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TITLE 30 CFR PART 211  
Coal Mining Operating Regulations

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Sec. 211.1 Scope and purpose.

(a) The regulations in this Part shall govern operations for the discovery, testing, development, mining, preparation, and handling of coal under coal leases, licenses, and permits issued for federally-owned coal, regardless of surface ownership, pursuant to the regulations in 43 CFR Group 3500 and the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741), and for the reclamation of lands disturbed by such operations. These regulations shall also apply to operations for the discovery, testing, development, mining, preparation, and handling of coal in tribal and allotted Indian lands under leases and permits, regardless of ownership of the surface, issued under the regulations in 25 CFR Parts 171, 172, and 174, and for the reclamation of lands disturbed by such operations.

(b) The purpose of the regulations in this Part is to assure orderly and efficient prospecting, exploration, testing, development, mining, preparation and handling operations, and production practices, without avoidable waste or loss of coal or other mineral resources or damage to coal-bearing or other mineral-bearing formations; to encourage maximum recovery and use of coal resources; to ensure operating practices which will avoid, minimize, or correct resulting damage to the environment--land, water, and air--and to public health and safety; to require effective reclamation of lands; and to require a proper record and accounting of all coal produced.

(c) When the regulations in this Part relate to matters included in the regulations in 25 CFR Part 177--Surface Exploration, Mining, and Reclamation of Lands--pertaining to Indian lands, the regulations in that Part shall govern to the extent of any inconsistencies. In any event, the operating and reclamation standards of Section 211.40 of this Part shall apply.

(d) The responsibility for enforcement of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801) and the coal mine health and safety regulations contained in Chapter I of this Title is vested in the Mining Enforcement and Safety Administration, Department of the Interior.

Sec. 211.2 Definitions.

As used in this Part, the following terms shall have the following meanings:

(a) Acid and toxic producing deposits means natural or reworked earth materials having chemical and physical characteristics that, under mining or postmining conditions of drainage, exposure, or other processes, may produce effluents that contain chemical constituents, such as acids, bases, or metallic compounds, in sufficient concentrations to adversely affect the environment.

(b) Affected lands means any lands affected or to be affected by exploration, development, and mining operations and the construction of facilities necessary and related to such operations.

(c) Approximate original contour means the surface configuration achieved by backfilling and grading of the mined area so that it closely resembles the surface configuration of the land prior to

mining (although not necessarily the original elevation) and blends into and complements the drainage pattern and topography of the surrounding terrain.

(d) Area of operations means that area of the leased, permitted or licensed lands which is required for exploration, development, producing, and processing operations, including all related surface structures and facilities, and which is delineated on a map or plat that is made a part of the approved plan.

(e) Authorized officer means that officer designated by any Federal surface managing agency to exercise its authority in matters relating to coal leases, licenses, and permits and these regulations.

(f) Coal means coal of all ranks, from lignite to anthracite.

(g) Conservation Manager means a Conservation Manager, Conservation Division, Geological Survey.

(h) Director means the Director of the Geological Survey, U.S. Department of the Interior.

(i) Division Chief means the Chief of the Conservation Division, Geological Survey.

(j) Exploration plan means a detailed plan submitted to the Mining Supervisor for approval before exploration operations commence showing the location and type of exploration work to be conducted, environmental protection procedures, roads, and reclamation procedures to be followed upon completion of such operations.



(k) General Coal Mining Order means a formal numbered order issued by the Mining Supervisor, with the prior approval of the Division Chief, which implements the regulations in this Part and applies to operations in a specified geographic area.

(l) Lease lands, leased premises, or leased tract means lands embraced within a coal lease and subject to the regulations in this Part.

(m) Lessee means any person or persons, partnership, association, corporation, or municipality to whom a coal lease is issued, subject to the regulations in this Part, or an assignee of such lease under an approved assignment.

(n) Licensee means any individual, association of individuals, or municipality to whom a coal license is issued, subject to the regulations in this Part.

(o) Logical mining unit means an area of coal land that can be developed and mined in an efficient, economical, and orderly manner, with due regard to conservation of coal reserves and other resources. A unit may consist of one or more Federal leaseholds and may include intervening or adjacent non-Federal lands, insofar as all lands are under the effective control of a single operator.

(p) Maximum extent practicable means, with respect to a performance standard or a level of control, that degree of compliance which can be achieved with commercially available technology, taking into account the costs of such compliance and all tangible and intangible environmental and other benefits which would be derived therefrom.

(q) Method of Operation means the method and manner by which any activities are performed by the operator, as described in a preliminary plan or an exploration or mining plan.

(r) Mine means an underground or surface excavation and the surface or underground support facilities that contribute directly or indirectly to coal mining, preparation, and handling.

(s) Mining plan means a detailed plan submitted to the Mining Supervisor for approval before mining operations commence showing the location, method and extent of mining and all related activities necessary and incident to such operations, including the steps to be taken to protect the environment during operations, reclamation, and abandonment.

(t) Mining Supervisor means the Area Mining Supervisor, Conservation Division, Geological Survey, or District Mining Supervisor or other subordinate acting under his direction.

(u) Operator means a lessee, permittee, or licensee, or one conducting operations on lands under the authority of the lessee, permittee, or licensee.

(v) Permanent impoundment means an artificially built, dammed, or excavated place for retention of water or sediment that is intended to remain after abandonment of the operation.

(w) Permit lands means lands embraced within a coal prospecting permit and subject to the regulations in this Part.

(x) Permittee means any person or persons, partnership, association, corporation, or municipality to whom a coal prospecting permit subject to the regulations in this Part is issued, or an assignee of such permit under an approved assignment.

(y) Preparation means the crushing, sizing, cleaning, drying, mixing, and other processing of coal to prepare it for market.

(z) Reclamation means the process of returning affected lands to a stable condition and form consistent with their premining productivity and use.

(aa) Secretary means the Secretary of the Interior.

(bb) Significant valley floor vegetation means farm crops, including hay, that are integral parts of agricultural or ranching operations and forests or meadows with significant recreational, watershed, or wildlife habitat value.

(cc) Topsoil means natural earth materials at or adjacent to the land surface with physical and chemical characteristics necessary to support vegetation.

(dd) Valley floors means the channelways, floodplains, and adjacent low terraces of perennial, intermittent, or ephemeral streams that are flooded during periods of high flow and that are underlain by unconsolidated stream-laid deposits. Excluded are higher terraces and slopes underlain by colluvial and other surficial deposits normally occurring along valley margins.

Sec. 211.3 Responsibilities.

(a) Subject to the supervisory authority of the Secretary, the regulations in this Part shall be administered by the Director, through the Division Chief, the Conservation Manager, and the Mining Supervisor.

(b) The Mining Supervisor is empowered to approve, disapprove, or require modification of exploration and mining plans pursuant to this Part.

