

**40-10-28.1 Certification of completion of coal reclamation.**

- (1) The governor may certify to the secretary of the United States Department of Interior that all of the priorities stated in Subsection 40-10-25(2) for the eligible lands and waters specified in Subsection 40-10-25(3) have been achieved.
- (2)
  - (a) If the secretary concurs with the certification made by the governor, Subsection 40-10-25(3) does not apply for the purpose of determining the eligibility of lands and waters for annual grants, and, except as provided in Subsection (2)(b), eligible lands, waters, and facilities are those:
    - (i) which were mined or processed for minerals or which were affected by mineral mining or processing;
    - (ii) abandoned or left in an inadequate reclamation status prior to August 3, 1977; and
    - (iii) for which there is no continuing reclamation responsibility under state or other federal laws.
  - (b) In determining the eligibility of federal lands, water, and facilities under the jurisdiction of the Forest Service or Bureau of Land Management, in lieu of the August 3, 1977, date referred to in Subsection (2)(a), the applicable dates shall be August 28, 1974, and November 26, 1980, respectively.
- (3) Expenditures of money for lands, waters, and facilities referred to in Subsection (2) shall reflect the following objectives and priorities in the order stated, instead of the priorities set forth in Subsection 40-10-25(2):
  - (a) the protection of public health, safety, general welfare, and property from extreme danger of adverse effects of mineral mining and processing practices;
  - (b) the protection of public health, safety, and general welfare from adverse effects of mineral mining and processing practices; and
  - (c) the restoration of land and water resources and the environment previously degraded by the adverse effects of mineral mining and processing practices.
- (4) Sites and areas designated for remedial action pursuant to the Uranium Mill Tailings Radiation Control Act of 1978, 42 U.S.C. 7901 et seq., or which have been listed for remedial action pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 U.S.C. 9601 et seq., are not eligible for expenditures from the fund under this section.
- (5) The following projects may be undertaken if they relate to the priorities stated in Subsection (3):
  - (a) reclamation projects involving the protection, repair, replacement, construction, or enhancement of utilities, such as those relating to water supply or roads, or other facilities serving the public that are adversely affected by mineral mining and processing practices; or
  - (b) the construction of public facilities in communities impacted by coal or other mineral mining and processing practices.
- (6) Notwithstanding Subsection (5), if the secretary concurs in the certification referenced in Subsection (1) and if the governor determines there is a need for activities or construction of specific public facilities related to the coal or minerals industry in an area impacted by coal or minerals development and the secretary concurs in this need, then the division may use annual grants made available under Subsection 40-10-25(1) to carry out these activities or construction.
- (7) Sections 40-10-27 and 40-10-28, which govern the reclamation of abandoned coal mines, shall also apply to the reclamation of abandoned mineral operations.

Amended by Chapter 151, 1993 General Session