

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, as amended, 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 National Historic Preservation Act of 1966, 16 U.S.C. 470 *et seq.*, and implementing regulations, including 36 CFR part 800.

7. The Clean Air Act, 42 U.S.C. 7401 *et seq.*, and implementing regulations.

8. The Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, and implementing regulations.

9. The Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 *et seq.*, and implementing regulations.

10. The Reservoir Salvage Act of 1960, amended by the Preservation of Historical and Archaeological Data Act of 1974, 16 U.S.C. *et seq.*

11. Executive Order 11593 (May 13, 1971), Cultural Resource Inventories on Federal Lands.

12. Executive Order 11988 (May 24, 1977), for flood plain protection.

13. Executive Order 11990 (May 24, 1977), for wetlands protection.

14. The Mineral Leasing Act for Acquired Lands, 30 U.S.C. 351 *et seq.*, and implementing regulations.

15. The Stock Raising Homestead Act of 1916, 43 U.S.C. 291 *et seq.*

16. The Constitution of the United States.

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

18. 30 CFR Chapter VII.

19. The Constitution of the State of Illinois.

20. Illinois Surface Coal Mining Land Conservation and Reclamation Act [Ill. Rev. State. 1979, Ch. 96 1/2/par. 7901 *et seq.*]

21. Illinois Department of Mines and Minerals, Coal Mining and Reclamation Permanent Program, Rules and Regulations, 62 Ill. Adm. Code 1700-1850.

[52 FR 45329, Nov. 27, 1987]

## PART 914—INDIANA

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

### §914.1 Scope.

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

[47 FR 32107, July 26, 1982]

### §914.10 State regulatory program approval.

The Secretary conditionally approved the Indiana regulatory program, as submitted on March 3, 1980, amended and clarified on June 4, 1980, resubmitted on September 28, 1981, and clarified on December 8, 1981, April 8, 1982, May 18-19, 1982 and May 26, 1982, effective July 29, 1982. He fully approved the Indiana program, as amended on April 19 and 28, 1983, effective August 19, 1983. Copies of the approved program are available at:

(a) Indiana Department of Natural Resources, Division of Reclamation, R.R. 2, Box 129, Jasonville, IN 47438-9517.

(b) Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, Room 301, 575 North Pennsylvania Street, Indianapolis, IN 46204-1521.

[64 FR 20166, Apr. 26, 1999, as amended at 69 FR 55352, Sept. 14, 2004]

