

Article – Natural Resources

7-6A-02.

[(a) The General Assembly finds and declares that the extraction of minerals by mining is a basic and essential activity making an important contribution to the economic well-being of the State and the nation, and further finds that all reasonable steps should be taken to protect these resources from encroachment by other land uses that would make these resources unavailable for future uses as mineral resources. Furthermore, it is not practical to extract minerals required by our society without disturbing the surface of the earth and producing waste materials, and the very character of certain surface mining operations precludes complete restoration of the land to its original condition. However, it is possible to conduct mining in a way to minimize its effects on the surrounding environment. Furthermore, proper reclamation of mined land is necessary to prevent undesirable land and water conditions that would be detrimental to the general welfare, health, safety, beauty, and property rights of the citizens of the State. In addition, there are certain circumstances when surface mining is not desirable, such as when the operation will have an unduly adverse effect on wildlife or fresh water, estuarine or marine fisheries. The General Assembly finds that the conduct of mining and reclamation of mined lands as provided by this subtitle will allow the mining of valuable minerals and provide for the protection of the State's environment and the subsequent beneficial use of the mined and reclaimed land.]

(A) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(1) THE EXTRACTION OF MINERALS BY MINING IS A BASIC AND ESSENTIAL ACTIVITY MAKING AN IMPORTANT CONTRIBUTION TO THE ECONOMIC WELL-BEING OF THE STATE AND THE NATION AND THAT THIS ACTIVITY MUST BE BALANCED AGAINST POTENTIAL HEALTH, SAFETY, AND ENVIRONMENTAL EFFECTS;

(2) ALL REASONABLE STEPS SHOULD BE TAKEN:

(I) TO PROTECT THESE RESOURCES FROM ENCROACHMENT BY OTHER LAND USES THAT WOULD MAKE THESE RESOURCES UNAVAILABLE FOR FUTURE USE; AND

(II) TO BALANCE THIS ACTIVITY AGAINST OTHER POSSIBLE LAND USES, INCLUDING CONSIDERATION OF USES FOR SURROUNDING PROPERTIES.

(3) ALTHOUGH IT IS NOT PRACTICAL TO EXTRACT MINERALS REQUIRED BY OUR SOCIETY WITHOUT DISTURBING THE SURFACE OF THE EARTH AND PRODUCING WASTE MATERIALS AND THE VERY CHARACTER OF CERTAIN SURFACE MINING OPERATIONS PRECLUDES COMPLETE RESTORATION OF THE LAND TO ITS ORIGINAL CONDITION, IT IS POSSIBLE TO CONDUCT MINING IN A WAY TO MINIMIZE ITS EFFECTS ON THE SURROUNDING ENVIRONMENT;

(4) PROPER RECLAMATION OF MINED LAND IS NECESSARY TO PREVENT UNDESIRABLE LAND AND WATER CONDITIONS THAT WOULD BE DETRIMENTAL TO THE GENERAL WELFARE, HEALTH, SAFETY, BEAUTY, AND PROPERTY RIGHTS OF THE CITIZENS OF THE STATE;