

40-10-12 Revised permit and reclamation plan -- Application -- Transfer, assignment, or sale of rights -- Revision or modification of permit provisions.

- (1)
 - (a) During the term of the permit, the permittee may submit an application for a revision of the permit, together with a revised reclamation plan, to the division.
 - (b) An application for a revision of a permit shall not be approved unless the division finds that reclamation as required by this chapter can be accomplished under the revised reclamation plan.
 - (c) The revision shall be approved or disapproved within a period of time established by the division.
 - (d)
 - (i) The division shall establish guidelines determining the scale or extent of a revision request for which all permit application information, requirements, and procedures, including notice and hearings, shall apply.
 - (ii) Any revisions that propose significant alterations in the reclamation plan shall, at a minimum, be subject to notice and hearing requirements.
 - (e) Any extensions to the area covered by the permit, except incidental boundary revisions, must be made by:
 - (i) an application for a significant revision of the permit; or
 - (ii) an application for another permit.
- (2) No transfer, assignment, or sale of the rights granted under any permit issued according to this chapter shall be made without the written approval of the division.
- (3)
 - (a) The division shall, within a time limit prescribed in rules adopted by the board, review outstanding permits and may require reasonable revision or modification of the permit provisions during the term of the permit.
 - (b) The revision or modification shall be:
 - (i) based upon a written finding; and
 - (ii) subject to notice and hearing requirements established by this chapter.

Amended by Chapter 321, 2007 General Session