

MONTANA HARD ROCK & PLACER MINING REQUIREMENTS

Mining Bureau

<https://deq.mt.gov/mining/Programs/hardrock>

The Law: Montana Metal Mine Reclamation Act (MMRA)

Title 82, Chapter 4, Part 3, et seq., Montana Codes Annotated (MCA)

[Enacted in 1971 & subsequently amended]

https://leg.mt.gov/bills/mca/title_0820/chapter_0040/part_0030/sections_index.html

The Rules: Rules & Regulations Governing the MMRA

Administrative Rules of Montana (ARM) Title 17, Chapter 24, Subchapter 1 et seq.

www.mtrules.org/gateway/ChapterHome.asp?Chapter=17%2E24

Authority: MMRA applies to all lands within Montana: federal, state, and private (except for tribally-owned reservation lands).

I. Combined Oversight

Where federal lands are involved, the applicant must also obtain approval from the appropriate federal agency before activities can begin (U.S. Forest Service or U.S. Bureau of Land Management). Check with the applicable federal office closest to the project area.

For state-owned (school trust) lands, the applicant must obtain a state mineral lease & approval from the Montana Department of Natural Resources & Conservation, Trust Land Management Division, Minerals Management Bureau - Telephone: (406) 444-2074.

II. State Oversight

The Department of Environmental Quality's Mining Bureau oversees Small Miner Exclusion Statements (SMES), Exploration Licenses, and Operating Permits under the MMRA:

A. SMES

This is not actually a permit or license per se, but an "exclusion" from obtaining an operating (full-scale mining) permit as the name implies. It consists of a signed and notarized affidavit stating that an operator will stay within the requirements or conditions of the exclusion. A SMES basically excludes small operators from the stricter requirements of the MMRA if they meet several conditions. Those conditions are:

- The operator will conduct an operation resulting in not more than 5 acres of surface disturbance (including roads, except that access roads may be bonded for reclamation at the operator's option, and thereby not counted against the 5 acres), or two operations which disturb and leave unreclaimed less than 5 acres per

operation if the respective mining properties are:

- The only operations engaged in by the person or company;
 - At least one mile apart at their closest point;
- The operator cannot pollute or contaminate any stream;
- The operator provides appropriate protection for human and animal life at underground mine sites through the installation of bulkheads placed over safety collars, and the installation of doors on portals;
- The operator provides DEQ with an appropriate map of his/her operation, and files a renewal annually that describes what has been done in the past year, and what is proposed for the coming year; and
- The operator must comply with the Noxious Weed Management Act. For more information about this Act, please contact the Montana DEQ's Hard Rock Program or your county Weed District office.

For Small Miner Exclusion Statements obtained after September 30, 1985, a small miner may not obtain or continue an exclusion unless he/she annually certifies in writing that:

- The small miner is a *person or legal entity* that:
 - (i) No business association or partnership of which he/she is a member or partner has a small miner exclusion; and
 - (ii) No corporation of which he/she is an officer, director, or owner of record of 25% or more of any class of voting stock has a small miner exclusion; or
- The small miner is a *partnership or business association*, that:
 - (i) None of the associates or partners holds a small miner exclusion; and
 - (ii) none of the associates or partners is an officer, director, or owner of 25% or more of any class of voting stock of a corporation that has a small miner exclusion; or
- The small miner is a *corporation*, that no officer, director, or owner of record of 25% or more of any class of voting stock of the corporation:
 - (i) Holds a small miner exclusion; or
 - (ii) Is a member or partner in a business association or partnership that holds a small miner exclusion; or
 - (iii) Is an officer, director, or owner of record of 25% or more of any class of voting stock of another corporation that holds a small miner exclusion.

Placer Mining and the SMES: A reclamation bond, not to exceed \$10,000, is required for all Small Miner Exclusion (SME) placer mining operations. Note that this bonding authority is only extended to SME placer operations which began after July 1, 1989, and does not apply to SME hard rock operations (e.g., open pit, underground, etc.). The MMRA also allows DEQ to recover costs over and above the \$10,000 limit by filing for the additional amount in district court.

