



# Coastal Zone Management Program - Mineral Extraction Policy Checklist

Name of Project:

## 5.3 COASTAL USES

### 5.3.1 Mineral Extraction

**Mineral Extraction Policy 1 – Identification & Protection of Habitats Prior to Prospecting.** Habitats of unique value for fish, wildlife, and other related environmental values shall be identified prior to commencing coal prospecting activities and shall be protected during those activities. MDE (D5) COMAR 26.20.08.04.

Select appropriate response:

- Project will be consistent with policy requiring the Identification & Protection of Habitats Prior to Prospecting.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Mineral Extraction Policy 2 – Surface Mining Must Be Conducted in an Environmentally Responsible Manner.** Surface mining activities must be conducted in a manner that protects birds and wildlife; decreases soil erosion; prevents pollution of rivers, streams, and lakes; prevents loss or waste of valuable mineral resources; and prevents and eliminates hazards to health. MDE (D5) Md. Code Ann., Envir. §§ 15-802, -807(d), -822(c), -828(b).

Select appropriate response:

- Project will be consistent with policy that requires Surface Mining to be Conducted in an Environmentally Responsible Manner.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



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**Mineral Extraction Policy 3 – Surface Mining Must Not Have Adverse Effects on Habitats, Resources, Properties and the Public.** Surface mining activities must not have an unduly adverse effect on wildlife or freshwater, estuarine, or marine fisheries; constitute a substantial physical hazard to a neighboring house, school, church, hospital, commercial or industrial building, public road, or other public or private property in existence at the time of application for the permit; or significantly adversely affect the uses of a publicly owned park, forest, or recreation area in existence at the time of application for the permit. MDE (D5) Md. Code Ann., Envir. §§ 15-802(a), -810(b).

**Select appropriate response:**

- Project will be consistent with policy that requires that Surface Mining Not Have Adverse Effects on Habitats, Resources, Properties and the Public.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

**Mineral Extraction Policy 4 – Surface Mining Shall Use Best Available Technology to Minimize Impacts and Protect & Enhance Resources.** Surface coal mining activities shall use the best available technology to minimize disturbances and adverse impacts on fish, wildlife, and related environmental values, and shall achieve enhancement of the resources when practicable. MDE (D5) COMAR 26.20.23.02A.

**Select appropriate response:**

- Project will be consistent with policy that requires that Surface Mining to Use Best Available Technology to Minimize Impacts and Protect & Enhance Resources.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**



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**Mineral Extraction Policy 5 – Surface Mining Shall Protect Rare, Threatened or Endangered Species.** A surface coal mining activity may not be conducted in a way that is likely to jeopardize the continued existence of endangered or threatened species listed by the federal or state government. MDE (D5) COMAR 26.20.23.02B.

**Select appropriate response:**

- Project will be consistent with policy that requires Surface Mining to Protect Rare, Threatened or Endangered Species.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

**Mineral Extraction Policy 6 – Mining Operations Shall Minimize and Control Water Pollution.** Coal mining operations shall be conducted to minimize water pollution, and, where necessary, treatment methods shall be used to control water pollution. MDE (D5) COMAR 26.20.13.05B; COMAR 26.20.21.01.

**Select appropriate response:**

- Project will be consistent with policy that requires Mining Operations to Minimize & Control Water Pollution.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**



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**Mineral Extraction Policy 7 – Mining Operations May Not Adversely Affect Public, Historic or Natural Resources Without State Approval.** Coal mining may not adversely affect any publicly owned park or place recorded in the National Register of Historic Sites without approval from the appropriate agency and is prohibited in the Youghiogheny River scenic corridor; within 100 feet of a cemetery, a perennial or intermittent stream, or the outside right-of-way line of any public road; and in areas designated unsuitable for certain types of surface coal mining. MDE (D5) Md. Code Ann., Envir. §§ 15-505(b), -506(e); COMAR 26.20.20.03.

