

Application Fee Research

IDAHO

H141 Page 7, 47-1506(g) on lines 43 through 47 state:

“(g) The board may require a reasonable fee for reviewing and approving a permanent closure plan or reclamation plan. The fee may include the reasonable cost to employ a qualified independent party, acceptable to the operator and the board, to verify the accuracy of the cost estimate required in subsection (f)(4) of this section and section 47-1512(c), Idaho Code.”

In addition, 47-1508(e) on Page 10, lines 28 and 29 state:

” (g) Amendments and revisions are subject to the fee requirements in section 47-1506(g), Idaho Code.”

47-1513(f)(1) states “1) All sums recovered related to the reclamation provisions of this chapter shall be placed in the state treasury and credited to the surface mining reclamation fund, which is hereby created, to be used to reclaim affected lands and to administer the reclamation provisions of this chapter.” <https://legislature.idaho.gov/statutesrules/idstat/Title47/T47CH15/SECT47-1513/>

ALASKA

Only non-coal fees were examined.

AS (Alaska Statute) 27.19 has the mining reclamation statutes:

<http://www.akleg.gov/basis/statutes.asp#27.19>

Fees are in rules, 11 AAC (Alaska Administrative Code) 05.120 here:

<http://www.akleg.gov/basis/aac.asp#11.05.120>

11 AAC 97 has the Mine Reclamation standards:

<http://www.akleg.gov/basis/aac.asp#11.97.100>

A 2018 Executive Order reduced the fees to the following:

http://dnr.alaska.gov/mlw/hottopics/pdf_2018/DMLWFeeOrder3-v2.pdf

As a result, Plan of Operations for small operations on non-state lands appear to have no application fees. Annual reclamation statement is required. Small operations are generally less than 5 acres of unreclaimed disturbance.

Application fees for larger Plans of Operation on non-state lands have an application fee of \$400 for up to 20 hours of staff time. Multi-year applications have a fee of \$200 per year.

Department of Environmental Conservation issues and administers separate discharge permits to Waters of the U.S.

ARIZONA

Mining statutes are Arizona Revised Statutes (ARS) Title 27, Chapters 1 (state agencies and officers), 3 (operation of mines), 5 (mined land reclamation), and 6 (aggregate).

ARS § 27-901 to 1026 covers mined land reclamation.

ARS § 27-1201 et seq. covers aggregate mined land reclamation.

Rules are Title 11, Chapters 1 (state mine inspector), and 2 (Mined Land Reclamation):

https://asmi.az.gov/sites/default/files/documents/files/Mining%20Code_Rules_Reclamation%20March-2012.pdf

Arizona Mine Permitting Guide:

https://asmi.az.gov/sites/default/files/documents/files/arizona_mining_permitting_guide_2011.pdf

Application fee for a mined land reclamation plan is \$3 per acre of planned surface disturbance. Yearly status reports are required.

R11-1-1402 New aggregate mined land reclamation plans have an application fee of \$1,000.

MONTANA

Only non-coal fees were examined.

[General Info: http://deq.mt.gov/Land/hardrock/requirements](http://deq.mt.gov/Land/hardrock/requirements)

Montana Code Annotated (MCA) Title 82, Chapter 4 describes the statute:

https://leg.mt.gov/bills/mca/title_0820/chapter_0040/parts_index.html

MCA § 82-4-123 requires a \$50 permit application fee for all strip and underground mines.

Permits requirements for Opencut Mining apply to all sand, gravel, scoria, bentonite, clay, soil, peat, or any combination of these when more than 10,000 yards (overburden + ore) intend to be excavated and the primary purpose is sale or use of those materials. Annual fees based on production. By March 1 of each year, Operators must complete and return the Annual Production Report that the Opencut Mining Section sends to each Operator every January. The form reports information on mining conducted on each permit during the previous calendar year. At that time, the Operator also calculates the annual fee of 2.5 cents per cubic yard of material mined from each permit and submits payment to the Opencut Mining Section along with the production report (MCA § 82-4-437).

Small mining statement for hardrock mines of 5 acres or less. No application or annual fee. Restricted to open pit, placer, underground, rock picking.

All other hard rock mines require a base \$500 application fee (MCA § 82-4-335.4). Additional fees to cover consultant costs may also be charged. This includes mining for industrial minerals, rock products, or metallic minerals. Also covers ore processing or reprocessing, and mill construction. Annual renewal fee of \$100 (MCA § 82-4-339).

Separate permitting required for MPDES or SWPPP.

Mineral Exploration License has a \$100 fee (MCA § 82-4-332), and an annual \$25 renewal fee (MCA § 82-4-331).

