MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION

IN-STREAM SAND AND GRAVEL OPERATIONS

P.O. BOX 176
JEFFERSON CITY, MO 65102-0176

INSTRUCTION TABLE AND DEFINITIONS

INFORMATION FOR INDUSTRIAL MINERAL MINE PERMITTING

Please address all permitting information to: LAND RECLAMATION PROGRAM
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

The table below summarizes the items that require completion and submittal for various In-Stream sand and gravel permitting activities. An "X" indicates a required item or the item may not be required if further explained by the associated note. The numbers in parentheses refer to specific notes listed on the following page. Definitions of terms begin on page two. For more information or forms, call (573) 751-4041 or visit the Department's web site at www.dnr.state.mo.us/oac/forms/index.html.

PERMITTING ACTION ▼ / ITEM ▶	NEW PERMIT	RENEWAL (To reissue permit for one more year)	AMENDMENT (To add acres that are identified in a current Public Notice and Site Information form)	REVISION (To change a Sand and Gravel Excavation Plan)	EXPANSION (To add new acres and/or sites that are **not** identified in a current Public Notice and Site Information form)	TRANSFER (To reassign permit or site to a new operator)
Permit Application For Industrial Mineral Mines	X		X	X	X	
Permit Renewal Form		X				
Site Information Form	X	X(4)			X(8)	X
Sand and Gravel Excavation Plan	X			X	X(10)	X(6)
Public Notice	X(11)			X(11)	X(9)	X(11)
Public Notification Letter	X(11)			X(11)	X(9)	X(11)
Consent to Entry	X(3)	X(5)			X(5)	X(3)
Two copies each of Locator and Detail Map	X		X		X	
Fees and Bonding Worksheet: Annual Permit Fee	X(1)	X(1)	X(1)		X(1)	
Site Fee	X(2)	X(2)	X(2)		X(2)	
Geologic Resources Fee	X(12)	X(12)	X(12)		X(12)	
Bonding	X(7)	X(7)	X(7)		X(7)	X(7)
Company Information Section (3 Sub-forms)	X					X
Permit Transfer						X

NOTES

(1) The annual permit fee for In-stream sand and gravel operations mining 5,000 tons per year or less is $300. The annual permit fee for all other In-stream operations is $800. Checks must be made payable to the "DNR - Land Reclamation Program". The annual permit fee is paid at the beginning of each permit year. Operations electing additional permit options after the annual permit fee is paid do no have to re-pay the annual fee during that same year. Do not use the Fees and Bonding Worksheet form for Permit Renewals. **The maximum total fee for any permit application is $3,000.**

(2) In-stream sand and gravel operators mining 5,000 tons per year or less do not pay a **site fee**. The site fee for all other In-stream operations is $400 if the site is operated six months or more per permit year or $200 for any site that is operated less than six (6) months per permit year. Like the annual permit fee, the site fee must be paid annually. If you mine more than 5,000 tons per year and wish to add new sites, a fee is owed for each additional site at the time of expansion. A "site" is an individual sand/gravel bar, or may be two or more bars if there is easy access between them. Do not use the Fees and Bonding Worksheet form for Permit Renewals. **The maximum total fee for any permit application is $3,000.**

(3) Where consent to entry from the landowner(s) is required (see Definitions), a **Consent to Entry** form must be completed when applying for a new permit or transferring an existing permit.

(4) A new **Site Information Form** must be provided if there has been a change in ownership of land under permit. One Site Information Form is required for each landowner.

(5) Where consent to entry from the landowner(s) is required (see Definitions), a **Consent To Entry** form must be completed when renewing or expanding a permit only if new landowners are involved.

(6) A new **Sand and Gravel Excavation Plan** must by the successor operator.

(7) Initially, an In-stream sand and gravel operator will not be required to submit bond due to a lack of reclamation responsibility (the stream itself reclaims mined areas). However, if an operator causes damage to the stream (accelerated bank erosion, channel headcutting, excessive sedimentation downstream, or impeded stream flow), based on inspection and subsequent review by the Staff Director that a reclamation liability exists, the operator will be required to post a reclamation bond. In these cases, operators mining 5,000 tons or less of gravel per year will be required to post a bond of $500.00 for each permitted acre. Operators mining more than 5,000 tons of sand and/or gravel per year will be required to post a minimum of $8,000.00 to cover the first eight acres, and $500.00 for each additional acre over eight.

