

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

Reclamation at Aggregate Mining Sites

What is Reclamation?

Reclamation can be briefly defined as the rehabilitation of disturbed areas resulting from surface and underground mining. At its most basic level, reclamation results in a safe and non-polluting mining site that will retain some land value. For example, gravel operations may be graded after closure to remove dangerous steep slopes. Revegetation, erosion control, and site cleanup are included in basic reclamation operations.

Sometimes reclamation is employed to prepare a site for a subsequent “end use” after mining operations are completed. For example, if the planned end use of a site is for green space, landscaping may be used to restore the site to a state that is aesthetically pleasing, or if the site will be used for residential development, areas may be left unfilled to prepare for installation of water and sewer connections.

A mining plan, when required, would normally include a description of post-mining management necessary to support the end use. It would also identify the party responsible for conducting the end use.

Is Reclamation of Aggregate Mining Sites Required?

Currently, there is no state or federal mining permit in Nebraska that requires aggregate mining operations to be reclaimed. Reclamation at active aggregate sites may be addressed in a local permit or through leasing agreements between landowners and mining companies. The most extensive review of aggregate mining operations takes place at the local unit of government – County, township, or municipality. Nebraska has 93 counties that operate under organized county governments. Sixty-six counties are commissioner counties and are governed by a board of commissioners. Twenty-seven counties are township counties and are subdivided into townships governed by a board of supervisors. There are 554 incorporated municipalities in Nebraska. Each of these entities (counties, townships, and municipalities) has the authority to regulate aggregate mining through zoning ordinances and land use planning. Operating concerns such as view, noise, dust, hours of operation, traffic, and final reclamation may be addressed in local permits. There are differences in the ways in which local governments regulate aggregate mining and final reclamation. The standards for reclamation vary by county, township, and city.

Reclamation is a Public Concern

Aggregate mining is the most common form of mining in Nebraska. Because aggregate is relatively inexpensive to mine but expensive to transport, most operations are located close to where the resource will be used. As a result, aggregate sites are found in over half of the counties in Nebraska, and are highly visible along roadways.

Whether in populated areas or rural settings across the state, aggregate mining is often regarded as an unwelcome neighbor. Conflicts between aggregate mining and other land uses are escalating. At the same time, the need for aggregate materials for construction projects and infrastructure is increasing commensurate with the stimulus projects and in areas where population growth is occurring. Reclamation is a key concern voiced by the public.

Reclamation at Active Mining Operations

Methods used to reclaim active operations can differ greatly from those used to reclaim abandoned sites. Although precise numbers change yearly, the University of Nebraska, School of Natural Resources – Conservation and Survey Division identified 578 active mining sites in 2002. At these sites, public concerns may be addressed through local permits. For active operations, final reclamation is most often considered in a local permit or through leasing agreements between landowners and mining companies.

Reclamation at Inactive or Abandoned Mining Operations

Prior to the 1980s, reclamation of aggregate mining sites was not a routine practice. In 2002, the University of Nebraska, School of Natural Resources – Conservation and Survey Division identified over 3,100 inactive or abandoned mining sites in Nebraska. Often, these sites fall outside the regulatory authority of the counties, townships, and municipalities. Problems associated with inactive or abandoned mining sites may include: 1) safety concerns such as steep pit walls and deep water, 2) colonization by noxious weeds and other unwanted vegetation, and 3) unauthorized activities such as illegal dumping, target shooting, off-road vehicle use, and parties. There are increased problems at unreclaimed sites.

Abandoned sites are difficult to reclaim. When reclaimed, the results can be disappointing compared to reclamation at the time of mine closure as part of a mining plan. There may be no responsible party and/or no money to do the reclamation on abandoned sites. Costs to reclaim these sites may be higher because unwanted vegetation must be cleared and landforms reconstructed. Topsoil is needed for revegetation, and often the topsoil has been removed from unreclaimed sites. Planning ahead for reclamation can solve many of these problems before they occur.