

## PHASE II RELEASE REQUEST (ARM 17.24.203)

Operators must complete this form to request release of an Opencut Mining Permit. Governmental Operators are eligible for Phase II release of the entire permit boundary only and must use this form.

### SECTION A – APPLICATION INFORMATION

1. **Operator Name:** Ravalli County Road Department
- Site Name:** Hamilton Airport **County:** Ravalli
- Mailing Address:** 244 Fairgrounds Road
- City:** Hamilton **State:** MT **Zip:** 59840
- Office Phone:** 406-363-2733 **Cell Phone:** \_\_\_\_\_
- Contact Person Name:** John Horat **Email:** jhorat@rc.mt.gov
2. **Opencut #:** 95
3. **Permitted Acreage:** 2
4. The Release Request Area was inspected on (mm/dd/yyyy): 08/21/2023 by (Name): Eric Urban, H.E., Inc.  
(Must be inspected within 12 months of DEQ's receipt of this form)
5. Does the Site have a locked gate or access route? If yes, provide information to allow Opencut access into the site. If the gate is locked and no combination is provided or the site is otherwise inaccessible, the site would not be inspected and the release request may be disapproved.  
 No  Yes **Information:** \_\_\_\_\_

### SECTION B – Phase II Requirements

**Phase II:** Opencut would notify the landowner of all approved or denied release requests MCA 82-4-433(7). Opencut would use the address on this form if signed by the landowner and notarized, or Montana Cadastral to obtain the landowner's information if this form is not signed by the landowner.

**Note:** The Landowner does not need to sign this form for Opencut to process it. However, if signed, Opencut could process the Phase II release request without an inspection as long as the postmining land use includes only rangeland, pasture or cropland. Any other postmining land use would require an inspection to ensure the site features (e.g. water feature, feedlot, etc.) were reclaimed as described in the permit.

Before requesting a Phase II release, the **Operator** must inspect the site and confirm reclamation work was conducted in accordance with the Plan of Operation. In addition to completing all Phase I requirements for reclamation, vegetation has established that is capable of sustaining the postmining land use. Areas where Phase II reclamation has been completed would be eligible for full release. By completing this form in the field, Operators can assess site conditions relative to the release criteria the DEQ uses for most sites.

**Note:** During the Phase II release process, the bond would be recalculated at the current rates. Depending on the age of the permit, the bond may go up if a Phase II release is disapproved. The increase in bond would only occur if the site was inspected by Opencut and disapproved. Therefore, ensure the site meets all Phase II requirements prior to submitting this form.

Ensure all applicable boxes below are checked or the application will be disapproved. If you are unable to check a box below due to the site not meeting the criteria, then the site is not ready for Phase II release and this form cannot be submitted.

#### **B1. Release Area [ARM 17.24.203(4)]**

PHASE II RELEASE is requested for  Entire Permitted Site or \_\_\_\_\_ acres of the 0.0 acre permitted site.

If Entire Permitted Site is requested for Phase II Release skip to B3; otherwise, if only a portion of the permitted acreage is requested for Phase II release proceed to B2 below.

#### **B2. Release of a Portion of the Site ARM 17.24.203(4)**

1.  A Boundary Coordinate Table (BCT) is provided containing the proposed Phase II release area and new (remaining) permit boundary.

2.  A Site Map meeting the requirements of ARM 17.24.221 and the Map Guideline <https://deq.mt.gov/mining/assistance> is attached with this application for a permit with a footer date of "07/19" or earlier for a Standard permit. A Dryland permit does not require a site map.

**B3. Required Release Criteria ARM 17.24.203(4)**

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1.  The site has been reclaimed to the postmining land use(s) designated below.  
Note: If one of the below postmining land uses was not designated in the permit, the operator cannot submit this form. Complete the applicable Opencut amendment application to change the postmining land use.  
Check the permitted postmining land use(s):  
 Site was permitted as a Dryland Permit (footer date of 09/21 or later)  
 Permitted Access Road(s): Length \_\_\_\_ Width \_\_\_\_  
 Internal Road(s): Length \_\_\_\_ Width \_\_\_\_  
 Cropland, Rangeland and/or Pasture  
 Year-round Pond:  
 Seasonal Pond: Purpose- \_\_\_\_\_  Wetland  Seasonal Wetland  
 Berms  Fences  Landowner Equipment Storage Area  
 Landowner Material Stockpile Area  
 Industrial/Commercial  Residential  Vegetative Screens  Other: This site is the County's laydown yard for handling gravel, recycled asphalt, recycled concrete, waste culverts, and woody debris. There is also a small shop facility.
2.  Reclaimed slopes were measured and were found equal to, or flatter than, the slopes specified in the permit.  
Note: Slopes must be 3:1 or flatter for rangeland or pasture, and 5:1 or flatter for cropland.
3.  Site has been graded to final topography specified in the permit.
4.  Soil surface is free of rocks that were not characteristic of the soil prior to disturbance.
5. Soil and Overburden (if applicable) were spread across the area to the following depths, as specified in the permit:  
Soil \_\_ inches Overburden \_\_ inches  Not Applicable-Explain: Records are not available as this is old reclamation. The slopes are well vegetated and the flat area is Industrial/commercial with no soil.
6.  Yes  No Area was seeded with the seed mix specified in the permit (date seeded - mm/dd/yy): Unknown  
If No list the seedmix the site was seeded to (landowner must complete the Landowner Certification below):  
 Cropland  Seed Mix:
7.  Release Request Area is free of trash, metal scrap, other wastes, and asphalt and concrete debris.
8. An internal road remains.  Yes, permitted to remain or signed off below by landowner.  
 No, an internal road does not remain onsite.
9. A landowner mineral stockpile remains, is accessible by a road, and there is a shaped and seeded soil stockpile located within 100 feet, meeting the requirements of ARM 17.24.219(1)(b).  
 Yes, mineral stockpile is permitted to remain or signed off below by landowner.  
 No, mineral stockpiles do not remain onsite.
10.  Noxious and annual weeds in the Phase II Release Request Area are under control.
11.  All permit boundary markers are in place to define release request area(s) and remaining permit boundary in accordance with ARM 17.24.218(1)(a)  
 Exception: Active cropland.
12.  At least four photographs are provided taken from the north, south, east and west corners of each release request area and three photographs, taken at three different locations within each release area showing typical vegetation (vegetation photos show an approximately five foot wide area and include an object to define scale). Photos are labeled to describe where and when they were taken, and adequately represent that successful Phase II reclamation has been achieved.  
(Photos must be taken within 12 months of DEQ's receipt of this form)
13.  Area requested for Phase II release has been successfully reclaimed to the requirements of ARM 17.24.203(4).