**Select appropriate response:**

- Project will be consistent with policy that requires Mining Operations to Not Adversely Affect Public, Historic or Natural Resources without State Approval.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

### **Mineral Extraction Policy 8 – Protection of Surface Waters and Aquifers From Underground**

**Mining.** Underground coal mining activities may not be conducted beneath or adjacent to any perennial stream or impoundment having a storage volume of 20 acre-feet or more. Underground coal mining activities beneath any aquifer that serves as a significant source of water supply to any public water system shall be conducted so as to avoid disruption of the aquifer and consequent exchange of ground water between the aquifer and other strata. MDE (D5) COMAR 26.20.13.10.

**Select appropriate response:**

- Project will be consistent with policy that Protects Surface Waters and Aquifers from Underground Mining.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**



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**Mineral Extraction Policy 9 – Surface Mining Set Backs from Adjacent Properties and Natural Resources.** Surface mining shall not occur within 25 feet of any property line or 100 feet of any scenic or wild river or its tributaries or any parcel of land that has been designated an area of critical State concern. MDE (D5) COMAR 26.21.01.17.

Select appropriate response:

- Project will be consistent with policy that Sets Back Surface Mining from Adjacent Properties & Natural Resources.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Mineral Extraction Policy 10 – Size & Impact Limits for Prospect Pits & Their Reclamation.** Coal prospect pits may not be more than 1 acre in size or affect more than 10 acres and shall be backfilled, seeded, and mulched within 30 days after it is opened. MDE (D5) COMAR 26.20.08.04.

Select appropriate response:

- Project will be consistent with policy that Limits Size & Impacts of Prospect Pits & requires Reclamation.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



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**Mineral Extraction Policy 11 – Preparation & Contents of Mining & Reclamation Plans.** Coal project proponents must draft a mining and reclamation plan, including a description of the natural resources, geology, and cultural and historical resources within the proposed permit and adjacent areas and the methods for road construction, removing topsoil, controlling drainage, backfilling, and revegetating the affected area, as well as identify baseline hydrologic information and determine the probable hydrologic consequences of the mining and reclamation operations upon surface and ground waters on and off the permit area and plan remedial and reclamation activities. MDE (D5) Md. Code Ann., Envir. §§ 15-505(c), -822; COMAR 26.20.02.05-.09; COMAR 26.20.02.14.

Select appropriate response:

- Project will be consistent with policy prescribing Preparation & Contents of Mining & Reclamation Plans.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Mineral Extraction Policy 12 – Inclusion of Mining Methods, Reclamation Practices, Land Uses & Protective Measures in Mining and Reclamation Plans.** A mining and reclamation plan for a mineral extraction activity must outline mining methods, intended reclamation practices, land uses before and after mining, areas to be affected by the mining, and measures to protect other uses and the environment. MDE (D5) Md. Code Ann., Envir. §§ 15-807(d), -808(d), -822, -828(b).

Select appropriate response:

- Project will be consistent with policy requiring Inclusion of Mining Methods, Reclamation Practices, Land Uses & Protective Measures in Mining & Reclamation Plans.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



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**Mineral Extraction Policy 13 – County Zoning Approval.** Prior to the commencement of a mineral extraction activity, the appropriate county must issue a written statement that the proposed land use conforms to all applicable county zoning and land use requirements. MDE (D5) Md. Code Ann., Envir. § 15-810(c).

Select appropriate response:

- Project will be consistent with policy requiring County Zoning Approval.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Mineral Extraction Policy 14 – Water Supply Contingency Planning.** If the probable hydrologic consequences of the proposed coal mining operation are contamination, diminution, or interruption of an underground or surface source of water that is used for domestic, agricultural, industrial, or other legitimate purpose, the project proponent shall analyze the availability of water and alternative water sources. MDE (D5) COMAR 26.20.02.08.

Select appropriate response:

- Project will be consistent with policy requiring Water Supply Contingency Planning.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Mineral Extraction Policy 15 – Prevention of Subsidence.** Underground coal mining activities shall be planned and conducted so as to prevent subsidence from causing material damage to the extent technologically and economically feasible. MDE (D5) COMAR 26.20.13.07A.

