

**40-8-7 Board and division -- Authority.**

- (1) The board and the division may require:
  - (a) that a notice of intention for all mining operations be filed with, and approved by, the division, before the mining operation commences or continues pursuant to Sections 40-8-13 and 40-8-23;
  - (b) the reclamation of lands affected by mining operations after the effective date of this chapter having due regard for innate differences in mineral deposits;
  - (c) for mining operations, including small mining operations, the furnishing and maintenance of reasonable surety to guarantee that the land affected is reclaimed according to approved plans consistent with on-site conditions;
  - (d) that the operator rehabilitate, close, or mitigate the impacts of each drill hole, shaft, or tunnel as required under Section 40-8-13;
  - (e) that the operator pay legally determined public liability and property damage claims resulting from mining operations;
  - (f) that every operator who conducts mining operations in the state maintain suitable records and make periodic reports to the division as required under this chapter;
  - (g) that with respect to all mining operations, a notice of intention is filed with and, if required by this chapter, approved by the division before any such mining operations are commenced or continued pursuant to Section 40-8-23;
  - (h) the suspension of mining operations in an emergency situation;
  - (i) the payment of fixed, uniform, and nonescalating permit fees; or
  - (j) that mining operations be conducted to minimize or prevent hazards to public health and safety.
- (2) No rule established by the board with respect to mined land reclamation shall have retroactive effect on existing reclamation plans included as a part of an approved notice of intention to commence mining operations which was approved prior to the effective date of the rule.
- (3) The board may promulgate rules relating to the surety for mining operations in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 382, 2008 General Session