



ADMINISTRATIVE RULES OF MONTANA



17.24.1141 DESIGNATION OF LANDS UNSUITABLE: DEFINITION

For purposes of 82-4-228, MCA, the following definitions apply:

- (1) "Fragile lands" means geographic areas containing natural, scientific or aesthetic resources, or ecologic relationships that could be damaged or be destroyed by strip or underground coal mining operations. Examples of fragile lands include valuable habitats for fish or wildlife, critical habitats for endangered or threatened species of animals or plants, uncommon geologic formations, national natural landmark sites, areas where mining may result in flooding, environmental corridors containing a concentration of ecologic and aesthetic features, and areas of recreational value due to high environmental quality, and appropriate buffer zones adjacent to the boundaries of areas where strip or underground coal mining operations are prohibited under 82-4-227, MCA, and ARM 17.24.1131.
- (2) "Historic lands" means historic or cultural districts, places, structures or objects, including archaeological and paleontological sites, national historic landmark sites, sites listed on or eligible for listing on a state or national register of historic places, sites having religious or cultural significance to Native Americans or religious groups or sites for which historic designation is pending.
- (3) "Natural hazard lands" means geographic areas in which natural conditions exist which pose or, as a result of strip or underground coal mining operations, may pose a threat to the health, safety or welfare of people, property or the environment, including areas subject to landslides, cave-ins, large or encroaching sand dunes, severe wind or soil erosion, frequent flooding, avalanches and areas of unstable geology.
- (4) "Substantial legal and financial commitments in a strip or underground coal mining operation" means significant investments that have been made on the basis of a long-term coal contract in power plants, railroads, coal-handling, preparation, extraction or storage facilities, and other capital-intensive activities. An example is an existing mine, not actually producing coal, but in a substantial stage of development prior to production. Costs of acquiring the coal in place or of the right to mine it without an existing mine, as described in the above example, alone are not sufficient to constitute substantial legal and financial commitments.

Authorizing statute(s): 82-4-205, MCA

Implementing statute(s): 82-4-227, MCA



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History: NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; AMD, 1994 MAR p. 2957, Eff. 11/11/94; TRANS, from DSL, 1996 MAR p. 3042; AMD, 2024 MAR p. 260, Eff. 2/10/24.