# LIMITED OPENCUT OPERATION (LOO)

**Operator:**

**Site:**

**County in which the LOO is located:**

**Mailing Address:**

**City:**

**State:**

**Zip:**

**Email Address:**

**Section A - A Limited Opencut Operationmust meet the following criteria:**

§MCA 82-4-431(2), MCA

1. Prior to commencing a Limited Opencut Operation, must submit this form and the required map identifying the proposed Limited Opencut Operation location. The map must be on an aerial or topographic background, identify the location where Limited Opencut Operations would occur and be consistent with the legal description and latitude and longitude provided prior to commencing operations.
2. certifies they hold a current Opencut Mining Permit.
3. certifies that the area to be disturbed by the operation is located **more than 1/2 mile** from ’s nearest existing Limited Opencut Operation.
4. certifies the total amount of material and overburden removed, less that salvaged for reclamation, currently does not and would not exceed **10,000 cubic yards**.
5. certifies the total disturbance area from which materials and overburden have or are removed currently does not and would not exceed **5 acres**.
6. certifies the Limited Opencut Operation would not occur:
   1. In intermittent or perennial streams.
   2. In an area where the operation will affect surface water, ground water, a water conveyance facility or a slope steeper than 3:1.
   3. In an area where mining is restricted by other laws.
   4. In violation of local zoning regulations adopted under Title 76, chapter 2.
7. certifies they have not and would not commence a Limited Opencut Operation within **300 feet** of a permitted operation.

OR

would commence a Limited Opencut Operation within 300 feet of a permitted operation and commits to the below statements:

* No part of the Limited Opencut Operation is on land affected by the permitted operation, and
* Both the operations can be reclaimed according to their respective requirements under the Act and its implementing rules.

**Section B - Converting a *Limited Opencut Operation* to a Permit**

1. In accordance with § 82-4-431(2)(c)(i), MCA, an Operator who commences a Limited Opencut Operation may apply for a permit to continue or expand that Opencut operation if the  meets the following conditions:
   1. must ensure that the Opencut permit application is complete within 180 days of **DEQ’s receipt of this form**. If not complete within 180 days, the requirements of **Section C** apply, and the applicant will no longer have the option of converting the Limited Opencut Operationto a permitted site*.*
   2. must ensure that the permit application is acceptable within 1 year of the DEQ’s receipt of this form and understands that once acceptable the provisions of **Section C** do not apply, and reclamation must be conducted as prescribed in the permit.
   3. understands that if the permit application is not acceptable within 1 year:
      1. The application will be considered abandoned and void.
      2. Starting 3 days after DEQ notifies the applicant that the application is considered abandoned and void the applicant has 180 days to complete reclamation in accordance with Section C below.
2. Does intend to submit an application to convert this Limited Opencut Operation into a permitted site? ­

**Yes  No**

1. Check the material(s) to be mined at this Limited Opencut Operation site:

**Gravel  Sand  Clay  Scoria  Peat  Bentonite**

**Mixtures including any of the above materials (e.g. borrow material)**

**\*Bedrock and/or Fractured Bedrock \*Rip Rap and/or Landscaping Boulders \*Talus/Scree**

**\*** If chosen, this activity is not regulated as an Opencut operation and use of this form is not appropriate.

You must instead contact the DEQ Hard Rock Mining Program at 406-444-4953, or visit their website at <https://deq.mt.gov/mining/Programs/hardrock> and inquire about filing a *Small Miner Exclusion Statement* available at <https://deq.mt.gov/mining/Programs/hardrock>.

