

ALABAMA SURFACE MINING COMMISSION  
ADMINISTRATIVE CODE

CHAPTER 880-X-7C  
AREAS UNSUITABLE FOR MINING CRITERIA FOR DESIGNATING AREAS AS  
UNSUITABLE FOR SURFACE COAL MINING OPERATIONS

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880-X-7C-.01      Scope.

This Rule establishes the minimum criteria to be used in determining whether lands should be designated as unsuitable for all or certain types of surface coal mining operations.

**Author:**

**Statutory Authority:** Code of Ala. 1975, § § 9-16-71, 73, 74, 75, 80, 87, 92, 96.

**History:**

880-X-7C-.02      Responsibility.

The State Regulatory Authority shall use the criteria in this Rule for the evaluation of each petition for the designation of areas as unsuitable for surface coal mining operations.

**Author:**

**Statutory Authority:** Code of Ala. 1975, § § 9-16-71, 73, 74, 75, 80, 87, 92, 96.

**History:**

880-X-7C-.03      Definitions.

(See Rule 880-X-2A-.06 Definitions.)

**Author:**

**Statutory Authority:** Code of Ala. 1975, § § 9-16-71, 73, 74, 75, 80, 87, 92, 96.

**History:**

**880-X-7C-.04      Criteria for Designating Lands as Unsuitable.**

(1) Upon petition an area shall be designated as unsuitable for all or certain types of surface coal mining operations, if the State Regulatory Authority determines that reclamation is not technologically and economically feasible under the Act.

(2) Upon petition an area may be (but is not required to be) designated as unsuitable for certain types of surface coal mining operations, if the operations will --

(a) Be incompatible with existing State or local land use plans or program;

(b) Affect fragile or historic lands in which the operations could result in significant damage to important historic, cultural, scientific, or aesthetic values or natural systems;

(c) Affect renewable resource lands in which the operations could result in a substantial loss or reduction of long-range productivity of water supply or of food or fiber products; or

(d) Affect natural hazard lands in which the operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.

**Author:**

**Statutory Authority:** Code of Ala. 1975, § § 9-16-71, 73, 74, 75, 80, 87, 92, 96.

**History:**

**880-X-7C-.05      Land Exempt from Designation as Unsuitable for Surface Coal Mining Operations.**

The requirements of this Rule do not apply to --

(a) Lands on which surface coal mining operations were being conducted on August 3, 1977;

(b) Lands covered by a permit issued under the Act; or

(c) Lands where substantial legal and financial commitments in surface coal mining operations were in existence prior to January 4, 1977.

**Author:**

**Statutory Authority:** Code of Ala. 1975, § § 9-16-71, 73, 74, 75, 80, 87, 92, 96.

**History:**

**880-X-7C-.06      Exploration on Land Designated as Unsuitable for Surface Coal Mining Operations.**

Designation of any area as unsuitable for all or certain types of surface coal mining operations pursuant to Section 28 of the Act and regulations of this Chapter does not prohibit coal exploration operations in the area, if conducted in accordance with the Act and other applicable requirements. Exploration operations on any lands designated unsuitable for surface coal mining operations must be approved by the State Regulatory Authority to insure that exploration does not interfere with any value for which the area has been designated unsuitable for surface coal mining.

**Author:**

**Statutory Authority:** Code of Ala. 1975, § § 9-16-71, 73, 74, 75, 80, 87, 92, 96.

**History:**