**For Office Use Only**

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

###### DRYLAND OPENCUT MINING PERMIT APPLICATION

*This form is used to permit a new site, re-permit a site into the 2021 law, and for amending existing permits where:* ***a)*** *neither**water resources nor water conveyance facilities are**affected, and* ***b)*** *where less than 10 Occupied Dwelling Units are located within one-half mile of the permit boundary. If either of these two conditions are not met, complete and submit the Standard Opencut Mining Permit Application, not this form. § 82-4-431(1), MCA; § 82-4-432(1 & 14); § 82-4-434(2)(j), MCA; & ARM 17.24.228.*

**Operator Name****:**

**Site Name:**

**INSTRUCTIONS** - How to submit a complete and accurate Dryland Opencut Mining Permit Application:

1. Before completing this form, **verify the most current version is being used** and read the guidance information available on the Opencut Mining Section’s website at <https://deq.mt.gov/mining/assistance>.
2. Fill in all blanks and provide a detailed answer for each question. Write “None” if that is the correct answer.
3. 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.
4. Opencut Mining Permits are “living” documents, meaning that whenever a permit is amended, the updated information replaces the outdated information. As a result, this form must be filled in completely for a **Permit** or an **Amendment**.
5. The Department of Environmental Quality (DEQ) recommends completing this application form in electronic format. Doing so will make applying for a future amendment much easier. Operators should keep original electronic files and backups.
6. Operator is required to submit all **Required Support Documents**, unless the exception box is appropriately checked. Operator is required to submit a copy of a previously approved support document with an amendment application. If permitted after 2010, the previously approved documents can be found on the Opencut website at <https://deq.mt.gov/mining/assistance>. (Click on the “Search Opencut Permits” tab.)
7. Before submitting, check that all additional support documents 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.
8. Sign and date the certification in Section G.
9. Submit all required application materials as one package to the Opencut Mining Section electronically, through the link provided above, or by mail, addressed to: Montana Department of Environmental Quality, Opencut Mining Section, P.O. Box 200901, Helena, MT 59620-0901.

|  |  |
| --- | --- |
|  | **REQUIRED SUPPORT DOCUMENTS (*unless exception applies & box is checked*)** |
| **a** | **$500 Non-Refundable Fee for a Dryland Permit or Dryland Amendment application** § 82-4-432(14)(a)(vii), MCA  **This application was submitted electronically and the check has been mailed.**  **(**Make checks payable to Montana Department of Environmental Quality)  **This application was submitted electronically and the payment was made electronically.**  *Exception*: **No Application Fee for Government entities** |
| **b** | **Consultation with DNRC on Sage Grouse** (Compliance with Title 76, chapter 22, part 1) § 82-4-432(14)(a)(v), MCA  *Exception*: Opencut site not located in Core, General Habitat, or Interconnectivity Sage Grouse Areas: <https://sagegrouse.mt.gov>  *Exception*: Amendment is not changing the existing permit boundary; therefore, no new sage grouse consultation is needed and Operator has submitted the existing sage grouse consultation. |
| **c** | **Documentation of Consultation with State Historic Preservation Office (SHPO)** § 82-4-432(14)(a)(ii), MCA |
| **d** | **Soil Photos Meeting Requirements of the Soil Guideline** & § 82-4-432(14)(a)(vi), MCA  *Exception*: Amendment **or** “Re-Permit” under HB599 is not adding acreage and site was permitted prior to 2016 rule change (If site was permitted after 2016, previously approved soil photos must be submitted). |
| **e** | **Location Map** § 82-4-432(14)(a)(viii), MCA & ARM 17.24.228(7) |
| **f** | **Boundary Coordinate Table or Proposed Permit Boundaries in format acceptable to the Department** § 82-4-434(14)(a)(viii), MCA  *Exception*: Amendment is not changing the existing permitted boundaries and Opencut has a previous Permit Boundary submitted via BCT or other format acceptable to the Department (check with Opencut). |
| **g** | **Reclamation Bond Spreadsheet** *Exception*: Government Operator § 82-4-432(14)(a)(iii), MCA |
| **h** | **Landowner Consultation** § 82-4-432(14)(ai), MCA  **Previously approved forms** are acceptable for anAmendment not adding acreage, an asphalt or concrete plant, not changing the postmining land use, and not extending the reclamation date, as long as landowner has not changed.  *Exception*: Landowner is BLM or DNRC State Lands and the appropriate permit is attached. |
| **i** | **Zoning Compliance** § 82-4-432(14)(a)(v), MCA  **Previously approved forms** are acceptable for an Amendment not adding acreage, not changing the postmining land use, and not adding an asphalt or concrete plant. If the previously approved form cannot be found a new form is required.  *Exception*: Not required for applications mining bentonite, clay, scoria, peat, or soil only. |
| **j** | **Bond** § 82-4-433, MCA  **(Original paper bond must be received by Opencut before the permit can be issued.)**  *Exception*: Government Operator exempt from bonding.  *Exception*: The submitted Reclamation Bond Spreadsheet does not require a higher bond. |
|  |
|  | **ADDITIONAL SUPPORT DOCUMENTS\* (as required)** |
| **k** | Water Conveyance Facility or Associated Easement |
| **l** | Other: |
| **m** | Other: |
| **n** | 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 *§ 82-4-432(1)(a &c), MCA; § 82-4-432(14), MCA; ARM 17.24.228*

