ILLINOIS
DEPARTMENT OF
NATURAL RESOURCES
Office of Mines and Minerals
524 South Second Street, Springfield, IL 62701-1787 Jim Edgar, Governor ● Brent Manning, Director

LAND RECLAMATION DIVISION
MEMORANDUM NO. 96-7

TO: All Coal Operators

FROM: Donald J. Pflederer, Supervisor
Land Reclamation Division

DATE: September 5, 1996

RE: IBR Applications

Recent changes in the requirements of 62 Ill. Adm. Code 1774.13(d) necessitate certain incidental boundary revision (IBR) applications provide public notice and allow a public comment period. Pursuant to 62 Ill. Adm. Code 1774.13(d)(6), notice of an IBR application shall be published once in a local newspaper in the area of the proposed activities. This notice shall include a description of the general area of the proposed activities, the name and business address of the permittee, the address of the Department where written comments on the application may be submitted and the closing date of the public comment period. The public comment period shall be no less than seven (7) days. Further, proof of any necessary publication must be submitted to the Department in order to process the IBR. The notice requirements do not apply to unplanned subsidence areas.

Enclosed, please find the revised IBR-1 application for surface mines and surface facilities of underground mines, and the SIBR-1 application for shadow area revisions. Again, please note that the public notice requirements do not apply to unplanned subsidence shadow area IBR's.

If you have any questions, please contact Dave Longo at our Springfield Office.

Effective July 1, 1995, the Illinois Department of Natural Resources was created through the consolidation of the Illinois Department of Conservation, Department of Mines and Minerals, Abandoned Mined Lands Reclamation Council, the Department of Transportation's Division of Water Resources, and the Illinois State Museum and Scientific Surveys from the Illinois Department of Energy and Natural Resources.

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State of Illinois
Department of Natural Resources
Office of Mines and Minerals
Land Reclamation Division
524 South Second Street
Springfield, IL 62701

APPLICATION FOR UNDERGROUND COAL MINING ACTIVITIES SHADOW AREA INCIDENTAL BOUNDARY REVISION SIBR - 1

PART I

DATE: _____

NOTICE

This state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Ill. Rev. Stat. 1987 Ch. 96 ½, par. 7901.01 et seq. Disclosure of this information is voluntary, however failure to comply may result in this form not being processed. This form has been approved by the Forms Management Center.

1) A) General Information

(I)(We)(The)_____
(Name of Company, Corporation, Partnership or Individual)

_____ _____
(Address) (Telephone Number)

hereby submit application for an Incidental Boundary Revision to the shadow area of Permit_____.

Name of Mine _____.

I, _____ under penalty
(vice president or his duly authorized representative under the existing permit)

of perjury declare that all information provided in this application is true and correct to the best of my knowledge.

_____
Title

ADDITIONAL ACRES REQUESTED_____ TOTAL SHADOW AREA ACREAGE_____

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2) Explain the proposed operation and why the IBR is needed. Locate the addition on a shadow area map incorporating all features under 1783.24(e), (I) and (j) and (k); 1783.25(a), (1), (5), (7) and (10). Include all topographic features at a maximum contour interval of ten (10') feet.

3) Within the shadow and adjacent areas, does the operator intend to adopt mining technologies which provide for planned subsidence in a predictable and controlled manner? Yes _____ No _____

If yes, provide information requested under A) "Planned Subsidence" below.

If no, provide information requested under B) "Unplanned Subsidence" below.

A) Planned Subsidence

1) Is the operator proposing any change in the approved subsidence control plan pursuant to provisions of Section 1784.20?
Yes _____ No _____

If yes, discuss these changes and detail how they will affect the approved subsidence control plan.

2) Describe the anticipated effects of planned subsidence.

Using the predicted magnitude, extent of planned subsidence profiles, post-subsidence contours and angle of draw, provide a list of all structures and facilities located within the projected area of influence of the planned subsidence. The list provided must correspond to each panel or extraction area to be mined by planned subsidence mining methods and must cross-reference with surface structures and feature map(s).

3) Provide a draft copy of the proposed newspaper notice and name of local newspaper of general circulation in which advertisement of the application will be published, per 62 Ill. Adm. Code 1774.13(d)(6). The notice of publication must be received prior to Department approval of the SIBR. Public notification does not apply to <u>unplanned</u> subsidence areas.

