

## Individual Open-Cut and In-Stream Mining Permit Application Checklist

The below listed items are the minimum requirements for an administratively/technically complete permit application submission and is referenced by code section. Attach each numbered item listed below and include a narrative description and/or illustration of the regulatory areas where applicable.

1. Two signed (owner, corporate officer, agent) and notarized original permit application forms [Reg.15.302(A)(1)(a) and Reg.15.303(B)]:

- a. An agent shall provide proof of power of attorney. [Reg.15.503(C)]
- b. An applicant for a new or major modification of an existing stream bed mining permit shall make a reasonable effort to notify all adjacent land owners that a complete application for a stream bed mining permit is on file with the Department. This notice shall also contain the applicant's name, mailing address, type of mine, commodity to be mined, and the location of the mine. The land owners shall be notified at the same time that the permit application is submitted to the Department in accordance with [Reg.15.303(G)].

2. Permit application fee [Reg.15.302(A)(1)(b)] – select applicability below:

- a. Reg.15.304(A) – \$10 per acre with a \$200 minimum for a new permit.
- b. Reg.15.311(C) – Permit renewal/modification without adding acreage - \$100 fee.
- c. Reg.15.311(D)(2) – Permit renewal/modification with adding acreage - \$100 Permit renewal/modification fee plus the fee for the new acreage at the same rate listed in Reg.15.304(A).

3. Proof of right to mine [Reg.15.302(A)(1)(c)]

- a. A lease agreement signed by owner and operator, containing a legal description of the area to be permitted [Reg.15.305(A)(1)].
- b. A copy of the land deed containing a legal description of the property [Reg.15.305(A)(2)].
- c. A copy of a letter from the land owner expressly giving the operator permission to mine and containing a legal description of the land, and signed and notarized by the landowner [Reg.15.305(A)(3)].
- d. Where mineral rights have been severed from the surface rights, an agreement signed by the mineral rights holder, the surface rights holder, and the applicant must be provided. The agreement shall contain legal descriptions of the mineral and surface rights, identify the conditions of the agreement, and give the applicant permission to conduct mining. Proof of ownership of both the surface right and mineral rights must be provided.

4. Maps [Reg.15.302(A)(1)(d)] The applicant shall attach a minimum of one vicinity map, one site map and one reclamation map to scale [Reg.15.306(A)]:

a. Original 7.5 min. USGS topographic quadrangle vicinity map [Reg.15.306(A)(1)], illustrating areas listed below:

1. Permit Area [Reg.15.306(A)(1)(a)],
2. Legal Description [Reg.15.306(A)(1)(b)],
3. Site Entrance [Reg.15.306(A)(1)(c)],
4. If the mine site is greater than 40 acres, all the above information must be illustrated on this map, as prepared by Arkansas Registered Land Surveyors or Engineers [Reg.15.306(A)(2)(a)], and
5. Smaller sites may show the mine location and site entrance where the legal description and permit areas are shown on the site and reclamation maps.

b. Scaled site map [Reg.15.306(A)(2)] illustrating areas listed below:

1. The permit area must illustrate dimensions and elevations tied to temporary reference points outside the permit area [Reg.15.306(A)(2)(a)],
2. Affected and unaffected areas [Reg.15.306(A)(2)(b)],
3. Dimensions and elevations before and after mining [Reg.15.306(A)(2)],
4. Diversion ditches and flow patterns in the event decant ponds are used [Reg.15.306(A)(2)(c)],
5. Precautions to avoid affecting nearby water bodies [Reg.15.306(A)(2)(d)],
6. Identification of any diversions used to channel water from sensitive areas including flow patterns [Reg.15.306(A)(2)(e)],
7. Mining plan map [Reg.15.306(A)(2)(f)]:
  - (a) Mining increments, if proposed [Reg.15.307(A)(5)], and
  - (b) Process Ponds [reg.15.307(A)(2)].
8. For an In-Stream application, the site map is to show adjacent property lines when the property boundaries are defined by the centerline of the stream [Reg.15.305(A)(5)].

If the mine site is greater than 40 acres, or smaller sites if determined by ADEQ to be necessary, this map must be prepared by AR Registered Professional Land Surveyors or Engineers [Reg.15.306(A)(2)(a)].

c. Scaled Reclamation Map [Reg.15.306(A)(3)] illustrating areas listed below:

1. Permit area [Reg.15.306(A)(3)(a)],
2. Roads remaining after reclamation [Reg.15.306(A)(3)(b)],
3. Water impoundments remaining after reclamation [Reg.15.306(A)(3)(c)],
4. Areas to be re-vegetated [Reg.15.306(A)(3)(d)],
5. Unaffected areas [Reg.15.306(A)(3)(e)], and
6. Appurtenances remaining after reclamation [Reg.15.306(A)(3)(f)].

