**R647. Natural Resources; Oil, Gas and Mining; Non-Coal.**

**R647-3. Small Mining Operations.**

**R647-3-101. Filing Requirements and Review Procedures.**

(1) Prior to commencement of operations, a Notice of Intention to Commence Small Mining Operations (FORM MR-SMO) containing the required information must be filed with and determined complete by the division and the division shall have approved the form and amount of reclamation surety. It is recommended that the notice of intention be filed with the division at least 30 days prior to the planned commencement of operations.

(2) Within 30 days after receipt of a Notice of Intention, the division will review the proposal and notify the operator in writing that the notice of intention is:

(a) complete and required information has been submitted; or

(b) incomplete and additional information, as identified by the division, will be required.

(i) The division will review and respond to any subsequent filings of information within 30 of receipt.

(3) The division will review and approve or disapprove:

(a) The form and amount of reclamation surety; and

(b) Any variances requested from Section R647-3-107, Section R647-3-108, and Section R647-3-109, regardless of the number of surface acres of disturbance planned.

(4) The operator must notify the division no later than 30 days after beginning small mining operations.

(5) A permittee's authorization under a notice of intention to conduct small mining operations shall require the paying of permit fees as authorized by the Utah Legislature. The procedures for paying the permit fees are as follows:

(a) The division shall notify the operators of record annually of the amount of permit fees authorized by the Utah Legislature for small mining operations.

(b) Fees are due annually by the deadline in Section R647-3-117 for reports.

(6) A permittee may avoid payment of the fee by complying with the following requirements:

(a) A permittee will notify the division of a desire to close out a notice of intention by checking the appropriate box of the permit fees billing form.

(a) The permittee will then arrange with the division for an onsite inspection of the site to assure that all required reclamation has been performed. If an inspection reveals that an area is not yet suitably reclaimed, then a new billing notice will be issued and the permittee will be given 30 days from the date of the onsite inspection to pay the fee.

**R647-3-102. Duration of the Notice of Intention.**

(1) The completed notice of intention, including any subsequent amendments, shall remain in effect for the life of the small mining operation. The division may review the permit and require updated information and modifications when warranted.

(2) A completed notice of intention may be withdrawn, after notice and opportunity for board hearing, in the event the operator:

(a) fails to pay permit fees required by Section R647-3-101;

(b) fails to maintain and update adequate reclamation surety as required in Section R647-3-111;

(c) substantially fails to perform reclamation or conduct mining operations so that reclamation can be accomplished in accordance with the reclamation practices in Section R647-3-109;

(d) shuts down or suspends mining operations for a period in excess of five years, unless an extended period of suspension is approved upon application; or

(e) fails, after notice, to timely request a hearing before the board, the division may, in accordance with Subsection (2), withdraw an approved notice of intention.

(3) If the operator requests a hearing before the board, the board shall conduct the hearing de novo, and the division may not withdraw an approved notice of intention until conclusion of the hearing, and the board issues an order to withdraw the notice of intention.

(4) If a notice of intention is withdrawn, the division will notify the operator in writing that it must commence complete reclamation work within 90 days and diligently proceed with such work as directed by the division.

**R647-3-103. Notice of Intention to Commence Small Mining Operations.**

The notice of intention shall address the requirements of the following sections:

|  |  |
| --- | --- |
| TABLE | |
| RULE # | SUBJECT |
| R647-3-104 | Operator, Surface and Mineral Owner |
| R647-3-105 | Map |
| R647-3-106 | Operation Plan |
| R647-3-107 | Operation Practices |
| R647-3-109 | Reclamation Practices |
| R647-3-110 | Variance |

**R647-3-104. Operators, Surface and Mineral Owners.**

The notice of intention shall include the following general information:

(1) The name, permanent mailing address, telephone number, and email address of the operator responsible for the mining operations and reclamation of the site.

(2) The name, permanent mailing address, and telephone number of the surface landowner and mineral owner of any land to be affected by the mining operation.

(3) Information regarding the operator's organizational structure pertinent to the mining operation:

(a) Registered Agent: The name, permanent mailing address, telephone number, and email address of the registered agent for the operator.

(b) Signatory Authority: The names, titles, permanent mailing addresses, telephone numbers, and email addresses of individuals who have signatory authority on behalf of the operator for official documents.

