

**§ 926.20**

(6) Submit proposed revisions to ARM 26.4.924(4), or other revisions, to require that all non-impounding underground development waste disposal structures meet the MSHA requirements at 30 CFR 77.214 and §77.215 and also to clarify what constitutes a "coal waste refuse structure";

(7) Submit proposed revisions to ARM 26.4.924, or other revisions, to incorporate a requirement no less effective than 30 CFR 817.83(c)(4);

(8) Submit proposed revisions to ARM 26.4.930, or other revisions, to add application requirements that are no less effective than 30 CFR 784.16(e); and

(9) Submit proposed revisions to remove the following parts of this State initiative that the Director is not approving but which have been promulgated by Montana:

ARM 26.4.301(48) and (128), the word "non-coal"; ARM 26.4.305(2)(b) and 26.4.321(3), the phrases " \* \* \* , registered land surveyor, \* \* \* " and " \* \* \* , or a registered land surveyor, \* \* \* "; and ARM 26.4.924, subsection ARM 26.4.924(14).

(f)-(j) [Reserved]

(k) By March 23, 1999, Montana shall revise ARM 26.4.301(52), or otherwise modify its program, to require that the definition of "Historically used for cropland" address lands that would have been likely used as cropland for any 5 out of the last 10 years, immediately preceding such acquisition but for the same fact of ownership or control of the land unrelated to the productivity of the land.

(l) By March 23, 1999, Montana shall revise ARM 26.4.1001, ARM 26.4.401, or otherwise modify its program, to provide for public notice and opportunity to comment on prospecting permit applications, regulatory authority decisions on such applications, and notice and hearing requirements on prospecting permit applications, to be no less effective than 30 CFR 772.12(c), (d), and (e), and 772.15.

[49 FR 20287, May 14, 1989, as amended at 55 FR 19736, May 11, 1990; 57 FR 37446, Aug. 19, 1992; 59 FR 9087, Feb. 25, 1994; 60 FR 6013, Feb. 1, 1995; 64 FR 3610, 3615, Jan. 22, 1999]

**30 CFR Ch. VII (7-1-00 Edition)**

**§ 926.20 Approval of Montana abandoned mine land reclamation plan.**

The Montana Abandoned Mine Land Reclamation Plan, as submitted on June 16, 1980, and as revised on July 28, 1980, is approved effective November 24, 1980. Copies of the approved plan are available at:

(a) Montana Department of Environmental Quality, 1625 Eleventh Avenue, Helena, MT 59620-1601.

(b) Office of Surface Mining Reclamation and Enforcement, Casper Field Office, 100 East B Street, Room 2128, Casper, WY 82601-1918.

[60 FR 37002, July 19, 1995]

**§ 926.21 Required abandoned mine land plan amendments.**

Pursuant to 30 CFR 884.15, Montana is required to submit for OSM's approval the following proposed plan amendment by the date specified.

(a) By March 23, 1999, Montana shall submit a copy of the State's reorganization of the abandoned mine land reclamation plan, as well as all statutes and rules relating to the abandoned mine land reclamation plan revised subsequent to the final rule published in the FEDERAL REGISTER dates July 19, 1995 (60 FR 36998).

(b) [Reserved].

[64 FR 3610, Jan. 22, 1999]

**§ 926.25 Approval of Montana abandoned mine land reclamation plan amendments.**

(a) Montana certification of completing all known coal-related impacts is accepted, effective July 9, 1990.

(b) 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**

**§ 926.30**

Original amendment submission date	Date of final publication	Citation/description
April 20, 1983 .....	August 18, 1983 .....	Liens on noncoal projects; noncoal additions to Montana Abandoned Mine Land Inventory; emergency response reclamation program; organizational restructuring.
March 22, 1995 .....	July 19, 1995 .....	Reclamation of interim program and bankrupt surety coal sites; future set-aside program; water supply facilities and water replacement; other policies and procedures.

[62 FR 9947, Mar. 5, 1997]

**§ 926.30 State-Federal cooperative agreement.**

**COOPERATIVE AGREEMENT**

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

**ARTICLE I: AUTHORITY, 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, under 30 U.S.C. 1253, to elect to enter into an agreement for State control and regulation of surface coal mining and reclamation operations on Federal lands. This Agreement provides for State regulation of coal exploration operations<sup>1</sup> not subject to 43 CFR Group 3400, and surface coal mining and reclamation operations and activities in Montana on Federal lands consistent with SMCRA, the Federal lands program (30 CFR) Chapter VII, Subchapter D), and the Montana State Program (State Program), including among other things, the Montana Strip and Underground Mine Reclamation Act, Part 2, Chapter 4, Title 82, Montana Code Annotated (State Act or MCA).

*B. Purposes*

The purposes of the Agreement are to (1) foster State-Federal cooperation in the regulation of surface coal mining and reclamation operations on Federal lands and coal exploration operations not subject to 43 CFR Group 3400; (2) minimize intergovernmental overlap and duplication; and (3) provide effective and uniform application of the State Program on all non-Indian lands in Montana.

<sup>1</sup>The term "Exploration Operations" is referred to as "Prospecting" in the Montana State Program.

*C. Responsible Agencies*

The Montana Department of Environmental Quality (DEQ) shall administer this Agreement on behalf of the Governor. The Office of Surface Mining Reclamation and Enforcement (OSM) shall administer this Agreement on behalf of the Secretary.

**ARTICLE II: EFFECTIVE DATE**

Upon signing by the Secretary and the Governor, this Agreement will take effect 30 days after final publication as a rule making in the FEDERAL REGISTER.<sup>2</sup> This Agreement shall remain in effect until terminated as provided in Article XI.

**ARTICLE III: DEFINITIONS**

The term and phrases used in this Agreement, except the term "permit application package (PAP)," will be given the meanings set forth in SMCRA, 30 CFR Parts 700, 701, 740, and 761, and the State Program, including the State Act and the regulations promulgated pursuant to the State Act. Where there is a conflict between the above-referenced State and Federal definitions, the definitions used in the State Program will apply, unless otherwise required by Federal regulation.

The term "permit application package (PAP)" for the purposes of this Agreement, means a proposal to conduct surface coal mining and reclamation operations on Federal lands, including an application for a permit, permit revision, permit amendment, or permit renewal, and all information required by SMCRA, the Federal regulations, the State Program, this Agreement, and all other applicable laws and regulations, including, with respect to leased Federal coal, the Mineral Leasing Act of 1920 (MLA) and its implementing regulations.

**ARTICLE IV: APPLICABILITY**

In accordance with the Federal lands program, the laws, regulations, terms and conditions of the State Program are applicable to Federal lands in Montana except as otherwise stated in this Agreement, SMCRA, 30

<sup>2</sup>See explanation in Article II at 46 FR 20983, April 8, 1981.