The Department will hold such a bond on private, state, or some federal lands controlled by the Bureau of Land Management (since the BLM has limited bonding authority). On National Forest lands, the Forest Service would generally hold an adequate bond to cover all disturbances, regardless of the amount. If the placer operation occurred on both National Forest and private land, DEQ would bond the private land portion up to \$10,000. Under this authority, reclamation of SME placer operations would have to commence

within 6 months of cessation of mining. This does not include seasonal closures.

Cyanide or other metal leaching solvent use and the SMES: For mines starting operations after November 3, 1998, open pit mining for gold or silver using heap leaching or vat leaching with cyanide ore-processing reagents is prohibited.

Small miners who use cyanide or other metal leaching solvents must obtain an Operating Permit for only that portion of their operation where cyanide or other metal leaching solvents are used to process ore from underground mines or legacy sites. Section 82-4-305(7) MCA reads:

"A small miner who intends to use a cyanide or other metal leaching solvent ore-processing reagent [for vat or heap leaching] shall obtain an Operating Permit [mining permit] for that part of the small miner's operation in which the cyanide or other metal leaching solvent ore-processing reagent will be used or disposed of".

To obtain an Operating Permit (in this case, a SMES Leaching Permit), the applicant must submit an application that contains adequately detailed information regarding environmental baseline, operating plans, and a reclamation plan.

That portion of the small miner's permit area where cyanide or other metal leaching solvent is used (i.e., the leach pads, ponds, Merrill-Crowe or carbon plant, leaching vats, LAD areas, detoxification system/circuit, etc.) will be bonded for full reclamation/water treatment costs by DEQ. The mining area (pit, adits, waste rock dumps) and associated roads, etc. will still fall under the SMES and its requirements and are not bonded by DEQ. The 5-acre limitation does not apply to those cyanide or other metal leaching solvent facilities that are fully permitted and bonded under the SMES Leaching Permit.

Exploration and the SMES: A SMES is for small-scale mining only and cannot be used for exploration. In the MMRA, "mining" is defined as the extraction of ores or minerals in commercial quantities for sale, beneficiation, refining, or other processing. "Exploration" is defined as all activities conducted on or beneath the surface of lands resulting in material disturbance of the surface for the purpose of determining the presence, location, extent, depth, grade, and economic viability of mineralization of those lands.

Obtaining a SMES: A SMES can be obtained by contacting the Mining Bureau at DEQ's Main Office in Helena:

Montana DEQ – Air, Energy, and Mining Division
Mining Bureau
Field Services and Technology Section
1520 East 6th Avenue
PO Box 200901
Helena, Montana 59620-0901
(406) 444-4953 Telephone (406) 444-1499 Fax

Forms are also available at <https://deq.mt.gov/mining/assistance> under the Hard Rock Mining Forms option.

B. Exploration License (Hard Rock & Placer):

A State Exploration License is required for activities that fit the definition of exploration as follows:

Exploration means all activities that are conducted on or beneath the surface of lands 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... (82-4-303(7) MCA)

An Exploration License is a statewide license, and only one is issued per individual or legal entity. However, an unlimited number of individual exploration projects can be approved under a license. Each project proposed for coverage under an Exploration License must be individually approved and bonded by DEQ. To initially obtain an Exploration License, a specific project must be proposed. Any additional projects are considered amendments to the license. (For example, some of the larger companies may have several dozen projects statewide, all under one license. DEQ has permitted and bonded each individual project, keeps separate files on them, and keeps a general folder that holds the license itself and tracks the bond for each project.) Hand sampling with a pick and shovel for geochemical purposes, geophysical surveys, or mapping does not require State licensing or approval. A good rule of thumb is, if the exploration is mechanized (drilling, dozing, backhoe, adit/shaft excavation, etc.), a license and bond are required.

The Process: When an exploration plan is submitted to DEQ, it is first checked to see if the level of information provided is adequate. If it is not, the applicant is notified of additional information required. If the proposed project is wholly or partially on federal land, the applicant is advised to also notify the appropriate U.S. Forest Service (USFS) Ranger District or U.S. Bureau of Land Management (BLM) office. If the project is wholly or partially on state-owned (school trust) land, the applicant is advised to also notify the appropriate Montana Department of Natural Resources & Conservation (DNRC) office. A site visit is then scheduled with the applicant and a representative of the USFS, BLM or DNRC (if applicable public lands are involved). Bond is usually calculated during the site visit. Once the bond is submitted, DEQ approval can be granted. (For those portions of operations proposed for public lands, the operator cannot legally begin until the appropriate state or federal land-management agency also grants approval.)

