**For Office Use Only**

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

###### APPLICATION TO CHANGE POSTMINING LAND USE

###### This form is to be used to only change the postmining land use. MCA 82-4-431(6)(b), MCA 82-4-434(3)(d)(ii)].

**Operator Name:**

**Site Name:**

**OC#:**

**INSTRUCTIONS** - How to submit a complete and accurate Change Postmining Land Use Application:

1. This application can only be used to change the postmining land use of an existing permitted site. In order to make additional changes, the Operator would need to complete either the *Standard Opencut Mining Permit Application* or *Rural Opencut Mining Permit Application* (as applicable).
2. This application is an addendum to the original permit and once approved becomes part of the original permit ARM 17.24.213(4). The sections completed in this form would replace the applicable sections in the existing permit.
3. Before completing this form, **verify the most recent version** is being used and read the guidance information available on the Opencut Mining Section’s website at <https://deq.mt.gov/mining/assistance>.
4. Fill in all blanks and provide a detailed answer for each question. Write “None” if that is the correct answer.
5. This form includes automated calculations that require Microsoft Word 2010 or newer. As data is entered into this form, auto-calculate fields will auto-populate with **red** text (tab out of each field to ensure they auto-calculate). If an auto-calculate field is blank, either: **a)** the required information was not entered, or **b)** the blank field does not pertain to your application.
6. 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.
7. Sign and date the certification in Section G.
8. Submit all required application materials to the Opencut Mining Section in Helena as one package.

|  |  |
| --- | --- |
|  | **REQUIRED SUPPORT DOCUMENTS *(unless exception applies & box is checked)*** |
| **a** | **Fee Forthcoming after the rule making process has been completed.** |
| **b** | **Reclamation Map**  *Exception*: Rural Permit |
|  | **Zoning Compliance** MCA 82-4-432(14)(a)(iv) & (v)  *Exception*: Not required for applications mining bentonite, clay, scoria, peat, or soil only. |
| **c** | **Reclamation Bond Spreadsheet** MCA 82-4-433, MCA 82-4-432(14)(a)(iii)  *Exception*: Government Operator  *Exception*:  Phase II Release Request is submitted with this form to release all permitted acreage. |
| **d** | **Landowner Consultation** MCA 82-4-432(2)(d)  *Exception*: Landowner is BLM or DNRC State Lands and the appropriate permit is attached. |
| **e** | **Determining Depth to Groundwater Worksheet**  *Exception:* **Not required if no water feature would remain for final reclamation, mining will not intercept groundwater, or mining would not occur within 5-feet of the high water table level (**Opencut reserves the right to require this form if water could be encountered, or if Opencut disagrees with the high and low water table levels identified in the permit**).** |
| **f** | **Bond MCA 82-4-433**  **(Original Paper Bond must be Received by Opencut before permit can be issued.)**  *Exception*: Government Operator  *Exception*: The submitted Reclamation Bond Spreadsheet does not require a higher bond.  *Exception*: Phase II Release Request is submitted with this form to release all permitted acreage. |

|  |  |  |
| --- | --- | --- |
| **ADDITIONAL SUPPORT DOCUMENTS \* (as required)** | | |
|  | **Included** |  |
| **k** |  | **Pond & Wetland Design Worksheet** |
| **l** |  | **Seed Mix Guideline** |
| **m** |  | **Slope Stability Analysis** |
| **n** |  | **Stream/Waterway Worksheet** |
| **r** |  | Other: |
| **s** |  | Other: |
| **t** |  | Other: |

\* Additional support documents must be clearly named or titled to be consistent with the names or titles above.

**SECTION A – APPLICATION INFORMATION**

## A1. General Information *MCA 82-4-432, MCA 82-4-434*

**Operator Name:**

**Site Name:**

**Final Reclamation Date cannot be changed with this form and remains the same as stated on the existing permit. This form will supplement the existing permit.**

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 business email. The site contact name will be copied on emails.

requests that correspondence also be emailed to the consultant for this application (if not applicable proceed to #5).

