

land use for industrial, commercial, residential, or public use (including recreational facilities), the regulatory authority with approval by the Secretary may authorize departures in individual cases on an experimental basis from the environmental protection performance standards promulgated under sections 1265 and 1266 of this title. Such departures may be authorized if (i) the experimental practices are potentially more or at least as environmentally protective, during and after mining operations, as those required by promulgated standards; (ii) the mining operations approved for particular land-use or other purposes are not larger or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practices; and (iii) the experimental practices do not reduce the protection afforded public health and safety below that provided by promulgated standards.

(Pub. L. 95-87, title VII, §711, Aug. 3, 1977, 91 Stat. 523.)

§ 1302. Authorization of appropriations

There is authorized to be appropriated to the Secretary for the purposes of this chapter the following sums; and all such funds appropriated shall remain available until expended:

(a) For the implementation and funding of sections 1252, 1273, and 1300 of this title, there are authorized to be appropriated to the Secretary of the Interior the sum of \$10,000,000 for the fiscal year ending September 30, 1978, \$25,000,000 for each of the two succeeding fiscal years, and in such fiscal years such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs.

(b) For the implementation and funding of section 1257(c) of this title, see the provisions of section 1231(c)(9) of this title.

(c) For the implementation and funding of section 1295 of this title and for the administrative and other purposes of this chapter, except as otherwise provided for in this chapter, authorization is provided for the sum of \$20,000,000 for the fiscal year ending September 30, 1978, and \$30,000,000 for each of the two succeeding fiscal years and such funds that are required thereafter.

(d) In order that the implementation of the requirements of this chapter may be initiated in a timely and orderly manner, the Secretary is authorized, subject to the approval of the appropriation Committees of the House and of the Senate, to utilize not to exceed \$2,000,000 of the appropriations otherwise available to him for the fiscal year ending September 30, 1977, for the administration and other purposes of the chapter.

(Pub. L. 95-87, title VII, §712, Aug. 3, 1977, 91 Stat. 524; Pub. L. 95-343, §1, Aug. 11, 1978, 92 Stat. 473; Pub. L. 101-508, title VI, §6012(b), Nov. 5, 1990, 104 Stat. 1388-298; Pub. L. 109-432, div. C, title II, §201(b), Dec. 20, 2006, 120 Stat. 3008.)

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-432 substituted “1231(c)(9)” for “1231(c)(11)”.

1990—Subsec. (b). Pub. L. 101-508 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as fol-

lows: “For the implementation and funding of section 1257(c) of this title there are authorized to be appropriated sums reserved by section 1231(b)(1) of this title for the purposes of section 1257(c) of this title and such additional sums as may be necessary (i) for the fiscal year ending September 30, 1978, to provide an amount not to exceed \$10,000,000 to carry out the purposes of section 1257(c) of this title and (ii) for the fiscal years ending September 30, 1979, and September 30, 1980, to provide an amount not to exceed \$25,000,000 to carry out the purposes of section 1257(c) of this title.”

1978—Subsec. (a). Pub. L. 95-343, §1(1), increased authorization from \$10,000,000 to \$25,000,000 for each of the two succeeding fiscal years, and inserted provisions authorizing such necessary additional amounts for increases in salary, etc.

Subsec. (b). Pub. L. 95-343, §1(2), substituted provisions authorizing appropriations of not to exceed \$10,000,000 for fiscal year ending Sept. 30, 1978, and not to exceed \$25,000,000 for each of fiscal years ending Sept. 30, 1979, and 1980, for provisions authorizing appropriations of not to exceed \$10,000,000 and such additional amounts as are necessary for fiscal year ending Sept. 30, 1978, and for each fiscal year for a period of fifteen fiscal years thereafter.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508, effective Oct. 1, 1991, see section 6014 of Pub. L. 101-508 set out as a note under section 1231 of this title.

CREDITING PERFORMANCE BOND FORFEITURES

Pub. L. 105-277, div. A, §101(e) [title I], Oct. 21, 1998, 112 Stat. 2681-231, 2681-244, provided in part that: “Notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1999 and thereafter.”

COST-BASED FEES FOR PRODUCTS OF MINE MAP REPOSITORY

Pub. L. 105-277, div. A, §101(e) [title I], Oct. 21, 1998, 112 Stat. 2681-231, 2681-244, provided in part that: “Beginning in fiscal year 1999 and thereafter, cost-based fees for the products of the Mine Map Repository shall be established (and revised as needed) in Federal Register Notices, and shall be collected and credited to this account, to be available until expended for the costs of administering this program.”

