

SENATE BILL NO. 286

INTRODUCED BY A. OLSON

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COAL PROSPECTING LAWS; CLARIFYING CERTAIN COAL PROSPECTING PROCEDURES; CLARIFYING NOTICE OF INTENT TO PROSPECT FILING PROCEDURES; AMENDING SECTION 82-4-226, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 82-4-226, MCA, is amended to read:

"82-4-226. Prospecting permit. (1) Except as provided in subsection ~~(8)~~ (7), prospecting by any person on land not included in a valid strip-mining or underground-mining permit is unlawful without possessing a valid prospecting permit issued by the department as provided in this section. A prospecting permit may not be issued until the person submits an application, the application is examined, amended if necessary, and approved by the department, and an adequate reclamation performance bond is posted, all of which prerequisites must be done in conformity with the requirements of this part.

(2) An application for a prospecting permit must be made in writing, notarized, and submitted to the department in duplicate upon forms prepared and furnished by it. The application must include among other things a prospecting map and a prospecting reclamation plan of substantially the same character as required for a surface-mining or underground-mining map and reclamation plan under this part. The department shall determine by rules the precise nature of the required prospecting map and reclamation plan. Any applicant who intends to prospect by means of core drilling shall specify the location and number of holes to be drilled, methods to be used in sealing aquifers, and other information that may be required by the department. The applicant shall state what types of prospecting and excavating techniques will be employed on the affected land. The application must also include any other or further information that the department may require.

(3) Before the department gives final approval to the prospecting permit application, the applicant shall file with the department a reclamation and revegetation bond in a form and in an amount as determined in the same manner for strip-mining or underground-mining reclamation and revegetation bonds under this part.

(4) In the event that the holder of a prospecting permit desires to strip mine or underground mine the

1 area covered by the prospecting permit and has fulfilled all the requirements for a strip-mining or
2 underground-mining permit, the department may permit the postponement of the reclamation of the acreage
3 prospected if that acreage is incorporated into the complete reclamation plan submitted with the application for
4 a strip-mining or underground-mining permit. Any land actually affected by prospecting or excavating under a
5 prospecting permit and not covered by the strip-mining or underground-mining reclamation plan must be promptly
6 reclaimed.

7 (5) The prospecting permit is valid for 1 year and is subject to renewal, suspension, and revocation in
8 the same manner as strip-mining or underground-mining permits under this part.

9 (6) The holder of the prospecting permit shall file with the department the same progress reports, maps,
10 and revegetation progress reports as are required of strip-mining or underground-mining operators under this
11 part.

12 (7) (a) ~~Prospecting that is not conducted in an area designated unsuitable for coal mining pursuant to~~
13 ~~82-4-227 or 82-4-228, that is not conducted for the purpose of determining the location, quality, or quantity of a~~
14 ~~mineral deposit, and that does not remove more than 250 tons of coal is not subject to subsections (1) through~~
15 ~~(6). In addition, prospecting that is conducted to determine the location, quality, or quantity of a mineral deposit~~
16 ~~outside an area designated unsuitable, that does not remove more than 250 tons of coal, and that does not~~
17 ~~substantially disturb the natural land surface is not subject to subsections (1) through (6). However, a person who~~
18 ~~conducts prospecting described in this subsection shall file with the department a notice of intent to prospect that~~
19 ~~contains the following information required by the department before commencing prospecting operations:~~

20 (i) the name, address, and telephone number of the person who seeks to prospect;

21 (ii) the name, address, and telephone number of the person's representative who will be present at and
22 responsible for conducting the prospecting activities;

23 (iii) a narrative describing the proposed prospecting area or a map of the prospecting area at a scale of
24 1:24,000 or greater showing:

25 (A) the general location of drill holes and trenches;

26 (B) existing and proposed roads;

27 (C) occupied dwellings;

28 (D) topographic features;

29 (E) bodies of water; and

30 (F) pipelines;

1 (iv) a statement of the period of intended prospecting; and
2 (v) a description of the method of prospecting to be used and the practices that will be followed to protect
3 the environment if the prospecting will substantially disturb the natural land surface.

4 (b) If this the prospecting pursuant to this subsection (7) substantially disturbs the natural land surface,
5 it must be conducted in accordance with the performance standards of the board's rules regulating the conduct
6 and reclamation of prospecting operations that remove coal. The department may inspect these prospecting and
7 reclamation operations at any reasonable time.

8 (8) For purposes of this section, "substantially disturb" means to significantly impact land or water
9 resources by:

10 (a) blasting;

11 (b) removal of vegetation, topsoil, or overburden;

12 (c) removal of more than 250 tons of coal;

13 (d) construction of roads or other access routes;

14 (e) placement of excavated earth or waste material on the natural land surface; or

15 (f) conducting other similar activities."

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17 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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19 NEW SECTION. Section 3. Applicability. [This act] applies to applications for prospecting permits
20 pursuant to 82-4-226 submitted to the department of environmental quality on or after [the effective date of this
21 act].

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