

## Surface Mining Reclamation and Enforcement, Interior

§ 944.15

of the letter of the Division of Oil, Gas and Mining agreeing to the conditions in section 944.11, are available at:

(a) Division of Oil, Gas and Mining, Department of Natural Resources, 3 Triad Center, suite 350, 355 West North Temple, Salt Lake City, UT 84180-1203.

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

[59 FR 17933, Apr. 15, 1994, as amended at 60 FR 54593, Oct. 25, 1995]

### § 944.15 Approval of Utah 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
June 29, 1981 .....	June 22, 1982 .....	UCA 40-10-10, -11, -16, -17, -18, -21, -22, -24; UMC 784.20(b)(3)(v); 817.124(b).
May 21, 1981 .....	September 27, 1982	SMC/UMC 845; Vegetation Information Guidelines.
August 26, 1982 .....	December 13, 1982	SMC 816.53(c); UMC 817.42(a)(3)(i), (ii), .53(c), .101(b)(8), (c).
December 3, 1982 ....	March 7, 1983 .....	SMC/UMC 785.19(c)(3)(ii); SMC 816.72(b), (c); UMC 817.72(b), (c).
February 6, 1984 .....	August 29, 1984 .....	SMC/UMC 816/817.42; 840.11; 843.12.
August 13, 1984 .....	December 3, 1985 ..	SMC/UMC 700.1, .5—definition for "affected area;" 800, .5, .11 through .17, .20 through .23, .30, .40, .50, .60; 805 through 808; 843.11, .15, .16; 845.12, .13, .17 through .20.
September 25, 1985	December 18, 1985	SMC/UMC 843.13.
October 9, 1985 .....	January 16, 1986 ...	SMC/UMC 700.5—definition for "incidental boundary change;" 771.21(b)(3); 778.12.
January 21, 1985 .....	June 10, 1986 .....	Definitions for "adjacent area," "disturbed area," "permit area," "mine plan area;" SMC 843.11, .15, .16, .20; 845.12, .13, .17, .18, .19.
March 3, 1986 .....	July 28, 1986 .....	SMC/UMC 816/817.61; 850; Memorandum of Agreement between the Board and Division of Oil, Gas, and Mining and the Utah Industrial Commission; UCA 40-2-14 through -16; Utah Industrial Commission's General Safety Orders, Coal Mining, §§ 51 through 53.
September 3, 1986 ...	January 28, 1987 ...	SMC/UMC 700.5—definitions for "coal processing," "coal processing plant".
February 17, 1987 ....	March 28, 1988 .....	SMC/UMC 845.15(b)(1)(ii), (2).
September 24, 1987	August 18, 1988 .....	SMC/UMC 785.19(e)(2).
August 11, 1989 .....	April 12, 1990 .....	Utah Admin. R. 614-100 through -105, -200 through -203, -300; -301, -100 through -800; -302, -100 through -300; -303, -100 through -300; -400, -100 through -300; -401, -100 through -900; -402, -100 through -500.
November 13, 1989 ..	August 13, 1990 .....	UCA 40-10-10, -14, -20, -21, -25, -30, -31.
October 10, 1990 .....	January 29, 1991 ...	UCA 40-10-6.5(1), (2), (3); 6.6(1), (2).
July 3, 1990 .....	August 23, 1991 .....	Utah Admin. R. 614-100-200, definitions of "fragile lands," "owned or controlled," "owns or controls," "unwarranted failure to comply," "valid existing rights;" -415; 614-103-220 through -222; 614-105-443; 614-201-400 through -432, .100, .300, -433, -434; 614-300-112.500, -132.100, .120, .200, .300, -148, .100, .200, -160, -161, -162.100 through .300, -163, .100 through .400, -164, .100 through .300, -170; 614-301-112.200 through .420, .900, -113.300 through .310, .400, -352, -356.110 and Vegetation Information.
March 1, 1991 .....	November 22, 1991	Utah Admin. R. 614-100-200, definition for "public road".
December 30, 1991 ..	May 11, 1992 .....	Utah Admin. R. 645-100-200 definitions for "cumulative impact area," "cumulative measurement period," "cumulative production," "cumulative revenue," "mining area," "other minerals;" -414; 645-106-100, -200 through -262, -300 through -326, -400 through -430, -500 through -522, -600 through -616, -700 through -724, -800 through -843, -900 through -926; 645-300-211.
July 26, 1991 .....	August 19, 1992 .....	UCA 40-10-5(1), (b), (2), -6.6(1), (2), (3).
November 20, 1991 ..	September 11, 1992	Utah Admin. R. 645-100-200, -400 through -452; 645-103-220; 645-301-111.400, -356.231, -425, -512.140, -528.320, -553.800, -731.750, -742.224; 645-300-110, Guideline for Examining and Evaluating Violations, Penalties, and Fees; Vegetation Information Guidelines.
November 5, 1992 ....	March 30, 1993 .....	Utah Admin. R. 614-100-452.
April 30, 1992 .....	September 17, 1993	Utah Admin. R. 645-100-200, definition for "highwall;" 645-301-553, .100, .130, .510, .520, .521, .523, .620, .630 through .633, .652 through .655.
September 17, 1992	April 7, 1994 .....	Utah Admin. R. 645-100-200, definitions for "affected area," "public road," "road".
March 7, 1994 .....	May 24, 1994 .....	Utah Admin. R. 645-303-224.400 through .600.
August 2, 1993 .....	July 11, 1994 .....	Utah Admin. R. 641-112; R645-100-500; 645-103-441; 645-203-200; 645-301-524.661, -731.760; 645-302-314.110, -323.310.

