**Section 1778.15 Right of Entry Information**

a) An application shall contain:

1) the name and address of each legal or equitable owner of record of the surface and mineral property to be mined, each holder of record of any leasehold interest in the property to be mined, and any purchaser of record under a real estate contract for the property to be mined;

2) the name and address of each owner of record of all property (surface and subsurface) contiguous to any part of the proposed permit area;

3) a statement of all lands, interest in lands, options, or pending bids on interests held or made by the applicant for lands contiguous to the area described in the permit application. If requested by the applicant, any information required in this Section that is not on public file pursuant to State law shall be held in confidence by the Department, as provided in 62 Ill. Adm. Code 1773.13(d)(3)(B); and

4) the Mine Safety and Health Administration (MSHA) numbers for all structures that require MSHA approval.

b) An application shall contain a description of the documents upon which the applicant bases his or her legal right to enter and begin surface coal mining and reclamation operations in the permit area and shall state whether that right is the subject of pending litigation. The description shall identify those documents by type and date of execution, identify the specific lands to which the document pertains, and explain the legal rights claimed by the applicant. The Department will not be liable in any way if the claimed right to enter and begin surface mining activities has been, or is later, adjudicated invalid by a court of competent jurisdiction. Documents shall not be submitted to the Department in lieu of the description identified in this subsection; however, the Department may subsequently require the applicant to provide such information during the permitting process.

c) For surface mining activities where the private mineral estate to be mined has been severed from the private surface estate, the application shall also provide for lands within the permit area:

1) a copy of the written consent of the surface owner to the extraction of coal by surface mining methods;

2) a copy of the conveyance that expressly grants or reserves the right to extract the coal by surface mining methods; or

3) if the conveyance does not expressly grant the right to extract the coal by surface mining methods, documentation that under the applicable State law, the applicant has the legal authority to extract the coal by those methods.

d) Nothing in this Section shall be construed to afford the Department the authority to adjudicate property title disputes.

e) In satisfaction of the requirements of this Section the Department may accept, as part of a permit application, a statement, notarized and attested to the truth of the statement, signed by an attorney licensed to practice law in the State of Illinois, the applicant has the legal right to enter and commence the surface coal mining and reclamation operations proposed in the application. The statement shall identify the documents upon which it is based by type and date of execution, identify the specific lands to which each document pertains, and explain the legal rights claimed by the applicant. If subsection (c) applies, the statement shall also include copies of the documents as required in subsections (c)(1) through (3).

f) An application in which the applicant claims to have valid existing rights to conduct surface coal mining operations in an area where mining is prohibited or limited under 62 Ill. Adm. Code 1761.11 shall contain the necessary information and meet the requirements of Section 1778.16 and the applicable portions of 62 Ill. Adm. Code 1761.14 through 1761.17.

g) All applications for shadow area shall contain a notarized statement by a responsible official of the applicant attesting that all necessary mining rights, including the right to subside, if applicable, have been or will be obtained prior to mining.

(Source: Amended at 43 Ill. Reg. 12916, effective October 16, 2019)