

State of Oklahoma
Department of Mines
2915 N. Classen Blvd., Suite 213
Oklahoma City, OK 73106

APPLICATION FOR PERMIT TO ENGAGE IN NON-COAL MINING

The Mining Lands Reclamation Act, O.S., 45 § 721-728

Section 1

ODM Permit Number

Application Fee:

Check #	ODM Receipt #

(Office Use Only)

Date: _____

Number of years permit plan is requested: _____

Name of Company, Corporation, Partnership, Individual

Telephone Number

Mailing Address

City

State

Zip Code

Email Address

Hereby make application for a permit to mine _____

by the following method: Surface _____ Underground _____

Specify Method:

Quarrying _____ Stripping _____ Dredging _____ Pumping _____ Auger Mining _____

Hydraulic Mining _____ Other _____

Mine Name or Number (Optional)

Nearest Town

Section(s)

Township

Range

County

Section(s)

Township

Range

County

Section(s)

Township

Range

County

Type of perimeter markers to be used: _____

Operational Section

General Characteristics of the Mine

NOTE: All of the following questions must be thoroughly answered regarding your mining operation for the intended life of the mine.

1. Answer **all** of the following that apply:

1a. If this is an application for a **NEW** permit, indicate the total acreage at the site to be

covered by the permit: Permitted Acres: _____ Bonded Acres: _____

Will this application replace a limited use permit? Yes _____ No _____

Limited Use Permit No: _____

1b. If this application is for a **REVISION** of a mining permit, indicate the mining permit number and the current permitted and bonded acreage covered by the existing permit:

Currently Permitted Acreage _____ Currently Bonded Acreage _____

If this is a request to increase **bonded acreage** within the previously approved permit boundary, please indicate the acreage and increment to be added by this request:

If this is a request to **add permitted acreage** to the permitted and bonded acreage, please indicate acreage to be added by this request:

Does this request involve acreage to be added to the previously approved permitted boundary?

Permitted Acreage: _____ Bonded Acreage: _____

This request will be considered an amendment to the permit (Title 45 § 724 J.).

The application must be submitted as required by and in accordance with OAC:10-19-4.(d).

If this revision is to modify the permit in other than listed above, please explain the request:

1c. If this application for the **TRANSFER or PURCHASE** of a mining permit, indicate the mining permit number and the total acreage covered by the existing permit.

Mining Permit No: _____

Currently Permitted Acreage: _____ Currently Bonded Acreage: _____

Name of Company: _____

Will additional acreage be affected? Yes _____ No _____

If yes, indicate how much additional acreage will be added: _____

1d. If this application is for the **RENEWAL*** of a mining permit, indicate the mining permit number and the total acreage is covered by the existing permit.

Mining Permit No: _____ Total Permitted Acreage: _____

**If the permit is in good standing and has not expired, please contact the Department for a renewal form.*

All the acreage within the Operational Section must include the proposed mine excavation(s), processing plants, haul roads, stockpiles, and any refuse/waste areas or tailing ponds.

Total Permitted and Bonded Acres and Mapping Requirements

2. Do you intend to file reclamation bond for the entire permitted area or incrementally bond the permit?

_____ Total Permit Acres or _____ Incremental Bonding

(Please select one)

If you intend to incrementally bond the permit, please file an incremental bond schedule and an incremental bond map.

460:10-9-6. Mine maps should be accurate drawings, aerial photographs, or enlarged topographic maps of the entire mine area and of a scale sufficient to clearly illustrate the following:

- (1) *Outline of the area to be permitted detailing the affected areas, incremental mining areas, planned future reserves if requested by the applicant, buffer zones, easements, and rights-of-ways, for the number of years the permit is requested.*

460:10-21-4. (b) An operator shall not disturb surface acreage or extend any underground shafts, tunnels, or operations prior to receipt of approval from the Department of a performance bond covering the surface acreage to be affected.

- (1) *Liability on the performance bond shall cover all non-coal surface mining and reclamation operations to be conducted within the permit area. Except for limited use permits, after the amount of the bond has been determined for the permit area in accordance with Subchapter 23 of this Chapter, the permittee or applicant may either file:*

- (A) *The entire performance bond required during the term of the permit;*
(B) *A cumulative bond schedule and the sequence of release of acreage as it progresses through varying reclamation phases and for the addition of acreage as it is affected. The amount of bond required to obtain a permit shall include the full reclamation cost of the initial area being affected; or*
(C) *An incremental bond schedule and the new performance bond required for the first increment in the schedule.*

- (2) *When the operator elects to "increment" the amount of the performance bond during the term of the permit, he shall identify the initial and successive incremental areas for bonding on the permit application map submitted for approval as provided in Subchapter 17 of this Chapter and shall specify the proportion of the total bond amount required for the term of the permit which will be filed prior to commencing operations on each incremental area. The schedule amount of each performance bond increment shall be filed with the Department at least 45 days prior to the commencement of non-coal surface mining and reclamation operations in the next incremental area.*

The incremental bond map must identify all increments and the respective acreages.