Indicate which of the following is being requested (check one):

**New Permit** (includes expiry sites)

**Convert Limited Opencut Operation to a Permit**

**Amendment of Existing Dryland Permit**

**Amendment of Existing pre-2021 Permit** (Permit obtained on 2019 form or earlier. Amendment is seeking change of reclamation date and/or postmining land use **AND** other parameters)

1. **Reclamation Date**
2. **Postmining Land Use**
3. **Other Reason for Amendment:**  **Adding/Changing other parameters in existing permit.**

Note: If ONLY changing the reclamation date or postmining land use, do not use this form. Use either the Application to Change Reclamation Date or Application to Change Postmining Land Use form).

**Operator Name:**

**Site Name:**

**Final Reclamation Date auto-populated from Section E1-1: December 0**

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 would 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):

County where the proposed site is located:

This Dryland Permit allows the use of an Asphalt Plant, Concrete Plant, Conveyor, Crushing Equipment, Pug Mill, Screen, Wash Plant or other dryland gravel processing equipment.

**Total Permit Acreage Breakdown *(acreages must be entered to the nearest TENTH of an acre, and must match the acreages of the boundary submitted to DEQ Opencut)***

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Existing or New Permit Acres** | **Amendment Acres (if any)** | **Total Permitted Acres**  Note: To ensure that the “Totals” display, use the Tab key after entering each acreage amount. |
| 1. **Bonded Acres\*** |  |  | **0.0** |
| 1. **Non-Bonded Acres\*\*** |  |  | **0.0** |
| 1. **Bonded Access Road Acres\*\*\*** |  |  | **0.0** |
| **Totals** | **0.0** | **0.0** | **0.0** |

1. **\***Although Government Operators do not “bond,” they would fill in this row to display entire permitted acreage.
2. **\*\***Government Operators cannot have non-bonded acres and would not fill in this row.
3. **\*\*\***Complete only if Landowner Consultation form states an access road would be permitted.

**Note:** For amendments, if the acreage increase causes 10 or more occupied dwelling units to be within ½ mile of the proposed permit boundary, this Dryland Opencut Mining Application cannot be used.

**Private Operators Proposing to Permit Non-Bonded Area:**

If Non-Bonded acreage is proposed, the Operator agrees not to disturb any Non-Bonded acreage for any opencut purpose until: **a)** the Operator submits a *Request to Modify Bonded Acreage* form with appropriate attachments and a reclamation bond, and **b)** DEQ provides **written** **approval** of the request.

## A2. ADDITIONAL INFORMATION *§ 82-4-432(14), MCA & ARM 17.24.228*

1. If applicable, provide additional application information not addressed above.

**Answer:**

**SECTION B – PRE-MINE INFORMATION**

## B1. DIRECTIONS TO SITE

1. Describe in detail how to get from the nearest town or public road intersection to the permit area. Provide directions that can be interpreted and followed by anyone viewing theLocation Map for the site, both now and in the future (e.g. identify roads, mileposts, landmarks, and distances; include information on how to obtain keys or combinations for locks). Label the nearest town or public road intersection on the Location Map.