Section C - Limited Opencut OperationMining and Reclamation Requirements

1. Within 1 year of DEQ’s receipt of this form, must:
   1. Salvage all soil from the area to be disturbed.
   2. Remove the mine materials.
   3. Replace an appropriate amount of overburden and all soil.
   4. Grade the affected land to slopes of 3:1 or flatter.
   5. Blend the graded land into the surrounding topography.
   6. Reclaim all access roads used for the operation to conditions present prior to mining; unless the landowner requests in writing that specific roads or portions of the roads remain open. Roads left open at the landowner’s request must be sized appropriate to the intended use of the road after opencut operations.
2. At the first seasonal opportunity (early spring or late fall), must seed or plant all affected land with vegetative species in a manner to achieve a permanent vegetative cover that is suitable for the postmining land use and that retards erosion.
3. In accordance with §82-4-431(2)(b), MCA, at ’s written request and with DEQ’s written approval, may have up to 1 additional year to complete reclamation provided does not apply to extend or continue the Limited Opencut Operation pursuant to §82-4-431(2)(c)(i), MCA.

**will comply with statements “1a-1f”, “2”, and “3” above.**

**Section D - Operator plans to conduct a Limited Opencut Operation at:**

1. **Latitude:** **Longitude:**

must provide WGS 84decimal degree locational coordinates for the approximate **center** of the site.

1. With the permission of:

**Landowner Name:**

**Landowner Mailing Address:**

**City:**

**State:**

**Zip:**

**Landowner Phone Number:**

1. Provide driving directions to the site from the nearest public road:
2. The pre-mine condition at the proposed Limited Opencut Operation site is (check one box):

**Undisturbed ground that has never been mined**

**\*Site has been previously disturbed/mined and does not exceed 10,000 cubic yards. Due to the existing disturbance,**  **understands they cannot extract the full 10,000 cubic yards from this site and cannot exceed a cumulative of 10,000 cubic yards from this site.**

1. Describe the pre-mine condition of any private access roads to the site:

1. has attached an aerial or topographic map displaying the location where Limited Opencut Operations would occur at this site.

**Section E – Additional Information**

* The Opencut Mining Section will inspect the Limited Opencut Operation site during and/or after use. Failure to follow the requirements of the Opencut Mining Act and rules may result in referral of the site to Enforcement.
* A Limited Opencut Operation site does not require:
  + A pre-mine inspection by the Opencut Mining Section.
  + The submittal of a *Landowner Consultation* form.
  + The submittal of a *Release Request*.
* A reclamation bond may be required by DEQ. If required, the bond amount must cover the estimated cost to reclaim the site in accordance with the Act and its implementing rules (ARM 17-24.226(5)(c)).
* The quantity of material mined at a Limited Opencut Operation site must be reported on the *Annual Production Report*.
* **Note:** Opencut does not request a SHPO consultation but recommends the Operator submit a SHPO consultation request to ensure they can be reimbursed by FEMA for flood events.

**Section F – Operator Certification**

certifies the information provided is complete and accurate and the requirements stated on the *Limited Opencut Operation* form, and in the Opencut Mining Act and its implementing rules will be fulfilled.

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 this *Limited Opencut Operation* form 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 this *Limited Opencut Operation* form and I acknowledge and certify that:

1. The attachments that follow my signature are incorporated into and enforceable as part of the *Limited Opencut Operation.*
2. has the legal right to conduct Opencut operations in the area identified on the map attached to this *Limited Opencut Operation* form;
3. consents to and acknowledges that the DEQ and its representatives may access the site to inspect the permit area at any reasonable time, and that while the 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 *Limited Opencut Operation,* Act, and rules 82-4-422(1)(d) and 425, MCA & ARM 17-24-206(3).
4. I have read and understand all the information, representations, terms, requirements, and conditions set forth in this *Limited Opencut Operation*;
5. The information, representations, and statements provided or acknowledged in the *Limited Opencut Operation* form are, to the best of my knowledge and belief, true and correct; and,
6. agrees to a**bid**e by and comply with the Opencut Mining Act, Montana Code Annotated sections 82-4-401 through 82-4-446, and Administrative Rules of Montana 17.24.201 through 17.24.225, and all representations, terms, requirements, and conditions set forth in the *Limited Opencut Operation*.

**Name** **(print or type):**

**Signature:**

**Date:**

**Title:**

**Phone:**