(c) Authorized Contact Persons: The names, titles, permanent mailing addresses, telephone numbers, and email addresses of persons authorized by the operator to communicate with the division, including to consultants or legal representatives.

(4) The federal project numbers, mining claim number, lease number, or permit number of any mining claims, or federal or state leases or permits included in the lands affected.

(5) A signed statement that the operator will conduct reclamation as required by Rule R647-3.

(6) The Notice of Intent must be signed by the operator's owner or an individual with signatory authority.

**R647-3-105. Project Location and Map.**

The notice of intention shall include a location map and an operations map. Each map shall be plotted at a scale to accurately identify locational landmarks and operations details.

(1) The general location map shall be the scale of a USGS 7.5 minute series map or equivalent, 1 inch equals 2000 feet, and identify new or existing access roads.

(2) The operations map, 1 inch equals 200 feet, or other scale as determined necessary by the division, shall identify:

(a) The area to be disturbed;

(b) The location of any existing or proposed operations including access roads, drill holes, trenches, pits, shafts, cuts, or other planned small mining activities; and

(c) Any adjacent previous disturbance for which the operator is not responsible.

(3) Maps shall be updated as needed to show areas that have been regraded or seeded which have not yet been fully released from reclamation requirements.

**R647-3-106. Operation Plan.**

The operator shall provide a brief narrative description of the proposed mining operation as part of the notice of intention. The description should include the following information:

(1) A statement giving general details of the type or method of mining operations proposed, equipment to be used, the type of minerals to be mined, a description of on-site primary processing, approximate depths of excavations, and toe to crest height and angle of highwalls;

(2) Estimated width and length of any new roads to be constructed;

(3) An estimate of the total number of surface acres to be disturbed by the mining operation.

(4) The amount of material, including mineral deposit, topsoil, subsoil, overburden, waste rock, or core hole material, to be extracted, moved, or proposed to be moved, relating to the mining operation.

**R647-3-107. Operation Practices.**

During operations, the operator shall conform to the following practices unless the division grants a variance in writing:

(1) Public Safety and Welfare - The operator shall minimize hazards to the public safety and welfare during operations. Methods to minimize hazards shall, at a minimum, include:

(a) The closing or guarding of shafts and tunnels to prevent unauthorized or accidental entry in accordance with MSHA regulations;

(b) The disposal of trash, scrap metal and wood, and extraneous debris;

(c) The plugging or capping of drill, core, or other exploratory holes as set forth in Section R647-3-108;

(d) The posting of appropriate warning signs in locations where public access to operations is readily available;

(e) The construction of berms, fences and barriers above highwalls or other excavations when required by the division.

(2) Drainages - If natural channels are to be affected by the mining operation, then the operator shall take appropriate measures to avoid or minimize environmental damage.

(3) Erosion Control - Operations shall be conducted in a manner such that sediment from disturbed areas is adequately controlled. The degree of erosion control shall be appropriate for the site-specific and regional conditions of topography, soil, drainage, water quality or other characteristics.

(4) Deleterious Materials - Any deleterious or potentially deleterious material shall be safely removed from the site or kept in an isolated or neutralized condition such that adverse environmental effects are eliminated or controlled.

(5) Soils - Suitable soil material shall be removed and stored in a stable condition where practical so as to be available for reclamation.

(6) Boundary Markers -- Unless otherwise approved in writing by the division, the operation will clearly mark on the ground any areas, including access roads to be improved or constructed, that are covered by the reclamation surety. The operator will maintain the markings as required by this rule. Boundary and road markers must be placed so that no less than two consecutive markers are readily visible in any direction from any point on a line. The following requirements apply to marking boundaries of areas covered by the reclamation surety:

(a) markers must be in place prior to any surface or subsurface disturbance in the area covered by the reclamation surety;

(b) markers must be durable stout steel, wood, or similar quality posts and painted or flagged to be readily visible, except that a prominent, permanent feature such as a pole, tree, or large rock, flagged or painted, may serve as a marker;

(c) each boundary marker must be maintain in place and readily visible until the area covered by the reclamation surety is fully reclaimed and the reclamation surety for that area is released;

(d) the following areas and features must be marked according to this rule:

(i) the area shown on the map that depicts the area to be covered by the reclamation surety of the proposed notice of intention or revision;

(ii) prior to submission of an application for bond release, areas that are the subject of an application for partial bond release or full bond release; and

(iii) proposed permitted access roads to be improved and constructed.

