



## COALEX STATE INQUIRY REPORT - 325

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### **TOPIC:** DEFINITION OF "STRUCTURE" ON ABANDONED MINE SITES

**INQUIRY:** Please locate any materials that define what constitutes a "structure" on abandoned mine lands or describes the state's rights and duties regarding "structures" remaining on abandoned sites the state is reclaiming. What are the ramifications for reclamation if the "structures" were used as collateral on a loan to lease the property?

**SEARCH RESULTS:** The COALEX Library and other materials in LEXIS were used to research this inquiry. No materials were identified that address the specific issue of "structures" on abandoned sites which are used as collateral on loans. The only significant material identified defining what constitutes a "structure" on abandoned mine sites comes from the Final Guidelines for Reclamation Programs and Projects published in the March 6, 1980 Federal Register (45 FR 14810).

The 1980 Guidelines, excerpts from other relevant Federal Register preambles, including the AML Fund Reauthorization Implementation, and a related MSHA case are attached.

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### **45 FR 14810 (MARCH 6, 1980). Abandoned Mine Land Reclamation Program. Final Guidelines for Reclamation Programs and Projects.**

"A. Definitions.

"1. Abandoned Property - Real and personal property, associated with past mining activities, that has been forsaken or deserted by an owner. This includes real estate, structures, and equipment.

"a. Abandoned Structures - Abandoned permanent improvements or fixtures firmly attached to the land and considered as part of real property. Abandoned structures include but are not limited to coal tipples, coal washers, storage and grading facilities, loading docks, rail spurs, concrete foundations, dams, reservoirs, and bridges. Other



items such as crushers, elevators, bins, loaders, conveyors and similar equipment are within this definition if firmly affixed to the land."

The Guidelines also address such issues as: "Consent requirements and responsibility", "Written consent versus police power" and "Environmental evaluation requirements".

## **ATTACHMENTS**

- A. 45 FR 14810 (MARCH 6, 1980). Abandoned Mine Land Reclamation Program. Final Guidelines for Reclamation Programs and Projects.
- B. 53 FR 47378 (NOVEMBER 22, 1988). Final rule. Definitions: Support facilities. [Excerpts]
- C. 58 FR 50174 (SEPTEMBER 24, 1993). Proposed rule. Underground mining permit application requirements; Underground mining performance standards. [Excerpts]
- D. 59 FR 28136 (MAY 31, 1994). Final rule. AML Fund Reauthorization Implementation. [Excerpts]
- E. 60 FR 16722 (MARCH 31, 1995). Final rule. Underground mining permit application requirements; Underground mining performance standards. [Excerpts]
- F. LANCASHIRE COAL CO. v SEC. OF LABOR, MINE SAFETY AND HEALTH ADMIN. (MSHA), 968 F 2d 388 (3rd Cir 1992).