

Jackie Swigart
SECRETARY



John Y. Brown, Jr.
GOVERNOR

COMMONWEALTH OF KENTUCKY
DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
BUREAU OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Elmore Grim
COMMISSIONER
FRANKFORT, KENTUCKY 40601

RECLAMATION ADVISORY MEMORANDUM NO. 23

TO: BSMRE Division Directors and Regional Engineers
Coal Operator Associations
Coal Operators and Company Engineers
Consulting Engineers

FROM: Elmore Grim *E.O.G.*
Commissioner

DATE: May 23, 1980

SUBJECT: Retention of Roads

405 KAR 1:120 Section 5 and 405 KAR 3:090 Section 5 permit roads to be left after mining operations are completed, provided the road is necessary to support the post mining land use. The regulations state that reclamation of a road is required, ". . . unless retention of a road is approved by the Department and necessary maintenance to adequately control erosion is assured."

The approval to retain a road on a permit area is not automatic, but will require justification by the permittee that the road is necessary to support the post mining land use. A request to retain a road should be made at the time the original application is presented although the request could be made in the form of a revision to an existing permit. A notarized letter from the surface owner should accompany the request stating his desire to retain the road for his own personal use after mining is completed.

The design of the road proposed to be retained must conform to the standards required for a permanent structure. The standards for a haul road to be used during a mining operation for more than a year requires drainage structures to be designed to safely pass the peak runoff from a 10-year-24-hour precipitation event. This design standard will normally be satisfactory for a road which is proposed to be retained.

Memorandum
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May 20, 1980

The request for retention of the road will initially be given tentative approval. Final approval will be granted at the time of final bond release. Concurrent with the granting of tentative approval, the surface owner will be notified in writing that tentative approval to retain the road has been granted based on his request. At the same time contingent upon the facility being in a condition to serve the use for which it is intended, the responsibility to maintain the road, after bond release, will revert to him. Obviously the owner has no legal responsibility to the state for maintenance, nor would the coal operator have responsibility for maintenance after final bond release.

At the time of final inspection the inspector will evaluate the road on the basis of grade, drainage, and the surfacing to determine if it is considered capable of supporting its intended use. The final approval of the facility will be recommended by the bond release specialist by means of a notation on the release form as follows:

"Based on an evaluation of the access road in the field on _____ the Division has determined that the road which was proposed to be retained at the request of the surface owner is capable of supporting its intended use."



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COMMONWEALTH OF KENTUCKY
DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
BUREAU OF SURFACE MINING RECLAMATION & ENFORCEMENT
DIVISION OF PERMITS
CAPITAL PLAZA TOWER
FRANKFORT, KENTUCKY 40601

SAMPLE LETTER

January 31, 1980

SAMPLE LETTER

Fred Flicker
P. O. Box 22
Easyway, Kentucky 44444

RE: Permit No. 298-0000

Dear Sir:

On July 21, 1980, the Division received your request to retain the haul road on the above referenced permit. The Division has reviewed your request and based on your request has tentatively approved the retention of the road. Final approval of the road will occur at the time of final bond release on the area. Therefore, notice is hereby given that the Division will release the bond on the road concurrently with final bond release if it is judged to be in good condition to serve the use for which you have determined. Further, the maintenance of the road after bond release will be the responsibility of the surface owner.

Sincerely,

Director
Division of Permits

cc: File
Bureau Regional Office
Bond Release Manager

SAMPLE LETTER

SAMPLE LETTER

January 31, 1980

Fred Flicker
P.O. Box 22
Easyway, KY 44444

Director
Division of Permits
6th Floor
Capital Plaza Tower
Frankfort, KY 40601

RE: Permit No. 298-0000

Dear Sir:

I am the surface owner of lands affected by the mining operations on the above referenced permit. By copy of this letter I am requesting that the haul road constructed on this operation be retained after mining for my use. The road will serve as access and facilitate the management of my forest and general farming operations.

Sincerely,

Fred Flicker