

(1974 Volume and 1979 Supplement)

BY adding to

Article - Natural Resources  
Section 7-507(h) and 7-516(e)  
Annotated Code of Maryland  
(1974 Volume and 1979 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Natural Resources

7-501.

(n) "Open-pit mining" or "strip mining" means the mining or recovery of bituminous coal by removing the strata or material which overlies or is above the coal deposit or seam in its natural condition. It includes [auger mining.] METHODS SUCH AS CONTOUR, AUGER, MOUNTAINTOP REMOVAL, BOX CUT, OPEN PIT, AND AREA MINING, THE USE OF EXPLOSIVES AND BLASTING, AND IN ~~SIFUS~~ SITU DISTILLATION OR RETORTING, LEACHING OR OTHER CHEMICAL OR PHYSICAL PROCESSING, AND THE CLEANING, CONCENTRATING, OR OTHER PROCESSING OR PREPARATION, LOADING OF COAL AT OR NEAR THE MINE SITE.

7-505.

(b) (1) The Department may not issue, extend or renew any permit to mine coal by the open-pit or strip method on any land the State owns whether or not the ownership includes mineral rights incident to the land, except when the Secretary, with the recommendation of the Land Reclamation Committee and the approval of the Board of Public Works, determines that an abandoned mine on State land will be reclaimed in conjunction with the proposed mining or except when the Secretary, with the recommendation of the Land Reclamation Committee and the approval of the Board of Public Works, determines that the mining could occur in conjunction with public construction activities that will disturb the vegetation and topsoil of State land. If the Department's failure to issue, extend or renew a permit involves taking a property right without just compensation in violation of the Constitution of the United States or the Constitution of Maryland and the General Assembly has not appropriated sufficient funds to pay the compensation, the State may use available funds under Program Open Space to purchase or otherwise pay for the property rights.

(2) SUBJECT TO VALID EXISTING RIGHT, AS THAT TERM IS USED IN THE FEDERAL SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977, [The] THE Department may not issue, extend or renew any permit: