

## ARTICLE XV: RESERVATION OF RIGHTS

In accordance with 30 CFR 745.13, this Agreement shall not be construed as waiving or preventing the assertion of any rights that have not been expressly addressed in this Agreement that the State or the Secretary may have under other laws or regulations, including but not limited to those listed in Appendix A.

## ARTICLE XVI: DEFINITIONS

Terms and phrases used in this Agreement which are defined in 30 CFR part 700, 701 and 740 shall be given the meanings set forth in those definitions.

Approved:

James G. Watt,  
*Secretary of the Interior.*

Dated: August 11, 1983.

Allen I. Olson,  
*Governor of North Dakota.*

Dated: August 30, 1983.

Bruce Hagen,  
*President, North Dakota Public Service Commission.*

Dated: August 30, 1983.

Leo M. Reinbold,  
*Commissioner, North Dakota Public Service Commission.*

Dated: August 30, 1983.

Dale Sandstrom,  
*Commissioner, North Dakota Public Service Commission.*

Dated: August 30, 1983.

## 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 30 CFR part 211 *et seq.*
3. The National Environmental Policy Act of 1969, 42 U.S.C. 4321, *et seq.*, and implementing regulations including 40 CFR 1500 *et seq.*
4. The Endangered Species Act, 16 U.S.C. 1531 *et seq.*, and implementing regulations including 50 CFR part 402.
5. The National Historic Preservation Act of 1966, 16 U.S.C. 470, *et seq.*, and implementing regulations, including 36 CFR part 800.
6. The Clean Air Act, 42 U.S.C. 7401, *et seq.*, and implementing regulations.
7. The Federal Water Pollution Control Act, 33 U.S.C. 1251, *et seq.*, and implementing regulations.
8. The Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 *et seq.*, and implementing regulations.
9. 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.*

10. Executive Order 11593, Cultural Resource Inventories on Federal Lands.

11. Executive Order 11988 (May 24, 1977), for flood plain protection. Executive Order 11990 (May 24, 1977), for wetlands protections.

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

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

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

15. The Constitution of the United States.

16. The Constitution of the State of North Dakota, State law, and rules.

[48 FR 41395, Sept. 15, 1983, as amended at 53 FR 11501, Apr. 7, 1988]

## PART 935—OHIO

Sec.

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935.25 Approval of Ohio abandoned mine land reclamation plan amendments.

935.30 State-Federal Cooperative Agreement.

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

**§935.1 Scope.**

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

[47 FR 34717, Aug. 10, 1982]

**§935.10 State regulatory program approval.**

The Ohio State regulatory program as submitted on February 29, 1980, and resubmitted on January 22, 1982, is conditionally approved, effective August 16, 1982. Beginning on that date, the Department of Natural Resources shall be deemed the regulatory authority in Ohio for all surface coal mining and reclamation operations on non-Indian and non-Federal lands. Only surface coal mining and reclamation operations on non-Indian and non-Federal lands shall be subject to the provisions

**Surface Mining Reclamation and Enforcement, Interior**

**§ 935.15**

of the Ohio permanent regulatory program. Copies of the approved program, as amended, are available at:

(a) Ohio Department of Natural Resources, Division of Reclamation, Building H-2, 1855 Fountain Square Court, Columbus, Ohio 43224.

(b) [Reserved]

[48 FR 23193, May 24, 1983, as amended at 59 FR 17930, Apr. 15, 1994]

**§ 935.11 Conditions of State regulatory program approval.**

The approval of the Ohio State program is subject to the State revising its program to correct the deficiencies listed in this section. The program revisions may be made, as appropriate, to the statute, the regulations, the program narrative, or the Attorney General's opinion. This section indicates, for the general guidance of the State, the component of the program to which the Secretary requires the change be made.

(a)-(e) [Reserved]

(f) Steps will be taken to terminate the approval found in § 935.10.

