

Surface Mining Reclamation and Enforcement, Interior

§ 918.15

ARTICLE XVI: RESERVATION OF RIGHTS

This Agreement will not be construed as waiving or preventing the assertion of any rights in this Agreement that the State or the Secretary may have under laws other than the Act or their regulations, including but not limited to those listed in Appendix A.

Dated: August 18, 1998.

Paul E. Patton,
Commonwealth of Kentucky.

Dated: September 24, 1998.

Bruce Babbitt,
Secretary of the Interior.

APPENDIX A

1. The Federal Land Policy and Management Act, 43 U.S.C. 1701 *et seq.*, and implementing regulations.
2. The Mineral Leasing Act of 1920, 30 U.S.C. 181 *et seq.*, and implementing regulations, including 43 CFR part 3480.
3. The National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and implementing regulations, including 40 CFR part 1500.
4. The Endangered Species Act, 16 U.S.C. 1531 *et seq.*, and implementing regulations, including 50 CFR part 402.
5. The Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 *et seq.*, 48 Stat. 401.
6. The Bald and Golden Eagle Protection Act of 1940, as amended, 16 U.S.C. 668-668d, and implementing regulations.
7. The Migratory Bird Treaty Act, as amended, 16 U.S.C. 701-718h *et seq.*
8. The National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*, and implementing regulations, including 36 CFR part 800.
9. The Clean Air Act, 42 U.S.C. 7401 *et seq.*, and implementing regulations.
10. The Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, and implementing regulations.
11. The Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 *et seq.*, and implementing regulations.
12. The Reservoir Salvage Act of 1960, amended by the Preservation of Historical and Archaeological Data Act of 1974, 16 U.S.C. 469 *et seq.*
13. Executive Order 11593 (May 13, 1971), Cultural Resource Inventories on Federal Lands.
14. Executive Order 11988 (May 24, 1977), for flood plain protection.
15. Executive Order 11990 (May 24, 1977), for wetlands protection.
16. The Mineral Leasing Act for Acquired Lands, 30 U.S.C. 351 *et seq.*, and implementing regulations.
17. The Stock Raising Homestead Act of 1916, 43 U.S.C. 291 *et seq.*

18. The Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa *et seq.*, as amended.

19. The Constitution of the United States.

20. The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.*

21. 30 CFR Chapter VII.

22. The Constitution of the Commonwealth of Kentucky and State Law.

[63 FR 53257, Oct. 2, 1998]

PART 918—LOUISIANA

Sec.

918.1 Scope.

918.10 State regulatory program approval.

918.15 Approval of Louisiana regulatory program amendments.

918.16 Required program amendments.

918.20 Approval of Louisiana abandoned mine land reclamation plan.

918.25 Approval of Louisiana abandoned mine land reclamation plan amendments.

AUTHORITY: 30 U.S.C. 1201 *et seq.*

§ 918.1 Scope.

This part contains all rules applicable only within Louisiana which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

[45 FR 67343, Oct. 10, 1980]

§ 918.10 State regulatory program approval.

The Secretary approved the Louisiana regulatory program, as submitted on January 3, 1980, and resubmitted on September 4, 1980, effective October 10, 1980. Copies of the approved program are available at:

(a) Louisiana Department of Natural Resources, Office of Conservation, Injection and Mining Division, 625 N. 4th Street, P.O. Box 94275, Baton Rouge, LA 70804-9275.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135-6548.

[64 FR 20167, Apr. 26, 1999]

§ 918.15 Approval of Louisiana regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the

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30 CFR Ch. VII (7–1–12 Edition)

FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
January 19, 1990	May 8, 1991	Chapters 1, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 35, 37, 39, 41, 43, 45, 47, 51, 53, 55, 59, 63, 65, 69.
August 14, 1990	May 21, 1991	Policy statements—PS–1, PS–2, PS–3 regarding requirements at LSMR 5353.C, 3127, 5321; 107.C, Chapter 4.
November 12, 1991 ..	October 28, 1992 ...	LSMR 107.G.1, 2; 53123.A, .1, .2, .3, .4, .B.1.b, .d, .2.a, .b, .3.b, .B.2.a, .4, .7, .9; Policy Statement PS–4 interpreting LSMR 2523; LSMR 53125.
May 3, 1994	September 20, 1994	LSMR 53123.B.4.a.
November 2, 1994	January 24, 1995 ...	LSMR 5423.B.4.a; Policy Statement PS–5.
December 4, 1997	March 11, 1998	LSMR section 105.
October 24, 1997	May 8, 1998	Sections 105.; 2537.A.11.; 2725.A., A.2., A.3., A.3.a., C.1., F; 2907.C.5.; 3705.A.2., A.2.a., A.2.b.; 3711.A., B.1. through B.6.; 3717.A., A.2., A.3.; 4501.A.3., A.4.; 5333.A.1. through A.13.; 5411.A.; 5413.A.; 5503.A.2.; 5507.A.4.; 6507.A.2.; 6913.B.; 6915.B.1.; 6917.A.; 7105.C.
August 23, 1999	December 7, 1999 ..	R.S. 30:907(B)(16) through (20); (C); and 927(2).
June 1, 2001	December 14, 2001	Revegetation Success Standards for Pastureland.
August 3, 2001	February 26, 2002.	LSMR Sections 105, 1105, 1107.B through F, 1109, 2111.A.8, 2113.B.4, and 2323.
October 2, 2001	November 15, 2002	LAC Sections 5423.B.1.e. and 8.a.; 5424; 5425; and policy document titled, "Reclamation Phase III Revegetation Success Standards for Post-Mining Land Use of Wildlife Habitat.
March 4, 2010	March 9, 2011	Sections 105; 2913; 3113 C., D., E., F., G., H.; 3114; 3115 A. 17, 18, 19; 3127; 3129; 3131; 3133; 3135; 3137; Chapter 35 title; 3521; 3523; 3517 C.1.; 2304; 2305 A.1., A.2.c., d., e., A.3., A.4.; 2307 A.1., A.3.; 5414; 6501 G.

