

road, or other public or private property in existence at the time of application for the permit,

(5) The operation will have a significantly adverse effect on the uses of a publicly owned park, forest, or recreation area in existence at the time of application for the permit,

(6) The operator does not possess a valid surface mine operator's license from the State, or

(7) The operator has not corrected all violations which he may have committed under any prior permit and which resulted in (i) revocation of his permit, (ii) termination of the operation by order of the Department, (iii) forfeiture of part or all of his bond or other security, or (iv) conviction of a misdemeanor under §§ 7-6A-06(e) or (E), 7-6A-07(b) or (H), or (v) any other court order issued against the operator as a result of departmental action.

(8) Previous experience with similar operations indicates a substantial probability that the operation will result in substantial deposits of sediment in stream beds or lakes, landslides, or other water pollution.

7-6A-20.

(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 covered by the permit, but no bond may be filed for less than \$7,500, provided, however, that the Department shall determine whether the total bond fee is unreasonable and excessive for a particular tract of land and whether a lesser total amount for the bond is sufficient to cover reclamation. In making this determination, the Department shall consider the size of the operation, the amount of land to be mined, the acreage that is unreclaimed at any one time, the proposed method of regrading and revegetation of the site, the proposed use of the land following reclamation and any other relevant factors.

7-6A-24.

(a) At the end of each calendar year following as soon after December 31 as is reasonable, the operator shall file an operations and progress report with the Department BY MARCH 31 OF EACH YEAR, on a form prescribed and furnished by the Department, which SHALL COVER THE PRECEDING CALENDAR YEAR AND, AT A MINIMUM, shall:

(1) Identify the mine, the operator, and the permit number,

(2) Identify the location of the operation as to county, district, nearest municipality, and nearest public road,