Original amendment submission date	Date of final publication	Citation/description
January 27, 1994 .....	September 27, 1994	Utah Admin. R. 645–200–121, –122, –123, –220, –230; 645–201–100 through –130, –200 through –220, –223, –310, –323.100, –342.200; 645–202–100, –232, –235.
March 7, 1994 .....	September 27, 1994	UCA 40–10–14(3), 20(1), (2), (3), (5), (6), (8).
September 9, 1994 ...	March 27, 1995 .....	Utah Admin. R. 645–203–200.
February 10, 1995 ....	May 2, 1995 .....	Utah Admin. R. 645–401–120, –410, –430, –721, –723.100, –742, –810, –830, –910; 645–402–120, –420, –422.
November 12, 1993 ..	May 30, 1995 .....	Utah Admin. R. 645–100–200, definition for “continuously mined areas;” 645–301–553, .100 through .130, .150, .200 through .230, .252, .300, .500 through .540, .600 through .612, .650, .650.100 through .500.
April 14, 1994 .....	July 19, 1995 .....	UCA 40–10–2(1) through (6), –3(1) through (22), –4, –6.5(1), (2), (3), .7, –7(1), –8(1), (3), –10(2), –11(1), (2)(a) through (d), (e)(ii), (f)(i), (iii), (3), (4), (a), (b), (5)(a) through (c), –12(3), –13(2)(b), –14(2), (3), (6), –15(1), –16(1), (3), (6)(a) through (d), –17(2)(g), (j)(i)(B), (ii)(A), (B), (2)(m), (o), (o)(i), (iv), (v), (p)(i)(F), (ii), (iii), (t)(i), (ii), (2)(v), (viii), (3)(b), (ii), (c), (4)(a), (d), (5), –18(1), (2)(i)(i)(B), (j), (4)(a) through (c), (5), –19(1), (2)(a), –20(2)(e)(ii), –21(1)(a)(i), (ii), (2)(a)(ii), (5), –22(1)(c), (d), (2)(a)(i), (b), (3)(a), (b), (d), (e), (f), –24(1)(c)(i)(A), (B), (C), (D), (ii), (e)(i), (ii), (iii), (2)(a), (b), –30; Utah Admin. R. 641–100–100.
February 6, 1995 .....	September 14, 1995	Utah Admin. R. 645–301–357.300 through .365, Vegetation Information Guidelines.
November 30, 1995, December 4, 1995, March 11, 1996.	September 4, 1996	Utah Admin. R. 645–100–500; 645–301–553.110, .120.
May 27, 1997 .....	August 4, 1997 .....	Definition of “adjudicative proceeding” at UCA 40–10–3(1), (a), (b); 40–10–11 (3), (5)(a); 40–10–13(2)(b); 40–10–17 (2) (j) (ii) (B), (p) (ii), (iii), (3) (a), (c), (4), (a), (d); 40–10–18 (1), (2), (3)(a), (i) through (iii), (b), (4), (5), (6) (a), (b), (i) through (iii), (7), (8), (a), (b), (9), (10), (11), (a), (i) through (iii), (b), (c), (12)(a), (i) through (iii), (b), (13), (14), (15)(a), (b) (i) through (iv), (c), (d), (e); 40–10–18.1, .2, 40–10–20(2)(e)(ii).
June 8, 1998 .....	November 16, 1998	UCA 40–10–11(1)(a)(i), (a)(ii), (1)(b), (1)(c), (c)(i), and (c)(ii); (2), (2)(a), (2)(b), (2)(c), (2)(d), (2)(d)(i), (d)(ii), (2)(e), (2)(e)(i), (e)(i)(A), (e)(i)(B), (e)(ii), (2)(f), (2)(f)(i), (f)(i)(A), (f)(i)(B), and (f)(iii); (3)(a)(i), (a)(ii), (3)(b), and (3)(c); (4)(a)(i), (a)(ii), and (4)(b); and (5)(a).