Bonding & Bond Release: DEQ is required by law to hold bond on all exploration projects. The amount of bond required is determined by calculating the amount of money it would take for DEQ to implement the operator's reclamation plan, using standard reclamation and construction techniques and rates. Bond release is generally (but not always) done in two stages. Once the operator has recontoured and seeded all of the disturbances, a partial bond-release inspection can be scheduled with applicable agency personnel. If the dirt work (recontouring) looks good and appears stable and well-seeded, a partial release would be granted (usually over half). The remaining bond is then held to ensure adequate weed-free vegetative growth and erosion-control and is usually released after 1 or 2 growing seasons.

The USFS and some BLM offices also have bonding authority. On National Forest lands, DEQ and the USFS calculate a bond that is acceptable to both agencies. The bond is made out to both agencies and can be submitted to either agency. The bond cannot be released until both DEQ and the USFS approve of the reclamation. Bond release inspections are generally made jointly by DEQ/USFS personnel for projects on National Forest lands.

For projects on public lands administered by the BLM, a bond that is acceptable to both DEQ and BLM is calculated and DEQ usually holds the bond for both agencies (BLM has limited bonding authority). The bond cannot be released until both DEQ and the BLM approve of the reclamation. Bond release inspections are generally made jointly by DEQ/BLM personnel for projects on public lands administered by the BLM.

For state-owned (school trust) lands, the bonding procedure and conditions listed for the BLM (above) apply to the Montana DNRC, as that agency also has limited bonding authority.

Obtaining an Exploration License: An Exploration License can be obtained by contacting the Mining Bureau at DEQ's Main Office in Helena:

Montana DEQ – Air, Energy, and Mining Division
Mining Bureau
Field Services and Technology Section
1520 East 6th Avenue
PO Box 200901
Helena, Montana 59620-0901
(406) 444-4953 Telephone (406) 444-1499 Fax

Forms are also available at <https://deq.mt.gov/mining/assistance> under the Hard Rock Mining Forms option.

C. Operating Permits (More than Five Acres of Disturbance at any One Time)

An individual or company is required to obtain an Operating Permit for mining if the conditions of a SMES cannot be met. The time required to obtain an Operating Permit can be quite variable, and depends upon many factors (i.e. the size and nature of the proposed project, the proposed project location, the number of agencies with jurisdiction, etc.). In general, relatively small projects with a low environmental impact potential can take 6 to 9 months; medium-sized, moderate-impact projects can take 9 to 12 months; large, high-impact potential projects can take 1 to 3+ years. Regardless of the size or impact potential of a proposed project, however, a potentially time-consuming unknown always exists: the public's perception of, or reaction to, a specific proposal. Generally, as the public controversy surrounding a proposed project increases, so does the amount of time it takes to complete the required environmental analysis process.

For mines starting operations after November 3, 1998, open pit mining for gold or silver using heap leaching or vat leaching with cyanide ore-processing reagents is prohibited. After October 1, 2015, there are additional requirements for documentation and technical oversight for mining operations that construct, expand, or manage active tailings storage facilities (TSFs).

Documentation for an Operating Permit consists of three major parts:

1. Environmental Baseline information (hydrology, soils, vegetation, wildlife, cultural, etc. (i.e., what is there now); for some disciplines (such as hydrology and wildlife), at least one full year of baseline data is recommended. It is strongly recommended that potential applicants meet informally with DEQ's Hard Rock Program staff to discuss site-specific informational needs prior to initiating baseline studies.
2. Operating Plan (type of mining/milling operation, reagents used, equipment used, tons/day, types of liners and installation procedures, location of all facilities, etc.);
3. Reclamation Plan (states reclamation objectives and how they would be implemented).

The Process: Once the application documents and plans are submitted, DEQ has 90 days (or 60 days for a Rock Products application) to either determine if the application is complete and compliant (which doesn't mean the plan is approved, just that there is enough information to begin preparation of the appropriate environmental analysis document and make an informed permit decision), or incomplete. If the application is deemed incomplete (which is usually the case the first time around) a "completeness review" (or "deficiency") letter is issued by DEQ on or before the end of the deadline (90 or 60 days). The letter "stops the clock," and contains additional informational requirements and questions to which the applicant must respond.

