Illinois Department of
Natural Resources

Bruce Rauner, Governor

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

Wayne A. Rosenthal, Director

Operator Memorandum No. 2016-02

To: All Coal Mine Operators/Consultants

From: Scott K. Fowler, Supervisor
Land Reclamation Division

Date: August 2, 2016

Re: Uncontrolled Properties in IBR Applications

The issue of uncontrolled properties in permit applications is addressed in Land Reclamation Division Memorandum No. 2011-01. Because of the relatively small size of incidental boundary revisions (IBRs) and to better coordinate with the IBR application review process, the following addendum to that memorandum shall apply to applications for IBRs:

- When an application for an IBR is submitted for completeness review, it shall contain a description of the documents upon which the applicant bases his or her legal right to enter and begin surface coal mining and reclamation operations. Any areas in the application for which the applicant does not possess the right of entry shall be identified and a notarized statement from the permittee indicating that the permittee is in negotiations with the landowner shall be included. The statement must be submitted and approved by the Department prior to publishing the newspaper advertisement required at 62 Ill. Adm. Code 1774.13(d)(6). The uncontrolled property may encompass the entire application area.

- If the IBR application is approvable, the approval letter shall be conditioned to prohibit all surface coal mining and reclamation operations on uncontrolled property until such right is demonstrated. The condition shall also require that any modification of the operations or reclamation plan resulting from the inability to affect the uncontrolled properties shall be approved by permit revision prior to such changes being implemented.

The procedure for dealing with uncontrolled properties in new permit applications, as addressed in Land Reclamation Division Memorandum No. 2011-01, remains unchanged by this memorandum.