(c) The Mining Supervisor is empowered to oversee prospecting, exploration, testing, development, mining, preparation, handling, reclamation, and abandonment operations under the regulations in this Part. The Mining Supervisor, in the performance of his duties shall:

(1) Inspection of operations. Examine, as frequently as necessary but at least quarterly, the lease, permit, or license lands where operations for the discovery, testing, development, mining, preparation, and handling of coal and reclamation of affected lands are conducted, or are to be conducted; inspect such operations, for the purpose of determining whether waste or degradation of mineral substances or damage to formations and deposits or non-mineral resources affected by the operations is being minimized, and whether all provisions of applicable laws, regulations and orders, all terms and conditions of leases, permits, or licenses, and all requirements of approved exploration or mining plans are being complied with.

(2) Compliance. Require operators to conduct operations subject to this Part in compliance with all provisions of applicable laws, regulations, and orders, all terms and conditions of leases, permits, or licenses, and all requirements of approved exploration or mining plans.

(3) Reports and recommendations. Make reports to the Division Chief, through the Conservation Manager, as to the general conditions of lands under permit, lease, or license, and the manner in which operations are being conducted and orders or instructions are being complied with; and submit information and recommendations for protecting the coal, the coal-bearing formations, other mineral resources, and the non-mineral resources.

(4) Manner and form of records, reports, and notices. Prescribe, subject to the approval of the Division Chief, the manner and form in which records of operations, reports, and notices shall be made.

(5) Records of production; rentals and royalties. Obtain and check coal production and sales records; determine rental and royalty liability of lessees and permittees; collect and deposit rental and royalty payments; maintain rental and royalty accounts.

(6) Waiver, suspension, or reduction of rental or minimum royalty. Act on applications for waiver, suspension, or reduction of rental or minimum royalty filed pursuant to 43 CFR 3503.3-2(d); and transmit to the Bureau of Indian Affairs for

appropriate action, applications for waiver, suspension, or reduction of rental or minimum royalty under leases on Indian lands.

(7) Suspension of operations and production. Act on applications for suspension of operations or production, or both, filed pursuant to 43 CFR 3503.3-2(e), and terminate, when appropriate, suspensions which have been granted; and transmit to the Bureau of Indian Affairs for appropriate action, applications for suspension of operations or production, or both, under leases on Indian lands.

(8) Cessation and abandonment of operations. Upon receipt of notice of proposed cessation or abandonment of operations, or relinquishment of a lease, permit, or license, inspect and determine whether the operator has complied with the terms and conditions of the permit, lease, or license, and the approved exploration or mining plans; whether all rentals and royalties due the lessor have been paid; and determine and report to the Federal agency having administrative jurisdiction over the lands when the lands have been properly conditioned for abandonment. Before approving any such proposed action, the Mining Supervisor will consult with, or obtain the concurrence of, the authorized officer of the Federal agency having administrative jurisdiction over the lands with respect to compliance by the operator with the surface protection and reclamation requirements of the lease, permit, or license, and the exploration or mining plan.

(9) Wells or prospect holes. Prescribe or approve the methods for protecting coal-bearing formations from damage or contamination that might be incurred as a result of any wells or prospect holes drilled to, or through, the coal-bearing formations, for any purpose, on lands embraced within a coal lease, permit, or license.

(10) Trespass. Report to the Federal agency having administrative jurisdiction over the lands any trespass that involves exploration activities or removal of coal.

(11) Water and air quality. Inspect operations to determine compliance with water management and pollution control measures for the protection and control of the quality of surface and ground water resources and compliance with emission control measures for the protection and control of air quality, as required by the approved plans.

(12) Implementation of regulations. Issue General Coal Mining Orders and other orders and instructions, and grant consents and approvals, when necessary, to implement or assure compliance with the regulations in this Part. Oral orders, instructions, approvals, and consents shall be confirmed in writing.

(13) Reclamation bonds. Determine whether the amounts of bonds or other equally appropriate financial arrangements are at all times adequate to satisfy the estimated costs of completion of remaining reclamation requirements of the approved exploration or mining plan.

(14) Consultation. Consult with the authorized officer of the Federal surface managing agency before taking any final action to approve an exploration or mining plan or modification thereof and to determine the amount of a bond for reclamation purposes.

Sec. 211.4 General obligations of lessees, permittees, and licensees (including designated operators or agents).

(a) Operations involving the discovery, testing, development, mining, preparation, and handling of coal, and reclamation and abandonment of lands shall conform to the provisions of applicable laws and regulations, including applicable effluent and emission limitations; the terms and conditions of the lease, permit, or license; the requirements of an approved exploration or mining plan; and the orders and instructions issued by the Mining Supervisor.

(b) The operator shall take all actions necessary to minimize waste and damage to coal-bearing formations or other mineral resources.

(c) The operator shall take such action as may be needed to minimize, control, and to the maximum extent practicable, avoid (1) soil erosion; (2) pollution of air; (3) pollution of surface or ground water; (4) serious diminution of the normal flow of water; (5) permanent damage to vegetative growth, crops, or timber; (6) injury or destruction of fish and wildlife and their habitat; (7) creation of unsafe or hazardous conditions; (8) damage to improvements, whether owned by the United States, its permittees, licensees, or lessees, or by others; and (9) damage to recreational, scenic, historical, and archaeological values of the



land. The surface of leased or permit lands shall be reclaimed as contemporaneously as practicable with the mining operations and in accordance with the terms and conditions prescribed in the lease, permit, or license and the provisions of the approved mining or exploration plan. Good housekeeping practices shall be observed at all times. Where any question arises as to the necessity for, or the adequacy of, an action to meet the requirements of this paragraph, the determination of the Mining Supervisor shall be final, subject to the right of appeal as provided in Part 290 of this Chapter.

(d) The operator shall, when and as required by the Mining Supervisor, monitor water quality to establish data necessary to determine procedures which may be required to minimize, control, or avoid water pollution pursuant to the regulations in this Part.

(e) Accidents threatening damage to the mine, the lands or other resources, or accidents which could cause air or water pollution, along with corrective actions initiated, shall be reported promptly to the Mining Supervisor by telephone. Within 30 days after an accident the operator shall submit to the Mining Supervisor a detailed report of damages caused by the accident and the corrective actions taken.

(f) In areas where surface mining is anticipated, the operator shall drill an adequate number of holes in the overburden overlying the coal, and the stratum immediately below the coal to be mined. The operator shall sample and log each stratum penetrated

and analyze each stratum for at least the following: nitrogen, phosphorus, potassium, and pH, and conduct any other tests which the Mining Supervisor may specify. The analyses will be used to determine which materials must be buried during the stripping operations and to determine suitable material that will be placed near the surface for favorable propagation of vegetation. The number of holes and analyses will be specified by the Mining Supervisor.