[62 FR 9943, Mar. 5, 1997, as amended at 63 FR 11830, Mar. 11, 1998; 63 FR 25394, May 8, 1998; 63 FR 38881, July 20, 1998; 64 FR 68291, Dec. 7, 1999; 66 FR 64749, Dec. 14, 2001; 67 FR 8719, Feb. 26, 2002; 67 FR 69129, Nov. 15, 2002; 76 FR 12856, Mar. 9, 2011]

§918.16 Required program amendments.

Pursuant to 30 CFR 732.17(f)(1), Louisiana is required to submit to OSM by the specified date the following written, proposed program amendment, or a description of an amendment to be proposed, that meets the requirements of SMCRA and 30 CFR chapter VII and a timetable for enactment that is consistent with Louisiana’s established administrative or legislative procedures.

(a)–(b) [Reserved]

[60 FR 4544, Jan. 24, 1995]

§918.20 Approval of Louisiana abandoned mine land reclamation plan.

The Secretary approved the Louisiana abandoned mine land reclamation plan, as submitted on February 3, 1986, effective December 10, 1986. Copies of the approved plan are available at:

(a) Louisiana Department of Natural Resources, Office of Conservation, In-

jection and Mining Division, 625 N. 4th Street, P.O. Box 94275, Baton Rouge, LA 70804–9275.

(b) Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 470, Tulsa, OK 74135–6548.

[64 FR 20167, Apr. 26, 1999]

§918.25 Approval of Louisiana abandoned mine land reclamation plan amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director’s decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
February 3, 1986	November 10, 1986	Approval of AMLR program.
June 12, 1989	April 9, 1990	Certification for Noncoal reclamation.

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Original amendment submission date	Date of final publication	Citation/description
March 4, 2010	March 9, 2011	Section 8509.

[62 FR 9944, Mar. 5, 1997, as amended at 76 FR 12856, Mar. 9, 2011]

PART 920—MARYLAND

Sec.

920.1 Scope.

920.10 State program approval.

920.12 State program provisions disapproved.

920.15 Approval of Maryland regulatory program amendments.

920.16 Required program amendments.

920.20 Approval of Maryland abandoned mine plan.

920.25 Approval of Maryland abandoned mine land reclamation plan amendments.

AUTHORITY: 30 U.S.C. 1201 *et seq.*

§ 920.1 Scope.

This part contains all rules applicable only within Maryland that have been adopted under the Surface Mining Control and Reclamation Act of 1977.

[45 FR 79449, Dec. 1, 1980]

§ 920.10 State program approval.

The Maryland State program submitted on March 3, 1980, as amended and clarified on June 16, 1980, and as further amended on April 9, 1980, June 3, 1981, and October 23, 1981, is approved effective February 18, 1982. Copies of the approved program, as amended are available for review at:

(a) Maryland Department of Natural Resources, Water Resources Administration, Bureau of Mines, 160 South Water Street, Frostburg, Maryland 21532.

(b) Office of Surface Mining Reclamation and Enforcement, Harrisburg

Field Office, Harrisburg Transportation Center, Third Floor, Suite 3C, Fourth and Market Streets, Harrisburg, Pennsylvania 17101.

[50 FR 47385, Nov. 18, 1985, as amended at 59 FR 17929, Apr. 15, 1994]

§ 920.12 State program provisions disapproved.

The following provision of the Maryland permanent regulatory program submission is hereby disapproved: COMAR 08.13.09.41D, which proposes that in lieu of a civil penalty assessment, the regulatory authority may order a suspension of strip mining operations for an appropriate period of time such that the economic impact on the operator is equivalent to the amount of the civil penalty which would have been assessed for the violation.

[45 FR 79449, Dec. 1, 1980]

§ 920.15 Approval of Maryland regulatory program amendments.

The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
October 28, 1982	February 8, 1984	COMAR 08.13.09.01B(24), .02K(2)(d), .05A(5), (12), (13), .07B(3), H(1), (3), .25A(4).
May 28, 1984, October 5, 1984.	January 22, 1985 ...	Blaster certification program; COMAR 08.13.09.02, .25; and other items.
January 30, 1985	September 10, 1985	COMAR 08.13.09.02, .25.
January 13, 1984, June 8, 1984, August 7, 1984, October 10 1984, November 9, 1984.	November 18, 1985	COMAR 08.13.09, 08.13.09.07, .15B(2)(c), C(3), F(3), H(2), (5), I(1)(b), (c), (2)(a), J(4), (5), (6)(a), .40B, F(4) through (7); M.C.A. §§ 7-504(a), (c), 7-505.1(e), 7-506(c)(3), (h), 7-507(c)(2), 7-511(a), (b), 7-514.6.
January 14, 1986, May 15, 1986.	December 12, 1986	COMAR 08.13.09.07A, B, C, G(2), (5)(a), (k); M.C.A. §§ 7-504(D), 7-505(g), 7-506(c), 7-507(c)(1), 7-514(C).