



## Ohio Administrative Code Rule 1501:13-9-17 Postmining use of land.

Effective: January 17, 2016

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(A) All affected areas shall be reclaimed in a timely manner:

(1) To conditions that are capable of supporting the uses which they were capable of supporting before any mining; or

(2) To higher or better uses achievable under criteria and procedures of paragraph (D) of this rule.

(B) The premining uses of land to which the postmining land use is compared shall be those uses which the land previously supported, if the land has not been previously mined and has been properly managed.

(1) The postmining land use for land that was mined pursuant to a license issued prior to April 10, 1972, shall be judged on the basis of the highest and best use that can be achieved which is compatible with surrounding areas and does not require the disturbance of areas previously unaffected by mining.

(2) The land may be returned to the undeveloped postmining land use category only if the land was categorized as undeveloped land prior to mining.

(C) "Land use" means specific uses or management-related activities, rather than the vegetation or cover of the land. Land use is categorized in the following categories. Changes of land use or uses from one of the following categories to another shall be considered as a change to an alternative land use which is subject to approval by the chief pursuant to paragraph (D) of this rule.

(1) The cropland category includes land in the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops. Land used for facilities in support of cropland farming operations which is adjacent to or an integral part of these operations is also included for



purposes of these land use categories.

(2) The pastureland category includes land occasionally cut for hay and land used primarily for the long-term production of adapted, domesticated forage plants to be grazed by livestock or occasionally cut and cured for livestock feed. Land used for facilities in support of pastureland or land occasionally cut for hay which is adjacent to or an integral part of these operations is also included.

(3) The grazingland category includes both grassland and forest land where the indigenous vegetation is actively managed for grazing, browsing, or occasional hay production. Land used for facilities in support of ranching operations which are adjacent to or an integral part of these operations is also included.

(4) The industrial category includes land used for extraction or transformation of materials for fabrication of products, wholesaling of products or for long-term storage of products. This includes all heavy and light manufacturing facilities such as lumber and wood processing, chemical manufacturing, petroleum refining, and fabricated metal products manufacture. Land used for facilities in support of these operations which is adjacent to or an integral part of that operation is also included. Support facilities include, but are not limited to, all rail, road, and other transportation facilities.

(5) The commercial category includes land used for retail or trade of goods or services, including hotels, motels, stores, restaurants, and other commercial establishments. Land used for facilities in support of commercial operations which is adjacent to or an integral part of these operations is also included. Support facilities include, but are not limited to, parking, storage, or shipping facilities.

(6) The developed water resources category includes land used for storing water for beneficial uses such as stockponds, irrigation, fire protection, flood control, and water supply.

(7) The recreation category includes land used for public or private leisure-time use, including developed recreation facilities such as parks, camps, and amusement areas, as well as areas for less intensive uses such as hiking, canoeing and other undeveloped recreational uses.



(8) The residential category includes land used for single and multiple-family housing, mobile home parks, and other residential lodgings. Land used for facilities in support of residential operations which is adjacent to or an integral part of these operations is also included. Support facilities include, but are not limited to, vehicle parking and open space that directly relate to the residential use.

(9) The forest category includes land used for the commercial or noncommercial production of wood, wood fiber, or wood derived products and land used for facilities in support of forest harvest and management operations which is adjacent to or an integral part of these operations.

(10) The fish and wildlife habitat category includes land used wholly or partially for the production, protection or management of species of fish or wildlife.

(11) The undeveloped land use category includes land that is not currently being used or managed or, if previously used or managed, is land that has been allowed to return naturally to an undeveloped state or has been allowed to return to forest through natural succession.

(D) An alternative postmining land use may be approved by the chief of the division of reclamation, after consultation with the landowner or the land management agency having jurisdiction over state or federal lands, if the following criteria are met.

(1) The proposed land use is compatible with adjacent land use and, where applicable, with existing local, state, or federal land use policies and plans.

(2) The use will not be impractical or unreasonable.

(3) The plans show the feasibility of the postmining land use and include a schedule showing how the proposed use will be developed and achieved within a reasonable time.

(4) The plans include letters of commitment from other parties to provide for necessary public facilities that are required for the proposed use.

(5) The proposed use or uses will neither present actual or probable hazard to public health or safety, nor will they pose any actual or probable threat of water flow diminution or pollution.



(6) The use or uses will not involve unreasonable delays in reclamation.

(7) The use will not cause or contribute to violation of federal, state, or local law.

(8) The proposed postmining land use identifies measures to prevent or mitigate adverse effects on fish and wildlife, and threatened or endangered plants or animals or their critical habitats, and an opportunity to comment has been provided in accordance with paragraph (A)(3) of rule 1501:13-5-01 of the Administrative Code to appropriate state and federal fish and wildlife management agencies.