(g) The operator shall submit the reports required by 25 CFR Part 177, Part 200 of this Chapter, this Part, and any other reports required by the Mining Supervisor.

Sec. 211.5 Public inspection of records.

(a) Geological and geophysical information and data, including maps, concerning wells and trade secrets, and commercial or financial information obtained from a person under this Part and identified as privileged or confidential shall not be available for public inspection without the consent of the permittee or lessee, so long as the permittee or lessee furnishing such data, or his successors or assignees, continues to hold a permit or lease of the lands involved.

(b) Mining plans submitted under 211.10 of this Part will be made available for public inspection in the office of the appropriate Mining Supervisor. For new mine plans, for major modifications in existing surface mine plans, or for surface related changes in existing underground plans submitted for approval, interested

parties will have a 30-day period after publication of notice to inspect such plans in the office of the District or Area Mining Supervisor and to comment thereon before any action with respect to such approval shall be taken by the Mining Supervisor. A notice of the availability of the plan shall be prepared by the Mining Supervisor, posted at the appropriate office on the day the plan is received, and mailed to the surface owner of record, if other than the United States, and to the appropriate county clerk for posting or publication. A copy of such notice shall be published by the operator in a local newspaper of general circulation in the locality of the proposed operation at least once a week for four consecutive weeks.

#### MAPS AND PLANS

##### Sec. 211.10 Exploration and mining plans.

(a) General. Before conducting any operation other than casual use, the operator shall submit to the Mining Supervisor, and obtain his approval of, an exploration or mining plan. Casual use, as used in this section, means activities which do not cause significant surface disturbance or damage to lands, resources and improvements, such as activities which do not include heavy equipment, explosives, or vehicular movement off established roads and trails which causes such disturbance. All such plans shall be submitted in quintuplicate, and shall show in detail the proposed prospecting, exploration, testing, development,

mining, preparation, reclamation, and abandonment operations to be conducted. Exploration and mining plans shall be consistent with and responsive to the requirements of the lease, permit, or license for maximizing recovery of the resources, for the protection of non-mineral resources, and for the reclamation of the surface of the lands affected by the operations. The exploration

and mining plans shall show that reclamation is an integral part of the plan and will progress as contemporaneously as practicable with the operations, and shall provide sufficient information to substantiate the effectiveness of the proposed reclamation method. Except as provided in subsection (e) hereof as to partial plans, where a logical mining unit has been approved by the Mining Supervisor, the mining plan shall cover all operations in the unit. The Mining Supervisor, after considering all comments received pursuant to Section 211.5(b), shall, in writing, promptly approve or disapprove the plan or indicate what modifications are necessary to conform to the provisions of the applicable laws and regulations and the terms and conditions of the permit or lease.

(b) Exploration plans. The Mining Supervisor shall require that an exploration plan include all of the following:

(1) A brief description of geologic, water, vegetation, fish, wildlife, and other physical factors that may be affected by the proposed operation within the area where exploration is to be conducted.

(2) A description of the present land use within and adjacent to the area.

(3) A narrative description including:

(i) Method of exploration and types of equipment to be used.

(ii) Measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or their habitat and other natural resources, and hazards to public health and safety.

(iii) Method for plugging drill holes.

(iv) Measures to be taken for surface reclamation which shall take into account the impact of the proposed operation on adjacent land uses and shall include, as appropriate:

(A) A reclamation schedule.

(B) Method of grading, backfilling, and contouring.

(C) Method of soil preparation and fertilizer application.

(D) Type and mixture of shrubs, trees, grasses, or legumes to be planted.

(E) Method of planting, including quantity and spacing.

(4) Estimated timetable for each phase of the work and for final completion of the program.

(5) Suitable maps or aerial photographs showing existing topographic, cultural, and drainage features, the proposed location of drill holes, trenches, access roads, and other items, as required by the Mining Supervisor.

(c) Mining plans. The Mining Supervisor shall require that a mining plan include all of the following:

(1) A description of the environment within the area where mining is to be conducted. Such description shall include, as a minimum, geologic conditions, including potential geologic hazards; types, depths, and distribution of soils; types, density, and distribution of vegetation; a monthly range of temperature, precipitation and average direction and velocity of prevailing winds; and the dominant fish and wildlife species.

(2) The conditions of the land covered by the mining plan prior to any mining, including:

(i) The uses existing at the time the mining plan is submitted for approval.

(ii) The capability of the land prior to any mining to support alternative uses, giving consideration to soil characteristics, topography, annual precipitation, and vegetative cover.

(3) The use which is proposed to be made of the land following reclamation, including any consideration which has been given to making the surface mining and reclamation operations consistent with applicable State and local land use plans and programs.

(4) A description of how the proposed postmining land use is to be achieved, including any necessary support activities and facilities.

(5) A narrative description, including:

(i) Nature and extent of the coal deposit, including estimated recoverable reserves.

(ii) Method of mining, including mining sequence and proposed production rate.

(iii) The engineering techniques proposed to be used in mining and reclamation and a description of the major equipment; the plan for the control of water drainage and accumulation; the plan, where appropriate, for backfilling, soil stabilization, and compacting, grading, and revegetation; and an estimate of the cost per acre of the reclamation, including a statement as to how the operator plans to comply with the requirements set out in Section 211.40(a) of this Part and any special terms and conditions of the lease, permit or license.

(iv) The anticipated starting and termination dates of each phase of the mining operation and number of acres of land to be affected.

(v) The steps to be taken to comply with applicable air and water quality laws and regulations.

(vi) Proposed measures for insuring the maximum practicable recovery of the mineral resource.

(vii) An estimated timetable for the accomplishment of each major step of reclamation.

(viii) The method of abandoning mine openings.

(ix) The logs and analyses of overburden samples and the method of depositing the spoils based on these samples.



(x) The hydrology of the area, including quantity and quality of water in surface and ground water systems, water levels and water table measurements, data regarding dissolved and suspended solids under seasonal flow conditions, and an assessment of the probable impacts of the anticipated mining operation upon the hydrology of the area.

(6) Suitable maps or aerial photographs showing:

(i) Topographic, cultural, archaeological, and natural drainage features, roads, and vehicular trails.

(ii) The name of the watershed and location of the surface stream or tributary into which mine waters will be discharged, if applicable.

(iii) Cross sections and plan views of the land to be affected, including the actual area to be mined, showing elevation and location of drill holes and depicting the following information: the nature and depth of the various strata of overburden; the information on subsurface water, if encountered, and its quality; the nature and thickness of any coal or rider seam above the coal seam to be mined; the nature of the stratum immediately beneath the coal seam to be mined; all mineral crop lines and the strike and dip of the coal to be mined within the area of land to be affected; existing surface mining limits, if any; the location and extent of known workings of any underground mines, including mine openings; the location of aquifers; the estimated elevation of the water table; the location of spoil,

waste, or refuse areas and topsoil preservation area; the location of all impoundments or other water treatment facilities; constructed or natural drainways and the location of any discharges to any surface body of water on the area of land to be affected or adjacent thereto; and cross sections of the anticipated final surface configuration that will be achieved pursuant to the operator's proposed reclamation activities.

