

PRACTICES AND SUITABLE FOR THE PROPOSED SUBSEQUENT USE OF THE LAND;

(4) SUITABLE DRAINAGE DITCHES OR CONDUITS SHALL BE CONSTRUCTED OR INSTALLED OR GRADING COMPLETED TO AVOID THE COLLECTION OR EXISTENCE OF SMALL POOLS OF WATER THAT ARE, OR LIKELY TO BECOME, NOXIOUS, ODISIOUS, OR FOUL ON THE MINED AREA;

(5) THE TYPE OF VEGETATIVE COVER AND METHODS OF ITS ESTABLISHMENT SHALL BE SPECIFIED AND CONFORM TO ACCEPTED AND RECOMMENDED AGRONOMIC AND REFORESTATION PRACTICES ESTABLISHED BY THE DEPARTMENT. ADVICE AND TECHNICAL ASSISTANCE MAY BE OBTAINED THROUGH THE STATE SOIL AND WATER CONSERVATION DISTRICTS.

(F) IF CONDITIONS DO NOT PERMIT THE PLANTING OF VEGETATION ON ALL OR PART OF THE AFFECTED LAND, AND IF THESE CONDITIONS POSE AN ACTUAL OR POTENTIAL THREAT OF SOIL EROSION AND SILTATION, ALTERNATIVE PROCEDURES SHALL BE PROPOSED TO PREVENT THE THREAT OF SOIL EROSION AND SILTATION. IF THE PROCEDURES DO NOT PREVENT THESE CONDITIONS, THE DEPARTMENT MAY NOT APPROVE THEM.

(G) LAKES, PONDS, AND MARSH LAND SHALL BE CONSIDERED ADEQUATELY RECLAIMED LAND WHEN APPROVED BY THE DEPARTMENT.

[[7-7B20]] 7-6A20. PERFORMANCE BONDS OR CASH DEPOSITS.

(A) AFTER RECEIVING NOTIFICATION FROM THE DEPARTMENT THAT HIS APPLICATION FOR A PERMIT HAS BEEN APPROVED, BUT PRIOR TO COMMENCING MINING, THE OPERATOR SHALL FILE WITH THE DEPARTMENT A BOND FOR EACH MINING OPERATION, ON A FORM TO BE PRESCRIBED AND FURNISHED BY THE DEPARTMENT, PAYABLE TO THE STATE AND CONDITIONED THAT THE OPERATOR WILL PERFORM FAITHFULLY ALL THE REQUIREMENTS OF THIS SUBTITLE.

(B) THE AMOUNT OF THE BOND REQUIRED SHALL BE FOR A MAXIMUM OF \$750 PER ACRE BASED ON THE NUMBER OF ACRES OF AFFECTED LAND AND COVERED BY THE PERMIT, BUT NO BOND MAY BE FILED FOR LESS THAN \$7,500, UNLESS THE OPERATOR CAN DEMONSTRATE TO THE REASONABLE SATISFACTION OF THE DEPARTMENT THAT THE TOTAL BOND FEE IS UNREASONABLE AND EXCESSIVE FOR THAT PARTICULAR TRACT OF LAND AND THAT A LESSER TOTAL AMOUNT FOR THE BOND IS SUFFICIENT TO COVER THE RECLAMATION.

(C) LIABILITY UNDER THE BOND SHALL BE FOR THE DURATION OF THE MINING PERMIT AND FOR A PERIOD OF FIVE YEARS AFTER ITS EXPIRATION, UNLESS PREVIOUSLY RELEASED IN WHOLE OR IN PART AS PROVIDED IN §[[7-7B21]] 7-6A21.