(7) Concurrent Reclamation - During operations, disturbed areas shall be reclaimed when no longer needed, except to the extent necessary to preserve evidence of mineralization for proof of discovery. Areas which have been disturbed but are not routinely or currently utilized shall be kept in a safe, environmentally stable condition.

**R647-3-108. Hole Plugging Requirements.**

Drill holes shall be properly plugged as soon as practical and may not be left unplugged for more than 30 days without approval of the division. The procedures outlined in this section are required for the surface and subsurface plugging of drill holes. The division may approve an alternate plan, if the operator can prove to the satisfaction of the division that another method will provide adequate protection to the groundwater resources and long term stability of the land. Dry holes and nonartesian holes which do not produce significant amounts of water may be temporarily plugged with a surface cap to permit the operator to re-enter the hole for the duration of operations.

(1) Surface plugging of drill holes shall be accomplished by:

(a) Setting a nonmetallic permaplug at a minimum of five feet below the surface, or returning the cuttings to the hole and tamping the returned cuttings to within five feet of ground level. The hole above the permaplug or tamped cuttings will be filled with a cement plug. If cemented casing is to be left in place, a concrete surface plug is not required provided that a permanent cap is secured on top of the casing.

(b) If the area is tilled farmland, a five foot cement plug must be placed above a permaplug or tamped cuttings so that the top of the cement plug is a minimum of three feet below the ground surface. The hole above the cement plug is to be filled with soil. If cemented casing is to be left in place, a concrete surface plug is not required provided that a permanent cap is secured on top of the casing. The top of the casing and cap must be a minimum of three feet below the ground surface.

(2) Drill holes that encounter water, oil, gas or other potential migratory substances and are 2-1/2 inches or greater in surface diameter shall be plugged in the subsurface to prevent the migration of fluid from one strata to another. If water is encountered, plugging shall be accomplished as outlined in Subsections (2)(a) and (b):

(a) If artesian flow, water flowing to the surface from the hole, is encountered during or upon cessation of drilling, a cement plug shall be placed to prevent water from flowing between geologic formations and at the surface. The cement mix should consist of API Class A or H cement with additives as needed. It should weigh at least 13.5 lbs./gal., and be placed under the supervision of a person qualified in proper drill hole cementing of artesian flow. Artesian bore holes must be plugged in the described manner, prior to removal of the drilling equipment from the well site. If the surface owner of the land affected desires to convert an artesian drill hole to a water well, the owner must notify the division in writing accepting responsibility for the ultimate plugging of the drill hole.

(b) Holes that encounter significant amounts of nonartesian water shall be plugged by:

(i) placing a 50 foot cement plug immediately above and below any aquifers; or

(ii) filling from the bottom up, through the drill stem, with a high grade bentonite and water slurry mixture. The slurry shall have a Marsh funnel viscosity of at least 50 seconds per quart prior to the adding of any cuttings.

**R647-3-109. Reclamation Practices.**

During reclamation, the operator shall conform to the following practices unless the division grants a variance in writing:

(1) Public Safety and Welfare - The operator shall minimize hazards to the public safety and welfare following completion of operations. Methods to minimize hazards shall, at a minimum, include:

(a) the permanent sealing of shafts and tunnels;

(b) appropriate disposal of trash, scrap metal and wood, buildings, extraneous debris, and other materials incident to mining;

(c) the plugging of drill, core, or other exploratory holes as set forth in Section R647-3-108;

(d) the posting of appropriate warning signs in locations where public access to operations is readily available; and

(e) the construction of berms, fences and barriers above highwalls or other excavations when required by the division.

(2) Drainages - If natural channels have been affected by mining operations, then reclamation must be performed such that the channels will be left in a stable condition with respect to actual and reasonably expected water flow so as to avoid or minimize future damage to the hydrologic system.

(3) Erosion Control - Reclamation shall be conducted in a manner such that sediment from disturbed areas is adequately controlled. The degree of erosion control shall be appropriate for the site-specific and regional conditions of topography, soil, drainage, water quality or other characteristics.

(4) Deleterious Materials - Any deleterious or potentially deleterious material shall be safely removed from the site or left in an isolated or neutralized condition such that adverse environmental effects are eliminated or controlled.

(5) Land Use - The operator shall leave the on-site area in a condition which is capable of supporting the postmining land use.