Additional Comments (if applicable): With respect to question "7" the site is not free of of the items described. One of the main purposes of the County owning this propoerty is to operate it as a laydown yard where metal scrap, asphalt, concrete and

woody debris can be temporarily placed and sorted before taking them to the final disposal site. The County also uses the site for temporary placement of road material and salvaged soil from roads. With respect to question "11" the permit boundary markers are not present and the permit is very old and simple, but the entire site is being released so this should not be an issue for inspecting the site.

DEQ will approve Phase II release on requested areas it finds have been reclaimed in accordance with the permit to a productive postmining land use.

*If approved, Phase II released acreage is no longer permitted for any Opencut operations. If the entire permit is approved for Phase II release, the permit is terminated and no Opencut operations can occur unless another permit is issued for the site.*

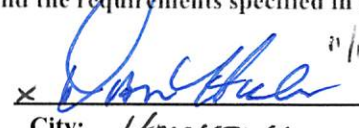
The below Landowner Certification is optional. The Landowner does not need to sign this form for Opencut to process this Phase II release request. However, by completing the below Landowner Certification, agricultural land (cropland and/or hayland, pasture and/or rangeland) can be released without an Opencut inspection as long as this form is accurate and complete, with good representative pictures provided. Opencut will likely inspect sites with water features.

**OPTIONAL LANDOWNER CERTIFICATION OF OC#95**

**If the site contains reclamation features other than cropland and/or hayland, pasture and/or rangeland, a site inspection will be required, even with landowner signature/notary.** Opencut reserves the right to inspect the site if it deems necessary.

**Landowner certifies the following:**

- Section A and Section B of this form are correct.
- The site has been reclaimed to the productive postmining land use of agricultural land (cropland and/or hayland, pasture and/or rangeland) in accordance with ARM 17.24.219(1)(h)(ii)(K, L & M).
- The Phase II release area has been reclaimed to the requirements and postmining landuses specified in the Permit.
- A crop has been harvested from the cropland and/or hayland areas and the yield is comparable to those of crops grown on similar sites under similar growing conditions; and/or rangeland/pasture is vegetated to a productive use similar to pre-mine conditions.
- Cropland areas have been reclaimed to 5:1 slopes or flatter and/or rangeland/pasture slopes have been reclaimed to 3:1 slopes or flatter in accordance with the permit.
- By signing this form, the Landowner certifies that their property has been reclaimed to the productive use of cropland/hayland and/or rangeland/pasture and the landowner releases the DEQ and the State of Montana from any and all liability related to the Opencut Mining permit associated with this site.
- **Alternatively, should the Landowner choose not to sign this form, DEQ Opencut would be required to inspect the site and determine if the site meets the requirements of the Opencut Act and Rules and the requirements specified in the permit.**

Landowner Name: Ravalli County Landowner Signature:  11/16/23  
 Address: 215 S. 4<sup>th</sup> St., STE A City: HAMILTON  
 State: MT Zip: 59840 Office Phone: (466) 375-6500  
 Email (optional): \_\_\_\_\_

**LANDOWNER ACKNOWLEDGEMENT**

STATE OF MONTANA

County of \_\_\_\_\_

This instrument was signed or acknowledged before me on \_\_\_\_\_ day of \_\_\_\_\_,

by \_\_\_\_\_.

Notary Signature \_\_\_\_\_

Notary Public for the State of \_\_\_\_\_

(Notary Seal)

Residing at \_\_\_\_\_

My Commission expires \_\_\_\_\_

**Operator certifies the information provided for this Phase II Release Request is complete and accurate:**

Name (print or type): John Horat

Title: ROAD & BRIDGE ADMINISTRATOR  
Signature: *John C. Hout* Date: 11-14-23