

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

APPLICATION FOR PERMIT TO ENGAGE IN NON-COAL MINING

The Mining Lands Reclamation Act, O.S., 2016 721-728

Section 1

ODM Permit Number _____
(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 (type of mineral): _____

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: _____

Will this application replace a limited use permit? Yes No

Limited Use Permit No: _____

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

Mining Permit No: _____ Total Permitted Acreage: _____

1c. If this application is for the **REVISION** of a mining permit, indicate the mining permit number and the total (overall) acreage covered by the existing permit:

Mining Permit No: _____ Total Permitted Acreage: _____

Does this request involve the acreage **within** the previously approved permitted boundary?

Yes No

If yes, indicate the acreage to be covered by this revision: _____

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

Yes No

If yes, indicate the acreage to be added by this request: _____

If no was indicated, please explain the revision request: _____

**This request will be considered an amendment to the permit (Title 45 SS 724 J.).
The application must be submitted as required by and in accordance with OAC:10-19-4.(d).**

1d. If this application for the **TRANSFER** of a mining permit, indicate the mining permit number and the total (overall) acreage covered by the existing permit.

Mining Permit No: _____ Total Permitted Acreage: _____

Name of Company: _____

1e. If this application for the **PURCHASE** of a mining permit, indicate the mining permit number and the total (overall) acreage covered by the existing permit.

Mining Permit No: _____ Total Permitted Acreage: _____

Name of Company: _____

Will additional acreage be affected? Yes No

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

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. Will you file bond covering all your mining acreage under your plan or will you file for an incremental mining plan?

Total Permit Acres: _____ Incremental Bonding: Yes No

Please show your acreage below. If you have indicated incremental mining plan, then your acreage will be progressive to each incremental area. Prior to the issuance of this permit, a bonding map must be included detailing the sequence proposed for incremental bonding.

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.*

A separate schedule detailing each increment must be attached to the application. An Incremental bonding map must be submitted if the total permitted acreage is not covered by bond.

Total Acreage to be covered by the permit: _____

REQUIRED Bond coverage: Minimum bond shall be \$2,000.00.

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.

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? 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 ODM 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).

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.

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 owned 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.