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):

**SECTION C – SITE PREPARATION AND PLANNING**

C1. WATER TABLE LEVELS

If the change in postmining land use does not include a water feature, **skip** to section **C2**.

If changing the postmining land use to include a water feature, complete this section and complete and attach the *Determining Depth to Groundwater Worksheet* found here: <https://deq.mt.gov/mining/assistance> (click on the “Forms” tab), check the appropriate box on page 2, and provide information below as determined by the *Determining Depth to Groundwater Worksheet*.

**Note:** Seasonal high water levels may be influenced by irrigation and ditches and must be accounted for when determining groundwater elevations.

* The seasonal high water table is the highest level that water typically rises to each year.
* The seasonal low water table is the lowest level that water typically falls to each year.

1. The maximum depth of mining is:  **feet below ground surface**
2. The seasonal high water table level is:   **feet below ground surface**
3. The seasonal low water table level is:  **feet below ground surface**
4. Water levels were determined by the following method(s):

**Determining Depth to Groundwater Worksheet** (check box on page 2 and attach) **Other:**

Seasonal high water table:  **0.0** feet

Maximum depth of mining:  **0.0** feet

Difference **= 0.0** feet

**Other/Additional Information:**

**C2. MAPPING** *MCA 82-4-403(12)(b)*

1. The Reclamation Map must meet the requirements of the Opencut Mining Act, associated rules, and Map Guideline. The Map Guideline can be found here: <https://deq.mt.gov/mining/assistance> (click on the “Forms” tab).

**C3. MARKERS**

1. The site must be marked in accordance with the Opencut Mining Act and associated rules.

**SECTION E – RECLAMATION PLAN**

**E1. POSTMINING LAND USES** *MCA 82-4-434(1) & (2)*

* + - * 1. The site will be reclaimed to the postmining land use(s) below. Show all postmining land uses on the Reclamation Map.

**Permitted Access Road(s):**  **Length       Width**

**Internal Road(s): Length       Width**

**Cropland, Rangeland and/or Pasture** (cropland requires 5:1 or flatter slopes for reclamation & Rangeland and/or Pasture require 3:1 slopes or flatter for final reclamation)

**Year-round Pond**

**Seasonal Pond –** Purpose: **Wetland** **Seasonal Wetland**

**Berms Fences Landowner Equipment Storage Area**

**Landowner Material Stockpile Area** (A shaped and seeded soil stockpile sufficient to reclaim the area beneath the material stockpile must remain within 100 feet of any remaining material stockpiles. Landowner material stockpiles must be consolidated into one area.)

**Feedlot**

**Industrial/Commercial\*** **Residential\*** **Vegetative Screens** **Other:**

**\*Residential** **and** **Industrial/Commercial** land uses may require submittal of planning documents and approvals.

**Note:** If site plans change,  must submit an amendment application to update the postmining land use(s).

* + - * 1. What facilities and structures will remain after reclamation of the site is completed?

**None Concrete Structures Gravel or Paved Surface Area Office Scale**

**Other:**

1. Describe the purpose of leaving these facilities or structures intact.

**Answer:**

**E2. PONDS AND WETLANDS** *MCA 82-4-434(1) & (2)*

1. If Section E1 above does not designate a pond, seasonal pond, or wetland as a postmining land use, skip to Section E3; otherwise, proceed to E2-2 below.
2. If a water feature would remain, complete the *Pond and Wetland Design Worksheet,* check the appropriate box on page 2, and include the worksheet with the application submittal. The *Pond and Wetland Design Worksheet* can be found here: <https://deq.mt.gov/mining/assistance> (click on the “Forms” tab).

**Additional Information (if applicable):**

**E3. REVEGETATION** *MCA 82-4-434(2)*

1. must comply with the following requirements:
   1. Establish vegetation capable of sustaining the designated postmining land use(s) through two growing seasons. Revegetation success on cropland areas is achieved when a crop has been harvested from the entire area and the yield is comparable to those of crops grown on similar undisturbed sites under similar growing conditions.
   2. Use certified weed-free seed and comply with local weed district requirements.
2. The primary method of seeding will be: **Drilling\* Broadcasting\*\***

\*Sagebrush seed cannot be drill seeded and must be broadcast at the rates identified in the sagebrush seed mix. Grass and forb seeds in a sagebrush seed mix can be drill seeded.