B) Unplanned Subsidence

Is the operator proposing any change in the approved subsidence control plan pursuant to provisions of Section 1784.20 such as extraction percentage, pillar dimensions, etc? Yes _____ No _____

If yes, provide details of the proposed operations change and its impact on maximum mine stability).

4) Provide name and address of every legal or equitable owner of record for all the mineral property to be mined.

5) Affidavits

A) Complete all applicable affidavits regarding the applicants legal right to conduct underground coal mining and reclamation operations in the revised shadow area as required by 62 Ill. Adm. Code 1778.15)(f). On the shadow area map or other designated map, show the boundaries of land upon which the legal right to enter and begin underground mining is claimed.

B) Complete certification for engineering aspects of the application. Except as otherwise provided, all maps, plans and cross-sections included in the permit application shall be prepared by, or under the direction of, and sealed by a qualified registered professional engineer licensed under the Illinois Professional Engineering Act, a qualified registered structural engineer licensed under the Illinois Structural Engineering Act or if authorized by state law, a qualified registered professional land surveyor licensed under the Illinois Land Surveyors Act with assistance from experts in related fields.

6) Areas Designated Unsuitable for Mining

A) Does proposed boundary revision underlie areas designated unsuitable for surface coal mining and reclamation operations, or under study for designation in an administrative proceeding as unsuitable for surface coal mining and reclamation operations? (Sections 1761 and 1764) Yes _____ No _____.

B) Does proposed boundary revision area include --

(1) Lands within boundaries of the National Park System, National Wildlife Refuge System, National Recreation Areas, etc.

[Section 1761.11(a)]? Yes _____ No _____

(2) National forest land? Yes _____ No _____

(3) Any land which will adversely affect any publicly-owned park or places included in or eligible for listing in the National Register of Historic places, etc. [per Section 1779.12(b)]? Yes _____ No _____

If yes, complete Part II, Section 10, (B) & (C).

C) Will proposed shadow area boundary revision be located under or adjacent to --

(1) Any public building, school, church, community or institutional building or public park? Yes _____ No _____

(2) Any cemetery? Yes _____ No _____

(3) The right-of-way line of any public road? Yes _____ No ____ (If yes and planned subsidence is proposed, provide public notice information or respond to (D) below regarding valid existing rights).

(4) Any occupied dwelling? Yes _____ No _____ (If yes, and planned subsidence is proposed furnish waiver from dwelling owner (1761.12(d) or respond to (D) below regarding valid existing rights).

(5) Under or adjacent to any 20 acre foot impoundment or perennial stream? Yes _____ No _____

D) Are valid existing rights claimed for any part of the IBR area? Yes _____ No _____ If yes, provide documentation to substantiate claim according to 62 Ill. Adm. Code 1778.15.

E) Has surface owners above the proposed IBR area been notified as required by 62 Ill. Adm. Code 1817.122? Yes ____ No _____ If no, provide the time frame of surface owner notification(s) and justification to allow the Department to approve less than 6 months notification.

ENGINEERING CERTIFICATION

I hereby certify the engineering design used in preparation of this application, attachments, and supplements was done by me or under my direct supervision.

I further certify to the best of my knowledge all such design is in accordance with all applicable local, state and federal laws, rules and regulations.

I certify that I am familiar with all of the plans, specifications, reports, and maps submitted as part of this application and that said plans, etc. are accurate insofar as they represent existing conditions.

Name	Illinois Registration Number (Seal)
Company	Phone Number
Address	
Signature	Date

UNDERGROUND MINING AFFIDAVIT

(I)(We), _____

under penalties of perjury, declare on behalf of the applicant, _____,

that said applicant has or will possess prior to mining, documents which bestow upon the applicant all necessary rights to conduct underground mining operations within the approved and proposed shadow area. Documents in support of granting the rights herein claimed by the applicant will be provided to the Department upon request.

Date _____

Signature _____ Title_____

Sworn and subscribed before me

this ____ day of _____

_____
Notary Public

_____
My commission expires

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PLANNED SUBSIDENCE AFFIDAVIT

(Required by 62 Ill. Adm. Code 1778.15(f))

(I)(We), _____

under penalties of perjury, declare on behalf of the applicant, _____,

that said applicant has or will possess prior to mining, documents which bestow upon the applicant a legal right to conduct planned subsidence coal mining and reclamation operations within the approved and proposed areas of planned subsidence. Documents in support of granting the rights herein claimed by the applicant will be provided to the Department upon request.

