

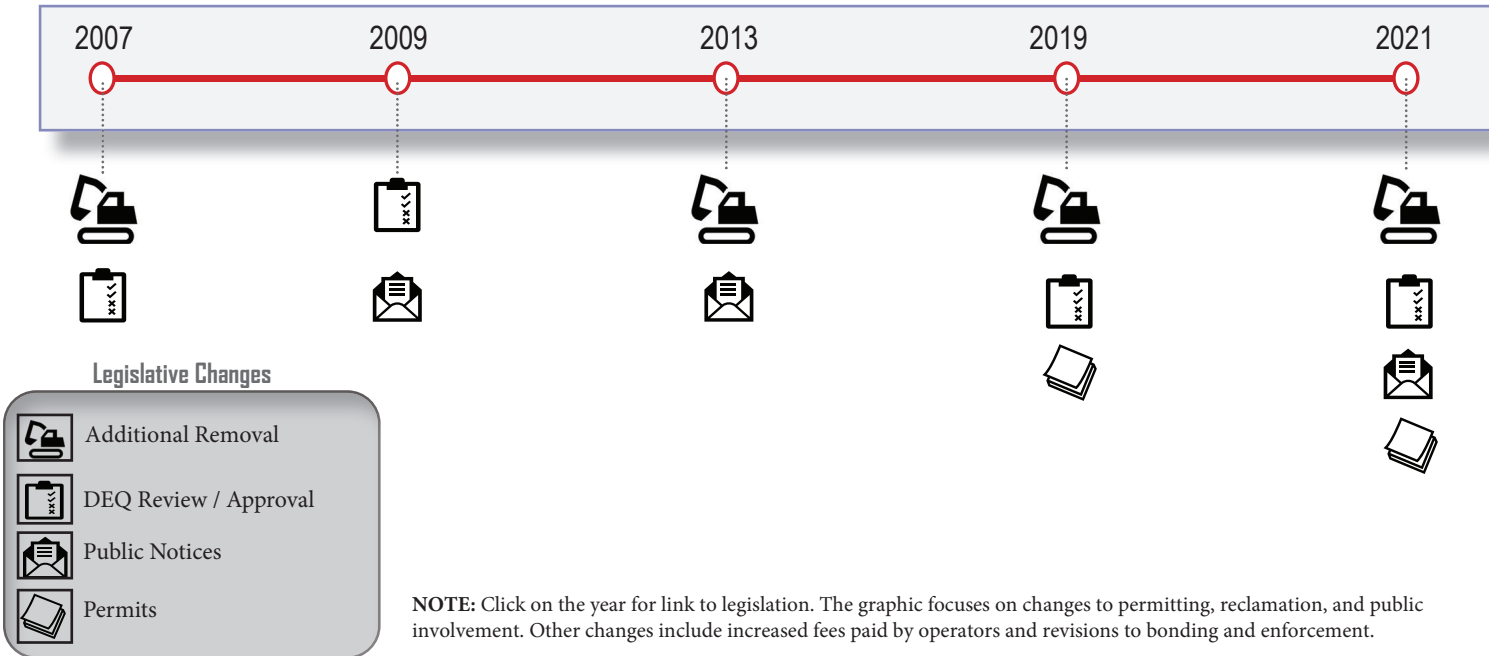


CHANGES TO THE OPENCUT MINING ACT

MONTANA CODE ANNOTATED TITLE 82, CHAPTER 4, PART 4



TIMELINE



EVOLUTION OF OPENCUT LAWS



- Increase days for DEQ review from 15 to 30 days. Added inspection requirement.
- Double amount to 5,000 cubic yards and size < 5.0 acres permit holders could remove from another site.
- Add 180 days timeframe for removal & reclamation.



- Reduce time for DEQ completeness review to 5 working days.
- Define operating plan to include hydrologic and soil data; proposals for processing & reclamation.
- Eliminated required inspections.
- Add public notice requirements, require public meeting if requested by applicant or portion of property owners within 1/2 mile. (the greater of 30% or 10).
- Establish extended review if public comments reveal substantial issues not adequately addressed.



- Establish Limited Opencut Operation; doubling removal amount to 10,000cy if site is more than 1 mile from nearest existing limited opencut operation.
- Reclamation period increase from 180 days to 1 year with possible 1 year extension.



- Establish Limited Borrow Operation: no processing, dryland, is within 2.5 miles of project but more than 1 mile from other limited operation and more than 1/2 mile from 10 or more surface owners.
- Landowner who terminates mining operation must allow operator access to reclaim.



- Repeal Limited Borrow Operations.
- Decrease distance in half for Limited Opencut (< 10,000 cy) to 0.5 miles from nearest site.
- No permit required for landowners if removal < 10,000 cy; no impacts to water.
- Establish **dryland permits** that: eliminate operating operating plan and option for public meeting; mandate soil tests, compliance with sage grouse regulations, replace landowner agreement with consultation; change 1/2 mile distance requirement from fewer than 10 *surface owners* to occupied dwelling units.
- Require **standard permits** for operations that affect water or within 1/2 mile of 10 or more occupied dwelling units.
- Add that operator complies with applicable federal, state, county, local regulations; eliminate specific references to “appropriate protection” for water, minimizing noise and visual impacts, and additional procedures to “prevent significant physical harm” to land and life forms.
- Increase mandatory public meeting threshold from 30% of property owners requesting to 51% of occupied dwelling units.
- Change option for extended review from comments at public meeting that “reveal substantial issues not adequately satisfied” to considering extended review if comments reveal violations of Opencut Mining Act.
- Allow operator to extend time frame for reclamation, including revegetation, by 5 years.