### §914.15 Approval of Indiana 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.

Surface Mining Reclamation and Enforcement, Interior

§ 914.15

Original amendment submission date	Date of final publication	Citation/description
September 1, 1982 ...	December 17, 1982	Revision to permit application forms to require applicant to certify that all reclamation fees had been paid.
December 9, 1982 ....	March 4, 1983 .....	310 IAC 12-2-7, -9; 12-3-1, -12(c)(2), -21(b)(4), -25, -37(a), -47(b), -48, -59(b)(4), -74(a), -81, -97, -102(c); 12-4-5, -10(e)(1), -16; 12-5-3, -18, -24(f), -51, -84, -90(f), -115, -123(b), -149, -152; 12-6-6(d), (f), -6.5, -16(b)(3)(ii); 12-7-4(f).
April 19 and 28, 1983	August 19, 1983 .....	IC 13-4.1-2-3, 13-4.1-4-5(c), 13-4.1-7-5, 13-4.1-11-11(i), 13-4.1-14-2(a); 310 IAC 12-1-3; 12-3-12, -39, -63, -76, -112, -118; 12-4-3, -4, -7, -17; 12-5-19, -36, -41, -71.5, -85, -101, -105, -139.5; 12-6-1, -4, -5, -6.5, -9, -15, -16.
March 5, 1984 .....	July 10, 1984 .....	IC 13-4.1-2-4, 13-4.1-3-3, 13-4.1-4-3, 13-4.1-5-7.
March 19, 1984 .....	October 19, 1984 ...	310 IAC 12-2-8; 12-3-43, -118; 12-5-6, -34, -35, -36, -38, -40; 12-5-73, -100, -100.5, -101, -103.
February 7, 1985 .....	May 13, 1985 .....	IC 13-4-6-1.5, -1.6; 13-4.1-1-7; 13-4.1-3-1, -3.5; 13-4.1-5-8; 13-4.1-6-9; 13-4.1-8-1; 13-4.1-10-1; 13-4.1-12-1, -2.
December 7, 1984 ....	May 15, 1985 .....	310 IAC 12-2-11; 12-3-46, -80, -96, -97, -98; 12-5-3, -6, -11, -12, -12.1, -13, -14, -15, -18, -19, -20, -21, -23, -24, -44, -54, -54.1, -55, -55.1, -56, -56.1, -57, -57.1, -69, -73, -77, -78, -78.1, -79, -80, -81, -84, -85, -86, -87, -89, -90, -108, -118, -119, -119.1, -120, -121, -121.1, -137, -147, -150, -150.1, -151, -152, -153, -154; 12-6-2, -9.1.
May 29, 1984 .....	May 16, 1985 .....	310 IAC 0.5; Policy statement dated October 16, 1984.
February 18, 1985 ....	June 5, 1985 .....	310 IAC 12-3-26, -64, -106, -107, -108.
December 10 and 16, 1985.	March 14, 1986 .....	310 IAC 0.5-1-1 through -5, -8 through -13, -15 through -19; 12-5-148; advisory letter from Indiana State Office of the Attorney General dated April 23, 1985.
September 4, 1985 ...	March 17, 1986 .....	310 IAC 12-1-3; 12-5-33, -99; 12-8-1 through 12-8-9; blaster training program.
January 31, 1986 .....	May 13, 1986 .....	310 IAC 12-3-121; 12-5-34, -36, -100, -101; 12-6-11, -12, -12.5.
May 29, 1986 .....	August 14, 1986 .....	310 IAC 12-3-8.
September 24, 1986	January 21, 1987 ...	310 IAC 12-5-56.1, -121.1.
June 11, 1986, November 7, 1986.	April 1, 1987 .....	IC 4-21.5; 4-22-1; 13-4-6-9; 13-4.1-1-3, -5; 13-4.1-3-3, -4, -6; 13-4.1-4-1, -3, -7; 13-4.1-7-1, -5, -6; 13-4.1-8-1; 13-4.1-11-5, -6, -8, -12; 13-4.1-14-1; 310 IAC 12-8-4, -8.