(6) Slopes - Waste piles, spoil piles and fills shall be regraded to a stable configuration and shall be sloped to minimize safety hazards and erosion while providing for successful revegetation.

(7) Highwalls - In surface mining and in open cuts for pads or roadways, highwalls shall be reclaimed and stabilized by backfilling against them or by cutting the wall back to achieve a slope angle of 45 degrees or less.

(8) Roads and Pads - On-site roads and pads shall be reclaimed when they are no longer needed for operations. When a road or pad is to be turned over to the property owner or managing agency for continuing use, the operator shall turn over the property with adequate surface drainage structures and in a condition suitable for continued use.

(9) Dams and Impoundments - Water impounding structures shall be reclaimed so as to be self-draining and mechanically stable unless shown to have sound hydrologic design and to be beneficial to the postmining land use.

(10) Trenches and Pits - Trenches and small pits shall be reclaimed.

(11) Structures and Equipment - Structures, rail lines, utility connections, equipment, and debris shall be buried or removed.

(12) Topsoil Redistribution - After final grading, soil materials shall be redistributed on a stable surface, so as to minimize erosion, prevent undue compaction and promote revegetation.

(13) Revegetation - The operator shall seed the disturbed area with adaptable species acceptable to the division that will grow on the site, provide basic soil and watershed protection, and support the postmining land use.

Revegetation shall be considered accomplished when:

(a) The revegetation with species acceptable to the division has achieved 70% of the premining vegetative ground cover. If the premining vegetative ground cover of the disturbed area is unknown, the ground cover of an adjacent undisturbed area that is representative of the premining conditions will be used as a standard. Also, the vegetation has survived three growing seasons following the last seeding, fertilization or irrigation, unless such practices are to continue as part of the postmining land use; or

(b) The division determines that the revegetation work has been satisfactorily completed within practical limits.

(14) Where reseeding has occurred and the vegetation has survived one growing season, the reseeded area may not be included for purposes of determining whether a mining operation is a small mining operation.

**R647-3-110. Variance.**

(1) The operator may request a variance from Section R647-3-107, R647-3-108, or R647-3-109 by submitting the following information which shall be considered by the division on a site-specific basis:

(a) the rules from which a variance are requested;

(b) the variances requested and a description of the area that would be affected by the variances;

(c) justification for the variance; and

(d) alternate methods or measures to be utilized.

(2) A variance shall be granted if the alternative method or measure proposed will be consistent with the Act.

(3) Any variance must be specifically approved by the division in writing.

**R647-3-111. Surety.**

(1) After receiving notification that the notice of intention is complete, but prior to commencement of operations, the operator shall provide a reclamation surety with the division.

(a) Failure to furnish and maintain reclamation surety may, after notice and opportunity for board hearing, result in a withdrawal of the notice of intention as provided for in Section 40-8-16.

(2) The division will not require a separate surety where a reclamation surety in a form and amount acceptable to the division is held by other governmental entities, provided that the cost estimate is accurate and the division is named as co-beneficiary. Cooperative Agreements shall be developed and entered into according to Section 40-8-22.

(3) As part of the review of the notice of intention, the division shall determine the required surety amount based on:

(a) Site-specific calculations or estimates by the division reflecting the cost the division or a third party would incur to reclaim the site;

(b) Site-specific calculations or estimates by the operator reflecting the cost the division or a third party would incur to reclaim the site, if accurate and verifiable by the division; or

(c) The average dollars per acre costs for reclamation of similar operations, as determined by the division, based upon approved surety amounts for current large mining operations.

(d) In determining or verifying the amount of surety under Subsection (3)(a) or (3)(b), the division shall use cost data from current sureties for large mining operations, adjusted as necessary to reflect the nature and scope of operations and reclamation under the notice of intention.

(e) For the average dollars per acre in Subsection (3)(c), the board will annually approve the figure after a formal presentation from the division and an opportunity for public comment.

