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LAND RECLAMATION DIVISION MEMORANDUM NO. 91-4

TO: All Surface and Underground Coal Mine Operators

FROM: Paul J. Ehret

DATE: March 4, 1991

SUBJECT: Corps of Engineers - Permit Requirements

This is a reminder to all operators of the relationship between requirements to obtain a surface coal mining and reclamation operations permit through IDMM and a Section 404 permit through the U.S. Army Corps of Engineers (COE).

Please be advised that obtaining a permit through IDMM does not relieve the operator of the responsibility to obtain a permit from the COE, should this be necessary. Application through IDMM should in no way be construed as a joint application to the COE. Also, please note that the Department will not necessarily be in a position to advise an operator of the need to obtain a 404 permit during our permit review process.

The operator has sole responsibility for coordination with COE and for obtaining any necessary permits. Permit applications proposing any dredge and fill activities in floodplains, stream diversions or wetland disturbance may require Section 404 permitting. The activities mentioned are offered as examples and are not meant to be an all inclusive list of activities triggering the Section 404 process.

Operators are strongly advised to consult with the COE prior to submitting applications to IDMM. Early coordination may allow the COE to issue a nationwide permit as opposed to a more complex individual permit. Failure to receive a section 404 permit, should one be necessary, could potentially result in a stoppage of operations under COE authority.