

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

POLICY/PROCEDURE DIRECTIVE

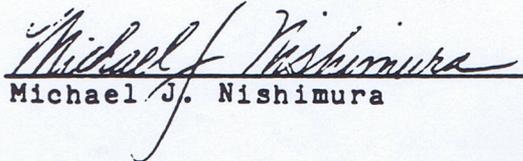
Permitting 88-1

Subject: 50 Foot Consents
Effective: February 1, 1988
Purpose: To establish policy concerning 50 foot mining
consents and road permits.

If a public road intervenes between a final highwall and an adjoining property line and the final highwall will be within 50 feet of the property line, a 50 foot consent must be obtained from the adjoining landowner even if a road permit has been obtained from the public authority.

The reason for this policy, per the Division's legal counsel, is that the road authority has an easement across the land surface to construct and maintain the road and right-of-way area. Lateral support is not conveyed to the road authority with the right-of-way, therefore, it cannot consent to or transfer the right of lateral support.

MJN:jl



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