(4) The operator shall submit a completed Reclamation Contract (FORM MR-RC) with the required surety. The form and amount of the reclamation surety must be approved by the division, except as provided in Subsection (4)(f). Acceptable forms may include:

(a) A corporate surety bond from a surety company that is licensed to do business in Utah, that is listed in "A.M. Best's Key Rating Guide" at a rating of A- or better or a Financial Performance Rating (FPR) of 8 or better, according to the "A.M. Best's Guide". Each surety company also will be continuously listed in the current issue of the U.S. Department of the Treasury Circular 570. When the division in the course of examining surety bonds, notifies an operator that a surety company guaranteeing its performance does not meet the standards of this subsection, the operator has 120 days after notice from the division by mail to correct the deficiency, or face enforcement action;

(b) Federally-insured certificate of deposit payable to the State of Utah, Division of Oil, Gas and Mining;

(c) Cash;

(d) An irrevocable letter of credit issued by a bank organized to do business in the United States;

(e) Escrow accounts;

(f) United States Treasury bonds or notes, pledged and assigned to the State of Utah, Division of Oil, Gas and Mining; and

(g) The board may approve a written self-bonding agreement in the case of operators showing sufficient financial strength.

(5) Surety shall be required until such time as the division deems reclamation complete. The division shall promptly conduct an inspection when notified by the operator that reclamation is complete. The full release of surety shall be evidence that the operator has reclaimed as required by the Act.

(a) A partial release of surety can be made by the division if it determines that a substantial phase or segment of reclamation such as demolition, backfilling, regrading, or vegetation establishment has been successfully performed and the residual amount of retained surety is determined adequate to insure completion of reclamation.

(6) The amount of reclamation surety may be adjusted:

(a) if required to address changes in the reclamation plan due to an amendment to the Notice of Intention under Section R647-3-115;

(b) as the result of a periodic review by the division conducted no more frequently than at three or five year intervals unless agreed to by the operator, which shall take into account inflation and deflation based upon an acceptable Costs Index; or

(c) at the request of the operator.

(7) Notwithstanding any other provision of the Rule R647-3, for operations where the surety is in the form of a board-approved agreement under Subsection 40-8-14(3), the board shall retain the sole authority over the release, partial release, revision or adjustment of the surety amount, if any, which shall be in accordance with the agreement and the Act.

**R647-3-112. Failure to Reclaim.**

If the operator of a small mining operation fails or refuses to conduct reclamation as required by the complete notice of intention, or fails or refuses to comply with Section R647-3-107, R647-3-108, or R647-3-109, the board may, after notice and hearing, order that:

(1) Reclamation be conducted by the division; and

(2) The costs and expenses of reclamation, together with costs of collection including attorney's fees, be recovered in a civil action brought by the attorney general against the operator in any appropriate court; and

(3) Any surety filed for this purpose be forfeited. With respect to the surety filed with the division, the board shall request the Attorney General to take the necessary legal action to enforce and collect the amount of liability. Where surety or a bond has been filed with another governmental agency, the board shall notify such agency of the hearing findings, and seek forfeiture concurrence as necessary.

(4) The forfeited surety shall be used only for the reclamation of the land to which it relates, and any residual amount returned to the rightful claimant pursuant to controlling law.

**R647-3-113. Notification of Suspension or Shut Down of Operations.**

(1) The operator need not notify the division of a suspension of mining operations that does not exceed two years unless suspension or shut down of operations would result in potential hazards to the public safety and welfare or imminent significant environmental harm. If a suspension or shut down of operations would result in potential hazards to the public safety and welfare or significant environmental harm, the operator must notify the division as soon as possible, but no later than one day after operations are shut down or placed in suspension. The operator may elect to notify the division of such a suspension by disclosing that mining operations are, or will be, in suspension in the report required by Section R647-3-117.

(2) In the case of a shut down or a suspension of mining operations that has exceeded, or is expected to exceed two years, the operator shall notify the division in writing or in the report required in Section R647-3-117.

(a) The notification shall include a statement describing the operator's efforts to monitor and maintain the site in a safe, environmentally stable condition, and the date of the last self-inspection. The operator will keep written records of self-inspections and make them available to the division upon request.

(b) Upon request, the operator shall furnish the division with such data as it may require to evaluate the status of the mining operation, the status of compliance with Rule R647-3, and the probable future status of the land affected. Upon review of such data, the division will take such action as may be appropriate and consistent with the rules under Title R647.

(3) The operator shall give the division prompt written notice of a suspension of small mining operations that has exceeded or is expected to exceed five years, or of a shut down. Upon receipt of notification, the division shall, within 30 days, arrange to inspect the property. The notice of suspension or shut down will include information about the status of the small mining operation, the status of compliance with Rule R647-3, the probable future status of the land affected, and if applicable the estimated date mining operations are to resume.