(iv) Locations of surface structures and facilities.

(v) For an underground mine, the planned mine layout, including location and dimensions of shafts, slopes, drifts, crosscuts, rooms, haulageways, aircourses, entries, and barrier pillars.

(d) Changes in plans. Exploration and mining plans may be required to be reasonably revised or supplemented at any time by the Mining Supervisor, after consultation with the authorized officer of the Federal surface managing agency, to adjust to changed conditions or to correct oversights. If the operator seeks to change an approved plan, he shall submit a written statement of the proposed revision and the justification therefore to the Mining Supervisor. If any such revision or supplement would constitute a major modification of an approved mining plan, the Mining Supervisor shall follow the procedures provided in Section 211.5(b) of this Part. The Mining Supervisor, after considering

any comments received, shall, in writing, approve any such revision or specify the modifications thereto under which the proposed revision would be acceptable.

(e) Partial plan. If the circumstances warrant, or if development of an exploration or mining plan for the entire operation is dependent upon unknown factors which cannot, or will not, be determined except during the progress of the operations, a partial plan may be approved and supplemented from time to time. A partial plan shall include all information required by paragraph (c) of this Section to the extent that such information is available.

Sec. 211.11 Approaching oil, gas, or water wells.

When mining operations approach wells or bore holes that may liberate oil, gas, water, or other fluid substances, the lessee shall present his plans for mining the coal, protecting the wells or bore holes, and for obtaining maximum recovery, so far as practicable, in the vicinity of such holes, and must obtain the approval of the Mining Supervisor before proceeding with mining.

Sec. 211.12 Mine maps.

(a) General requirements. The operator shall maintain an accurate and up-to-date map of the mine, drawn to a scale acceptable to the Mining Supervisor. All maps shall be appropriately marked with reference to government landmarks or lines and elevations with reference to sea level. Before any mine, or section of a

mine, is abandoned, closed, or made inaccessible, a survey of such mine or section shall be made and recorded on the maps. All excavations in each separate bed shall be shown in such a manner that the production of coal for any royalty period can be accurately ascertained. Additionally, the map shall show the name of the mine; the name of the lessee; the lease, permit, or license serial number, or Bureau of Indian Affairs lease or permit contract number, tribal name of tribal land, allotment number, if allotted land, and name of the Indian reservation; the lease boundary lines; surface buildings; dip of the bed; true north; map scale and explanatory legend; and such other information as the Mining Supervisor shall request. Copies of such maps shall be properly posted to date and furnished, in duplicate, to the Mining Supervisor annually, or at such other times as he deems necessary.

(b) Underground mine maps. Underground mine maps shall, in addition to the general requirements of paragraph (a) of this Section, show all mine workings; the date of extension of the mine workings and a coal section at each entry face; the location of all surface mine fans; the position of all fire walls, dams, main pumps, fire pipelines, permanent ventilation stoppings, doors, overcasts, undercasts, permanent seals, and regulators; the direction of the ventilating current in the various parts of the mine at the time of making the latest surveys; sealed areas, known bodies of standing water, either in or above the workings of the mine; areas affected by squeezes; the elevations of surface

and underground levels of all shafts, slopes or drifts; and the elevation of the floor, or bottom of the mine workings, at regular intervals in main entries, panels or sections, and sump areas.

(c) Surface mine maps. Surface mine maps shall, in addition to the general requirements of paragraph (a) of this Section, include date of extension of the mine workings and a coal section at not less than 100-foot intervals along the highwall; all worked out areas; the uncovered, but unmined, coal beds; and the elevation of the top of the coal beds.

(d) Vertical projections and cross sections of mine workings. When required by the Mining Supervisor, vertical projections and cross sections shall accompany plan views.

(e) Other maps. The operator shall prepare such other maps of the leased lands as, in the judgment of the Mining Supervisor, are necessary to show the surface boundaries; location, surface elevation, depth and thickness of the coal, and total depth of each bore hole; improvements; reclamation completed; topography, including subsidence resulting from mining; and the geological and hydrologic conditions as determined from outcrops, drill holes, exploration or mining; and water monitoring stations.

(f) Accuracy of maps. The accuracy of maps furnished shall be certified by a professional engineer, professional land surveyor, or other professionally qualified person.

Sec. 211.13 Failure of lessee to furnish maps.

(a) Liability of lessee for expense of survey. If the operator fails to furnish a required map, the Mining Supervisor shall employ a qualified mine surveyor to make a survey and a map of the mine, the cost of which shall be charged to, and promptly paid by, the operator.

(b) Incorrect maps. If any map submitted by an operator is believed to be incorrect, the Mining Supervisor may cause a survey to be made. If the survey shows the maps submitted by the lessee to be substantially incorrect, in whole or in part, the cost of making the survey and preparing the maps shall be charged to, and promptly paid by, the operator.

PROSPECTING AND EXPLORATION OPERATIONS

Sec. 211.20 Information required to be submitted.

The operator shall submit promptly to the Mining Supervisor, upon request, upon completion or suspension of prospecting or exploration operations, or as provided in the leases, permits, and licenses, duplicate signed copies of records and geologic interpretations of all prospecting and exploration operations performed on the lease or permit lands, including recoverable reserve calculations, along with vertical cross sections through the land and a map showing the exact location of coal outcrops, all drill holes, trenches and other prospecting activities. The records shall include a log of all strata penetrated and conditions

encountered, such as water, quicksand, gas, or any unusual conditions; copies of all other in-hole surveys, such as electric logs, gamma ray-neutron logs, sonic logs, or any other logs produced; and copies of coal analyses and results of other tests conducted on the land. All drill holes, trenches, and excavations will be logged under the supervision of a qualified geologist or engineer. Unless otherwise authorized by the Mining Supervisor, representative samples of all drill cores or cuttings shall be retained by the operator for one year and shall be available for inspection or analysis at the convenience of the Mining Supervisor.

Sec. 211.21 Core and test holes.

(a) Surveillance wells. With the approval of the Mining Supervisor, drill holes may be utilized as surveillance wells for the purpose of monitoring the effect of subsequent operations upon the quantity, quality, or pressure of ground water or mine gases.

(b) Blowout control devices. When drilling on lands valuable or potentially valuable for oil and gas or geothermal resources, the operator shall, when required by the Mining Supervisor, set and cement casing in the hole and install suitable blowout prevention equipment.

