



## **A Surface Mining Reclamation Guide**

### **Natural Resource Overlay District Ordinance**

On December 8, 1992, the Metro Council adopted Ordinance 9562, which created the right to establish Natural Resource Overlay Districts “on land containing at least five (5) contiguous acres, those uses involving the removal of soil, sand or gravel by excavating, stripping, dredging, mining, or otherwise taking, and including on-site operations appurtenant to taking, including washing, grading, sorting, storage and grinding operations.” The term “soil, sand and gravel” shall include all mined materials or substances of commercial value excavated in a solid state from natural deposits on or in the earth, but does not include coal/lignite or peat, slate, salt, sulphur, oil, gas and any other mineral found naturally in a liquid or gaseous state. The ordinance also establishes minimum design standards (buffer distances) for roads, residences, properties and rights-of-way adjacent to mining activities.

In addition to the above requirements as set forth in Ordinance 9562, the following procedures and documents must be followed and presented for the creation of a Natural Resource Overlay District and a subsequent rezoning.

- The boundaries of such districts shall be shown on official maps as provided in Section 1.203 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge.
- Application for rezoning must be filed with the Office of the Planning and Zoning Commission, with the following completed attachments:
  - 1) Aerial photograph of petitioned and contiguous land (Scale: 1"=400')
  - 2) Survey map of property (Scale: 1"=200')
  - 3) Completed Development Permit Application from Title 8, Chapter 8 -- Flood Damage Protection, Part III, Section 833 of the Code of Ordinances of the City of Baton Rouge
  - 4) Report from professional engineer, soil scientist, or geologist regarding possible adverse impacts of operation
  - 5) Letter of “no objection” from the Office of Cultural Development, Division of Archaeology, State of Louisiana
  - 6) Detailed plan for extraction of natural resources deposits to include:
    - a) Excavation initiation and termination dates
    - b) Anticipated depth of pit and side slopes
    - c) Equipment to be used, volume of traffic, daily hours of operation

d) Letters of “no objection” from the City-Parish Department of Public Works and U.S. Army Corps of Engineers

e) A proposed plan of land reclamation and a statement or supportive documents to be reviewed by the Planning Commission and U.S. Soil Conservation Service (for technical evaluation). The statement and plan should include how the proposed site will be reused in a manner compatible with the East Baton Rouge Parish Horizon Plan Land Use Plan.

### **Recommended Procedures for Reclaiming Land**

The following procedures and guidelines should be used as applicable to individual planned developments or projects. The Office of the Planning Commission recommends the use of these procedures and guidelines for they may aid in the approval process for Natural Resource Overlay District Zoning and necessary permits.

The operator should at all times be sensitive to, and use Best Management Practices (BMP) for the extraction of soil, sand and gravel during the mining process. Surface mining can lead to the pollution of our water resources by means of increased sediment loads in site water runoff and nonpoint source pollution from mining equipment fuel and oil. Further information about nonpoint source pollution and Best Management Practices may be obtained from the Louisiana Department of Environmental Quality, Office of Water Resources.

All refuse and spoil disposal areas should be reclaimed or treated, or the material should be removed or contained by the “operator.” Piles, ridges and peaks of overburden and/or spoil created by surface mining should be graded to topographic condition traversable by machines or equipment customarily used in connection with the use to be made of the land after reclamation. Slopes need not be reduced to less than the original grade of the area prior to mining provided that post-reclamation natural subsidence matches the original grade. Where significant concentrations of acid-forming materials are present, the “operator” should cover the exposed face of an aggregate seam to a depth of not less than three feet with earth that will support plant life or with a permanent water impoundment.

The “operator” may construct earthen dams to form lakes in pits resulting from surface mining operations, provided that the formation of lakes should not interfere with other mining operations or damage property of others.

All affected land, except that which is to be covered with water, shall be appropriately treated and/or reclaimed to prevent excessive erosion and resultant sediment loadings in adjacent streams. Off-site sediment

loadings should be minimized through stabilization of erosive soils or use of appropriate sediment basins or traps. Soil stabilization practices to be used for erosion and sediment control should include mechanical treatment and promotion of natural revegetation and/or revegetation by planting. Maintenance and management of established plants, trees, shrubs, or other plantings that are appropriate to the use of post-mined land is strongly encouraged by the Office of the Planning Commission.

Except when prevented by weather conditions or conditions of mining, grading should begin within six months after mining of the affected land has been completed. Initial seeding or planting should be made at the first appropriate time following completion of grading. All affected lands should be restored to a condition capable of supporting their intended post-mining land use within 24 months from completion of grading.

### **Reclamation Statement and Plan Requirements**

Reclamation Statement and Plan is the applicant's written proposal for reclamation of the affected areas including maps, land-use objectives, or other documents as required to describe reclamation, grading specifications, and manner and type of revegetation. This statement and plan should include the following:

1) *Statement of Procedure of Reclamation*

A detailed written statement explaining the procedure chosen to reclaim the land should be included. The procedure or procedures chosen should reference and follow the necessary steps needed to achieve the proposed future land use goal, and adhere to the submitted time schedule. Suggestions and options can be found in "Recommended Procedures for Reclaiming Land."

2) *Future Land Use Plan*

The reclamation statement and plan should include the proposed land use for the post-mined property. "Land Use" means specific uses or management-related activities, and may include joint or combination uses when seasons of the year dictate. Possible post-mining uses include, but are not limited to, the following: forestry practices, livestock pasture land, public or private recreation, water resource management, fish and wildlife habitat, cropland, residential, or industrial/commercial.

3) *Grading Plan*

Three copies of the proposed final grading plan should be included. The plan should be drawn to the same scale as the Survey Map of Property needed to obtain a Natural Resource Overlay Permit. (Scale 1"=200')

4) *Revegetation Plan*

A plan for the amount, type and placement of vegetation to be accomplished should be included in the reclamation plan. (Scale 1"=200')

5) *Time Table*

An approximate time schedule for the beginning and completion of each phase of reclamation should be included in the reclamation plan.

### **The residents of East Baton Rouge Parish can look toward the Horizon for a bright future.**

The Horizon Plan, a 20-year "Comprehensive Land Use and Development Plan," is at work as our "blueprint for the future." The plan was created with substantial citizen involvement and adopted by the Metropolitan Council in accord with the Plan of Government, as passed by referendum. The plan guides the community into the 21st century with sound growth management and development. Economic vitality, a high quality of living and an efficient use of community resources are important goals of the Horizon Plan. During the past six years, the Horizon Plan has moved to the forefront of activities at the City-Parish Planning Commission -- the "Lead Agency" for many of the plan's "Action Items" -- and other City-Parish agencies and offices. The Planning Commission is responsible for coordination of the entire plan, as well as implementing, creating, and updating plans for Horizon's 16 planning districts.

The City-Parish Planning Commission can be contacted for information about the Horizon Plan and its progress. The Planning Commission is located at 1755 Florida Street, P.O. Box 1471, Baton Rouge, LA 70821. The telephone number is (225) 389-3144 and FAX number is (225) 389 5342. See our web page on the internet at <http://www.brgov.com/dept/planning/>, and email us at [planning@brgov.com](mailto:planning@brgov.com). Copies of the "Horizon Plan Summary", "Final Plan Report", and "Five-Year Update" are available for interested groups.