

Funds shall be used to carry out the reclamation plan approved under part 884 of this chapter and projects approved under part 888 of this chapter.

[47 FR 28595, June 30, 1982, as amended at 59 FR 28169, May 31, 1994]

**§ 872.12 State/Indian Abandoned Mine Reclamation Funds.**

(a) Accounts to be known as State or Indian Abandoned Mine Reclamation Funds shall be established in each State or Indian tribal government with approved reclamation plans. These funds will be managed in accordance with the Office of Management and Budget Circular A-102.

(b) Revenue shall include—

(1) Amounts granted by the OSM for purposes of conducting the approved State reclamation plan;

(2) Moneys collected from charges for uses of land acquired or reclaimed with moneys from the State Fund under part 879 of this chapter;

(3) Moneys recovered through the satisfaction of liens filed against privately owned lands;

(4) Moneys recovered by the State from the sale of lands acquired under Title IV of the Act; and

(5) Such other moneys as the State decides should be deposited in the Fund for use in carrying out the approved reclamation programs.

**PART 873—FUTURE RECLAMATION SET-ASIDE PROGRAM**

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873.1 Scope.

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873.12 Future set-aside program criteria.

AUTHORITY: Pub. L. 95-87, (30 U.S.C. 1201 *et seq.*); and Pub. L. 101-508.

SOURCE: 59 FR 28170, May 31, 1994, unless otherwise noted.

**§ 873.1 Scope.**

This part provides requirements for the award of grants to States or Indian tribes for the establishment of special trust accounts that will provide funds for coal reclamation purposes after September 30, 1995.

**§ 873.11 Applicability.**

The provisions of this part apply to the granting of funds pursuant to Section 402(g)(6) of the Act and their use by the States or Indian tribes for coal reclamation purposes after September 30, 1995.

**§ 873.12 Future set-aside program criteria.**

(a) Any State or Indian tribe may receive and retain without regard to the three-year limitation referred to in Section 402(g)(1)(D) of the Act, 30 U.S.C. 1232, up to 10 percent of the total of the grant funds made annually to such State or Indian tribe pursuant to the authority in Sections 402(g) (1) and (5) of the Act, if such amounts are deposited into either of the following: (1) A special fund established under State or Indian tribal law pursuant to which such amounts (together with all interest earned on such amounts) are expended by the State or Indian tribe solely to achieve the priorities stated in Section 403(a) of the Act, 30 U.S.C. 1233, after September 30, 1995; or (2) An acid mine drainage abatement and treatment fund pursuant to 30 CFR part 876.

(b) Prior to receiving a grant pursuant to this part, a State or Indian tribe must:

(1) Establish a special fund account providing for the earning of interest on fund balances; and

(2) Specify that monies in the account may only be used after September 30, 1995, by the designated State or Indian tribal agency to achieve the priorities stated in Section 403(a) of the Act, 30 U.S.C. 1233.

(c) After the conditions specified in paragraphs (a) and (b) of this section are met, a grant may be approved and monies deposited into the special fund account. The monies so deposited, together with any interest earned, shall be considered State or Indian tribal monies.

**PART 874—GENERAL RECLAMATION REQUIREMENTS**

Sec.

874.1 Scope.

874.10 Information collection.

874.11 Applicability.