(c) Use of wells by others. Upon receipt of a written request from the surface owner or Federal surface administering agency, the Mining Supervisor may approve the transfer of an

exploratory well for further use as a water well. Approval of such well transfer will be accompanied by a corresponding transfer of responsibility for any liability for damage and eventual plugging.

#### MINING METHODS AND MINE ABANDONMENT

##### Sec. 211.30 Maximum recovery--underground mines.

Mining operations shall be conducted in a manner to yield the maximum recovery of the coal deposits consistent with the protection and use of other natural resources, sound economic practice, and the protection of the environment--land, water, and air. No entry, level, or panel workings in which the pillars have not been completely extracted within safe limits shall be permanently abandoned and rendered inaccessible, except with the written approval of the Mining Supervisor.

##### Sec. 211.31 Subsidence.

(a) Each operator of an underground coal mine shall adopt measures consistent with feasible known technology in order to prevent or control subsidence, maximize mine stability, and maintain the value and use of surface lands, except in those instances where the mining method used requires planned subsidence in a predictable and controlled manner.

(b) Where pillars or panels are not removed and controlled subsidence is not part of the mining plan, pillars or panels of adequate dimensions shall be left to assure surface stability,



giving due consideration to the thickness and strength characteristics of the coal beds and of the strata above and immediately below the coal bed.

(c) The Mining Supervisor may require the operator to install a subsidence monitoring system consisting of elevation stations and tiltmeters in a number sufficient to determine the extent of area that may be affected. All records of such surveys shall be accessible for review by the Mining Supervisor.

Sec. 211.32 Multiple seam mining; underground mining.

(a) Sequence of mining. In general, the available coal in the upper beds shall be worked out before the coal in the lower beds is mined, and simultaneous workings in an upper coal bed shall be kept in advance of the workings in each lower bed. The Mining Supervisor may authorize mining of any lower beds before mining the available coal in each known upper bed.

(b) Protective barrier pillars in multiple seam mining.  
In areas subject to multiple seam extraction, the protective barrier pillars for all main and secondary slope entries, main haulageways, primary aircourses, bleeder entries, and manways in each seam shall be superimposed, regardless of vertical separation or rock competency; however, modifications, exceptions, or variations of this requirement may be approved in advance by the Mining Supervisor.

Sec. 211.33 Advance workings; underground mines.

Where the room and pillar or other system of mining requires advance workings in solid coal, including entries, rooms or crosscuts, the lessee shall leave sufficient pillars to ensure the maximum practicable recovery of the coal deposits.

Sec. 211.35 Pillars left for support.

(a) Barrier pillars. The operator shall not, without the prior consent of the Mining Supervisor, mine any coal, drive any underground workings, or drill any lateral bore holes within 50 feet of any of the outside boundary lines of the leased lands, or within such greater distance of said boundary lines as the Mining Supervisor may prescribe. Payment up to and including the full value of the coal mined may be required for coal mined within such designated distances of the boundary without the written consent of the Mining Supervisor.

(b) Lessee may be required to mine barrier pillars on adjacent lands. If the coal beyond any barrier pillar has been worked out and the water level beyond the pillar is below the lessee's adjacent operations, the lessee shall, on the written order of the Mining Supervisor, mine out and remove all available Federal coal in such barrier, both in the lands covered by the lease and in the adjoining premises, if it can be mined without hardship to the lessee.

(c) Privately or tribally owned coal on adjoining premises. If the coal mining rights in adjoining premises are privately or

tribally owned and this coal has been worked out, an agreement may be made with the coal owner for the extraction of the coal remaining in the boundary pillars which otherwise may be lost.

Sec. 211.36 Development of leased tract through adjoining mines.

An operator may, with the approval of the Mining Supervisor, mine leased land from an adjoining underground mine on land privately owned or controlled or from adjacent leased lands, subject to the right of free access to the Federal premises by the Mining Supervisor.

RECLAMATION AND PERFORMANCE STANDARDS

Sec. 211.40 Operating and reclamation standards.

(a) Performance standards. The following performance standards shall be applicable to all coal exploration, development, mining, drilling, preparation, processing, and reclamation operations on the surface of the land subject to these regulations:

(1) The operator shall conduct surface coal mining operations so as to maximize the extraction of the coal resource so that future disturbance through the resumption of mining will be minimized.

(2) The operator shall reclaim the land affected pursuant to his approved plan, as contemporaneously as practicable with operations, to a condition at least fully capable of supporting all practicable uses which it was capable of supporting prior to any exploration or mining, or equal or better uses that can reasonably be attained.

(3) The operator shall replace overburden and waste materials in the mined area by backfilling (compacting, where advisable, to insure stability or to prevent leaching of toxic materials), grading, or other

means so as, to the maximum extent practicable, to eliminate high-walls and spoil piles and to restore the original contour. Where the thickness of the coal deposits relative to the volume of overburden is large or where the overburden and other spoil and waste materials are either insufficient or more than sufficient to restore the approximate original contour, the operator shall backfill, grade, and compact, using all available overburden or spoil material, to obtain the lowest practicable grade, but not more than the angle of repose, in order to provide adequate drainage and to cover all acid-forming or other toxic materials. Excess overburden or other spoil material, after restoring the approximate original contour, shall be graded, compacted (where advisable), stabilized, and shaped in a way to protect against slides, subsidence, erosion, and water pollution, in accordance with the requirements of this Part. Restoration to approximate original contour may not be required if the Director of the Geological Survey, with the concurrence of the Director of the Bureau of Land Management or the appropriate officer of the Federal surface management agency, determines:

(i) that an equal or better proposed postmining land use is practicable and attainable and that a modification of this requirement is the best method of achieving that postmining use, or (ii) that unusual conditions, such as steeply dipping coal beds or multiple seam mining, exist which make backfilling pursuant to this paragraph impractical.

(4) The operator shall stabilize and protect all surface areas, including spoil piles, affected by the coal mining and reclamation operation, to effectively control slides, erosion, subsidence and

attendant air and water pollution.

(5) The operator shall remove the topsoil separately, replace it on the backfill area or, if not utilized immediately, segregate it in a separate pile from other spoil. When the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, the operator shall establish and maintain a cover by quickgrowing plants or other means thereafter so that the topsoil is preserved from wind and water erosion and is in a condition for sustaining vegetation when used during reclamation. If topsoil is of insufficient quantity or of poor quality for sustaining vegetation, and if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which are best able to support vegetation.

(6) The operator shall, where permanent impoundments of water on mining sites are to be created, insure that:

(i) The impoundment is adequate for its intended purposes.

(ii) The impoundment will be designed and built in accordance with sound engineering standards and practices and applicable Federal and State laws and regulations.

(iii) The quality of impounded water will be suitable for its intended use and discharges from the impoundment will not unreasonably degrade the water quality in the receiving stream.