June 11, 1986, May 4, 1987.	February 16, 1988 ..	IC 13-4.1-1-8, 13-4.1-3.2, 13-4.1-6-8, 13-4.1-12-6.
April 10, 1987 .....	March 22, 1988 .....	310 IAC 12-5-12.1(a)(3)(i), -78.1(a)(3)(i).
August 13, 1987 .....	November 10, 1988	IC 13-4.1-6-4; 13-4.1-11-3, -4.
August 13, 1987, June 12, 1989.	October 11, 1989 ...	310 IAC 12-1-3; 12-2-7; 12-3-104, -104.1; 12-5-155, -156.
September 28, 1988	November 1, 1989 ..	310 IAC 12-5-18, -19, -84, -85.
March 18, 1988 .....	December 15, 1989	IC 13-4.1-11-10, 35-44-1-3.
November 8, 1989 ....	April 5, 1990 .....	IC 13-4.1-10-3.
March 18, 1988 .....	April 23, 1990 .....	IC 13-4.1-6-5, 13-4.1.6.3-1 through -13.
December 5, 1989, May 16, 1990.	August 10, 1990 .....	310 IAC 12-3-111; 12-5-148; 12-6-8, -9, -16; 12-8-9.
December 4, 1989, August 9, 1990.	September 24, 1990	IC 13-4.1-2-2, 13-4.1-11-5.
August 15, 1989, December 5, 1989.	January 18, 1991 ...	310 IAC 0.6-1, 12-6-6.5.
October 24, 1990 .....	March 15, 1991 .....	Intervention in hearings by those who may be adversely affected by the outcome of the proceedings.
December 11, 1990 ..	March 21, 1991 .....	310 IAC 12-0.5, 12-0.5-25(c), 12-1-3.
September 29, 1988, February 15, 1991.	August 2, 1991 .....	310 IAC 12-5-29, -94; IC 4-26-3-27.8; 13-4.1-2, -4, -5; 14-3; Non-code provision at § 46 of Senate Enrolled Act 362 concerning the Bureau of Mine Reclamation.
June 4, 1991 .....	November 27, 1991, December 13, 1991.	IC 13-4.1-3-2; 13-4.1-6-9; 13-4.1-6.3-11(2), -13; 13-4.1-10-1; 13-4.1-11-6.
July 11, 1991 .....	December 13, 1991	310 IAC 0.7-3-5.
March 18, 1988 .....	April 20, 1992 .....	IC 13-4.1-6-8, 13-4.1-6.5.
May 22 and 23, 1991	May 29, 1992 .....	310 IAC 12-5-64, -64.1 through .3, -65, -128, -128.1 through .3, -129.
June 4, 1991 .....	June 23, 1992 .....	IC 13-4.1.
May 23, 1991 .....	September 14, 1992	310 IAC 12-5-145 through -148, -148.5.
May 7, 1992 .....	December 17, 1992	310 IAC 12-3-8, -9; 12-8-4, -8; 12-9-1 through -4.
March 18, 1988, February 15, 1991, July 10, 1991.	December 30, 1992	IC 13-4.1-1-3; 13-4.1-2-4; 13-4.1-3-3, -3.1; 13-4.1-4-2, -3.1, -5; 13-4.1-14-1; SEA 121, § 8; 310 IAC 12-0-5-48; 12-0-5-59; 12-2-1, -2; 12-3-13, -29, -38, -52, -67, -75, -84, -112, -121.
July 16, 1992 .....	January 14, 1993 ...	IC 13-4.1-1-1, 13-4.1-3-2(c), -3(c), -3.5(a)(1), (5).
December 2, 1992 ....	May 17, 1993 .....	310 IAC 12-3-87.1; 12-5-130.1, -131.1.
November 13, 1992 ..	June 24, 1993 .....	310 IAC 12-0.5; 12-3-19, .1, -20, -111, -112, -119.5, .6; 12-6-5.
January 4, 1993 .....	August 2, 1993 .....	310 IAC 12-5-64.1 through .3, -128.1, .3; -145; -148.5.