Total Permitted Acreage: _____ Increment Bonded Acreage: _____

REQUIRED Bond:

Type: _____ Surety _____ Cash _____ Check _____ Certificate of Deposit _____ Letter of Credit
_____ Other _____

Bond Number Identification: _____ Amount of Bond Coverage: \$ _____

*Bond coverage submitted must be a total of the first increment or the entire permitted acreage requested.
The minimum bond shall be \$2,000.00*

LEGAL ESTATE

Name of Legal Estate Owner (PRINT): _____

Mailing Address: _____

Telephone Number: _____

_____	_____	_____	_____
Section(s)	Township	Range	County

_____	_____	_____	_____
Section(s)	Township	Range	County

Is the permit application area owned or leased by the applicant? Owned _____ Leased _____

I, _____ certify that I am the owner of the
(Legal Estate Owner – PRINT NAME)

Legal estate of the property being represented in this Application for a Non-Coal Mining Permit, and that the
(Company, Corporation, Individual(s)) _____
have the right to mine this property.

Signature of Legal Estate Owner: _____

Subscribed and sworn to before me this _____ day of _____, 20 _____

My Commission expires _____ Notary Public _____

IF THE OWNER OF THE LEGAL ESTATE OF THE PROPERTY CHANGES, A NEW LEGAL ESTATE FORM MUST BE SIGNED BY THE NEW OWNER OF THE LEGAL ESTATE. IF THERE ARE MULTIPLE OWNERS OF THE PROPERTY ON THIS APPLICATION, A SEPARATE LEGAL ESTATE FORM MUST BE EXECUTED FOR EACH OWNER.

NOTE: The Department of Mines does not have authority to adjudicate property title disputes.

PUBLIC NOTIFICATION

(Applicable for all applications requiring public notice.)

Please provide the name, city, and county of the newspaper you intend to use for your notice:

Name of Newspaper: _____

City/Town of Newspaper: _____

County of Newspaper: _____

A copy of your application will be available on the Department of Mines website for
public inspection once ODM rules the application complete.

Your notice must disclose this information. A sample publication notice will be provided to you.

**This Notice must NOT be published until the
application has been ruled complete by the
Department and made available for public inspection.**

*Submit under separate cover a copy of the Public Notice and the Publisher's Affidavit
or other Proof of Publication as required by Title 45 § 724 H. 1 a. & b. (1) through (6).*

AFFECTED NEIGHBORING LANDOWNERS

The Oklahoma Supreme Court case of *Purcell v. Parker*, 2020 OK 83, 475 P.3d 834, requires that you identify and give direct notice to all “known or easily discoverable” neighboring landowners whose legally protected interests may be directly and adversely affected by your application for a mining permit. Please list the names and addresses of all these individuals and entities below. Leaving this section blank will be considered insufficient and cause a delay in the processing of the application.

Please Note: A copy of the letter(s) must be attached.

Company Name: _____

Application #: _____

Please print clearly

Name:

Complete Mailing Address:

[illegible]

Attach a separate sheet if additional space is needed.

AFFIDAVIT OF NOTIFICATION

I, _____ hereby certify that I have
(print name)
provided actual direct notice for application for a mining permit _____
(pending application number)

as required by the Supreme Courts holding in *Purcell v. Parker*, 2020 OK 83, 475 P.3d 834 by: 1) publishing notice in a newspaper of general circulation once a week for four consecutive weeks; and 2) providing personal notice by mail or other means certain to ensure actual notice to all known or reasonably discoverable landowner(s) whose legally protected interest may be directly and adversely affected by my application.

** Names and addresses of all individuals and entities to whom I have provided notice are listed on Affected Neighboring Landowners form.*

Signature of Company Representative _____

Position _____

Subscribed and sworn to before me this _____ Day of _____ 20 _____

My Commission expires _____ Notary Public _____

Note: The Oklahoma Supreme Court in *Purcell v. Parker*, 2020 OK 83, 475 P.3d 834, requires all applicants show a diligent effort to reach all parties whose legally protected interests may be directly and adversely affected by the application. Failure to notify all parties may delay the permitting process.

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STATEMENT OF CERTIFICATION

I, _____ certify that the (Company,
(Company Official or Individual – PRINT NAME)

Corporation, Individual(s))

has the right and power by Legal Estate to mine the land for which this application is made. We hereby certify that all details contained in this Permit Application are true and correct to the best of knowledge. We fully understand that any willful misrepresentation of facts will be cause for permit Revocation.

Signature of Company Official _____

Position _____

Subscribed and sworn to before me this _____ day of _____, 20 _____

My Commission expires _____ Notary Public _____

NOTE: This application must be signed and notarized. This application must include one ORIGINAL copy of the Statement of Certification. All questions must be addressed and all required documents and information provided before this application can be considered complete. Attach additional sheets as needed.