(4) If the operator does not provide the notice required by Subsection R647-3-113(3), the division shall serve written demand on the operator requiring that the operator provide the notice required by Subsection R647-3-113(3) within 30 days of receipt of the division's demand letter.

(5) An operator who has provided notice under Subsection R647-3-113(3) or R647-113(2), may remain in suspension so long as the operator:

(a) Monitors the property as frequently as necessary, but no less than one time per year, to confirm the property is in a safe environmentally stable condition;

(b) Maintains the property in a safe, environmentally stable condition in accordance with Subsection R647-3-107(1) through R647-3-107(4);

(c) Maintains adequate reclamation surety; and

(d) Continues to pay permit fees required by Subsection R647-3-101(5) and submits annual reports required by Section R647-3-117.

(6) Small Mining operations that are in suspension for longer than five years will be reevaluated on a regular basis and shall no less than every five years provide an update of the report required by Subsection R647-3-113(3) or (5) which shall be evaluated by the division for compliance with requirements of Subsection R647-3-113(5)(a) through (5)(d).

(7) The division may require additional interim reclamation or stabilization measures reasonably necessary to ensure operator compliance with Subsection R647-3-113(5)(b) for a small mining operation to remain in a continued state of suspension. In accordance with Subsection R647-3-113(5)(b), the division will periodically evaluate the reclamation surety for operations in suspension and require changes as required by Subsection R647-3-111(6).

(8) The division may, 30days after the operator's receipt of written notice and findings from the division, determine mining operations are or have been shut down by demonstrating in written findings that the operator:

(a) Failed to file the annual report under Section R647-3-117 and pay permit fees under Subsection R647-3-101(5); or

(b) Failed to provide notice required by the division under Subsection R647-3-113(3) and failed to respond to a request to file such notice under Subsection R647-3-117(4); or

(c) Failed to maintain the property in a safe, environmentally stable condition in accordance with the requirements in Subsections R647-3-107(1) through R647-3-107(4) as applicable.

(9) In the event the division makes a determination that a mining operation is shut down due to failure to comply with any of Subsections (8)(a) through (8)(c), the operator may within 30 days of the notice of determination, provide a written justification for its failure to comply, and if the division finds the justification to be reasonable, the failure to comply excusable, or no undue prejudice from the non-compliance, it shall withdraw the determination. Neither this provision, nor a written justification, if any, shall serve to preclude, limit, or otherwise prejudice any other administrative remedies or procedures available to an operator under applicable laws or rules.

(10) An operator who ends a suspension and resumes mining operations shall notify the division within a reasonable time after resuming mining operations that the operator has resumed mining operations. If operations have been in suspension for more than five years, or were shut down for more than five years, resumption of mining shall require compliance with the current rules in Sections R647-3-102 through R647-3-111 as applicable.

**R647-3-114. Mine Enlargement.**

Before enlarging a small mining operation beyond ten acres of surface disturbance in an incorporated area of a county or 20 acres in an unincorporated area of a county, the operator must file a Notice of Intention to Commence Large Mining Operations (FORM MR-LMO) and receive division approval.

**R647-3-115. Amendments.**

(1) Small mining operators are required to submit an amendment to the complete notice of intention when a significant change in the small mining operation occurs. An amendment can be made by submitting a revised FORM MR-SMO and indicating the portion of the operation which is being amended.

(2) Division approval of an amendment of small mining operations is not required but the operational change may not be implemented until the division determines that the amended notice of intention is complete.

(3) In the event the division or the operator determine at the time an amendment is submitted that the amount of the current surety does not accurately reflect the potential cost to complete reclamation at any point in time during the amended small mining operations, the division may recalculate the surety amount as provided in Subsection R647-3-111(3). If the recalculated amount is greater than the amount of the existing surety, the revised operations may not be implemented until a revised surety is approved by the division.

(4) If the acreage within an approved small mining operation is later annexed into an incorporated area of a county, the permit may continue as a small mining operation. If the operator of such small mining operation subsequently proposes an increase of the disturbed acres, the current definitions for small or large mining operations would apply as appropriate.

**R647-3-116. Transfer of a Notice of Intention.**

If an operator wishes to transfer a small mining operation to another party, an application form entitled, Transfer of Notice of Intention - Small Mining Operations (FORM MR-TRS) must be completed and filed with the division. The new mine operator must post adequate reclamation surety and assume full responsibility for all disturbances of the permitted operation. The form and amount of surety must be approved by the division for the transfer to be complete.