Original amendment submission date	Date of final publication	Citation/description
March 26, 1992 .....	August 16, 1993 .....	310 IAC 12-0.5-6, -32.5, -90.5, -91.5; 12-2-6, -7; 12-3-6, -30.5, -33, -46.5, -47, -57, -68.5, -71, -78, -80.5, -81, -94, .1, -98, -106, -110, -116, -127, -128, -131; 12-4-3, -16; 12-5-16, -24, -27, -30, -32, -39, -42, -43, .1, -48, -51, .1, -57.5, -82, -92, -95, -97, -99, -100, -104, -106, -107, .1, -115, -119.1, -121.5, -131, -144.
August 8, 1992 .....	September 3, 1993 .....	310 IAC 12-0.5-5.5, -32.6, .7, .8, -72.5, -78.5; 12-1-5 through -12.
April 19, 1993 .....	September 21, 1993 .....	IC 13-4.1-1-5, 13-4.1-6.5-8(d).
February 24, 1993 .....	November 18, 1993 .....	310 IAC 0.6-1-5, -13; 0.7-3-5; 12-6-6.5.
July 2, 1993 .....	June 16, 1994 .....	310 IAC 12-0.5-6, -23, -53, -55, -64, -72, -104, -111, -116, -139.
April 2, 1993 .....	July 15, 1994 .....	310 IAC 0.6-1-2, .5, -9, -17.
October 1, 1993 .....	July 27, 1994 .....	310 IAC 13-4.1-4-3(a)(10).
June 15, 1994 .....	October 20, 1994 .....	310 IAC 0.6-1-5, -13; 0.7-3-5.
August 11, 1994 .....	December 13, 1994 .....	310 IAC 12-4-16(c)(3).
September 26, 1994 .....	February 2, 1995 .....	Amendment #94-4 to the Indiana program to correct typographical, clerical, spelling errors.
December 7, 1994 .....	March 10, 1995 .....	310 IAC 12-8-4.1, -8.1.
March 21, 1994 .....	April 4, 1995 .....	IC 13-4.1-6-9; 13-4.1-9-2.5; 13-4.1-2-4; 13-4.1-4-3, -5; 13-4.1-6-7; 13-4.1-11-6, -8, -12; 13-4.1-12-1; 13-4.1-13-1; 13-4.1-15-9.
January 31, 1995 .....	April 7, 1995 .....	310 IAC 12-5-54.1.
March 18, 1994, August 25, 1994 .....	April 20, 1995 .....	310 IAC 12-3-87, .1(c)(2), (7); 12-5-130, .1(c)(2), (g), (h), -131; Amendment #94-2 to the Indiana program.
May 3, 1995 .....	September 14, 1995 .....	310 IAC 12-5-64.1(c), -128.1(c); correction of typographical, clerical, spelling errors.
May 11, 1995 .....	October 16, 1995 .....	310 IAC 12-0.5-2, -15, -57, -95, -99.
December 30, 1993 .....	November 9, 1995 .....	310 IAC 12-0.5-109.5, -110.5, -122.5; 12-1-5; 12-3-31, -48, -69, -78, -82, -97, -106; 12-4-5, -7; 12-5-3, -4; 12-6-20 through -24; 12-7-4, -5, -6; Amendment #93-7, Part I.
September 11, 1995 .....	April 8 and 10, 1996 .....	IC 13-4.1; 14-2-285.5; 14-8, -2-144.5; 14-34, -2-4, -4-8.5, -10.5, -10-2(b)(23), -13-1, -2, -19-2.
March 18, 1984 .....	May 28, 1996 .....	310 IAC 12-3-87.1(c)(2); 12-5-130.1(c)(2), -132.
September 26, 1994 .....	October 29, 1996 .....	310 IAC 12-0.5-78.7, -91.5, -109; 12-3-30, -32, -33, -34, -41, -47, -49, -55, -55.1, -68, -70, -71, -81, -83, -90.5, -91; 12-5-17, -20, -21(a)(3), -24(a)(9)(B), -27, -31, -39, -41, -42, -44, -48, -50, -69, -70, -83, -86, -87(a)(3), -90(a)(9)(B), -92, -96, -104, -105, -106, 108, -112, -114, -127, -137, -137.5(2), -144; 12-6-19.