Date _____

Signature _____ Title _____

Sworn and subscribed before me

this ____ day of _____

_____

Notary Public

_____

My commission expires

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VER AFFIDAVIT
(Required by 62 Ill. Adm. Code 1778.15(f))

(I)(We), _____

under penalties of perjury, declare on behalf of the applicant, _____,

that said applicant has or will possess prior to mining, the right to conduct underground mining operations within the proposed shadow area, and that applying the prohibitions of Section 7.01 of the State Act to the applicant's property interest would effect a taking of the applicant's property by denying the applicant the economically beneficial use of its resource, thereby entitling the applicant to just compensation under the Fifth and Fourteenth Amendments to the United States Constitution and Article 1, Section 15 of the Illinois Constitution of 1970. Documents in support of or granting the property interest herein claimed by the applicant will be provided to the Department upon request.

Date _____

Signature _____ Title _____

Sworn and subscribed before me

this ____ day of _____

_____
Notary Public

_____
My commission expires

REVISED - 8/29/96

State of Illinois
Department of Natural Resources
Office of Mines and Minerals
Land Reclamation Division
524 South Second Street
Springfield, IL 62701

APPLICATION FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS INCIDENTAL BOUNDARY REVISION IBR-1

PART I

DATE: _____

NOTICE

This state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Ill. Rev. Stat. 1987 Ch. 96 1/2, par. 7901.01 et seq. Disclosure of this information is voluntary, however failure to comply may result in this form not being processed. This form has been approved by the Forms Management Center.

1) A) General Information

(I)(We)(The)_____

(Name of Company, Corporation, Partnership or Individual)

_____ _____

(Address) (Telephone Number)

hereby submit application for an Incidental Boundary Revision to Permit_____

Name of Mine _____.

MSHA No._____

I, _____ under penalty

(vice president or his duly authorized representative under the existing permit)

of perjury declare that all information provided in this application is true and correct to the best of my knowledge.

_____

Title

ADDITIONAL ACRES REQUESTED_____ EXISTING PERMIT ACREAGE _____

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(I) (We) _____
(Individual or Individuals)

under penalty of perjury declare on behalf of the applicant,_____,

that said applicant has valid documents which bestow upon the applicant a legal right to enter and commence surface coal mining and reclamation operations upon lands contained in the proposed IBR area, and such legal right is not in any way the subject of pending court litigation.

Dated this _____ day of _____, 19 ___.

_____ _____
Signature Title

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ENGINEERING CERTIFICATION

I hereby certify the engineering design used in preparation of this application, attachments, and supplements was done by me or under my direct supervision.

I further certify to the best of my knowledge all such design is in accordance with all applicable local, state and federal laws, rules and regulations. I have placed an "X" in the box below if that item is relevant.

[ ]	Whereas the Reclamation Plan calls for an alternative land use, I also certify the plans to conform to applicable accepted standards for adequate land stability, drainage, vegetative cover, and aesthetic design appropriate for the post-mining use of the site.
[ ]	Whereas the operation proposes disposal of spoil or waste materials in areas other than mining workings or excavations, I also certifty such fills are designed in accordance with recognized professional standards and all applicable laws.
[ ]	Certification of Illinois Environemental Protection Agency-35 Ill. Adm. Code 405.104(a) Permit In my progessional judgement, the plans and specifications submitted as part of this application describe an operation which will meet all applicable effluent and water quality standards. I certify that I am familiar with all of the plans, specifications, reports, and maps submitted as part of this application and that said plans, etc. are accurate insofar as they represent existing conditions.

_____ _____
Name Illinois Registration Number (Seal)

_____ _____
Firm Phone Number

_____ _____
Address

_____ _____
Signature Date

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B) Indicate the type of disturbance and associated acreage.

Type of Disturbance	Existing Permit	IBR	Total
Area Stripping	_____	___	_____
Mine Waste Areas	_____	___	_____
Processing Areas & Support Facilities	_____	___	_____
Access, Haul Roads & Transport Facilities	_____	___	_____
Soil Storage Areas	_____	___	_____
Diversions	_____	___	_____
Coal Recovery (Gob & Slurry)	_____	___	_____
Other	_____	___	_____
Not to be Disturbed	_____	___	_____

2) A) Provide name and address of every legal or equitable owner of record of the IBR area.

B) Provide name and address of the owner of record for all surface and subsurface areas contiguous to any part of the proposed IBR area.

C) Show location of owners of record of those lands, both surface and subsurface, included in or contiguous to the IBR area on premining land use map or another map, if necessary.

