



FACT SHEET
Surface Mining Land Conservation and Reclamation Act
K.S.A. 49-601 through 624
K.A.R. 11-9-1 through 8

The following is a summary of the Surface Mining Land Conservation and Reclamation Act (SMLCRA) of 1994. The Division of Conservation (DOC) administers the SMLCRA. This fact sheet was compiled to help mine operators and others understand how the SMLCRA may affect them. **The SMLCRA does not apply to land mined prior to the effective date of the SMLCRA and shall not apply to operations when affected lands do not exceed a total of two acres.** The SMLCRA has five main requirements which are summarized below. Local governments are exempt from fees and bonding. *This fact sheet **does not** explain all requirements or sections of the SMLCRA.*

1. Licensing

- a. All persons, companies, or local governments engaging in surface mining or operation of an underground mine shall be licensed (**except as explained above**). This includes mining limestone, rock, gravel, sand, volcanic ash, shale, clay, gypsum, stone, salt, sandstone, silt and other industrial materials or minerals. Coal, oil and gas are excluded from the Act.
- b. The **first-time application fee** for a mining license is **\$300**. Licenses must be renewed annually. The **annual license renewal fee** varies between **\$25 and \$150**, depending upon the amount of material sold or consumed in the previous year.

2. Site Registration

- a. Each site that a mine operator is actively mining or will mine in the future shall be registered with the DOC.
- b. Each site shall have its own identification number. New sites shall be registered at least 30 days prior to removal of overburden.
- c. Site registrations shall be renewed annually.
- d. An annual report of the previous year's mining activities shall be submitted to the DOC with site renewals.
- e. An annual site registration fee is paid to the DOC based on a combination of tons of material sold or consumed annually (\$.003 per ton) and new acres. The fee for the number of new acres of land affected is \$45 per acre.
- f. Registration fees for new sites and inactive sites will be a flat rate of \$45 per site. The year following their activation, the registration fee will convert to the tonnage and acreage fee discussed in item "e." above. There is a minimum annual registration fee of \$45.

- g. Plans and Maps: All operations are required to complete a reclamation plan with detailed maps on each site. Plans and maps must be updated and approved by the DOC when significant changes are made to the mining operation (such as expansion of the mining areas).

3. Bonding

- a. The purpose of the reclamation bond is to ensure approved reclamation of disturbed land resulting from mining activity. DOC shall provide the necessary forms to post a surety bond or other security.
 - i. Requirements of the Operator: The operator is responsible for posting a reclamation bond or other security on **all land affected by mining since July 1, 1994, which exceeds a total of two acres**. Once the affected land is reclaimed to acceptable standards, the bond will be released.
 - ii. The operator is responsible for keeping the bond current. When additional acres are affected without reclamation approval or being released for previously bonded areas, the reclamation bond must be increased.
 - iii. The bond may be adjusted annually (or more frequently if needed) to reflect changes in affected land due to reclamation or opening new areas.
 - iv. If an operator currently has a bond for reclamation of affected land in place with a local unit of government or another state agency, the operator will not be required to post a bond with the DOC **unless** the amount of the original bond is less than the requirements of this program. Contact the DOC for details.
- b. Types of bonds accepted:
 - i. Surety
 - ii. Certificate of Deposit
 - iii. Irrevocable Letter of Credit
 - iv. Cash
- c. Amount of Bond:
 - i. \$400 per acre for sand and gravel mining operations.
 - ii. \$600 per acre for all other types of mining operations.

4. Reclamation Requirements

- a. Grading: All affected lands, except water bodies, shall be graded to 3:1 slopes. Water bodies and impoundments are acceptable forms of reclamation. When the topography of affected land is originally steeper than 3:1, then affected lands will be graded to blend with the surrounding terrain.
- b. Topsoil: As stated in the Reclamation Plan, an approximately equal amount of topsoil that was on the affected land prior to mining shall be spread over the

affected land areas that are to be seeded during reclamation. This means that some topsoil, depending on how much was originally on the site, must be **stockpiled and saved for reclamation**. An adequate amount of **overburden** must also remain on the site in order to achieve grading and vegetative cover requirements.

- c. Vegetation: The types of plants to be used in revegetating sites will depend upon the postmining land use. DOC encourages landowners and operators to use native species of plants where possible to maximize benefits. Additional information on plant types and their seeding requirements can be obtained from NRCS and the local conservation district. Overburden and topsoil stockpiles must be leveled and vegetated to control erosion.
- d. Equipment Removal: All machinery, processing equipment, scales, junk iron, belting material and machinery must be removed. Large boulders must be removed, crushed or buried.

5. Sign at Entrance

- a. The SMLCRA, under section 49-607(c), requires that all sites registered with the DOC have a clearly visible sign at the primary entrance to the site. The sign shall clearly state the **name, business address, and phone number** of the operator.

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