

§ 756.1

§ 756.1 Scope.

This part implements the provisions in Pub. L. 100-71 which authorize the Crow, Hopi, and Navajo Tribes to obtain the Secretary's approval of Abandoned Mine Land Reclamation programs without prior approval of surface mining regulatory programs as ordinarily required by section 405 of SMCRA.

[53 FR 17190, May 16, 1988]

§ 756.13 Approval of the Navajo Nation's abandoned mine land plan.

The Navajo Nation's Abandoned Mine Land Plan as submitted in June 1982, resubmitted in September 1983, and amended in February 1988, is approved effective May 16, 1988. Copies of the approved program are available at:

(a) The Navajo Nation, Navajo Abandoned Mine Land Reclamation Department, Division of Natural Resources, Navajo Nation Inn—Office Complex, P.O. Box 1875, Window Rock, AZ 86515, Telephone: (520) 871-7593.

(b) Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office, 505 Marquette Ave., NW., Suite 1200, Albuquerque, NM 87102, Telephone: (505) 248-5070.

[60 FR 33724, June 29, 1995, as amended at 61 FR 6508, Feb. 21, 1996]

§ 756.14 Approval of amendments to the Navajo Nation's abandoned mine land plan.

(a) Revisions to the following provisions of the Navajo Nation AMLR plan, as submitted to OSM on April 7 and 22, 1994, are approved effective September 27, 1994:

NAVAJO NATION ABANDONED MINE LAND RECLAMATION CODE OF 1987: INTRODUCTION

Section 101—Findings
Section 102—Purposes
Section 201—Duties of Navajo Abandoned Mine Lands Reclamation Department
Section 401—Navajo Abandoned Mine Reclamation Fund and Purposes
Section 402—Reclamation Fees
Section 403—Objectives of Fund
Section 404—Eligible Lands and Water
Section 405—Reclamation Program
Section 407—Acquisition and Reclamation of Lands Within the Navajo Nation Adversely Affected by Past Mining Practices
Section 408—Liens

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Section 409—Filling Voids and Sealing Tunnels
Section 410—Deletion of Emergency Powers
Section 411—Certification of Completion of Coal Reclamation
Section 412—Navajo Abandoned Mine Reclamation Fund Report
Section 413—Miscellaneous Powers, and
Section 414—Interagency Cooperation

NAVAJO NATION RULES

II(D) (1) and (2)—Reclamation Priorities
II(L) (1) and (2)—General Reclamation Requirements
II(M) (1) and (2)—Certification of Completion of Coal Reclamation
II(N) (1)—Eligible Lands and Water Subsequent to Certification
II(O) (1)—Exclusion of Noncoal Reclamation Sites
II(P) (1), (2), and (3)—Utilities and Other Facilities, and
III(E) (1)—Future Reclamation Set-Aside Program

(b) The Director concurs with the Navajo Nation's May 4, 1994, certification of completion of coal reclamation effective September 27, 1994.

(c) Revisions to sections 404 (a), (b), and (c) of the Navajo Nation Abandoned Mine Land Reclamation (AMLR) Code of 1987, pertaining to eligible lands and water, as submitted to OSM on January 12, 1995, and as subsequently revised on February 23 1995, are approved effective April 25, 1995.

(d) Revisions to, additions of, or deletions of the following rules, as submitted to OSM on September 3, 1996, are approved effective April 15, 1997.

Section II, E, 1, Project selection,
Sections II, L, 1(e) and (g), Eligible coal lands and water,
Section II, L, 1(h), Limited liability,
Section II, L, 1(i), Contractor responsibility,
Section II, L, 1(j), Reports,
Sections II, L, 2(b)(3) and (4), Eligible noncoal lands and water prior to certification,
Section II, L, 2(c), Limited liability,
Section II, L, 2(d), Contractor responsibility,
Section II, L, 2(e), Reports,
Sections II, M, 1(b) and (d), 2, and 2(a) and (b), Certification of completion of coal sites,
Sections II, N, 1 and 1(c), Eligible lands and water subsequent to certification,
Sections II, P, 1(a) through (c), 2(a) through (f), and (3), Utilities and other facilities, and

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Section III, E, 1 and 1(a), Future reclamation set-aside program.