**R647-3-117. Reports.**

(1) On or before January 31 of each year, unless waived in writing by the division, each operator conducting small mining operations must file a Small Mine Annual Report (FORM MR-AR) describing its operations during the preceding calendar year, including:

(a) The location of the operation and the file number and date of the applicable Notice of Intention;

(b) The gross amounts of ore and waste materials moved during the year, as well as the disposition of such materials;

(c) New surface disturbances created during the year;

(d) The reclamation work performed during the year; and

(e) A narrative description of ore extraction, on-site primary processing, exploration, site development work, maintenance, reclamation, and other work performed at the mine site during the year;

(2) If notice has been provided or required pursuant to Subsection R647-3-113(4) or (5), the annual report shall include a narrative description of work performed to comply with Subsections R647-3-113(6)(a) through (6)(c).

(3) If an operator is in suspension under Section R647-3-113, the report submitted by the operator must include the information required by Subsections (1) and (2), as applicable, and:

(a) The date suspension began or is anticipated to begin; and

(b) Any other information required by the division under Subsection R647-3-113(4) or (5).

(4) The operator shall keep and maintain timely records relating to the operator's performance under the Act and shall make these records available to the division upon request.

**R647-3-118. Practices and Procedures; Appeals.**

The Administrative Procedures, as outlined in Rule R647-5, shall be applicable to minerals regulatory proceedings.

**R647-3-119. Confidential Information.**

Information provided in the notice of intention relating to the location, size, and nature of the mineral deposit, and marked confidential by the operator, shall be protected as confidential information by the board and the division. The information will not be a matter of public record until a written release is received from the operator, or until the notice of intention is terminated.

**R647-3-120. Cultural and Historic Resources Information.**

(1) The notice of intent, including amendments and revisions, shall include a Cultural Resource Inventory Report (Report) from an archaeologist or consultant, who is properly permitted by the Public Lands Policy Coordinating Office (PLPCO), concerning cultural resources. The report shall meet the standards of the Utah State Historic Preservation Office (UTSHPO).

(a) The Report shall include a Class III inventory, otherwise known as an intensive survey, of the proposed bonded area, including a 100-foot or more buffer around the proposed disturbance area. The Report shall include areas of possible disturbance, including new roads, road improvements, staging areas, drilling, and any other disturbances. Drill pads and roads 15-feet wide or less may have a 50-foot inventory buffer.

(b) Slopes steeper than 30 degrees may be evaluated by a Class II Inventory, otherwise known as a less than intensive or reconnaissance survey, for the safety of the archaeologist or consultant.

(c) Ground that has already been disturbed by Mining operations within the last 50 years may be evaluated by a Class I Report, otherwise known as a literature review. The operator must receive permission from the division before a Class I is accepted in lieu of a Class III or II Report.

(d) The operator is not required to survey property to which the operator does not have legal access. If any portion of the bonded area is on land managed by a separate government agency, the operator will be required to comply with that agency's cultural and historic resources requirements.

(e) If the bonded area includes future expansion or phases within the next ten years, the operator shall include these phases in the Report.

(f) The operator shall include a discovery clause in the notice of intent, including amendments and revisions, indicating the operator will stop work and contact the division if subsurface cultural deposits are discovered.

(2) The Report required under Subsection (1) shall describe coordination efforts with and present evidence of clearances by UTSHPO. For any property eligible for or listed on the National Register of Historic Places that may be adversely affected by the proposed mining and reclamation operations, each notice of intent, including amendments and revisions, will describe the measures to be used to avoid or minimize adverse effects

(3) The division may require the operator to protect historic or archeological properties listed on or eligible for listing on the National Register of Historic Places through appropriate mitigation and treatment measures. Appropriate mitigation and treatment measures may be required after permit approval provided that the required measures are completed before the properties are affected by any mining operation.

(4) The notice of intent, including amendments and revisions, shall include proof that cultural consultation with UTSHPO has been completed. Proof may be provided in the form of a UTSHPO consultation letter, a memo completed as part of a formal agreement with UTSHPO, or as a copy of an email from a cultural resource professional from a relevant agency.

**KEY: minerals reclamation**

**Date of Last Change: September 16, 2025**

**Notice of Continuation: January 24, 2018**

**Authorizing, and Implemented or Interpreted Law: 40-8-1 et seq.**