(8) A **Site Information Form** must be provided for a permit expansion and is required for each individual landowner.

(9) A **public notice** and **public notification letter** is required for a Permit Expansion. **NOTE:** *Do not publish the public notice and do not distribute the public notification letter(s) until the Department's Land Reclamation Program informs you to do so via certified mail.*

(10) A new **Sand and Gravel Excavation Plan** is required if the new sites/acres are not proposed to be mined in the same manner as a current, approved Sand and Gravel Excavation Plan.

(11) Do not publish the **public notice** or mail **public notification letter(s)** until a representative of the Department's Land Reclamation Program informs you to do so via certified mail.

(12) The Geologic Resources Fee is a result of new legislation, which becomes effective August 28, 2007. This is a separate fee that is on the Geologic Resources Fee form (MO 780-1965). This fee involves a permit fee of $50.00, site fee of $50.00 and an acreage fee of $6.00 per acre on the first 300 acres bonded; plus $3.00 per bonded acre in excess of 300 acres. The maximum amount of fees associated with the Geologic Resources fee is $3,500. Since this is a separate fee, it was decided by industry to submit a separate check to keep the funding separate. You can make the check out to the Missouri Department of Natural Resources, Geologic Resources Fee.

DEFINITIONS

(A) A **Permit Application For Industrial Minerals Mines** consists of one page of basic information about the operator and acres to be permitted. This same form is to be used for all permit actions except permit renewals and transfers. Mark the applicable box or combination of boxes listed near the top of the form. For example, if the applicant were expanding his/her permit, s/he would check the "Permit Expansion" box. The application form must be signed by the applicant and notarized. A Fees and Bonding Worksheet must also be completed and submitted with a Permit Application form.

(B) A **Fees and Bonding Worksheet** is used to compute the required fees and bonding requirements for all types of permit actions, except a permit renewal and an acre-for-acre permit transfer. **The maximum total fee for any permit application is $3,000.** There are two sections of fees and bonding schemes. Section I concerns operations that mine "over" five-thousand (5,000) tons of sand and gravel per permit year. Section II concerns operations that mine five-thousand (5,000) tons or less of sand and gravel per permit year. The fees associated with each section are explained below and on the next page.

Section I. Fees for all operations mining **over** five-thousand (5,000) tons of sand and gravel per year.

a. **Permit fee:** $800. See note (1) on page 2 of this package.

b. **Site fee:** i. $400/site if the site will be mined for **six months** or more during the permit year, or
ii. $200/site if the site will be mined for **less than six months** during the permit year.
See note (2) on page 2 of this package.

c. **Acreage fee:** There is no acreage fee due on any In-stream operation unless a reclamation liability is associated with the operation that required a posted bond. In most cases In-stream operators do not have a bond posted.

Section II. Fees for all operations **under** five-thousand (5,000) tons per year.

a. **Permit fee:** $300. See note (1) on page 2 of this package.

b. **Site fee:** There is no site fee for operations that mine less than five-thousand (5,000) tons per year. See note (2) on page 2 of this package.

c. **Acreage fee:** There is no acreage fee due on any In-stream operation unless a reclamation liability is associated with the operation that required a posted bond. In most cases In-stream operators do not have a bond posted.

(C) A **Permit Renewal Form For Industrial Minerals Mines** consists of one page of basic information about the operator and the fees. This form is used only to renew the permit and compute the annual permit renewal fees. If another operator elects to renew the permit for an additional year and also elects to add additional acres then a Permit Renewal Application, Permit Application and also a Fees and Bonding Worksheet is required by the Department's Land Reclamation Program.

(D) A **Site Information Form** (MO 780-1036) consists of one page upon which the applicant gives the location, current landowner(s), operator's right to mine, and owner(s) of the mineral rights at the mining site. A "site" is an individual sand/gravel bar or may be two or more bars if they are easily accessible from one to another.