If the proposed project involves federal lands, the permitting and environmental analysis process become a joint state/federal action (i.e. DEQ and the USFS and/or BLM must permit the mining operation). If the proposed project involves state-owned (school trust) lands, DEQ interacts similarly with the Montana DNRC. DEQ has signed agreements with partner state and federal agencies in which those agencies and DEQ agree to work together. For projects with one or more agency partner, a joint completeness review letter may be issued within the required time period. The joint completeness letter contains compiled questions and comments from both DEQ and partner agency technical staff, and is signed by both the appropriate DEQ and partner agency officials.

The company can take as much time as it wants preparing a response. Once they respond, the clock starts again; this time, however, DEQ has only 30 days to review the resubmitted permit application (or 20 days for a Rock Products application). Following this review period, the application can either be called complete and compliant, or a second completeness review letter is issued. This process continues until the application is deemed complete and compliant. A Draft permit is issued once enough information (technical and otherwise) has been supplied by the applicant for the agencies to carry out the environmental analysis process (write an Environmental Assessment [EA] or Environmental Impact Statement [EIS] and make an informed permit decision.

Once the EA or EIS is complete, the Final permit is either:

- Approved as submitted;
- Denied*;
- Approved with conditional mitigations or stipulations.

If approved, a bond is then calculated based upon the applicant's reclamation plan which is approved by the agencies. Once the bond is submitted and approved, the Final permit is signed and activities can begin.

***A NOTE on Permit Denial:** Under the Metal Mine Reclamation Act, a permit can be denied for one or more of the following reasons:

- the proposed plan of operations would violate the Montana Water Quality Act;
- the plan would violate the Montana Air Quality Act;
- the reclamation plan is inadequate to meet standards; -OR-
- the applicant is presently in violation of the MMRA, or any Montana or federal law or rule pertaining to mined land reclamation, water quality or air quality and is not working towards correcting the violation.

If a permit is denied, the applicant may reapply with a new plan (Please see: Sections 82-4-351, 82-4-335(8) & (9), and 82-4-352, MCA).

D. Other Important Statutes/Rules: Hard Rock/Placer Mining & Ore Processing

1. Custom Mill/Reprocessing Rules:

Adopted on May 21, 1990, these rules gave DEQ the authority to permit and bond custom hard rock and placer milling/processing operations and the remining and reprocessing of old waste rock and tailings. Prior to this date, DEQ only permitted and bonded ore-processing mills when they were associated with a particular mine (that was also being permitted and bonded) and had no authority over the remining of waste rock or tailings. Therefore, custom mill and remining operations that began prior to the effective date were excluded (grandfathered) from the new rules and remain excluded until the operator proposes major changes.

2. Blasting Rules:

Adopted on September 30, 1990, these rules require DEQ to investigate formal complaints regarding safety and/or property damage as the result of the use of explosives by a mining operation under an Operating Permit. The rules outline a specific complaint procedure that must be followed. If the preponderance of evidence gathered by the Department indicates that a company or individual's blasting has damaged property and/or created a safety hazard off-site, DEQ will issue an appropriate order to mitigate the situation. If the order is ignored, DEQ must then implement noncompliance procedures. The rules do not give DEQ the authority to require compensation for any damage that has occurred. The Department's findings can, however, be used by the complainant to sue the operator for property damages.

3. SMES Placer and Dredge Mining Rules:

Adopted on April 11, 1991, these rules give DEQ a \$5,000 maximum bonding authority for placer mines first operated on July 1, 1989, or later. The maximum bond is \$10,000 for those mines first operated on July 1, 1997, or later. The rules also outline best management practices that are minimally necessary to avoid water quality degradation. These rules also describe standards for bond release and outline the procedure for bond forfeiture and SMES revocation. Suction dredge operators are exempt from MMRA

(Section 82-4-310(2), MCA) requirements if:

- the dredge in use has an intake of 4 inches in diameter or less;
- the person does not operate the dredge beyond the area of the streambed that is naturally under water at the time of operation; and
- the person has obtained a Suction Dredging General Permit and approval through the Montana Pollutant Discharge Elimination System (MPDES) and paid the necessary fee.