January 13, 1997 .....	August 25, 1997 .....	310 IAC 12-3-130 (4), (5), -131, -132, -132.5, -133, -134, -134.1, -134.5, -135.
January 14, 1997 .....	August 25, 1997 .....	310 IAC 12-0.5-39.5, 72.1, 75.5, 77.5, 107.5; 12-3-81, 87.1; 12-5-94, 130.1.
March 7, 1997 .....	September 8, 1997 .....	310 IAC 12-1-7(a), (15)(A), (17); 12-1-7.1 (a) through (c); 12-1-11(b), (c) (1) through (3), (d) (1) through (3).
September 11, 1995 .....	November 4, 1997 .....	IC 14-8-2-42.5, -49.5, -49.6, -274.5; 14-34-5-10; 14-34-6-14.3, -14.6; 14-34-7-0.5, -0.6, -0.7, -2.5, -4 (b), (d) through (g), -4.1, -5, -7, -7.1, -8, -9, -10, -11, -12, -13.
March 6, 1998 .....	July 24, 1998 .....	310 IAC 12-3-46(a), (b)(2) through (b)(5); 12-3-80(a), (b)(2) through (b)(5); 12-3-110 (f), (g); 12-5-32(a), (b); 12-5-97(a), (b).
March 6, 1998 .....	September 29, 1998 .....	310 IAC 12-0.5-6(a) through (c); 12-3-78(a) and (b); 12-5-98(a), (c) and (d); and 12-5-145.5.
May 15, 1998 .....	March 16, 1999 .....	IC14-8-2-117.3, 14-34-4-18, 14-34-5-7(b) through (d), -8, -8.1, -8.2(1) through (3), -8.2(5)(A) through (5)(C), -8.3, -8.4(a) through (c)(1), -8.4(c)(2)(A) through (J) and (L), -8.5, -8.6.
March 8, 1999 .....	June 14, 1999 .....	310 IAC 12-3-31(a)(3), (c); 12-3-48(a)(3); 12-3-69(a)(3), (c)(3), (d); 12-3-106(a)(8).
May 7, 1999 .....	August 12, 1999 .....	310 IAC 12-3-109(a) through (d); 12-3-114(b), (e), and (f); 12-3-115(b); 12-4-12(b)(4), (b)(6)(A)(ii), and (c); 12-4-16(a), (c), and (d); 12-6-2(a), (b), (c), and (e).
July 1, 1999 .....	October 26, 1999 .....	310 IAC 12-8-4.1; -8.1.
August 2, 1999 .....	November 22, 1999 .....	310 IAC 12-5-64.1(c) and 128.1(c).
August 31, 1999 .....	January 7, 2000 .....	310 12-5-159; IC 14-34-2-6(b) and (c).
February 25, 2000 .....	May 26, 2000 .....	IC 14-34-6-15(b) and (c).
February 4, 2000 .....	June 5, 2000 .....	310 IAC 0.6-1-1 through 17 [repealed]; 310 IAC 0.7-3-5 [repealed]; 312 IAC 3-1-1 through 18.
August 21, 2001 .....	November 16, 2001 .....	Recodification of rules from 310 IAC 12 to 312 IAC 25; nonsubstantive revisions to those rules; substantive revisions to 312 IAC 25-1-8, 25-4-17, 25-4-18, 25-4-45, 25-4-58, 25-4-59, 25-4-113, and 25-4-118.
September 3, 2003 .....	December 31, 2003 .....	312 IAC 25-1-45.5, 60.5, 109.5; 25-4-43(a), 47(b)(9), 85(b)(8), 93(a); 25-6-12.5, 76.5.
June 2, 2004 .....	September 14, 2004 .....	IC 14-8-2-117.3; 14-34-6-7, 14-34-6-10(b)(2); 14-34-8-4(g) and (h), 14-34-8-6, 14-34-8-11(a), (b), (e), and (f); 2004-71-32.
June 2, 2004 .....	October 1, 2004 .....	312 IAC 25-6-31(c); 25-9-5(g); 25-9-8(b)(3) and (c).