NEVADA

Application fees

Fees analogous to our soon-to-be application fees are in their rules at NAC 519A.225 and .227:
<https://www.leg.state.nv.us/NAC/NAC-519A.html#NAC519ASec225>.

This is administered by the Reclamation Branch of the Bureau of Mining Regulation and Reclamation within the Nevada Division of Environmental Protection. Does not apply to aggregate and sand mining. Does apply to placer mining, and other mining and exploration of 5 acres or larger.

NAC 519A.225 Fees for application for permit. (NRS 519A.160)

1. An applicant for a permit for an exploration project shall submit to the Division an application fee of:

(a) One dollar and fifty cents for each acre of affected and unreclaimed public land included in the plan for reclamation; and

(b) Two dollars and fifty cents for each acre of affected and unreclaimed privately owned land included in the plan for reclamation.

2. An applicant for a permit for a mining operation shall submit to the Division an application fee of:

(a) One dollar and fifty cents for each acre of affected and unreclaimed public land administered by a federal land management agency and included in the plan for reclamation; and

(b) Two dollars and fifty cents for each acre of affected and unreclaimed privately owned land included in the plan for reclamation.

NAC 519A.227 Fee for modification to permit. (NRS 519A.160)

1. The fee for a minor modification to a permit for an exploration project or a permit for a mining operation is \$500 plus \$20 per acre or part of an acre, not to exceed one-half the annual fee assessed pursuant to NAC 519A.230 and 519A.235.

2. The fee for a major modification to a permit for an exploration project or a permit for a mining operation is equal to the amount of the applicable annual fee assessed pursuant to NAC 519A.230 and 519A.235.

3. For a modification that does not constitute a major modification or a minor modification and involves a disturbance of 10 acres or less, a transfer of the permit or a change to the schedule for completion of reclamation, the fee is the lesser of \$250 or one-half the annual fee assessed pursuant to NAC 519A.230 and 519A.235.

4. Fees paid pursuant to this section are nonrefundable.

Annual fees are in NAC 519A.235.

NAC 519A.235 Annual submission of fees for services by Division. (NRS 519A.160)

1. On or before April 15, 1991, and on or before April 15 of each year thereafter, an operator of an exploration project or a mining operation shall submit to the Division for services rendered by the Division the applicable fees required by this section.

2. For each exploration project which is active on October 1, 1990, and for which a permit has been issued by the Division or an application for a permit has been submitted to the Division, the operator shall submit to the Division:

(a) If the total affected area is 20 acres or less, a fee of \$100.

(b) If the total affected area is more than 20 acres but not more than 100 acres, a fee of \$500.

(c) If the total affected area is more than 100 acres but not more than 500 acres, a fee of \$1,000.

(d) If the total affected area is more than 500 acres, a fee of \$2,000.

3. For each mining operation which is active on October 1, 1990, and for which a permit has been issued by the Division or an application for a permit has been submitted to the Division, the operator shall submit to the Division:

- (a) If the total affected area is 50 acres or less, a fee of \$500.
- (b) If the total affected area is more than 50 acres but not more than 200 acres, a fee of \$1,500.
- (c) If the total affected area is more than 200 acres but not more than 500 acres, a fee of \$3,000.
- (d) If the total affected area is more than 500 acres but not more than 1,000 acres, a fee of \$4,500.
- (e) If the total affected area is more than 1,000 acres but not more than 2,500 acres, a fee of \$9,000.
- (f) If the total affected area is more than 2,500 acres but not more than 5,000 acres, a fee of \$12,000.
- (g) If the total affected area is more than 5,000 acres, a fee of \$16,000.

The corresponding statutes are found in NRS 519A.160: <https://www.leg.state.nv.us/NRS/NRS-519A.html#NRS519ASec160>

The cost of administration is specifically mentioned in .160(1). The annual fee, however, is actually listed in NRS 519A.260.

Water pollution control permits

Nevada also has permitting primacy for point source discharges into waters of the state. See NAC 445A.228. <https://www.leg.state.nv.us/NAC/NAC-445A.html#NAC445ASec228>

This is administered by the Regulation and Closure Branches of the Bureau of Mining Regulation and Reclamation within the Nevada Division of Environmental Protection.

Fees are in 445A, and are charged for applications, permit renewals, and annual fees. The fees range from \$250 up to \$20,000. This permit and fee covers everything from monitoring a closed mining facility, storm water discharge, discharging to groundwater while dewatering a mine, placer mining, operating a pilot plant, and chemical ore processing of 2 million tons per year or more.

This program appears to be similar to that of the IPDES program being implemented for industrial facilities in July, 2019.