(iv) Final grading will provide adequate safety and access for proposed water users.

(v) Such water impoundments will not adversely affect the water resources utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

(7) The operator shall cover or plug all auger mine holes with noncombustible material in order to minimize or prevent harmful drainage.

(8) The operator shall minimize disturbances to the prevailing quality and quantity of water in surface and ground water systems, and of the prevailing erosion and deposition conditions at the mine site and in adjacent offsite areas, both during and after coal mining operations and during reclamation by:

(i) Controlling acid or other toxic drainage and the adverse consequences thereof by such measures as, but not limited to, restricting the flow of water through acid or other toxic-producing materials, treating drainage to reduce acid or other toxic content which adversely affects downstream water upon being released to water courses; and casing, sealing, or otherwise treating drill holes, shafts and wells to keep acid or other toxic drainage from entering ground and surface waters.

(ii) Conducting surface mining operations so as, to the maximum extent practicable, to prevent (A) contributions of suspended solids to streamflow or runoff outside the mining site above natural levels under seasonal flow conditions as measured

for a period and at sites determined by the Mining Supervisor, in consultation with the authorized officer of the Federal surface managing agency, and (B) deepening or enlargement of stream channels where operations require the discharge of water from mines.

(iii) Removing or modifying siltation structures after disturbed areas are revegetated and stabilized unless otherwise directed by the Mining Supervisor after consultation with the authorized officer of the Federal surface managing agency.

(iv) Protecting, to the maximum extent practicable throughout the mining and reclamation process, the quality and quantity of both upstream and downstream surface and ground water resources of those valley floors which provide water sources that support significant valley floor vegetation or supply water for other purposes, by such measures as, but not limited to, relocating and maintaining the gradients of streams.

(9) The operator shall, with respect to surface disposal of mine wastes, coal processing wastes, and other wastes in areas other than the mine workings or other excavations, place all waste piles in areas designated in the approved mining plan and stabilize them through construction in compacted layers, including, if necessary, the use of incombustible and impervious materials; shape waste piles to be compatible with the natural surroundings and terrain; cover with topsoil or other suitable material in accordance with subparagraph (a)(5) of this Section; and revegetate in accordance with subparagraph (a)(16) of this Section.

(10) The operator shall refrain from surface coal mining within 200 feet of active and abandoned underground mines, except as may be authorized in the approved mining plan.

(11) The operator shall incorporate sound engineering standards and practices for the design, construction, and use of impoundments for the disposal of coal mine wastes, coal processing wastes, or other liquid or solid wastes to insure that structures and impoundments will have necessary stability with an adequate margin of safety. No mine or processing waste shall be used in the construction of water impoundments, water retention facilities, dams, or settling ponds unless authorized in the approved mining plan.

(12) The operator shall:

(i) Treat or dispose of all rubbish and noxious substances in a manner designed to prevent air and water pollution and fire hazards;

(ii) Dispose of all solid waste resulting from the mining and preparation of coal in a manner designed to prevent, to the maximum extent practicable, air and water pollution and spontaneous ignition.

(13) The operator shall use explosives only in accordance with existing Federal and State laws and the conditions specified by the Mining Supervisor, who may require the operator to:

(i) Provide adequate advance written notice by publication and/or posting of the planned blasting schedule to



Mining Supervisor, with the concurrence of the authorized officer of the Federal surface managing agency, may allow the use of introduced species as an interim measure, where desirable, to achieve quick cover.

(17) The operator shall assume responsibility for successful revegetation, as herein provided. The operator's responsibility and liability for revegetation of each planting area shall extend until such time as the authorized officer of the Federal surface managing agency, in consultation with the Mining Supervisor, determines that successful revegetation, in compliance with subparagraph (a)(16) of this Section, has occurred; provided that, this period shall extend for a minimum of five full years after the first year of planting, and for a total period of liability not to exceed 10 years from the original planting; and further provided that, where the authorized officer of the Federal surface managing agency determines that natural conditions, such as annual precipitation, soil characteristics and native vegetation, are stable and favor rapid revegetation, and that revegetation pursuant to subparagraph (a)(16) of this Section is likely to occur before the expiration of such minimum period, he may specify in the lease, permit, or license that such minimum period will not apply with respect to some or all of the lands included in such lease, permit, or license.

(18) The operator shall allow access to and upon the affected Federal lands subject to lease, permit, or license for all lawful and proper purposes, except where such access would unduly interfere with the authorized use or would constitute a hazard to public health and safety.

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(18) The operator shall allow access to and upon the affected Federal lands subject to lease, permit, or license for all lawful and proper purposes, except where such access would unduly interfere with the authorized use or would constitute a hazard to public health and safety.

(19) The operator shall, in all areas of active operations, including lands undergoing reclamation, regulate public access, vehicular traffic, and wildlife or livestock grazing to protect the public, wildlife, and livestock from hazards associated with the coal mining and exploration operations and to protect the revegetated areas from unplanned and uncontrolled grazing. For this purpose, the operator shall provide warning signs, fencing, flagmen, barricades, and other safety and protective measures as appropriate.

(b) Fire prevention. Accumulations of slack coal or combustible waste shall be stored in a location and manner so as not to be a fire hazard. If a coal seam exposed by surface mining or an accumulation of slack coal or combustible waste becomes ignited during the term of a lease, the operator will immediately extinguish the fire.

(c) Coal face to be covered in strip pits. Upon completion or indefinite suspension of mining operations in all or any part of a strip pit, the face of the coal shall be covered with non-combustible material that will effectively protect the coal bed from becoming ignited.

(d) Underground workings from any strip pit. The driving of any underground openings by auger or other methods from any strip pit shall not be undertaken without prior written approval of the Mining Supervisor.

Sec. 211.41 Abandonment; surface openings.

(a) Prospecting and development. Drill holes, trenches, and other excavations for development or prospecting shall be abandoned

in a manner to protect the surface and not to endanger any present or future underground operations or any deposit of oil, gas, other mineral resources, or ground water. Methods of abandonment shall be approved in advance by the Mining Supervisor and may include backfilling, cementing, capped casing, or combinations of these, or other methods.

(b) Temporary abandonment. In areas in which there are no current operations, the operator shall substantially backfill, fence, protect, or otherwise effectively close all surface openings, auger holes, subsidence holes, surface excavations or workings which are a hazard to people or animals. Openings at all underground mines which are temporarily closed shall be adequately fenced or equipped with a substantial incombustible gate or door which shall remain locked when not in use. Conspicuous signs shall be posted prohibiting entrance of unauthorized persons. All such protective measures shall be maintained in a secure condition during the term of the lease, permit, or license.

(c) Mining--permanent abandonment. Before permanent abandonment of operations, all openings and excavations, including water discharge points, shall be closed or backfilled, or otherwise permanently dealt with in accordance with sound engineering practices and according to the approved mining plan.