(E) A **Sand and Gravel Excavation Plan** (MO 780-1895) consists of a total of three pages. Two of the pages prescribes how the operator will conduct mining operations in the stream environment. **The Sand and Gravel Excavation Plan must be signed by the applicant and notarized.**

The Department's Land Reclamation Program strongly encourages that you become aware that there are other "Laws and Regulations That Might Affect You if You Mine Sand or Gravel from Missouri Streams." Please review the brochure in this packet for those other laws and regulations that might affect you.

There are variances available for some of the prescribed mining methods. To request a variance please refer to page two of three for instructions on how to submit a variance to the Sand and Gravel Excavation Plan. For additional assistance please contact us by telephone at 573.751.4041.

(F) A **Public Notice** must be printed once per week, for four consecutive weeks in a local newspaper qualified to publish legal notices pursuant to 493.050, RSMo in the county where the mine plan area is located. The public notice shall be ran no later than ten days after the application is deemed completed by the Land Reclamation Program. Permits cannot be issued until the public notices have been published and the public comment period has elapsed (15 days after the final date of publication). **NOTE:** ***Do not publish the public notice until the department's Land Reclamation Program contacts you to do so via certified mail.***

(G) A **Public Notification Letter,** letter of intent to operate a surface mine, in addition to the above newspaper notice, is also required. The operator shall send a notice of intent to operate a surface mine by **certified mail** to:

1. The governing body of the counties or cities in which the proposed area is located and;

2. The last known addresses all of record landowners of contiguous real property or real property located adjacent to the proposed mine plan area. Contiguous shall mean in actual contact, touching along the boundary or at a point. Adjacent shall mean immediately opposite from, as in across a road right-of-way, or across a river or stream. Neither definition shall include the names of any record landowners of contiguous real property or real property located in an adjacent state, but only land located in the state of Missouri. The Land Reclamation Commission strongly urges you to double check with the County Assessors Office to make sure of the names and addresses of the last known record of landowners of contiguous real property or real property located adjacent to the mine plan boundary and;

3. The content of the public notification letter sent shall be the same as the public notice that is required to be published in the local newspaper. NOTE: *Do not distribute the public notification letter until a representative from the Department's Land Reclamation Program informs you to do so*

(H) The **Consent to Entry** form (MO 780-1329) must be signed by all landowners (or their legal representatives) identified on the Site Information Form. This form certifies that the landowner gives permission for Land Reclamation Program personnel to enter his/her property to inspect the mine site. A Consent to Entry form is not required if the operator: 1) is the landowner, or 2) mines less than 10,000 tons of mineral commodities per year from all areas permitted by the Department's Land Reclamation Program.

DEFINITIONS (CONTINUED)

(I) **Locator Map and Detail Map** are required for all mine sites.

I. LOCATOR MAP - two copies required.

The map must be of sufficient scale to locate and distinguish the permit boundary from other mine sites in the area. Please mark the access route from the nearest public road to the site so that our inspector can visit the mine. The locator map may be prepared on an original or clearly copied Missouri Highway Department County map, United States Geological Survey (USGS) 7-minute topographic map (map scale 1" = 2,000'), county assessor map **or an up-to-date county ownership plat.** In general, operators submit an up-to-date county ownership plat map to satisfy adjacent property owner notification letter requirements.-

The locator map must show the following:

1. The permit area in relation to state or county roads and towns or cities in the general area.
2. North arrow, and map scale.
3. Company name, county, mine or site name, legal description (section, township, range), date of map preparation, and preparer's name.

II. DETAIL MAP - two copies required.

The Detail Map must be at a scale of one inch to six hundred sixty feet (1" = 660') or larger (for example, 1" = 400', 1" = 200'). An original or clearly copied, up-to-date Agricultural Stabilization Conservation Service (ASCS) aerial photo (1" = 660') may be used as a base map.