December 23, 1999 ..	4/24/01 .....	Definitions of “abandoned site,” “other treatment facilities,” “previously mined area,” “qualified laboratory,” and “significant recreational, timber, economic, or other values incompatible with coal mining and reclamation operations” at Utah Admin. R. 645–100–200; Utah Admin. R. 645–301–514.320 and –514.330; –301–531; –301–533.100 and –533.110; –301–533.200 and 210; –301–533–610 through 614; –301–533.620; –301–533.700 through 714; –301–553.700; –301–553.800; –301–733.100; –301–733.210; –301–742.200; –301–742.224; –301–742.225, –742.225.1 and –742.225.2; –301–743.100; –301–743.120; –301–743.131.3 through 131.6; –301–880.130; –302–316.500; R. 645–400.132; and R. 645–401–810.
March 20, 1998 .....	December 4, 2001 ..	Definitions of “material damage,” “non-commercial building,” “occupied residential dwelling and structures related thereto,” “replacement of water supply,” and “State-appropriated water supply” at Utah Admin. R. 645–100–200; 645–301–525 through 525.170; 645–301–525.200 through 525.240; 645–301–525.300 through 525.313; 645–301–525.400 through 525.490; 645–301–525.500 through 525.550; 545–301–525.600; 645–301–525.700; 645–301–724.600; 645–301–728.340; 645–301– 728.350; and 645–301–731.530.
March 28, 2002 .....	November 6, 2002 ..	Definition of “Water Supply,” “State-appropriated Water,” and “State-appropriated Water Supply” at Utah Admin. R. 645–100–200; Utah Admin. R. 645–105–310 through –314; R. 645–301–525.130 and –525.700; Utah Admin. R. 645–301–728.350; R. 645–301–860.110 through –860.112; R. 645–400–162; and R. 645–400–319, –322, and –381.
October 22, 2002 .....	August 27, 2008 .....	Utah Code Annotated 40–10–10(1), (2)(a)(i) through (vi), (2)(b)(i), (i)(A) and (i)(B), and (ii), (2)(c)(i), (c)(i)(A) through (C), and (2)(c)(iii), (3)(a), (b), and (c), and (4)(a) and (b). Decision deferred on UCA 40–10–10(2)(d) through (2)(d)(ii) and 40–10–10(5).
November 28, 2005 and February 16, 2006.	June 8, 2006 .....	Utah Adm. R. 645–301–160, 645–301–512.100, 645–401–330, and 645–401–400.
August 31, 2007 .....	August 12, 2008 .....	Utah Code Annotated 40–10–10(2)(d), (5), 40–10–12(1)(e). Utah Admin R 645–303–222.
May 28, 2008 .....	September 1, 2009	Utah Admin. R. 645–100–200 definition of intermittent stream; 645–301–131.300; 645–301–535.210; 645–301–535.223; 645–301–551; 645–301–631; 645–301–631.200; 645–301–731.610, 645–301–742.320; 645–301–742.321; 645–301–742.323, 645–301–742.324, 645–301–742.331, 645–301–742.412; 645–301–765.
May 19, 2009 .....	December 7, 2009 ..	UCA § 40–10–11, 40–10–17/Deletion of repeal dates for remining provisions.

