

REFUSE BANK, DUMP, STOCKPILE, OVERBURDEN PILE, SPOIL BANK, CULM BANK, TAILING, HOLE OR DEPRESSION, REPAIR AREA, STORAGE AREA, PROCESSING AREA, SHIPPING AREA, OR ANY OTHER AREA ON WHICH IS SITED A STRUCTURE, FACILITY, OR OTHER PROPERTY OR MATERIAL ON THE SURFACE THAT RESULTS FROM OR IS INCIDENT TO OPEN-PIT MINING ACTIVITIES.

(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, OR ANY OTHER RECOVERY OF COAL BY METHODS OTHER THAN DEEP-MINING, AND LAND AFFECTED BY SUCH ACTIVITIES. It includes methods such as contour, STRIP, auger, mountaintop removal, box cut, open pit, and area mining, the use of explosives and blasting, and in 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] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, 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] RIGHTS, as that term is used in the federal Surface Mining Control and Reclamation Act of 1977, the Department may not issue, extend or renew any permit:

(i) Which would adversely affect any publicly owned park or place recorded in the National Register of Historic Sites, unless approved by the federal, State or local agency with jurisdiction over the park or historic site;