

June 12, 2009

**TO: PARTIES CONCERNED WITH OPENCUT MINING PERMITS**

**Substantial revisions to the Opencut Mining Act became law on May 8, 2009.** The Department urges you to read House Bill No. 678 to learn about the new requirements. The bill is available at:

<http://data.opi.mt.gov/bills/2009/billpdf/HB0678.pdf>. Important changes include:

- Applicants for an opencut permit and certain amendments must provide public notice including, but not limited to, mailing information to owners of land within one-half mile of the proposed permit boundary and the county commissioners.
- The Department must conduct a public meeting about an application if requests from the public meet certain criteria.
- Timeframes for the Department to process applications have been revised and now include the possibility of an extended review period for some applications.
- Holders of opencut mining permits are subject to an annual fee payable to the Department.

**All Opencut Mining Program forms have been updated and their use is required effective immediately.** After July 2, 2009, older forms will not be accepted. Instead, the program will provide notice that the submitted forms are outdated and the operator will be required to resubmit using the current forms. The updated forms are available at the following website:

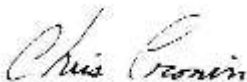
<http://www.Department.mt.gov/opencut/opencutPermitForms.asp>.

**There is a new process you must follow to apply for a permit or amendment.** The new guidance document *How To Obtain And Comply With An Opencut Mining Permit* walks you through the new process. This process includes an *Operator Application Checklist* that you will use to verify your application is complete and assess whether it meets requirements of the Opencut Mining Act and its implementing rules. Both of these documents are available on the Program website provided above.

The program has made every effort to update its forms and procedures in a comprehensive manner. However, due to the inherent complexity of the opencut application process, there may be aspects that could benefit from further improvements. If you have suggestions for future upgrades, please email your ideas to [DEQOpencut@mt.gov](mailto:DEQOpencut@mt.gov). The program will be assessing suggestions and monitoring the performance of the new forms and procedures. If determined necessary, additional upgrades may be issued this year, so use the latest forms from the Program website each time you prepare an application.

Thank you in advance for your cooperation as the program works to improve the opencut mine permitting process. If you have any questions, please contact the program at 406-444-4970.

Sincerely,



Chris Cronin  
Opencut Mining Program Supervisor