(g) [Reserved]

(h) Steps will be taken to terminate the approval found in § 935.10:

(1) Unless Ohio submits to the Secretary by September 30, 1985, a revised program amendment that demonstrates how the alternative bonding system will assure timely reclamation at the site of all operations for which bond has been forfeited.

(i)-(j) [Reserved]

(k) Steps will be initiated to terminate the approval found in § 935.10.

(l)-(m) [Reserved]

[47 FR 34717, Aug. 10, 1982, as amended at 48 FR 1958, Jan. 17, 1983; 48 FR 23193, May 24, 1983; 48 FR 46027, Oct. 11, 1983; 48 FR 46531, Oct. 13, 1983; 49 FR 18482, May 1, 1984; 49 FR 37590, Sept. 25, 1984; 49 FR 43953, Nov. 1, 1984; 50 FR 25710, June 21, 1985]

**§ 935.12 [Reserved]**

**§ 935.15 Approval of Ohio 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   |
|--|----------------------------------|--|
| September 16, 1982                               | January 17, 1983 ...             | OAC:13-1-01.   |
| October 13, 1982 .....                           | January 31, 1983, July 22, 1983. | OAC 1501:13-1-02(E), -07; 13-4-03 through -05.   |
| January 6, 1983 .....                            | May 24, 1983 .....               | ORC as amended by SB 240 and 323.  |
| June 10, 1983, August 11, 1983, August 22, 1983. | October 6, 1983 .....            | OAC 1501:13-1-02; 13-4-04, -05, -13, -14; 13-9-04; 13-12-03, -04.                                      |
| July 18, 1983 .....                              | October 13, 1983 ...             | ORC 1513:01(G)(2), (U); -13(A)(1), (C)(1), (3).  |
| January 30, 1984 .....                           | April 23, 1984 .....             | OAC 1501:13-4-13(K)(1).  |
| February 8, 1984 .....                           | May 1, 1984 .....                | OAC 1501:13-9-15(E)(5); ORC1513-101(J), (k), (L).  |
| December 28, 1983 ..                             | June 5, 1984 .....               | OAC 1501:13-14-01.   |
| March 5, 1984 .....                              | August 8, 1984 .....             | OAC 1501:13-14-05.   |
| June 15, 1984 .....                              | September 25, 1984               | OAC 1501:13-4-04(I), (L), -13(I), (J), (L); 13-9-04(B)(5), (G)(15); and Division Advisory Memo No. 31. |
| July 23, 1984 .....                              | November 1, 1984 ..              | ORC contained in Substitute House Bill No. 164.  |
| March 9, 1984 .....                              | November 7, 1984 ...             | OAC 1501:13-4-13(E)(2).  |
| September 17, 1984                               | December 31, 1984                | OAC 1501:13-2-15.  |
| July 10 and 23, 1984                             | March 18, 1985 .....             | OAC 1501:13-9-06.  |
| July 11, 1984, July 23, 1984.                    | May 23, 1985 .....               | OAC 1501:13-14-01; ORC 1513-3-01 through -22.  |
| July 3, 1985 .....                               | September 18, 1985               | OAC 1513-3-01 through -22.   |
| November 15, 1985 ..                             | April 9, 1986, June 9, 1986.     | ORC 1513.02, .07, .08, .10, .16, .18, .20, .25, .27 through .33, .37, .181; 5749.02, .021.             |
| January 15, 1986 .....                           | May 6, 1986 .....                | OAC 1513-3-01 through 04, 16, 17.  |
| October 26, 1985 .....                           | July 17, 1986 .....              | OAC 1501:13-3-05; 13-4-04, -13; 13-9-04.   |
| November 6, 1984 ....                            | July 28, 1986 .....              | OAC 1501:13-14-03.   |
| March 3, 1986 .....                              | September 18, 1986               | OAC 1501:13-4-05, 14; 13-9-07.   |
| July 10, 1986 .....                              | October 29, 1986 ...             | OAC 1501:13-9-06.  |
| October 8, 1986 .....                            | March 5, 1987 .....              | OAC 1501:13-9-07.  |