

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

****POLICY/PROCEDURE DIRECTIVE****

Permitting 88-4

Subject: Surface Owner Comments on Postmining Landuse and
Alternative Postmining Landuse

Effective: April 14, 1988

Purpose: To ensure surface owner comments on postmining
landuse are given proper consideration by the
Division.

Surface owner comments on the proposed postmining landuse are required by 1501:13-4-05(F)(2), Ohio Administrative Code (O.A.C.). This requirement corresponds to Page 15, H(9) of the coal mining permit application. The comments must be consistent with the proposed postmining landuse response on Page 15, H(6). If the comments submitted for H(9) differ from the postmining landuse response in H(6), the applicant/permittee must resolve the discrepancy.

It should be noted, if the applicant/permittee is unsuccessful in obtaining any comments from the surface owner, the provision to use certified mail receipts described in "Addendum #2 to Division Advisory Memo #47" dated June 19, 1986 is still applicable.

An alternative postmining landuse may be approved by the chief if the requirements of 1501:13-9-17(D), O.A.C., are met. One requirement of paragraph (D) is that the chief must consult with the landowner regarding the proposed postmining landuse. This is done by sending a landuse change form letter (attached) to the appropriate landowner, by certified mail, when an application is deemed complete or when the landuse change is proposed during the application review process. (It should be noted, landuse changes proposed in an Application to Revise a Permit are handled in a similar manner.)

If the landowner is not satisfied with the landuse, the Division contacts the landowner to discuss the situation and notifies the applicant/permittee of the landowner's dissatisfaction. If, after consultation with the landowner, the Division finds the landowner remains legitimately dissatisfied, the Division will not approve the proposed landuse change on the dissatisfied landowner's property.

Attachment

MN:jl

Michael Nishimura

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