely impact a member of or the critical habitat of a member of a wildlife species that is listed as threatened or endangered under the Endangered Species Act of 1973; or
          4. impact significant historic or archaeological features
  1. Permits that protect water quality issued by Water Protection Bureau (WPB)

Contact: (406) 444-3080 or <https://deq.mt.gov/water/assistance>

* + 1. Montana Pollutant Discharge Elimination System (MPDES)
       1. Applies to all water discharged to surface and ground water
       2. Mining activity and road construction that disturbs significant acreage (i.e. >5 acres)
    2. Storm Water Pollution Prevention Permit (SWPPP)
       1. Required if any surface disturbance has the potential to contribute sediment or pollutants (i.e. fuel) to State waters during a storm event
       2. There is no minimum acreage – it applies to all surface disturbance
    3. 3A Authorization: Necessary for short-term violation of water quality standards (turbidity)
    4. Suction Dredge Permit
       1. Necessary for small scale (<4” intake) suction dredging operations
       2. Permit is site specific and may have restrictions

1. Federal Level:
   1. U.S. Forest Service (USFS) for operations located on USFS land

Contact: (406) 629-3511 or [www.fs.fed.us/r1/](http://www.fs.fed.us/r1/)

* + 1. Notice of Intent is required for operations that do not use mechanized equipment
    2. Plan of Operations is required for any operations using mechanized equipment
    3. Bonding is determined by proposed surface disturbance and government reclamation costs
  1. Bureau of Land Management (BLM) for operations located on BLM land

Contact: (406) 896-5000 or [www.blm.gov/mt/st/en.html](http://www.blm.gov/mt/st/en.html)

* + 1. Causal Use that causes negligible disturbance, no notification required
    2. Notice is required for all operations disturbing less than 5 acres per year
    3. Plan of Operations is required for disturbances larger than 5 acres
  1. U.S. Army Corp of Engineers

Contact: (406) 441-1375 or

<https://www.nwo.usace.army.mil/Missions/Regulatory-Program/Montana/>

* + 1. Requires a 404 Permit before placement of dredge or fill-material in waters of the United States, including wetlands
  1. Conservation Districts

Contact: (406) 443-5711 or [www.macdnet.org/conservationdistrictdirectorycontact.htm](http://www.macdnet.org/conservationdistrictdirectorycontact.htm)

* + 1. Require 310 Permit if activity alters, modifies, or affects the bed and banks of a perennial stream. A bond may be required.
  1. Department of Natural Resources and Conservation (DNRC)

Contact DNRC (406) 444-6610 or <http://dnrc.mt.gov/divisions/water/water-rights>

* + 1. Water Rights Bureau may require an application for water rights if you use water in your operation.