4. **SMES Impoundment Rules:**

Adopted April 11, 1991, these rules, except for small miners conducting a placer or dredge operation, require that a small miner who intends to use an impoundment to store waste from ore processing shall obtain approval for the design, construction, operation, and reclamation of that impoundment and post a reclamation bond for that part of the small miner's operation before constructing it. The reclamation bond is calculated by the DEQ and the amount of bond required must cover the actual cost of reclamation if it had to be performed by the DEQ. If the small miner has posted a bond for reclamation of that site with a federal government agency, the small miner is exempt from posting additional bond for the impoundment to the DEQ. The bond is reviewed at least once every 5 years and is adjusted as necessary to ensure the bond adequately covers the cost of reclamation. The acreage disturbed by the portion of the operation that uses an impoundment is included in the SMES 5-acre limit.

5. **SMES Leaching Permit Rules:**

Adopted on April 11, 1991, these rules require that a small miner intending to operate a cyanide or other metal leaching solvent ore-processing facility obtain an Operating Permit and post an adequate reclamation bond for that part of the operation where cyanide or other metal leaching solvent is used (ponds, leach pads, leaching vats, Merrill-Crowe or carbon plant, LAD areas, detoxification facilities/circuits, etc.). The rules outline the types of information required in baseline study plans, operating plans, and reclamation plans. Bonding is required, and the amount of bond must cover the actual cost of reclamation if it had to be performed by DEQ.

6. **Tailings Storage Facility Statutes:**

Adopted on October 1, 2015, these statutes provide definitions and requirements for active tailings storage facilities (TSFs) and the qualified engineers involved with technical oversight. These statutes require that TSFs are designed, operated, monitored, and closed in a manner that: meets state-of-practice engineering design standards; uses applicable, appropriate, and current technologies and techniques as are practicable given site-specific conditions and concerns; and provides protection of human health and the environment. The regulation of TSFs is not prescriptive in detail but allows for adaptive management using evolving best engineering practices based on the recommendations of qualified, experienced engineers.

NOTE: Copies of the Montana Metal Mine Reclamation Act, the Rules & Regulations Governing the Metal Mine Reclamation Act, and other pertinent informational material and forms are available online at <https://deq.mt.gov/mining/assistance> or by contacting DEQ at:

Montana DEQ – Air, Energy, and Mining Division
Mining Bureau
PO Box 200901
Helena, Montana 59620-0901
(406) 444-4953 Telephone (406) 444-1499 Fax

E. Other Permits/Certificates That May Be Required:

1. Surface Water Discharge Permit (MPDES):

This permit -- called a Montana Pollutant Discharge Elimination System permit, or MPDES permit -- is issued through the Montana DEQ's Water Quality Division, and is required for all point-source discharges to State surface waters, or discharges to groundwater with "direct connection" to surface water, regardless of any permits that are issued by other programs or agencies. Substantial application and maintenance fees are required for an MPDES permit. Requirements of the permit usually include pre-operational, operational, and post-operational water quality monitoring for specific parameters, depending on the specific site and proposed activity. A Suction Dredging General Permit and fee may be required through MPDES for some operations, under the Natural Streambed and Land Preservation Act (75-5-402 and 75-5-516(12), MCA). For more information about surface water discharge permits, please contact the Montana DEQ Water Quality Division at 406-444-5546 or visit the water permitting website <https://deq.mt.gov/water/assistance>.

2. Groundwater Discharge Permit (MGWPCS):

This permit -- called a Montana Groundwater Pollution Control System permit or MGWPCS - is issued through the Montana DEQ's Water Quality Division, and is for discharges directly to groundwater, such as through a percolation pond or land application discharge (LAD) system. It is also required when the possibility exists of a discharge to groundwater by a "sealed" impoundment, such as a tailing pond or a heap leach pad/pond system. Substantial application and maintenance fees are required for a MGWPCS permit.