## Surface Mining Reclamation and Enforcement, Interior

§ 944.30

[62 FR 9955, Mar. 5, 1997, as amended at 62 FR 41849, Aug. 4, 1997; 63 FR 63611, Nov. 16, 1998; 66 FR 20606, Apr. 24, 2001; 66 FR 62935, Dec. 4, 2001; 67 FR 67540, Nov. 6, 2002; 71 FR 33254, June 8, 2006; 73 FR 46807, Aug. 12, 2008; 73 FR 50545, Aug. 27, 2008; 74 FR 45120, Sept. 1, 2009; 74 FR 63990, Dec. 7, 2009]

### § 944.16 [Reserved]

### § 944.20 Approval of Utah abandoned mine plan.

The Utah Abandoned Mine Plan, as submitted on February 9, 1983, and as subsequently revised, is approved effective June 3, 1983. Copies of the approved program are available at:

(a) Division of Oil, Gas and Mining, Department of Natural Resources, 3 Triad Center, Suite 350, 355 West North Temple, Salt Lake City, UT 84180-1203, Telephone: (801)538-5340.

(b) Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, Technical

Library, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733.

[60 FR 33725, June 29, 1995, as amended at 60 FR 54593, Oct. 25, 1995]

### § 944.25 Approval of Utah 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
July 26, 1991 .....	August 19, 1992 .....	UCA 40-10-25(1), (2)(c), (e), (f), (3)(a), (b), (c), .1(1)(a), (b), (2)(a), (b), (c), (3)(a) through (d), .2(1), (2), -27(10)(b), -28.1(1) through (7).
March 7, 1994 .....	September 27, 1994	UCA 40-10-28(1), (a)(i), (b), (2)(b), .1(6).
April 14, 1994 .....	July 19, 1995 .....	UCA 40-10-25(2)(d), (e), (3), (a), (b), (4), (5), (6), -27(5)(a), (12)(b), -28(1)(a)(ii), (2)(a).
May 27, 1997 .....	August 4, 1997 .....	UCA 40-10-25(6)(b).
August 2, 1995 .....	February 22, 1999 ..	Utah Admin. R. 643-870-500; 643-874-100 and -110; 643-874-124 through -128; 643-874-130 through -132; 643-874-140 through -144; 643-874-150; 643-874-160; 643-875-120 through -200; 643-877-141; 643-879-141; 643-879-152.200, -153, and -154; 643-882-132; 643-884-150; and 643-886-232.240.

[62 FR 9956, Mar. 5, 1997, as amended at 62 FR 41850, Aug. 4, 1997; 64 FR 8517, Feb. 22, 1999]

### § 944.30 State-Federal Cooperative Agreement.

The Governor of the State of Utah (Governor) and the Secretary of the Department of the Interior (Secretary) enter into a Cooperative Agreement (Agreement) to read as follows:

#### ARTICLE I: INTRODUCTION, PURPOSES AND RESPONSIBLE AGENCIES

A. Authority: This Agreement is authorized by section 523(c) of the Surface Mining Control and Reclamation Act (SMCRA), 30 U.S.C. 1273(c), which allows a State with a permanent regulatory program approved by the Secretary of the Interior under 30 U.S.C. 1253, to elect to enter into an agreement for State regulation of surface coal mining and reclamation operations on Federal lands.

This Agreement provides for State regulation of coal exploration operations not subject to 43 CFR part 3480 through 3487, and surface coal mining and reclamation operations and activities in Utah on Federal lands (30 CFR Chapter VII Subchapter D), consistent with SMCRA and the Utah Code Annotated (State Act) governing such activities and the Utah State Program (Program).

B. Purposes: The purposes of this Agreement are to (a) foster Federal-State cooperation in the regulation of surface coal mining and reclamation operations and activities and coal exploration operations not subject to 43 CFR part 3480, Subparts 3480 through 3487; (b) minimize intergovernmental overlap and duplication; and (c) provide uniform and effective application of the Program on all lands in Utah in accordance with SMCRA, the Program, and this Agreement.