3) Provide name and address of any holder of record of leasehold interest for the IBR area.

4) Affidavits, Certifications

A) Complete affidavit regarding applicant's legal right to enter and begin surface coal mining and reclamation operations in the IBR area and whether that right is the subject of pending litigation. Identify the documents upon which affidavit is based by type and date of execution and identify specific lands to which each document pertains and explain the legal rights claimed by the applicant (1778.15(a)). If the private mineral estate to be mined has been severed from the private surface estate, provide copies of the documents required under Section 1778.15(B)(1)-(3). On the permit map or other designated map show the boundaries of land within the permit

area upon which the applicant has the legal right to enter and begin surface mining activities.

B) Complete certification for engineering aspects of the application. In addition to the general certification, three specific certifications are included which are applicable only if the box in front of each is marked. The first two cover special permit requirements and should be marked only when they occur for the proposed permit. The third certification covers the Illinois Environmental Protection Agency permit requirements. In most cases, an Illinois registered engineer will be required to certify I.E.P.A. permit requirements. Except as otherwise provided all maps, plans and cross-sections included in the permit application shall be prepared by, or under the direction of, and sealed by a qualified registered professional engineer licensed under the Illinois Professional Engineering Act, a qualified registered structural engineer licensed under the Illinois Structural Engineering Act or if authorized by state law, a qualified registered professional land surveyor licensed under the Illinois Land Surveyors Act with assistance from experts in related fields.

5) Areas Designated Unsuitable for Mining

A) Does proposed IBR area include --

(1) Lands within boundaries of the National Park System, National Wildlife Refuge System, National Recreation Areas, etc. [Section 1761.11(a)]? yes ____ no ____

(2) National forest land? yes ____ no ____

(3) Any land which will adversely affect any publicly-owned park or places included in or eligible for listing in the National Register of Historic places, etc. [per Sections 1779.12(b)]? Yes ___ No ____ If yes, complete Part II, Section 10, (B) & (C) of the SCM-1.

(4) Any public roads which are to be removed, relocated or temporarily closed? yes ____ no ____. Indicate on the pre-mining land use map or other designated map the location of the public roads and attach a copy of the written agreement from the appropriate authority

authorizing the relocation, removal or temporary closure. Describe the measures to be used to insure that the interest of the public and land owners affected will be protected.

B) Will proposed IBR area be located --

(1) Within 100 feet of the right-of-way line of any public road? yes ____ no ____

If yes, explain proposed procedure for complying with regulation section 1761.12(c), including request for variance, if relevant. Provide location of public roads on pre-mining land use map or other designated map. Describe the measures to be used to insure that the interest of the public and land owners affected will be protected.

(2) Within 300 feet measured horizontally from any occupied dwelling? yes ____ no ____ If so, is waiver provided meeting requirements of Section 1761.12(d)?

(3) Within 300 feet measured horizontally of any public building, school, church, community or institutional building or public park? yes ____ no ____

(4) Within 100 feet measured horizontally of a cemetery? yes____ no _____

C) Are valid existing rights (per 1761.11) claimed for any part of the IBR area? yes ____ no ____ If yes, provide documentation to substantiate claim.

D) Provide a draft copy of the proposed newspaper notice and name of local newspaper of general circulation in which advertisement of the application will be published, per 62 Ill. Adm. Code 1774.13(d)(6). Certification of publication is to be furnished to the Department and must be received prior to Department approval of the IBR.

PART II

PREMINING INFORMATION

Premining information is to be displayed on premining land use map unless otherwise indicated.

1) Describe how the IBR area perimeter will be marked and discuss the method or system employed to locate permit area perimeter and set markers along it. Designate a reference point outside the IBR area if different then the original permit. Provide a description of the reference point and a sketch relating the reference point to the IBR area perimeter.

2) Explain and locate areas where the IBR is contiguous to an existing permit.

3) Give the acreages of each land use within the proposed IBR and existing permit area, employing land use categories of Section 1701.5 listed below, and delineate on premining land use map existing land uses in the proposed permit area and adjacent to it. Include on the premining land use map the location of all buildings and identify the current use of these buildings.

Pre-Mine Land Use	Existing Permit	IBR	Total
Cropland	_____	___	_____
Pasture land	_____	___	_____
Grazing land	_____	___	_____
Forestry	_____	___	_____
Residential	_____	___	_____
Industrial/Commerical	_____	___	_____
Recreation	_____	___	_____
Fish and Wildlife Habitat	_____	___	_____
Developed Water Resources	_____	___	_____
Undeveloped land	_____	___	_____

4) Soils Information Map

A) Does the submitted soils map represent a map developed by the National Resources Conservation Service (NRCS)?
Yes ____ No ____. If no, explain.