NEW MEXICO

Only non-coal fees were examined.

General website is here: <http://www.emnrd.state.nm.us/MMD/MARP/marpmainpage.html>

New Mexico Administrative Code (NMAC) is located here: <http://164.64.110.134/nmac/T19C010>

Fees are in NMAC 19.10.2: <http://164.64.110.134/parts/title19/19.010.0002.pdf>

Mining statute is Chapter 69, Article 36 and is located here:

<http://public.nmcompcomm.us/nmpublic/gateway.dll/?f=templates&fn=default.htm>

Must enter Chapter 69, Article 36 in the Search tab and then navigate to the statute.

Regulations apply to most traditional hard rock and industrial minerals including gold, silver, copper, lead, molybdenum, perlite, zeolite, silica and garnet. They do NOT apply to clay, adobe, flagstone, potash, sand, gravel, caliche, borrow dirt, and quarry rock used as aggregate for construction.

Minimal impact mines are 10 acres or less, are not likely to impact water quality, do not use hazardous chemicals to process ore, and will not impact wildlife or cultural resources.

Existing mining operations are those that produced for at least two years between January 1, 1970 and June 18, 1993

Application fees.

Existing mines have a base fee of \$1,000 plus \$15 per acre for first 50 acres, and \$5 per acre for acres beyond the first 50. In addition, a fee must be paid in accordance with 19.10.2.203 NMAC, and a closeout plan fee assessed in accordance with Subsection K of 19.10.2.201 NMAC.

New mines have a base fee of \$5,000 plus \$200 per acre for the first 50 acres and \$40 per acre for acres beyond the first 50. In addition, a fee must be paid in accordance with 19.10.2.203 NMAC, and any cost associated with a third party environmental evaluation.

Existing minimal impact mining operations have a fee of \$250, plus an additional \$250 if a closeout plan is included.

A new minimal impact mining operation has a fee of \$1,000.

Exploration permit fee is \$1,000.

Minimal impact exploration fee is \$500.

Assignment fee is \$250.

Mine permit modification fee is \$1,000.

Minimal impact operation modification is \$250.

Permit revision fee is \$5,000

Subsection K Closeout plan revisions have fees as follows:

- (1) > 0 to 10 acres \$750
- (2) > 10 to 30 acres \$1,500
- (3) > 30 to 100 acres \$3,000
- (4) > 100 to 300 acres \$4,500
- (5) > 300 to 3,000 acres \$6,000
- (6) > 3,000 to 10,000 acres \$7,500
- (7) > 10,000 acres \$9,000

Modifications to a Closeout plan on a minimal impact existing mine is \$250.

Application for a variance is \$500.

Annual fees

Annual fees for existing mines are: \$800 base fee plus \$15 per acre for first 50 acres, and \$3 per acre for acres beyond the first 50. In addition, a fee must be paid in accordance with 19.10.2.203 NMAC. Mines with 500 or more disturbed acres pay a 75% surcharge.

Annual fees for new mines are: \$1,000 base fee plus \$30 per acre for first 50 acres, and \$10 per acre for acres beyond the first 50. In addition, a fee must be paid in accordance with 19.10.2.203 NMAC.

Annual fees for minimal impact mining operation is \$250.

Application and Annual fees under 19.10.2.203 NMAC

Facility	Fee
(1) Open Pit Mine	\$500
(a) > 0 to 4 acres	\$1,000
(b) > 4 to 10 acres	\$2,500
(c) > 10 to 50 acres	\$5,000
(d) > 50 to 100 acres	\$7,500
(e) > 100 acres	
(2) Tailings	
(a) > 0 to 4 acres	\$500
(b) > 4 to 10 acres	\$1,000
(c) > 10 to 50 acres	\$2,500
(d) > 50 to 100 acres	\$5,000
(e) > 100 acres	\$7,500
(3) Waste Dumps	
(a) > 0 to 4 acres	\$500
(b) > 4 to 10 acres	\$1,000
(c) > 10 to 50 acres	\$2,500
(d) > 50 to 100 acres	\$5,000
(e) > 100 acres	\$7,500
(4) Plant Site	
(a) > 0 to 4 acres	\$500
(b) > 4 to 10 acres	\$1,000
(c) > 10 to 50 acres	\$2,500
(d) > 50 to 100 acres	\$5,000
(e) > 100 acres	\$7,500
(5) Leach Piles	
(a) > 0 to 4 acres	\$500
(b) > 4 to 10 acres	\$1,000
(c) > 10 to 50 acres	\$2,500
(d) > 50 to 100 acres	\$5,000
(e) > 100 acres	\$7,500