

Surface Mining Reclamation and Enforcement, Interior

§ 905.773

§ 905.764 Process for designating areas unsuitable for surface coal mining operations.

Part 764 of this chapter, *State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations*, pertaining to petitions, initial processing, hearing requirements, decisions, data base and inventory systems, public information, and regulatory responsibilities shall apply to surface coal mining operations beginning one year after the effective date of this program.

§ 905.772 Requirements for coal exploration.

(a) Part 772 of this chapter, *Requirements for Coal Exploration*, shall apply to any person who conducts coal exploration. For applications where § 772.12 applies, the requirements of paragraphs (b) through (d) apply in place of § 772.12(c) (1) and (3) and § 772.12(d)(1).

(b) Upon submission of an administratively complete application for an exploration permit, the applicant shall publish one public notice of the filing in a newspaper of general circulation in the county of the proposed exploration area, and provide proof of this publica-

tion to the regulatory authority within one week after the newspaper notice is published.

(c) Any person having an interest which is or may be adversely affected, shall have the right to file written comments for 10 days after the advertisement appears in the newspaper.

(d) The regulatory authority shall act upon an administratively complete application for a coal exploration permit and any written comments within 15 days from the close of the comment period. The approval of a coal exploration permit shall be based only on a complete and accurate application.

§ 905.773 Requirements for permits and permit processing.

(a) Part 773 of this chapter, *Requirements for Permits and Permit Processing*, shall apply to any person who applies for a permit for surface coal mining and reclamation operations.

(b) The Secretary shall coordinate, to the extent practicable, his responsibilities under the following Federal laws with the relevant California State laws to avoid duplication:

Federal law	State law
(1) Clean Water Act, as amended, 33 U.S.C. 1251 <i>et seq.</i>	The Porter-Cologne Water Quality Control Act, Cal. Pub. Res. Code section 13000 <i>et seq.</i> (West 1971).
(2) Clean Air Act, as amended, 42 U.S.C. 7401 <i>et seq.</i>	California Air Pollution Control Laws, Cal. Health & Safety Code section 39000 <i>et seq.</i> (West 1986).
(3) Resource Conservation and Recovery Act, 42 U.S.C. 3251 <i>et seq.</i>	Hazardous Waste Control Law, Cal. Health & Safety Code section 25100 <i>et seq.</i> (West 1984); Solid Waste Mgmt. and Resource Recovery Act of 1972, Cal. Gov. Code section 66770 <i>et seq.</i> (West 1983).
(4) National Environmental Policy Act, 42 U.S.C. 4321 <i>et seq.</i>	California Environmental Quality Act (CEQA), Cal. Pub. Res. Code section 21000 (West 1986). CEQA.
(5) Archeological and Historic Preservation Act, 16 U.S.C. 469a.	CEQA.
(6) National Historic Preservation Act, 16 U.S.C. 470 <i>et seq.</i>	California Coastal Act of 1976, Cal. Pub. Res. Code section 30000 <i>et seq.</i> (West 1986).
(7) Coastal Zone Management Act, 16 U.S.C. 1451, 1453-1464.	The Porter-Cologne Act.
(8) Section 208 of the Clean Water Act, as amended, 33 U.S.C. 1251 <i>et seq.</i>	California Endangered Species Act of 1984, Cal. Fish & Game Code section 2060 <i>et seq.</i> (West Supp. 1988).
(9) Endangered Species Act, 16 U.S.C. 1531 <i>et seq.</i>	
(10) Fish and Wildlife Coordination Act, 16 U.S.C. 661-667	
(11) Noise Control Act, 42 U.S.C. 4903	California Noise Control Act of 1973, Cal. Health & Safety Code section 46000 <i>et seq.</i> (West Supp. 1986).
(12) Bald Eagle Protection Act, 16 U.S.C. 668-668(d)	

(c) Where applicable, no person shall conduct coal exploration operations which result in the removal of more than 250 tons in one location or surface coal mining and reclamation operations without a permit issued by the

Secretary pursuant to 30 CFR parts 772 and 773 and permits, leases and/or certificates required by the State of California, including compliance with the Porter-Cologne Water Quality Control Act, Cal. Pub. Res. Code section 13000 *et*