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FREQUENTLY ASKED QUESTIONS

Applying for or Renewing a Special Land Use Permit for Common Variety Mineral Materials on Arizona State Trust Land

The Arizona State Land Department (Department) encourages all prospective applicants to review these frequently asked questions (FAQs) prior to applying for or renewing a Special Land Use Permit (SLUP) for Common Variety Mineral Materials (Aggregate), hereby referred to as an "Aggregate SLUP". The FAQs are only intended to provide guidance and are not intended to provide legal or technical advice. A meeting may be scheduled with the Department to answer questions regarding applying for or renewing a SLUP for common variety mineral materials.

1. When do I need an Aggregate SLUP on Arizona State Trust Land (STL)?

The Department issues an Aggregate SLUP for the following reasons:

- To conduct activities on STL outside the scope of an existing Common Variety Mineral Materials (Aggregate) Lease (e.g., operation of a hot batch asphalt plant, concrete batch plant, etc.) that only require the use of the surface estate.
- To use STL to stockpile and store material and/or equipment from an adjacent private aggregate operation.
- To complete reclamation activities after an Aggregate Lease expires. If saleable material has been stockpiled under an Aggregate Lease that is not being extended, the stockpiled material can be sold under the SLUP during reclamation. A royalty for the saleable material must be paid to the Department under the royalty rate of the expired Aggregate Lease.
- To mine aggregate on split estate land.

2. What steps are necessary for pursuing a new Aggregate SLUP?

- **Step 1:** Make an in-person appointment with the Department's Public Records Section, either online or by telephone, to determine if the section of interest is available.
- **Step 2:** If the section is available, visit the "*ASLD Community Portal*" on the ASLD website www.azland.gov and create an account, or log into an existing account if one has already been established.
- **Step 3:** Select "*Special Land Use Permit*" and follow the prompts.
- **Step 4:** Using the Salesforce Map to choose the section(s), modify the legal description (using the Public Land Survey System (PLSS)) and acreage to conform to the map discussed below.
- **Step 5:** Submit a U.S.G.S. topographic map that includes, at a minimum, the following items:
 - A north Arrow
 - Map scale
 - SLUP boundary
 - Ingress and egress routes and other roads
 - Water sources
 - Other structures, such as residences, utilities, old mine workings, etc.

- **Step 6:** The \$300.000 application fee must be submitted.

3. What are the fees and costs associated with an Aggregate SLUP?

The fees and costs for an Aggregate SLUP vary with the number of sections and amount of acreage, but include the following direct (invoiced by the Department) and indirect (not invoiced by the Department) items:

- Direct (paid to the Department) -
 - An application fee of \$300.00
 - An annual rental fee that equates to 8% of the appraised surface value
 - The cost of the appraisal, which can range up to \$6,000.00 depending on the location and amount of acreage in the application
 - A reclamation bond is required prior to the issuance of a SLUP. The bond may be either cash, Certificate of Deposit, or Surety Bond. See Nos. 6 and 7 below for more information.
 - Native plant fees if the proposed plan requires the removal or destruction of native plants
- Indirect (costs to execute work) -
 - Preparation of a Mineral Development Report (MDR) or a Surface Use Plan (SUP)
 - A SUP must include archaeological survey data, native plant survey data, and configuration of the land showing ingress/egress and security and to support the reclamation plan.
 - An American Land Title Association (ALTA) survey of the proposed boundary and access if the legal descriptions are in metes and bounds
 - Cultural resource survey(s)
 - Native plant survey(s)
 - Cost of preparing a Mine Operating Plan and Reclamation Plan for U.S. Bureau of Land Management (BLM)
 - Cost of preparing a Reclamation Plan for the Arizona State Mine Inspector (ASMI) for private land
 - Cost of conducting mining or related activities
 - Cost of any federal, state, county and/or local permitting
 - Insurance Requirements – Please see No. 8 below.

Arizona Administrative Code (A.A.C.) R12-5-1201

4. Which commodities can be explored for or mined with an Aggregate SLUP?

Commodities that may be mined under an Aggregate SLUP include, but are not limited to:

- Sand & gravel
- Boulders (primarily granite)
- Fill dirt
- Crushed rock
- Cinders
- Petrified wood
- Landscaping material (e.g., crushed granite)
- Ornamental rock
- Dimension stone
- Decorative rock
- Common clays (e.g., pottery, bricks, etc.)
- Low grade limestone (limestone not used to make cement)

Other commodity types, including mineral, oil & gas and geothermal resources, where the surface is STL and the subsurface is either federal or private, require a SLUP with additional requirements. For additional requirements, please review the Frequently Asked Questions document related to the type of SLUP for the commodity of interest.

5. How much acreage can be included in an Aggregate SLUP?

The minimum acreage for a SLUP for an Aggregate Lease is determined by the associated leased mineral rights, either federal (typically BLM) or private. Depending on the surface use, 640 acres or greater may be allowable under a SLUP for an Aggregate Lease. For additional clarification, please contact the Mineral Section at ms@azland.gov prior to submitting an application for large acreages.

6. What is the reclamation bond requirement associated with an Aggregate SLUP?

Regardless of who owns the mineral rights, a reclamation bond is required.

- Federal mineral rights ownership – BLM will approve the reclamation plan and will be the beneficiary of the financial assurance. The Department’s reclamation bond for an Aggregate SLUP covers activities on the surface estate, not already addressed by the BLM’s financial assurance requirements.
- Private minerals rights ownership – The Arizona State Mine (ASMI) Inspector will approve the reclamation plan and be the beneficiary of the financial assurance. The Department’s reclamation bond for an Aggregate SLUP only covers activities on the surface estate, and not anything already addressed by the ASMI financial assurance.
- The reclamation bond submitted to the Department only covers reclamation costs that are not already covered by other state or federal financial assurance.

7. What does the Department require prior to approving the reclamation cost estimate for the reclamation bond?

The Department requires the submission of a Surface Use Plan that includes the Mine Operation and Reclamation Plans. The Department will review the Surface Use Plan to determine whether the Reclamation Plan addresses the Department’s concerns for post-mining land use and liabilities. If the Reclamation Plan does not cover all Department requirements, the Department will request a reclamation bond to cover the remaining costs.

8. What are the insurance requirements for an Aggregate SLUP?

The insurance and indemnification requirements are set by the State through the Arizona Department of Administration and are not negotiable. For all permit and lease insurance requirements, please see the FAQs for “*Insurance Requirements*”.

9. How long is an Aggregate SLUP valid for?

The initial term of an Aggregate SLUP is two years.

A.A.C. R12-5-1101 (A)

10. Can an Aggregate SLUP be renewed?

Yes, an Aggregate SLUP can be renewed for a term no greater than ten (10) years. An application fee of \$300.00 must be paid and a revised SUP, MDR, and/or reclamation plan, reclamation costs, and a new appraisal may be required.

11. What happens if I do not renew an Aggregate SLUP?

If the Aggregate SLUP renewal application is not submitted prior to the expiration date of the Aggregate SLUP, the Aggregate SLUP automatically expires.

12. If the Aggregate SLUP expires, what happens with the reclamation bond?

The reclamation bond will be held by the Department until it has been determined that all ground disturbing activities have been reclaimed. If the permitted area has been reclaimed, the reclamation bond will be

released. If the permitted area has not been reclaimed, the Department may pursue reclamation using the posted reclamation bond.