



Kentucky
Department for Surface Mining
Reclamation and Enforcement

Reclamation Advisory Memorandum

From: Commissioner Elmore C. Grim *E.C.G.*
Subject: Prime Farmland Grandfather Exemption Cutoff Date

Date: August 25, 1982

RAM# 44

On July 30, 1982, OSM published a final rule establishing a cutoff date of April 3, 1983, for the grandfather exemption for prime farmland. This means that any prime farmlands historically used for cropland mined on or after April 3, 1983 must meet both the permitting and performance standard requirements, whether mined under an interim program permit or a permanent program permit.

Applications for permanent program permits must comply with the prime farmland permit application requirements for those grandfathered prime farmlands that will be mined on or after April 3, 1983. Any prime farmlands currently not covered by the grandfather clause must of course be permitted under prime farmland permitting requirements regardless of when they are mined.

Kentucky's surface mining program will incorporate the April 3, 1983 cutoff date during the rulemaking process for the permanent program or by other appropriate mechanism. However, operators are hereby notified that the cutoff date will apply and that they should immediately begin to prepare applications and plan operations accordingly.