**Answer:**

**SECTION C – SITE PREPARATION AND PLANNING**

C1. Commitments

1. Certifies the operation would not affect surface water, including intermittent or perennial streams; ground water, or water conveyance facilities § 82-4-403(16), MCA; § 82-4-431(1)(b)(i), MCA;§ 82-4-432(14), MCA, and ARM 17.24.227.
2. Certifies fewer than ten Occupied Dwelling Units are located within one-half mile of the permit boundary § 82-4-403(7), MCA;§ 82-4-432(1)(b), MCA;§ 82-4-432(14)(a)(ix), MCA.
3. Certifies that public notice was completed in accordance with § 82-4-432(14)(a)(x), MCA & ARM 17.24.228(2) by: **a)** publishing twice in a newspaper of local circulation, **b)** mailing to surface owners of land located within ½-mile of the proposed permit boundary, and **c)** posting in at least two prominent locations at the site.

Note: Public notice for a Dryland Permit must be completed prior to submittal of this application to Opencut.

1. Certifies they have informed the County Weed Board of this operation.
2. By March 1st of each year,  must complete and return the Annual Production Report (APR) form that the Opencut Mining Section sends early in the year.  must report the requested information regarding mining conducted during the preceding calendar year. In addition,  must calculate the fee for the preceding year’s production (per cubic yard of material mined) and submit payment to DEQ along with the APR. Government operators (cities, counties and towns) do not pay the APR fee, but are required to submit a completed APR form.

**C2. SOIL AND OVERBURDEN** *§ 82-4-403(15), MCA;§ 82-4-432(14)(a)(vi), MCA; §* *82-4-434(2)(b); ARM 17.24.228(3)*

1. is required to provide no less than three (3) test holes spaced representatively to provide soil and overburden thickness data within the proposed permit area (bonded and non-bonded areas). The submitted soil test pit data must meet the Soil Guideline requirements and be provided to the nearest inch.
   * For tips on proper identification of soil depths and taking photos that will be accepted by the Opencut Mining Section, refer to the *Soil Guideline* found at: <https://deq.mt.gov/mining/assistance> (click on the “Forms” tab)
2. **Date test pits were dug:**

**Logged by:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Soil Test Hole I.D. on Map** | **Soil Thickness (inches)** | **Overburden Thickness (inches)** | **Total Depth of Test Hole (feet)** | **Water encountered**  **in Test Hole? (feet)** |
| **T1** |  |  |  | **No**  **Yes-Depth to water =** |
| **T2** |  |  |  | **No**  **Yes-Depth to water =** |
| **T3** |  |  |  | **No**  **Yes-Depth to water =** |

**Note:** Opencut has the authority to ensure the above soil depths are consistent with the soil photos.

1. is required to salvage all soil from the area prior to any disturbance.
2. **Note:** This application may be found deficient if test holes do not meet the specifications described the *Soil Guideline*.
3. **In the table below**, provide soil and overburden thicknesses to be stripped and salvaged for reclamation to the nearest inch.

If available, up to 24 inches of soil and overburden must be stripped, salvaged and replaced for reclamation. The soil to be stripped, salvaged and replaced for reclamation must include the **top** 24 inches of the soil profile.

**Note:** If overburden is a mine material or will be used as binder, an appropriate quantity must first be stripped and salvaged to satisfy the soil plus overburden replacement thickness requirement (24 inches cumulative).

|  |  |
| --- | --- |
| **Soil** | **Average Soil Thickness**  **to be Stripped, Salvaged, and Replaced for Reclamation (inches)** |
| Permit Area Soil | **0** |
| Permitted Access Road Soil | **0** |
| **Overburden** | **Average Overburden Thickness to be Stripped, Salvaged and Replaced for Reclamation (inches)** |
| Permit Area Overburden | **0** |
| **Total Soil & Overburden thickness to be Replaced for Reclamation**  **(up to 24 inches required if available).** | **0** |

**Note:** Depending on the additional surface area created from opencut mining, the actual soil depths replaced for reclamation may vary slightly across the site from the amount noted above.