\*\*Broadcast seeding must be at double the rate used for drilling (i.e. 24 lbs/acre or more).

1. DEQ Opencut’s *Seed Mix Guideline* is available on the Opencut Mining Section website at <https://deq.mt.gov/mining/assistance> (click on the “Forms” tab).

Will seed mixes described in the Seed Mix Guideline be used for final reclamation? **Yes No**

If **No**, complete the table below with a custom seed mix.

If **Yes**, check the appropriate box on page 2, attach a copy of the guideline, and indicate below which seed mix(es) would be used.

**Native Grazing/Pasture Non-Native Grazing/Pasture**

**Native Rangeland** (for moist/riparian regions)

**Native Rangeland** (for arid regions) **Wetland Seed Mix** (for pond edges or wetland areas)

**OR**

**Cropland seed mix designated by Landowner at time of reclamation**

**OR**

**Recommended Seed Mixes for Sage Grouse Habitat**

If the site is in general, core, or interconnectivity sage grouse habitat, must choose the appropriate seed mix below, unless the landowner has requested an alternate seed mix (refer to the Landowner Consultation form).

**Northern Region Central & Southeastern Regions Southwestern and South Central Regions**

In the table below,describe the seed mix species and rates of seeding (pure live seed per acre) that will be used:

|  |  |
| --- | --- |
| **SEED TYPE** | **SEED RATE** |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
| **TOTAL SEEDING RATE** | **0.0 pounds pure live seed/acre** |

**Additional Seeding Information (if applicable):**

1. Indicate the measures to be used to manage and protect the site until reclamation vegetation is established.

**Noxious Weed Control** (mandatory) **Fencing** (include cost of fencing on the *Reclamation Bond Spreadsheet*)

**No Grazing** ( should secure written commitment from landowner)

**Other:**

**SECTION F – RECLAMATION BOND CALCULATION** *MCA 82-4-433*

**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. understands that DEQ Opencut may adjust the bond yearly.
3. 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)*

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 *Change Postmining Land Use 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 *Change Postmining Land Use Application* and I acknowledge and certify that:

1. The attachments that follow my signature are incorporated into and enforceable as part of the *Change Postmining Land Use Application*;
2. has the legal right to conduct opencut operations in the permit area described in the *Change Postmining Land Use Application*;
3. consents to and acknowledges that DEQ and its representatives may access the site to inspect the permit area at any reasonable time, and that while DEQ attempts to provide reasonable notice of an inspection to  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, Opencut Act (MCA 82-4-401 through -446) “the Act”, and Administrative Rules of Montana (ARMs 17.24.201-226).
4. I have read and understand all the information, representations, terms, requirements, and conditions set forth in the *Change Postmining Land Use Application*;
5. The information, representations, and statements provided or acknowledged in the *Change Postmining Land Use Application* are, to the best of my knowledge and belief, true and correct; and,
6. agrees to abide by and comply with the Act, ARMs governing opencut operations, and all representations, terms, requirements, and conditions set forth in the *Change Postmining Land Use Application* and the *Opencut Mining Permit* approved by DEQ, and to communicate the same to any contractor or supervisor who directs opencut operations under authority of the *Opencut Mining Permit*.

1. will comply with applicable federal, state, county, or local regulations, ordinances and permits, licenses, and approvals for the operation. MCA 82-4-434(2)(j).
2. understands that obtaining an Opencut Mining Permit does not relieve  **’s** obligation to comply with any other applicable federal, state, county, or local regulations, or ordinances and permits, licenses, and approvals for the operation. Obtaining an Opencut Mining Permit does not mean that an Operator can legally mine the site without first obtaining permits from other agencies. For this opencut operation, DEQ recommends contacting the DEQ Water Protection Bureau, at 406-444-5546, to determine if a water discharge permit is required, and DEQ Air Quality Bureau, at 444-3490, to determine if an air quality permit is required.

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

Title Date