## ZONING COMPLIANCE

In accordance with Opencut Mining Act sections 82-4-431(2)(a)(iv)(D); 82-4 432(2)(b)(ii) & 82-4-432(14)(a)(v), sand and gravel operations must meet applicable local zoning regulations. As a result, this form is required unless the Operator is proposing to mine **bentonite**, **clay**, **scoria**, **peat**, or **soil**.

In accordance with section 17.24.223 of the rules implementing the Act, this form is required for a sand or gravel operation to apply for a **permit** or **an amendment adding acreage, changing the postmining land use or adding an asphalt or concrete plant**.

**OPERATOR SECTION:** All fields must be completed.

**Operator Name:**

**Site Name:**

**County:**

Site Name:

**LOCAL GOVERNING BODY SECTION:** Complete all applicable below items.

In accordance with MCA 82-4-432(2)(b) of the Opencut Mining Act and ARM 17.24.223 of the rules implementing the Act, **the local governing body having jurisdiction over the area to be mined must certify that the proposed mine site and Plan of Operation comply with applicable local zoning regulations** adopted under MCA Title 76, Chapter 2. The certification must be submitted on this DEQ form.

1. The Operator has provided the local governing body with a Site Map and Location Map for a Standard Permit Application and a Location Map for a Rural Permit Application for the proposed sand and gravel operation identified above:

[ ] **Yes** or [ ] **No** If **No**, this form is not acceptable.

1. Check **one** box:
2. [ ]  Site is **not** zoned.

1. [ ]  Site is **zoned** and **does not comply** with local zoning regulations.; therefore, **no Opencut operations can occur**. Site is zoned as:
2. [ ]  Site is **zoned** and local zoning regulations **do not require** a local license or permit for the proposed Opencut operations. Site is zoned as:
3. [ ]  Site is **zoned** and local zoning regulations **require** a local license or permit for the proposed Opencut operations. Site is zoned as:

Local zoning regulations require the following license or permit:

The application for a Standard Permit cannot be deemed complete until a copy of the local license or permit for the proposed operation is submitted to the Department.

MCA 82-4-432(2)(b)(ii) states *proposed sand and gravel opencut operation complies with applicable local zoning regulations adopted under Title 76, chapter 2, and in effect prior to the filing of a permit application or at the time a written request is received for a preapplication meeting pursuant to this section.*

**CERTIFICATION BY LOCAL GOVERNING BODY:**

**Name of Local Governing Body:**

**Official's Name (print legibly):**

**Title:**

**Signature:**

**Date:**