## INSTRUCTION SHEET

## ASSIGNMENT OF OPENCUT MINING PERMIT APPLICATION

**Guidance:** Although statutory timelines take priority, Opencut endeavors to process assignment applications in a timely manner. However, it may be several weeks to months before Opencut can process the assignment application. Opencut recommends the Operator submit the assignment application well in advance of their anticipated needs.

The **Assignor** (current permit holder relinquishing the permit) and the **Assignee** (party assuming the permit) need to work through the following steps together to complete the permit assignment process in a timely and efficient manner.

1. If the Assignor does not have a copy of the permit, obtain it as follows:
2. If the permit or most recent amendment was approved after April 2010, it is likely available at: <https://deq.mt.gov/mining/assistance>.
3. If it’s not on-line, email an information request including the **Assignor name**, **site name**, and **permit number** to [DEQOpencut@mt.gov](mailto:DEQOpencut@mt.gov). The documents will be made available on the Opencut website or sent to you in approximately 30 business days.
4. Carefully assess and understand the requirements of the current permit. Inspect the physical condition of the site and ensure the current permit boundary, non-bonded areas, and access roads included in the permit are marked on the ground.
5. If any of the items below apply, the **Assignor** must submit either a new permit or an amendment application and the DEQ must approve it before an assignment application is submitted. If an assignment application is submitted that meets one or more of the criteria below, it would be disapproved.
6. The application is on an form version dated before 6/111 **or**
7. The final reclamation date is expired2 **or**
8. The Opencut disturbance extends beyond the current permit boundary2 **or**
9. There are other permit violations2, 3
10. If any of the above items apply, the Opencut Section strongly recommends the **Assignor** submit a **Request for Pre-Application Meeting** (<https://deq.mt.gov/mining/assistance>). After its receipt, an Opencut scientist will be tasked to review the current permit; contact you to discuss requirements; and schedule a site visit if warranted.
11. **Assignor**: If an amendment is required (see item **4** above), complete and submit the **appropriate permit application (Standard or Dryland)** and other documents as required on pages 1 & 2 of the application. (See the documents under heading “B” of the Forms webpage.)
12. **Assignee**: If an amendment application is not required, complete and submit the assignment documents below to the Opencut Section in Helena as one package.
13. **Assignment of Opencut Mining Permit** Application (Document E-3 on the Forms webpage)
14. **Reclamation Bond Spreadsheet** (Document B-6) *Exception*: Assignee is a Governmental Operator
15. **Bond** (Use 1 of the 5 documents under heading “C”) *Exception*: Assignee is a Governmental Operator

**Footnotes:**

1 Plan forms dated before 6/11 are obsolete and do not meet current requirements of the Opencut Mining Act and its

implementing rules due to Act revisions in 2005, 2007, 2009, 2013, 2016 & 2021: and rule revisions in 2004 and 2016.

2 DEQ has authority to initiate enforcement action if necessary to ensure the permit is amended or re-permitted (§82-4-434(4) & 441, MCA).

3 Other potential violations may include, but are not limited to, the following:

* Site conditions, features, or practices that deviate from permit requirements
* Canceled, Expired, or Invalid Reclamation Bond
* Failure to submit Annual Production Reports and Fees

## ASSIGNMENT OF OPENCUT MINING PERMIT APPLICATION

Follow the guidance and directions on the **Instruction Sheet**.

Complete all fields below. Write “none” if that is the correct response.

1. **Site name:       Current permit number:**

**Current permitted acreage:       County:**

1. Are the Permit boundary and Non-Bonded areas marked?

Yes  No If **No**, Do not submit this application as it would be disapproved.

1. Answer the following questions:
2. Is the Permit on a form version dated before June 2011 (i.e. 6/11)?  \*Yes  No
3. Is the final reclamation date expired?  \*Yes  No
4. Does the current Opencut disturbance extend beyond the current permit boundary or non-bonded boundary, or are there any other permit violations?  \*Yes  No

\*If **Yes** to 3a, 3b, or 3c above, do not submit this assignment application as it would be disapproved. Instead, the current Operator must submit a “complete” new permit or amendment application. The Opencut Section strongly recommends submitting a **Request for Pre-Application Meeting** for further direction prior to submitting an amendment or permit application.

1. **ASSIGNEE** (party assuming permit): Name:

Address: City: State: Zip Code:

Phone #:  Email

1. Person who will be familiar with the Plan of Operation and on-the-ground activities at the site:

Name:

Office Phone: Cell Phone:Email:

**ASSIGNEE CERTIFICATION**: Assignee confirms that it: **a)** has a complete copy of the assignment application and the Assignor’s current permit; **b)** has reviewed and understands all these documents; and **c)** will comply with all terms of the permit in effect at the time the DEQ approves this assignment.

After the DEQ approves this assignment in writing, the Assignee will assume responsibility for existing site conditions and all terms of the permit, including the provisions of the Plan of Operation (i.e. mining and reclamation of the site, etc.)

Assignee understands that: This assignment does not become effective until this application is approved by the DEQ in writing.

|  |  |  |
| --- | --- | --- |
| Assignee Name (Type or Print) |  | Signature |
|  |  |  |
| Title |  | Date |

1. **ASSIGNOR** (current permit holder relinquishing the permit) Name:

Address: City: State: Zip Code:

Phone #:  Email

**ASSIGNOR CERTIFICATION**: The Assignor certifies the above information is true and correct to the best of its knowledge. The Assignor understands that: **a)** the permit will belong to the Assignee after the DEQ approves this assignment in writing; **b)** the Assignee will then assume responsibility for all permit and site issues; and **c)** the DEQ will release the Assignor’s bond after it approves this assignment in writing.

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| --- | --- | --- | --- | --- | --- |
|  | | |  |  | |
| Assignor Name (Type or Print) | |  | Signature | | |
|  | |  |  | | |
| Title | |  | Date | | |