An MGWPCS, or groundwater discharge permit, is required only if a hard rock or placer operator is proposing a discharge to groundwater and is operating entirely under a Small Miner Exclusion Statement (SMES). This separate permit is NOT required if the operator holds an Operating Permit (including a SMES Cyanide Permit) or an Exploration License. An Operating Permit or Exploration License supersedes the requirement for a groundwater discharge permit, because groundwater discharges permitted under an Operating Permit or Exploration License would be subject to the same level of review and monitoring as those permitted under a separate groundwater permit. Since a SMES is not actually a permit, but an exclusion from one, all SMES operations with actual or potential discharges to groundwater must have a groundwater permit. For more information on groundwater discharge permits, please contact the Montana DEQ Water Quality Division at 406-444-5546 or visit the water permitting assistance website <https://deq.mt.gov/water/assistance>.

3. Montana Streambed Preservation Act - 310 Permit:

A 310 Permit is issued by the County Conservation Districts, in cooperation with the Montana Department of Fish, Wildlife & Parks. It is only required for certain perennial streams, and is necessary when an applicant intends to ford a stream, install a culvert, or install a bridge. It is also required for stream alteration or diversion. For more information, please contact the Conservation District in the county where the operation is proposed. More information can be found on the [DNRC Conservation District Resources website](https://dnrc.mt.gov/Conservation/Conservation-Programs/Conservation-Districts/Resources):

<https://dnrc.mt.gov/Conservation/Conservation-Programs/Conservation-Districts/>

4. Dredge/Fill - Federal Clean Water Act - Section 404 – Federal Rivers and Harbors Act - Section 10 Permit:

Federal Section 404 and Section 10 permits are issued by the U.S. Army Corps of Engineers. A Section 404 permit is required whenever an operator proposes to remove material from (dredge), or place material in (fill), waters of the United States. This is defined on land as the area between the ordinary high-water marks. This law also applies to wetlands. Some of the requirements of Section 404 permitting are redundant with the requirements of the 310 Permit (described in Subsection C, above).

Section 10 permits may be required in navigable waters, including segments of the Yellowstone, Kootenai, and Missouri Rivers. For more information, please contact the U.S. Army Corps of Engineers Montana Office in Helena at (406) 441-1375 or visit their [website](#).

5. Air Quality Permit:

An Air Quality Permit is issued by the Montana DEQ's Air, Energy, and Mining Division under the authority of Montana Air Quality Act. It is required when emissions from a project are expected to exceed certain threshold values for various parameters. Generally, if emissions of any pollutant, including fugitive dust, exceed 25 tons/year, an Air Quality Permit is required. An annual fee, based upon a facilities total emission, is required. In most cases, an Air Quality Permit is only needed for larger developments (e.g., large open-pit mines, or mines with a sizeable tailings impoundment or onsite, large-scale ore refinement plants, etc.). They are rarely required for exploration operations. By virtue of their relatively small maximum allowable size and tonnage, small mines operating under a SMES are excluded. For more information, please contact the Montana DEQ's Air Quality Permitting & Compliance Division at 406-444-3490 or visit the air permitting assistance website <https://deq.mt.gov/air/assistance>.

6. Water Rights:

Operators always need to secure the necessary water rights/permits when using water in their processing or operation. One-shot-only users, such as drillers who may need a limited amount of water in a water truck or pipe diversion, can generally take the water as long as consideration is given to downstream water users and stream banks are not altered or a sedimentation problem created. It is strongly recommended that an

operator contact a local landowner and inquire about water sources. For more information on specific requirements for water rights and usage, please contact the [Montana Department of Natural Resources & Conservation \(DNRC\) - Water Resources](https://dnrc.mt.gov/Water-Resources/Water-Rights/) Regional Office nearest to your project area or visit the website: <https://dnrc.mt.gov/Water-Resources/Water-Rights/>

Billings	(406) 247-4415
Bozeman	(406) 586-3136
Glasgow	(406) 228-2561
Havre	(406) 265-5516
Helena	(406) 444-6999
Kalispell	(406) 752-2288
Lewistown	(406) 538-7459
Missoula	(406) 721-4284

7. Montana Major Facility Siting Act (MFSA):

Although the Montana Major Facility Siting Act covers such things as power plants and pipelines, its primary application to the mining industry usually involves new power transmission lines for larger operations. It ONLY applies to new power transmission lines that exceed 69 kilovolts. Some of the larger mines require this power capacity, and along with the local power company, must obtain a Facility Siting Permit from the Montana DEQ. A change in this law now exempts construction of a power line between 69 and 115 kilovolts from this Act if the applicant has the support of at least 75% of the landowners involved. For more information, please contact the Montana DEQ's MFSA staff at 406-444-0514 or visit the permitting assistance webpage <https://deq.mt.gov/energy/assistance>.