5. Mining Plan [Reg.15.302(A)(1)(e)]- Provide a narrative description and/or illustration of the required regulatory areas listed below:

- a. Provisions to prevent un-permitted releases of water (storm water, pit dewatering, process water, etc.) from the site [Reg.15.307(A)(1)],
  1. Descriptions of functions of ponds (process, sediment control, water supply, etc.) [Reg.15.307(A)(2)],
  2. The Operator is required to have water discharge permit issued prior to operations. [Reg.15.301(A)],
- b. Methods to restrict access and warn public [Reg.15.307(A)(3)],
  1. Gates, fencing, barriers, and warning signs
  2. Site identification signs showing permit number, name, address, and telephone number of operator are to be posted at all entrances from public roads at all times until release of the bond [Reg.15.402(Q)],
- c. Plan to preserve topsoil [Reg.15.307(A)(4)]
  1. Justification not to preserve topsoil (requires Director approval for special permit condition),
- d. Information on thickness of topsoil, overburden, and resource material [Reg.15.307(A)(6)],
- e. Description of incremental mining process (required on all sand and gravel operations [Reg.15.307(A)(7)]), if proposed on others [Reg.15.307(A)(5)],
- f. Description of contemporaneous reclamation activities during operation (required on all sand and gravel operations) [Reg.15.307(A)(7)].
- g. Provisions for spoil disposal [Reg.15.402(N)],
- h. Buffer Zones
  1. 50' from property line or public right of way [Reg.15.402(K)],
  2. 100' from ordinary high water mark of any intermittent stream shown on the 7.5 minute quadrangle map [Reg.15.402(G)]
- i. Provisions to submit annual report by July 1 [reg.15.402(M)], and
- j. Description of materials processing
  1. Process ponds [Reg.15.307(A)(2)].

6. Reclamation Plan [Reg.15.308] - Provide a narrative description and/or illustration of the required regulatory areas listed below:

- a. Intended post mining use of affected land [Reg.15.308(A)],
- b. Description of contemporaneous reclamation during incremental mining (required on all sand and gravel operations) [Reg.15.308(A)(1)],
- c. Two cross-sections each before and after mining [Reg.15.308(A)(2)]
- d. Reclamation map showing planned reclamation goal [Reg.15.308(A)(3)],
- e. Reclamation contour plan [Reg.15.308(A)(4)] - Select one or more option below:
  1. A 1:3 slope is required on all lands originally less than or equal to 1:3, or in ponds 1:3 sloped to a point below seasonal low water design [Reg.15.308(4)(a)],

2. Less than 1:3 slope justification where original slope was steeper than 1:3 [Reg.15.308(4)(b)]
3. Terracing where materials are consolidated [Reg.15.308(4)(c)]:
  - A. Top of excavation fenced [Reg.15.308(4)(c)(ii)],
  - B. Top terrace 10 feet below top of excavation [Reg.15.308(4)(c)(iii)],
  - C. Remaining terraces no more than 20 feet [Reg.15.308(4)(c)(iv)],
  - D. Terrace width no less than 10 feet [Reg.15.308(4)(c)(v)], and
  - E. Terrace revegetated with trees or other cover [Reg.15.308(4)(c)(vi)].
- f. Earth Dams, Lakes and Impoundments if proposed:
  1. Engineering design plan [Reg.15.402(E)],
    - A. 1:3 sloped to a point below seasonal low water design [Reg.15.308(4)(a)],
    - B. Sound Engineering Practices - suitability of soil types, dams, levees, discharge structures, etc. (as applicable).
  2. Assurance for pH 6-9 control in any water impoundment or justify variance if applicable [Reg.15.308(A)(5)]
  3. Procedure for any water treatment, if applicable [Reg.15.308(A)(5)(a)], and
  4. Design and maintenance of diversion berms [Reg.15.308(A)(5)(b)]
- g.. Plan to cover acid forming minerals if necessary [Reg.15.308(A)(6)]
- h. Reforestation Plan if reclamation plan includes planting of trees:
  1. Location of 10' fire lanes unless waived by the Department [Reg.15.308(A)(7)],
  2. Planting guidelines as recommended by Arkansas Forestry Commission including provisions for erosion control [Reg.15.308(B)].
- i. List of varieties and seeding rates based on intended post reclamation use and guidance [Reg.15.308(A)(8)].
- j. Provisions for adding soil amendments [Reg.15.308(E)]:
  1. Provision for soil analysis.
- k. Plans for reuse of salvaged topsoil or bringing in topsoil [Reg.15.308(A)(9)].
- l. Plan for removing or preserving stockpiles [Reg.15.402(P)]

- m. Provisions for bank stabilization and erosion control (in-stream) [Reg.1515.403(J)].
  - n. Schedule for completion of reclamation [Reg.15.308(A)(10)]:
    - 1. Description of equipment removal and structures to remain [Reg.15.308(D)].
7. Bond determination detailing how cost factors are applied to implementing the proposed reclamation plan for determining reclamation cost [Reg.15.302(A)(1)(g)].
8. Bond instrument [Reg.15.302(A)(1)(h) and Reg.15.309].
9. Disclosure statement signed by the applicant (owner, corporate officer or agent with power of attorney) and notarized [Reg.15.302(A)(1)(i)].
10. Applicant must provide proof of a pending application or an issued permit/authorization for any of the applicable other permits/authorizations issued by ADEQ that may be required for a mine site:
- a. Construction Stormwater permit [Water Division].
  - b. Industrial Stormwater permit [Water Division].
  - c. Individual Discharge permit [Water Division].
  - d. Regulation No. 2 Short Term Activity Authorization (needed for an in-stream mining permit) [Water Division].
  - e. Air permit [Air Division]:
    - 1. Rock Crusher,
    - 2. Processing Facility – example: gas fired drying plant.
11. Approved permit term:
- a. The permit term of an open-cut mining permit will be issued for five (5) years after the permit approval date or for one (1) year less than the term of a lease, whichever is the shorter time period.
  - b. The permit term for an in-stream mining permit will be issued for the same period of time specified in the Regulation No. 2 Short Term Activity Authorization issued by the Water Division.