



# Reclamation Advisory Memorandum

Department for Surface Mining  
Reclamation and Enforcement

From: R. F. Knarr, Commissioner *R.F.K. 5/12/87*  
Subject: Repeal of Two-Acre Exemption

Date: May 12, 1987

**RAM# 87**

## GENERAL

Congress recently passed H.R. 1963, which was signed into law on May 7, 1987. The bill amended the Surface Mining Control and Reclamation Act of 1977 to repeal the two-acre exemption. Under this bill, no new two-acre operations may begin after June 5, 1987, and all on-going two-acre operations must cease mining by November 7, 1987. This federal law supercedes all state laws and regulations, so Kentucky must phase out two-acre operations as required by H. R. 1963.

APPLICATIONS: No new two-acre applications will be accepted by the Natural Resources and Environmental Protection Cabinet after May 12, 1987. Subject to current state law and procedures, the Division of Permits will make every effort to continue processing any new complete application which was date-stamped in Frankfort on or before COB May 12, 1987. The Division of Permits will continue to process revisions and amendments to two-acre permits through COB November 7, 1987. Revisions solely for reclamation may be processed after November 7, 1987.

Permit fees, acreage fees, bonds and filing procedures will not change. If a two-acre permit application is not issued on or before June 5, 1987, the bond and acreage fee, but not the application fee, will be returned to the applicant.

## NO NEW

### OPERATIONS:

Any permittee who has received a two-acre-or-less permit by COB June 5, 1987, no matter when submitted, must begin surface coal mining operations by June 5, 1987, or else lose the right to mine under that permit. No new two-acre operations may begin after June 5, 1987, even if the permit has already been issued. In other words, ANY AND ALL TWO-ACRE PERMITS WILL BECOME VOID ON JUNE 6, 1987, IF ACTUAL, ON-THE-GROUND SURFACE COAL MINING OPERATIONS WERE NOT YET BEGUN ON THE PERMIT AREA ON OR BEFORE JUNE 5, 1987.

### CESSATION OF OPERATIONS:

No operation of two acres or less may continue mining past November 7, 1987. On that date, all mining on existing two-acre operations must cease and reclamation should begin immediately. Backfilling and grading must be completed within sixty (60) days following removal of coal. Revegetation must be accomplished in a timely manner in accordance with 405 KAR 1:260.

Questions may be directed to David Clark, (502) 564-2320.