[59 FR 49185, Sept. 27, 1994, as amended at 60 FR 20195, Apr. 25, 1995; 62 FR 18272, Apr. 15, 1997]

§ 756.15 Required amendments to the Navajo Nation's abandoned mine land plan.

Pursuant to 30 CFR 884.15, the Navajo Nation is required to submit to OSM by the date specified either a proposed amendment or a reasonable timetable, which is consistent with the Navajo Nation's established administrative and legislative procedures, for submitting an amendment to the Navajo Nation plan.

[61 FR 6508, Feb. 21, 1996]

§ 756.16 Approval of the Hopi Tribe's abandoned mine land reclamation plan.

The Hopi Tribe's Abandoned Mine Land Reclamation Plan as submitted in July 1983, and amended in March and May 1988, is approved. Copies of the approved Plan are available at the following locations:

(a) The Hopi Tribe, Hopi Abandoned Mine Land Program, Department of Natural Resources, Honahni Building, P.O. Box 123, Kykotsmovi, AZ 86039, Telephone: (520) 734-2441.

(b) Office of Surface Mining Reclamation and Enforcement, Albuquerque Field Office, 505 Marquette Ave., NW., Suite 1200, Albuquerque, NM 87102, Telephone: (505) 248-5070.

[61 FR 6508, Feb. 21, 1996]

§ 756.17 Approval of the Hopi Tribe's abandoned mine land reclamation plan amendments.

The following amendments to the Hopi Tribe's abandoned mine land reclamation plan are approved.

(a) The Hopi Tribe certification of completion of coal reclamation, as submitted on February 2, 1994, is approved effective June 9, 1994.

(b) With the exceptions of Part I, concerning the purpose of the Hopi tribe plan; section I, A(3) concerning facilities related to water supplies; section I, A(4), concerning public facilities projects; section II, B(1)(d)(ii), concerning the protection of property; and section 884.13(f)(2), concerning a de-

scription of aesthetic, cultural and recreational conditions of the Hopi Reservation, revisions to and additions of the following plan provisions, as submitted to OSM on November 2, 1995, are approved effective April 23, 1996.

Table of Contents—Title of Part II and List of Appendices;

List of Addenda and Errata—Title for this part;

List of Figures—Title of Figure 4 and deletion of Figure 5;

Preface to Amended Reclamation Plan—Introductory paragraph, program goals and objectives, and eligible projects;

Chairman's Letter of Designation and Hopi Tribe Resolution—Designation of Tribal agency authorized to administer approved plan;

Opinion of Legal Counsel—Authority of designated agency to conduct the AMLR program in accordance with the requirements of Title IV of SMCRA;

Section I, A(1)—Protection of the health, safety, and general welfare of members of the Hopi Tribe;

Section I, A(2)—Restoration of land and water resources;

Section I, B—Designation of administrative authority;

Section I, C—Reclamation priorities;

Sections I, C (4) and (5)—Deletion of existing C(4) and recodification of C(5) and (6) as C(4) and (5);

Section I, C—Deletion of allocation of funds provisions;

Section II, A—[Lack of] Limited liability provision for coal;

Section II, A(1)—Abatement of any new coal problems that arise after the effective date of the certification of completion of coal reclamation;

Sections II, A(1) (a) through (f)—Eligible coal lands and water;

Section II, (A)(1)(g)—Contractor responsibility;

Section II, A(1)(h)—Reports;

Sections II, B(1) (a) and (b)—Eligible lands and water subsequent to certification;

Sections II, B(1)(c), (d) (i) and (iii), (e), and (g)—Reclamation priorities for noncoal program;

Section II, B(1)(f)—Need for activities or construction of specific public facilities related to the coal or mineral industry on Tribal lands impacted by coal or mineral development;

Section II, G—Reports;

Sections II, C through F—Exclusion of certain noncoal reclamation sites, noncoal land acquisition authority, limited liability, and contractor responsibility;

Section II, H and [deletion of] ranking and selection of noncoal reclamation projects