(d) Reclamation and clean-up. Reclamation and clean-up of surface areas around and near permanently abandoned underground

and strip mines, including, except where otherwise expressly provided in the approved mining plan, removal of equipment and structures related to the mining operation, shall commence without delay following cessation of mining operations.

Sec. 211.42 Disposal of mine waste or rejects.

(a) All waste or rejects containing practically no coal shall be deposited separately and apart from sized coal for which no immediate market exists. Waste piles shall be shaped to blend into the surrounding area, covered with topsoil or other suitable material in accordance with subparagraph 211.40(a)(5) and revegetated in accordance with subparagraph 211.40(a)(16).

(b) Waste containing coal in such quantity that it may be later separated from the waste by washing or other means shall also be stored separately.

MISCELLANEOUS PROVISIONS

Sec. 211.60 Production records, royalty, and audits; maintenance of and access to records.

(a) Lessee shall maintain current and accurate records showing: (1) the type, quality or grade, and weight of all coal mined, sold, used on the premises, or otherwise disposed of, and all coal in storage (remaining in inventory); (2) the prices received for all coal sold and to whom sold, by type and by quality or grade.

(b) All records maintained in accordance with paragraph (a) of this Section, and all other records which are pertinent to or

related to lessee's operation, shall be available for examination, upon request, by the Mining Supervisor or other authorized officer of the Secretary of the Interior.

(c) Licensees must maintain a correct record of all coal mined and removed.

Sec. 211.61 Basis for royalty computation.

(a) Value Basis. The value of production for the purpose of computing royalty shall be the product of (1) the sale or contract price of the coal prepared for shipment f.o.b. the mine and (2) the weight of coal delivered at the usual and customary place of shipment. However, if there is no sale or contract price, as in the case of coal used or stored by the operator, or if the Mining Supervisor determines that the sale or contract price has not been arrived at in an arms-length transaction, the Mining Supervisor shall determine the estimated reasonable value of the product, giving due consideration to the price of coal being sold in any current arms-length transactions in the same area, and such other relevant factors as may be appropriate to establish the comparability of such transactions.

(b) Bone or other impurities. All bone coal, rock, and other impurities may be removed from the raw coal prior to determination of coal weights for royalty purposes.

(c) Discretion of Mining Supervisor.

(1) The right is reserved to the Mining Supervisor to determine and declare the value, either before or after receipt

of royalty payments, if it is deemed necessary by him to do so for protection of the interests of the lessor.

(2) If royalties become due and payable prior to removal of bone coal, rock, and other impurities or final weighing of coal, the Mining Supervisor may determine, by estimate, the weight of the coal for royalty purposes. In addition, the Mining Supervisor may, after the removal of bone coal, rock, and other impurities and final weighing of the coal, require the payment of such additional royalties, or allow such credits or refunds as may be necessary, to adjust the royalty payments to reflect the true weight of the coal.

Sec. 211.62 Reports.

(a) Operations. An operator under a coal lease, permit, or license shall file with the Mining Supervisor, within 30 days after the end of each calendar year or within 30 days after the cessation of operations, a report, in duplicate, containing the following:

(1) Serial number of the lease, permit, or license and a description of the lands affected by operations.

(2) The number of acres disturbed and the number of acres reclaimed, including revegetation.

(3) A description of the reclamation work remaining to be done.

(b) Grading and backfilling; bond. Upon completion of backfilling and grading required by the operating plan, the

operator shall submit a report thereon, in duplicate, to the Mining Supervisor and request inspection for approval. Whenever it is determined by such inspection that the backfilling and grading, which may proceed in appropriate stages, has met the requirements of the operating plan, the Mining Supervisor shall recommend to the authorized officer of the Bureau of Land Management and/or other Federal surface managing agency release of an appropriate amount of the compliance bond for the area satisfactorily backfilled and graded.

(c) Revegetation.

(1) The operator shall file a report, in duplicate, with the Mining Supervisor within 30 days after each planting is completed. The report shall:

- (i) Identify the lease, permit, or license.
- (ii) Show the type of planting or seeding, including mixtures and amounts.
- (iii) Show the date of planting or seeding.
- (iv) Identify or describe the planted or seeded lands.
- (v) Describe fertilization and irrigation procedures, if any, and contain such other information as may be considered relevant.

(2) The Mining Supervisor and the authorized officer of the Federal surface managing agency shall, as soon as possible



after each full growing season, inspect and evaluate the revegetated areas to determine whether satisfactory vegetative growth has been established, or whether additional revegetation efforts may be required.

(d) Cessation or abandonment of operations.

(1) Not less than 30 days prior to cessation or abandonment of operations, the operator shall submit to the Mining Supervisor, in duplicate, a report of his intention to cease or abandon operations, together with a statement of the exact number of acres affected by his operations, the extent and kind of reclamation accomplished, and a statement as to the structures and other facilities that are to be removed from or remain on the leased, permitted, or licensed lands.

(2) Upon receipt of such report, the Mining Supervisor and the authorized officer of the Federal surface managing agency shall make a joint inspection to determine whether operations have been completed in accordance with the approved operating plan. Where the operator has complied with all requirements of the lease, permit, or license and the regulations of this Part, the Mining Supervisor shall recommend to the authorized officer of the Bureau of Land Management and/or the Federal surface managing agency that the period of bonded liability be terminated.

(3) When the surface of lands in a lease, permit, or license is not owned by the United States, the Mining Supervisor shall consult the surface owner and obtain his recommendation as

to whether the operation has been completed in accordance with the approved operating plan before recommending to the appropriate authorized officer that the period of liability of the bond be terminated.

(e) Production and payments.

(1) Lessees. Lessees shall report, on the report form provided, within 30 days after expiration of the period covered by the report, all coal mined during each calendar quarter and the value basis on which royalty has been paid or will be paid. Except as provided by leases and permits issued under the regulations in 25 CFR Parts 171, 172, 173, and 174, the royalty for coal mined shall be paid prior to the end of the third month succeeding the extraction of the coal from the mine.

(2) Licensees. Licensees shall report all coal mined on a semi-annual basis on the report form provided.

(3) Penalty. If a lessee or permittee records or reports less than the true weight or value of coal mined, the Secretary may impose a penalty equal to double the amount of royalty due on the shortage, or the full value of the shortage. If, after warning, a lessee or permittee maintains false records or files false reports, a suit to cancel the lease may be instituted in addition to the imposition of penalties.

Sec. 211.63 Audits.

An audit of the lessee's accounts and books may be required annually, or at other such times as may be directed by the Mining

Supervisor, by a qualified independent certified public accountant and at the expense of the lessee. The lessee shall furnish, free of cost, duplicate copies of such annual or other audits to the Mining Supervisor within 30 days after the completion of each auditing. Where such audits are required, the Mining Supervisor will specify the purpose and scope of the audit and the information which is to be verified or obtained.