**Surface Mining Reclamation and Enforcement, Interior**

**§ 914.25**

Original amendment submission date	Date of final publication	Citation/description
May 19, 2004 .....	November 29, 2004	312 IAC 25-1-8; 25-1-75.5; 25-1-155.5; 25-4-17(a)(1), (d), (e), and (f); 25-4-45(b)(4); 25-4-49(a), (c), (d), (f), and (g); 25-4-87(a), (c), (d), (f), and (g); 25-4-102(d)(1), (e), and (f); 25-4-105.5; 25-4-113(f) and (g); 25-4-114(d); 25-4-115(a)(3) and (13); 25-4-118(4) and (8); 25-5-7(b); 25-5-16(b) and (c); 25-6-17(a)(3), (b)(2), (d)(2), and (d)(3); 25-6-20(a) and (c); 25-6-23(a)(2) and (4)(C); 25-6-25; 25-6-66(2); 25-6-81(a)(3), (d)(2) and (3); 25-6-84(a) and (c); 25-6-130(2); 25-7-1(a), (d)(2), (f), and (g); 25-7-20.
October 23, 2006 .....	May 21, 2007 .....	312 IAC 25-4-102(a)(1) and (3); (b); (d)(4), (6), and (8); (e)(3); (f)(5); 25-6-143(b)(3) and (8), (c).
.....	October 18, 2007 ...	312 IAC 25-1-57; 25-4-87; 25-5-16(a), (b) [new], and (c) [formerly (b)]; 25-6-20; 25-6-66; and 25-7-1.

[62 FR 9939, Mar. 5, 1997, as amended at 62 FR 44896, 44898 Aug. 25, 1997; 62 FR 47140, Sept. 8, 1997; 62 FR 59578, Nov. 4, 1997; 63 FR 39729, July 24, 1998; 63 FR 51829, Sept. 29, 1998; 64 FR 12896, Mar. 16, 1999; 64 FR 31693, June 14, 1999; 64 FR 43913, Aug. 12, 1999; 64 FR 57567, Oct. 26, 1999; 64 FR 63684, Nov. 22, 1999; 65 FR 1063, Jan. 7, 2000; 65 FR 34094, May 26, 2000; 65 FR 35575, June 5, 2000; 66 FR 57659, Nov. 16, 2001; 68 FR 75422, Dec. 31, 2003; 69 FR 55352, Sept. 14, 2004; 69 FR 58832, Oct. 1, 2004; 69 FR 69287, Nov. 29, 2004; 72 FR 28454, May 21, 2007; 72 FR 59009, Oct. 18, 2007]

**§ 914.16 Required program amendments.**

Pursuant to 30 CFR 732.17, Indiana is required to submit for OSM's approval the following proposed program amendments by the dates specified.

(a)-(dd) [Reserved]

(ee) By July 1, 1994, Indiana shall amend 310 IAC 12-05.-139(b) to provide that the interpretation of the terms of the document used to establish a valid existing right shall be based either upon applicable State statutory or case law concerning interpretation of documents conveying mineral rights, or where no applicable State statutory or common law exists, the interpretation is based upon the provisions at subdivisions 139(b) (1) and (2).

[49 FR 20286, May 14, 1984]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 914.16, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

**§ 914.17 State regulatory program and proposed program amendment provisions not approved.**

(a) The amendment at Indiana Code 14-34-5-7(a) submitted on May 14, 1998, concerning permit revisions is hereby disapproved effective March 16, 1999.

(b) The amendment at Indiana Code 14-34-5-8.2(4) submitted on May 14, 1998 concerning postmining land use changes is not approved effective August 15, 2001.

(c) The amendment at Indiana Code 14-34-5-8.4(c)(2)(K) submitted by Indiana on May 14, 1998, concerning minor field revisions of temporary cessation of mining is hereby disapproved effective March 16, 1999.

[64 FR 12896, Mar. 16, 1999, as amended at 66 FR 42750, Aug. 15, 2001]

**§ 914.20 Approval of Indiana abandoned mine land reclamation plan.**

The Secretary approved the Indiana abandoned mine land reclamation plan, as submitted on December 7, 1981, on July 26, 1982, effective July 29, 1982. Copies of the approved plan are available at:

(a) Indiana Department of Natural Resources, Division of Reclamation, R.R. 2, Box 129, Jasonville, IN 47438-9517.

(b) Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, Room 301, 575 North Pennsylvania Street, Indianapolis, IN 46204-1521.

[64 FR 20166, Apr. 26, 1999]

**§ 914.25 Approval of Indiana 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