B) Delineate on the soils map(s) the area which will incur actual mining (removal of overburden and/or deposition of overburden for the extraction of coal).

C) Are any of the identified map units correlated as prime farmland by NRCS criteria? Yes ____ No ____. If yes, explain and provide documentation to meet the requirements of Section 1785.17, if a determination for grandfathering and/or negative determination is sought. If prime farmlands exist which will not meet the exemption criteria described above, the approved prime farmlands restoration plan must be followed.

D) Submit, by completing soils information chart, acreage totals of each map unit (soil type and slope classification) and land use capability classes in the IBR area and the percent slope range of each lettered slope classification used on the soil map.

E) Provide, by completing soil information chart, acreage for each of the map units of high capability land (including grandfathered and negatively determined prime farmland) and non-cropland capability land with respect to areas which will be mined and areas which will incur other forms of disturbance (i.e., roads, ditches, etc.). Identify and provide map unit acreage values, if any, for areas which will not be disturbed.

F) Are selected overburden materials proposed to be used in lieu of or as a supplement to the A-horizon? Yes ____ No ____. If yes, provide the appropriate information required under 1780.18(b)(4)/1784.13(b)(4).

PART III

OPERATIONS PLAN

1) Explain the proposed operation and why the IBR is needed. Locate on a mining operations map.

2) Surface Drainage Control

A) (1) Locate on the mining operations map or on a separate drainage map all proposed drainage control systems. Show drainage patterns of all affected mining areas.

(2) Will all surface drainage from the affected mining area be collected and treated prior to leaving the IBR area? Yes ____ No ____. If yes, delineate how and where surface drainage will be collected and treated, and list permit numbers and type of permit that the drainage control systems are operated under. If above answer is no, explain how regulatory compliance will be achieved without treatment, i.e., address the requirements of 1816.46(e)/1817.46(e).

B) Will all surface drainage from unaffected areas be intercepted and diverted around the affected mining area? Yes ____ No ____. If no, please discuss.

C) Overland Flow Diversions and Sediment Ponds

Are either overland flow diversions or sediment ponds to be constructed? Yes ___ No ___. If yes, complete applicable parts of the SCM-1 or UCM-1 Part IV (surface drainage control).

D) Does a perennial or intermittent stream occur within the proposed IBR area? Yes _____ No _____. If yes, is an exception to the 100 foot buffer zone being requested or is a stream diversion being proposed. For an exception to the 100 foot buffer zone, indicate how compliance with 1816.57/1817.57 will be assured. For a stream diversion, complete applicable parts of the SCM-1 or UCM-1.

3) Roads and other activities

A) Are roads to be constructed in the IBR area? Yes ___ No ___. If yes, complete the applicable part of the SCM-1or UCM-1 (transportation facilities).

B) If the operations involve other activities not specifically addressed above complete applicable parts of the SCM-1 or UCM-1.

4) Are any existing structures proposed for utilization in the IBR? Yes ____ No ____. If yes, complete Part IV.4 of the SCM-1 or UCM-1.

PART IV

RECLAMATION PLAN

1) Provide a reclamation plan map outlining proposed reclamation of the lands within the proposed IBR area and state how the IBR area will be reclaimed in conformity with the original plan.

2) Post Mining Land Use

A) Provide a detailed description of proposed post-mining land uses and capabilities employing land use and capability categories listed below. Provide acreage figures for each post-mining land use proposed for the existing permit, the IBR area and total permit after inclusion of the IBR acreage and designate the post-mining land uses on the Post Mining Land Use Map. Acreage figures for post-mining land use must differentiate between mined and surface disturbance areas based on the mining line used in the premining section of the application.

Land Uses	Capability Classification
Cropland Pasture Land Grazingland Forestry Residential Industrial, Commercial Recreation Fish and Wildlife Habitat Developed Water Resources Undeveloped Land	Prime Farmland High Capability - meeting productivity requirements of Section 1825 (90% or 100%) High Capability - meeting productivity requirements of 1823 (prime farmland grand-fathered after July 31, 1982 under Section 1785.17) Non-Cropland - All soils which do not qualify as prime farm-land or high capability

Land Use & Capability	Existing Permit (Ac)	IBR Area (Ac)	Total (Ac)