INSPECTION, ISSUANCE OF ORDERS, ENFORCEMENT  
OF ORDERS AND APPEALS

Sec. 211.70 Inspection of underground and surface conditions.

The operator shall provide access and means at all reasonable times for the Mining Supervisor to inspect or investigate the operation to determine whether it is in compliance with applicable laws, regulations, and orders; the terms and conditions of the lease, permit, or license; and the requirements of the exploration or mining plan.

Sec. 211.71 Notices, instructions, and orders.

(a) Address of responsible party. Before beginning operations, the operator shall inform the Mining Supervisor, in writing, of the operator's temporary and permanent post office address and the name and post office address of the superintendent, or designated agent, who will be in charge of the operations and who will act as the local representative of the operator. Thereafter, the Mining Supervisor shall be informed of each change of address.

(b) Receipt of notices, instructions, and orders. The operator shall be construed to have received all notices, instructions, and orders that are mailed to or posted at the mine or mine office, or mailed or handed to the superintendent, the mine foreman, the mine clerk, or higher officials connected with the mine or exploration site for transmittal to the operator or his local representative.

Sec. 211.72 Enforcement of orders.

(a) If the Mining Supervisor determines that an operator has failed to comply with the regulations in this Part, other applicable Departmental regulations, the terms and conditions of the lease, permit, or license, the requirements of an approved exploration or mining plan, or with the Mining Supervisor's orders or instructions, and such non-compliance does not threaten immediate, serious, and irreparable damage to the environment, the mine or the deposit being mined, or other valuable mineral deposits or other resources, the Mining Supervisor shall serve a notice of non-compliance upon the operator by delivery in person to him or his agent or by certified or registered mail addressed to the operator at his last known address. Failure of the operator to take action in accordance with the notice of non-compliance or to appeal to the Director pursuant to Part 290 of this Chapter shall be grounds for suspension of operations by the Mining Supervisor

or his recommendation for the initiation of action for cancellation of the lease, permit, or license and forfeiture of the required bonds.

(b) The notice shall specify in what respect the operator has failed to comply with the provisions of applicable regulations, the terms and conditions of the lease, permit, or license, the requirements of an approved exploration or mining plan, or the orders and instructions of the Mining Supervisor, and shall specify the action which must be taken to correct the non-compliance and the time limits within which such action must be taken. A written report shall be submitted by the operator when a non-compliance has been corrected.

(c) If, in the judgment of the Mining Supervisor, an operator is conducting activities which fail to comply with the regulations, the terms and conditions of the lease, permit, or license, the requirements of approved exploration or mining plans or the Mining Supervisor's orders or instructions and which threaten immediate, serious, or irreparable damage to the environment, the mine or the deposit being mined, or other valuable ore-bearing mineral deposits or other resources, the Mining Supervisor shall order the immediate cessation of such activities, without prior notice of non-compliance, either in writing or orally with written confirmation. Such order may be appealed as provided in Part 290 of this Chapter. Compliance with such order shall not be suspended by reason of an appeal having

been taken unless such suspension is authorized in writing by the Director or the Interior Board of Land Appeals (depending upon the official before whom the appeal is pending), and then only upon a determination that such suspension will not be detrimental to the lessor or adversely affect the public interest, or upon submission of a bond deemed adequate to indemnify the lessor from loss or damage.

Sec. 211.73 Appeals.

Orders or decisions issued under the regulations in this Part may be appealed as provided in Part 290 of this Chapter.

Sec. 211.74 Application of State laws, regulations, practices, and procedures as Federal law by Federal officers.

(a) Upon request of the Governor of any State, the Secretary shall promptly review the laws, regulations, administrative practices and procedures in effect, or due to come into effect, with respect to reclamation of lands disturbed by surface mining of coal, subject to the jurisdiction of that State, to determine whether such controls may appropriately be applied as Federal law to operations relating to coal owned by or subject to the jurisdiction of the United States. He shall take into account all relevant constructions and applications of such controls by competent State and local judicial and regulatory authorities, the desirability and practicability of uniformity between Federal and State controls, and the public policy of the State regarding the development of coal resources located therein.

(b) After such review, the Secretary may, by order, direct that all or part of such State laws, regulations, practices, and

**October 9, 1975**

**MEMORANDUM FOR:**

**JIM CANNON - Domestic Council  
JIM MITCHELL - OMB**

**THRU:**

**MAX L. FRIEDERSDORF  
VERN LOEN**

**FROM:**

**CHARLES LEPPERT, JR.**

**SUBJECT:**

**H. R. 9877 - National Coal Production,  
Leasing, and Mine Reclamation Act of  
1975.**

**Enclosed is a copy of H. R. 9877, which will be offered by Rep. Melcher as a substitute to the Mink bill now in Full Interior Committee. The purpose of the Melcher substitute is to bring the strip mining issue to the House floor again for a vote.**

**Enclosure**



October 9, 1975

**MEMORANDUM FOR:**

**JIM CANNON**

**THRU:**

**MAX L. FRIEDERSDORF  
VERN LOEN**

**FROM:**

**CHARLES LEPPERT, JR.**

**SUBJECT:**

**Rep. William Wampler's Coal  
Policy Act - H. R. 9906**

I am enclosing a copy of Rep. Wampler's Coal Policy bill, H. R. 9906, which was introduced in the House on September 30th.

On September 15th, I had sent you a copy of this bill and the analysis of same by the Library of Congress. At that time, I asked you for a response to be given to Rep. Wampler, citing the Administration's position. I received a draft response from Mike Duvall, submitted by Jim Hyde of OMB, which was not acceptable to me. Copy of the draft is attached hereto.

Rep. Wampler will be asking the Administration for a position on this bill. He may be able to get hearings just to smoke out the Administration.

Could I please hear from you on this matter within the next few days?

**Enclosures**





November 8, 1975

MEMORANDUM FOR:

MAX L. FRIEDERSDORF

THRU:

VERN LOEN

FROM:

CHARLES LEPPERT, JR.

SUBJECT:

Rep. Bill Harsha (R-Ohio)

Rep. Bill Harsha called me on November 4th to express his strong interest in having the ERDA coal gasification project (coal con) located in his Ohio Congressional District and requesting to know the status of the decision process.

Upon checking I was advised that a decision memo for the President was in the staffing process and I so advised Harsha. Harsha then asked that I convey his views to the President and indicated that this was the last request he was going to make of the Administration because none of his previous requests have been favorably acted upon by this so-called friendly Republican Administration.

On November 5, after discussing this with you I advised Harsha that the decision was now up to ERDA and not the President and that I had conveyed his views