§ 1303. Coordination of regulatory and inspection activities

(a) The President shall, to the extent appropriate, and in keeping with the particular enforcement requirements of each Act referred to herein, insure the coordination of regulatory and inspection activities among the departments, agencies, and instrumentalities to which such activities are assigned by this chapter, by the Clean Air Act [42 U.S.C. 7401 et seq.], by the Water Pollution Control Act [33 U.S.C. 1251 et seq.], by the Department of Energy Organization Act [42 U.S.C. 7101 et seq.], and by existing or subsequently enacted Federal mine safety and health laws, except that no such coordination shall be required with respect to mine safety and health inspections, advance notice of which is or may be prohibited by existing or subsequently enacted Federal mine safety and health laws.

(b) The President may execute the coordination required by this section by means of an Executive order, or by any other mechanism he determines to be appropriate.

(Pub. L. 95-87, title VII, §713, Aug. 3, 1977, 91 Stat. 524.)

REFERENCES IN TEXT

The Clean Air Act, referred to in subsec. (a), is act July 14, 1955, ch. 360, 69 Stat. 322, as amended, which is classified generally to chapter 85 (§7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

The Water Pollution Control Act, referred to in subsec. (a), probably means act June 30, 1948, ch. 758, 62 Stat. 1155, known as the Federal Water Pollution Control Act, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

The Department of Energy Organization Act, referred to in subsec. (a), is Pub. L. 95-91, Aug. 4, 1977, 91 Stat. 565, as amended, which is classified principally to chapter 84 (§7101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of Title 42 and Tables.

§ 1304. Surface owner protection

(a) Applicability

The provisions of this section shall apply where coal owned by the United States under land the surface rights to which are owned by a surface owner as defined in this section is to be mined by methods other than underground mining techniques.

(b) Lease of coal deposits governed by section 201 of this title

Any coal deposits subject to this section shall be offered for lease pursuant to section 201(a) of this title.

(c) Consent to lease by surface owner

The Secretary shall not enter into any lease of Federal coal deposits until the surface owner has given written consent to enter and commence surface mining operations and the Secretary has obtained evidence of such consent. Valid written consent given by any surface owner prior to August 3, 1977, shall be deemed sufficient for the purposes of complying with this section.

(d) Preferences

In order to minimize disturbance to surface owners from surface coal mining of Federal coal deposits and to assist in the preparation of comprehensive land-use plans required by section 201(a) of this title, the Secretary shall consult with any surface owner whose land is proposed to be included in a leasing tract and shall ask the surface owner to state his preference for or against the offering of the deposit under his land for lease. The Secretary shall, in his discretion but to the maximum extent practicable, refrain from leasing coal deposits for development by methods other than underground mining techniques in those areas where a significant number of surface owners have stated a preference against the offering of the deposits for lease.

(e) "Surface owner" defined

For the purpose of this section the term "surface owner" means the natural person or persons (or corporation, the majority stock of which is held by a person or persons who meet the other requirements of this section) who—

(1) hold legal or equitable title to the land surface;

(2) have their principal place of residence on the land; or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface coal mining operations; or receive directly a significant portion of their income, if any, from such farming or ranching operations; and

(3) have met the conditions of paragraphs (1) and (2) for a period of at least three years prior to the granting of the consent.

In computing the three-year period the Secretary may include periods during which title was owned by a relative of such person by blood or marriage during which period such relative would have met the requirements of this subsection.

(f) Exception

This section shall not apply to Indian lands.

(g) Effect on property rights of United States or any other landowner

Nothing in this section shall be construed as increasing or diminishing any property rights by the United States or by any other landowner.

(Pub. L. 95-87, title VII, §714, Aug. 3, 1977, 91 Stat. 524.)

§ 1305. Federal lessee protection

In those instances where the coal proposed to be mined by surface coal mining operations is owned by the Federal Government and the surface is subject to a lease or a permit issued by the Federal Government, the application for a permit shall include either:

(1) the written consent of the permittee or lessee of the surface lands involved to enter and commence surface coal mining operations on such land, or in lieu thereof;

(2) evidence of the execution of a bond or undertaking to the United States or the State, whichever is applicable, for the use and benefit of the permittee or lessee of the surface lands involved to secure payment of any damages to the surface estate which the operations will cause to the crops, or to the tangible improvements of the permittee or lessee of the surface lands as may be determined by the parties involved, or as determined and fixed in an action brought against the operator or upon the bond in a court of competent jurisdiction. This bond is in addition to the performance bond required for reclamation under this chapter.

(Pub. L. 95-87, title VII, §715, Aug. 3, 1977, 91 Stat. 525.)

§ 1306. Effect on rights of owner of coal in Alaska to conduct surface mining operations

Nothing in this chapter shall be construed as increasing or diminishing the rights of any owner of coal in Alaska to conduct or authorize surface coal mining operations for coal which has been or is hereafter conveyed out of Federal ownership to the State of Alaska or pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]; *Provided*, That such surface coal mining operations meet the requirements of this chapter.