1. Use this section to provide custom information pertaining to soil replacement (if applicable):
2. If the average depth of **soil** at this site is 24 inches or less, skip to Section C3. If the average depth of **soil** at this site is greater than 24 inches, explain what will be done with the excess soil:

Soil in excess of 24 inches will be stripped, salvaged and replaced for final reclamation.

Soil in excess of 24 inches will not be saved for final reclamation, but will leave the site.  understands they must strip, salvage and replace the **top** 24 inches of soil for final reclamation.

Other – Explain:

**C3. MAPPING** *§ 82-4-432(14)(a)(viii), MCA & ARM 17.24.228(7)*

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

**C4. MARKERS**

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

**C5. ADDITIONAL INFORMATION** *§ 82-4-432(14), MCA & ARM 17.24.228*

1. If applicable, provide additional site preparation and planning information not addressed above.

**Answer:**

**SECTION D – WATER CONVEYANCE FACILITIES**

**D1. WATER CONVEYANCE FACILITY** *§ 82-4-403(16), MCA; § 82-4-432(1)(b)(i), MCA; §82-4-434(2)(l), MCA*

1. Is a water conveyance facility or associated easement within the permit boundary?

Yes No

If No, skip to section E. If Yes, provide documentation from the easement holder on their requirements. List the easement documentation in the table on page 2 under Additional Support Documents.

**Additional Information:**

**SECTION E – RECLAMATION PLAN**

**E1. RECLAMATION TIMEFRAME** *§ 82-4-431(6 & 7) & ARM 17.24.228(4)*

1. Reclamation must be completed in accordance with § 82-4-432(14), MCA:
2. **Final Reclamation Date is:**  Month **December,** Year

If  will not be able to achieve the postmining land use by this date, an amendment application must be submitted to extend the final reclamation date.

**E2. POSTMINING LAND USES** *§ 82-4-432(14)(j), MCA*

* + - * 1. The site will be reclaimed to the postmining land use(s) below.

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

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

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

**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:**

**E3. SITE CLEANUP, GRADING AND RECLAMATION** *§ 82-4-432(14)(j), MCA*

1. Prior to the final reclamation date, shall grade the affected land to 3:1 or flatter slopes for rangeland and 5:1 or flatter slopes for farmland and cropland, blend the graded land into the surrounding topography, replace the permitted amount of overburden and all soils, and reclaim to conditions either present prior to operations or as specified by the landowner including all access roads used for the operation unless the landowner requests in writing that specific roads or portions of roads remain in place. Roads left at the landowner's request must be sized to support the use of the road after operations.

**E4. REVEGETATION** *§ 82-4-432(14)(j), MCA & ARM 14.24.228(4)*

1. must seed the site with the seed mix appropriate for the postmining land use. Vegetation must be established for at least two years, with the exception of cropland which must have a successful harvest prior to submitting a Phase II Release Request.

**E5. ADDITIONAL INFORMATION** *§ 82-4-432(14), MCA*

**1.** If applicable, provide additional reclamation information not addressed above.

**Answer:**

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

**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 may adjust the bond yearly.
3. Provide additional information relevant to the *Reclamation Bond Spreadsheet* if applicable:

**SECTION G – CERTIFICATION** *§ 82-4-432(14), MCA*

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 *Dryland Opencut Mining Permit 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 *Dryland Opencut Mining Permit Application* and I acknowledge and certify that:

1. The attachments that follow my signature are incorporated into and enforceable as part of the *Dryland Opencut Mining Permit Application*;
2. has the legal right to conduct opencut operations in the permit area described in the *Dryland Opencut Mining Permit 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, 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 *Dryland Opencut Mining Permit Application*;
5. The information, representations, and statements provided or acknowledged in the *Dryland Opencut Mining Permit Application* are, to the best of my knowledge and belief, true and correct; and,
6. agrees to abide by and comply with the Opencut Mining Act, MCA §§ 82-4-401 through 82-4-446, and ARMs 17.24.201 through 17.24.228, and all representations, terms, requirements, and conditions set forth in the *Dryland Opencut Mining Permit Application* and the *Opencut Mining Permit* approved by DEQ, and communicate the same to any contractor or supervisor who directs opencut operations under authority of the *Opencut Mining Permit*.
7. 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. 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 for this opencut operation.

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

**Title** **Date**