The Detail Map must show the following:

1. The permit boundary. When submitting a long-term Stream Protection Plan, the boundary of the long-term Stream Protection Plan area must be identified on the detail map. The acreage associated with each boundary must be illustrated on the detail map.
2. Property lines and names of landowners, owners of surface and subsurface rights within the Mine Plan area as well as names of all record landowners of real property located contiguous of adjacent to the proposed mine boundary.
3. Approximate positions of public roads located in or within one hundred feet (100') of the permit area boundary.
4. The location of terraces, waterways, and diversions within the permit area boundary.
5. Company name, permit number, county, site name or number, legal description (section, township, and range), date of map preparation, preparer's name, north arrow, and map scale.
6. Creeks or streams in or within one hundred feet (100') of the permit area boundary.
7. Areas within the permit area boundary mined prior to August 28, 1990.
8. Locations of abandoned underground or surface mines in, or adjacent to, the permit area boundary.
9. Locations of acid or toxic-forming materials.
10. Positions of erosion and sediment control devices or structures.
11. Location of any structures (buildings, etc.) and natural or cultural features that require protection.

(J) **Bonding**, see note (7) on page 2 of this packet.

(K) A **new permit** involves operations being permitted for the first time. A new permit is assigned a unique identification number. To aid in the permitting process, an operator seeking a new permit may contact the Department's Land Reclamation Program for the next new permit number.

(L) A **renewal** extends the term of an existing permit by another year. It can be a simple renewal with no changes in the location of the operation or deviation in the Sand and Gravel Excavation Plan from the previous year and the public notice dates of operations has not expired. Please use the Permit Renewal Form for Industrial Mineral Mines. If the application involves more than a simple renewal, be sure to use the Permit Application for Industrial Mineral Mines form and the Fees and Bonding Worksheet, in addition to the Permit Renewal Application form.

(M) A **permit amendment** applies when an operator wants to add new acres to the permit certificate and the new acreage total does not exceed the number of acres identified in the public notice and the site information form for that particular site - see Example #1. Amendments can be requested at any time, not just at the time of permit renewal.

DEFINITIONS (CONTINUED)

EXAMPLE #1

An operator, with a 10-acre public notice who has 6 acres on the permit certificate, wants to renew and amend the permit certificate. In addition to the 6-acres on the permit certificate, two (2) new acres are to be amended to the permit certificate brining the total permit certificate to eight (8) acres. Because the 8 acres s/he requests is still within the 10-acre Site Information form and the acres are identified in a valid, current public notice; the operator should complete a Permit Application form for **amendment** (2 acres), complete a Fees and Bonding Worksheet if mining more than 5,000 tons of sand and gravel per permit year, and complete a Renewal Application for (6-acres).

(N) A **revision** changes the operation methods described in a current, approved Sand and Gravel Excavation Plan (EXAMPLE #2). Revisions can be requested at any time.

EXAMPLE #2

Sandbox Gravel Company conducts a bar skimming operation on the Blue River. During the permit year, the company wants to remove gravel from below the water line based on the presence of bedrock to prevent headcutting. Changing excavation depth to below the water line constitutes a change in mining operations, so the operator must apply for a permit revision using the Permit Application For Industrial Mineral Mines (form MO 780-1007).

(O) An **expansion** applies when an operator wants to add new acres and/or sites to his/her permit that are not identified in a current Site Information form or a current Public Notice. A new Sand and Gravel Excavation Plan is required if the new sites/acres are not going to be mined in a similar fashion that is covered by a current, approved Sand and Gravel Excavation Plan (EXAMPLE #3). Expansions can be requested at any time.

EXAMPLE #3

Evan's Backhoe and Excavating is permitted to mine gravel on two acres in the Big Green River. Business is growing and the operator can now sell more gravel. The company gets permission from a landowner to mine gravel bars along the Red River.

The Evan's Backhoe permit on the Big Green River is still valid for eight more months. To expand the permit to cover the Red River sites, the operator must submit a Permit Application For Industrial Mineral Mines, checking the box marked "Expansion," and submit all other appropriate paperwork as indicated in the instruction table. This is different compared to an amendment because the Red River Site was not identified in a Site Information Form and the Red River Site was not identified in a public notice.

(P) A **Permit Transfer** is used when one operator purchases or takes over a mining operation or a site that is already permitted with the Department's Land Reclamation Program.

(Q) **Company Information Section:** This form (consisting of 3 sub-forms) provides information about company management personnel who have the responsibility to comply with laws administered by the Land Reclamation Program. In addition the Company Information Section requires the applicant to identify permits issued by the Missouri Land Reclamation Commission to people in a management function associated with the mining operation.