Which Opencut Permit Application is Required?

START

Which Opencut application does an Operator Need?

Is Operator:
- Obtaining a New Permit?
- Amending a pre-HB599 permit (i.e. footer date of 7/19 or earlier on existing permit)?
- Amending a Standard or Dryland Permit (i.e. footer date of 05/21 or later on existing permit)

Amending a permit issued on a Standard or Rural permit form (i.e. footer date of 05/21 or later)

Amending a Standard or Dryland Permit?

Amending Rural Permit

Amending Standard Permit

Increasing the acreage by 50% or more?

Yes

Increasing Acreage by 50% or more

No

Not Increasing Acreage by 50% or more

10 or more Occupied Dwelling Units Within ½ mile of Permit Boundary

Yes

Standard Opencut Mining Permit Application

No

Fewer than 10 Occupied Dwelling Units within ½ mi of Permit Boundary

Yes

Would Opencut operations affect water resources, including surface water, intermittent or perennial streams, ground water or water conveyance facilities?

No

Dryland Opencut Mining Permit Application

Yes

Amend under 2019 Law

Note: Reclamation Date or PMLU cannot be changed

Amend PMLU/Rec Date & other Parameters

- Changing the PMLU and/or Reclamation Date AND other Parameters of the Permit?
- Amending under 2019 law? (Cannot change PMLU or Reclamation Date)

If the answer is No to all the above, then... Complete and submit:
- Application to Change Postmining Land Use form
- Application to Change Reclamation Date form

Check box A1-1a on the application & complete the Standard or Dryland Application

Call DEQ Opencut at 406-444-4970 to request a 07/19 version of the permit application as the site must be amended under Pre-HB599 requirements. Alternatively, an existing permitted site can obtain a new permit under HB599, which requires public notice (follow "New Permit" flow below).
Limited Opencut Operation (LOO)

In addition to the Standard and Dryland Opencut Mining Operation Applications, a Limited Opencut Operation (LOO) is available for Opencut operations where:

- Operator has an existing Opencut permit;
- Operator intends to remove 10,000 cy of material or less;
- The site has not had 10,000 cy of material removed and operations at the proposed LOO will not exceed 10,000 cy of material removed (combined from past and proposed opencut operations);
- Opencut operations would not exceed 5‐acres; and
- Opencut operations would not affect surface water, groundwater, a water conveyance facility, or take place on any slope steeper than 3:1.

Note: A LOO can be converted to a Dryland or Standard permit as long as the appropriate application is submitted within 6‐months of obtaining the LOO and permitted within 1‐year MCA 82-4-431(2)(a)(iii)(B)