8. Hard Rock Mining Impact Act:

According to sections 82-4-335 (5) & (6) [MCA] of the Metal Mine Reclamation Act (MMRA), prior to issuing an Operating Permit, DEQ must first certify that an applicant is in compliance with the various requirements of the Montana Hard Rock Impact Act (HRIA) (90-6-301 et seq. MCA). The Hard Rock Impact Act (HRIA) only applies to large-scale hard rock and placer mineral developers that would employ over 75 employees. It does NOT apply to exploration programs.

If an Operating Permit applicant is proposing an operation that would employ over 75 people, the applicant must enter into negotiations with a local committee (near the proposed mine area) made up of local officials and individuals. The negotiations center on the HRIA's requirements for the pre-payment of taxes by the applicant to mitigate socio-economic impacts to the local area caused by an influx of people to work at the mine. Socio-economic concerns usually include local school capacity, water & sewage infrastructure, road maintenance, and other related issues. This process is overseen by the Hard Rock Mining Impact Board, which is attached to the Montana Department of Commerce. For more information regarding the Hard Rock Mining Impact Act, please contact:

Montana Department of Commerce
Local Government Assistance Division
Hard Rock Mining Impact Board
301 S. Park Avenue PO Box 200523
Helena, Montana 59620-0523
Telephone: (406) 841-2770 (406) 841-2771 Fax
<https://commerce.mt.gov/About/Boards/Hard-Rock-Mining-Impact-Board/>

F. Mining Claims and Assessment Work on Federal Lands:

While the Montana Department of Environmental Quality has no authority regarding mining claims and annual assessment work for unpatented and open federal lands (except for issuing permits for exploration and mining operations), this section was added due to the numerous inquiries received by DEQ every year regarding this subject. DEQ regulates surface disturbances related to mining or mineral exploration in Montana. It is up to the applicant to make sure he/she has the legal authority to access the property and claims where the work is to be performed. All questions regarding staking claims, claim ownership, annual assessment work, filing, etc. should be directed to the appropriate federal Bureau of Land Management (BLM) office listed below: <https://www.blm.gov/montana-dakotas>

U.S. Department of the Interior
Bureau of Land Management
Montana State Office
5001 Southgate Dr.
P.O. Box 36800 P.O. Box 1160
Billings, Montana 59107
Telephone: (406) 896-5012

U.S. Department of the Interior
Bureau of Land Management
Lewistown District Office
920 Northeast Main
Lewistown, Montana 59457-1160
Telephone: (406) 538-1918

U.S. Department of the Interior
Bureau of Land Management
Butte District Office
106 N. Parkmont
Butte, Montana 59702
Telephone: (406) 533-7600

U.S. Department of the Interior
Bureau of Land Management
Miles City District Office
111 Garryowen Rd
P.O. Box 950

Miles City, Montana 59301-0950
Telephone: (406) 233-2827

G. Exploration & Mining on State-Owned (School Trust) Lands:

Prior to accessing Montana's state-owned (school trust) lands for the purposes of mineral reconnaissance, prospecting, exploration or mining, the operator must first secure a mineral lease and approval from the Montana Department of Natural Resources & Conservation (DNRC) - Trust Land Management Division. This requirement is in addition to specific exploration and mining permits that also must be obtained from the Montana DEQ. Think of DNRC as the agency charged (by the Montana Constitution) to manage the states surface and mineral resources for the School Trust Fund, to ensure a maximum return to the fund from these lands within legislative operational and environmental sideboards. The Montana DEQ issues permits under statutes related to mine reclamation, water quality, air quality, and other environmental resources; much of DEQ's authority in these areas encompasses all types of land (state, federal & private). When exploration or mining-related activities are proposed on state land, DEQ works closely with DNRC during the permit process.

For more information regarding mineral activities on state-owned lands, please contact:

Montana Department of Natural Resources & Conservation (DNRC)
Trust Land Management Division
Minerals Management Bureau
1539 Eleventh Avenue
PO Box 201601
Helena, Montana 59620-1601
(406) 444-2074 Telephone
(406) 444-2684 Fax
<https://dnrc.mt.gov/TrustLand/>