



## **Attachment F**

### **What Other States are Doing**

## **Attachment F**

### **What Other States are Doing**

#### **Selected States with stream protection requirements.**

1. **Arkansas:** A mining permit is required. This is a 5-year permit with an annual fee based on acres permitted. The fee is \$10/acre with a \$200 minimum fee. Maps and cross sections are required in permit application. Performance standards are in place that require buffer zones and restrict mining to above the water level. In dry creeks, excavation can be no lower than one foot above the lowest elevation in the dry creek. Variances are allowed on a case by case basis. County governments must obtain a permit for in-stream mining but can mine open pit without any permit or regulations. No reclamation bond is required for in-stream operators.
2. **Colorado:** Mining permits are required. Frequently up to five years may be needed to obtain a permit due to environmental assessments, public hearings and various agency approvals.
3. **Iowa:** Mining permits are required. A permit is conditioned with operating rules. There are extensive interagency permit reviews including the Fish and Wildlife Service, the Water Pollution Control Program, and the Conservation Department. The review of permits takes about 90 days. Royalty is paid to the state's general revenue fund for each ton of gravel mined (25 cents/ton) as a state severance tax.
4. **Kansas:** Kansas requires notification of the intent to remove gravel. The state must verify that there will be no impacts to groundwater, and that a stream will not be obstructed. However, there are no specific stream protection guidelines.
5. **Oklahoma:** A permit is required. A Stream Protection Plan (similar to our proposal) is required with the application as well as a plan of reclamation for any bank disturbance proposed. Public Notice requirements are similar to Missouri's with 4 weeks of notice and a comment period up to 30 days after last notice published. The operator must also be in compliance with other agency requirements (Water pollution, Corps of Engineers, Fish and Wildlife) or the permit is subject to revocation. Operations in "Outstanding State Resource Waters" are stringently regulated. Performance standards are in force for these streams and special conditions apply. Applications for these waters are reviewed extensively by other interested agencies and conditions are placed on the permit. Very little, if any, legal mining now taking place in these waters.

## **Attachment F (Continued)**

### **What Other States are Doing**

#### **Selected States without stream protection requirements.**

1. **Illinois:** No permit is required but a fee must be paid per year. There is a \$300 basic fee and a \$100 site fee. There are no performance standards. Infrequent inspections are conducted when possible to determine if gross damage is occurring. If so, suggestions are made to the operator for repair or change of activities. Enforcement is very limited if at all. Very little in-stream mining occurs in the state.
  
2. **Kentucky:** Kentucky does not require a permit for in-stream sand and gravel mining and have no regulations on that activity. However, if the operator affects or digs into the banks of the stream while removing sand and gravel, then they would require a permit. Currently the Governor of Kentucky has imposed a moratorium on permits for non-coal mining activities.
  
3. **Nebraska:** There are no rules for in-stream mining. No permits are required. If mining is conducted adjacent to state land, a \$1,000 bond is posted to ensure clean up of the site (i.e. removal of equipment, miscellaneous parts, washer plant, etc.) There are no regulations at all if the mining occurs on private lands.
  
4. **Tennessee:** Gravel mining is unregulated by the state. Only one county (Shelby) regulates this type of mining and is site specific for permit and operational requirements.