Select appropriate response:

- Project will be consistent with policy Preventing Subsidence.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



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**Mineral Extraction Policy 16 – Use of Best Available Technology to Control Sediment & Erosion.** Sediment control measures shall be designed, constructed, and maintained using the best technology currently available to prevent additional contributions of sediment to stream flow or runoff outside an area where coal mining is permitted. MDE (D5) COMAR 26.20.21.05A.

Select appropriate response:

- Project will be consistent with policy requiring Use of Best Available Technology to Control Sediment & Erosion.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Mineral Extraction Policy 17 – Diversions Shall Minimize Adverse Impacts & Use Best Available Technology.** Diversions shall be designed, constructed, and maintained to minimize adverse impacts, including preventing the contribution of suspended solids to stream flow and runoff outside an area where coal mining permitted, to the extent possible using the best technology currently available. MDE (D5) COMAR 26.20.21.03.

Select appropriate response:

- Project will be consistent with policy requiring Diversions to Minimize Adverse Impacts and Use Best Available Technology.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:





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**Mineral Extraction Policy 18 – Mine Excavations or Disturbances Shall Prevent Adverse Impacts.** Pits, cuts, and other mine excavations or disturbances for coal mining shall be located, designed, constructed, and utilized in such a manner as to prevent adverse impacts, including the discharge of acid, toxic, or otherwise harmful mine drainage waters into ground water systems. MDE (D5) COMAR 26.20.20.01B.

**Select appropriate response:**

- Project will be consistent with policy Preventing Adverse Impacts from Mine Excavations or Disturbances.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

**Mineral Extraction Policy 19 – Mining-Related Transportation Facilities Shall Prevent Adverse Impacts to the Environment.** Transportation facilities constructed for surface coal mining purposes shall be located, designed, constructed or reconstructed, and maintained, and the area restored, in a manner that prevents damage to fish, wildlife, or their habitat and related environmental values; prevents additional contributions of suspended solids to stream flow or runoff outside the permit area; minimizes diminution or degradation of water quality and quantity; minimizes erosion, siltation, and attendant air pollution; and prevents damage to public and private property. MDE (D8) COMAR 26.20.19.01D, .08.

**Select appropriate response:**

- Project will be consistent with policy Preventing Adverse Impacts from Mine-Related Transportation Facilities.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**



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**Mineral Extraction Policy 20 – Minimize Pre-Mining Surface Impacts & Control Erosion & Sediments.** The removal of vegetation, topsoil, and overburden before surface mining must be minimized, and erosion and sediment control devices must be constructed and maintained. MDE (D5) COMAR 26.21.01.10.

Select appropriate response:

- Project will be consistent with policy that Minimizes Pre-Mining Surface Impacts and requires Erosion & Sediment Controls.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Mineral Extraction Policy 21 – Surface Mining Areas Shall Be Managed to Control Erosion and Erosion-Related Air Pollution.** An area exposed for surface coal mining shall be protected and stabilized to effectively control erosion and air pollution attendant to erosion. MDE (D5) COMAR 26.20.23.01A.

Select appropriate response:

- Project will be consistent with policy that requires Managing Surface Mining Areas to Control Erosion and Erosion-Related Air Pollution.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Mineral Extraction Policy 22 – Topsoil Removed During Surface Mining Shall Be Conserved and Protected Onsite for Reclamation.** During surface mining, topsoil shall be removed, segregated, and stockpiled on-site for reclamation and protected by a vegetative cover or by other methods demonstrated to provide protection. MDE (D5) COMAR 26.21.01.11.

Select appropriate response:

- Project will be consistent with policy that requires Topsoil Removed during Surface Mining to Be Conserved and Protected Onsite for Reclamation.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



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**Mineral Extraction Policy 23 – Minimize Hydrologic Impacts and Erosion from Mining Areas.** The discharge of water from coal mining areas shall be conducted so as to reduce erosion, prevent deepening or enlargement of stream channels, and minimize disturbance of the hydrologic balance. MDE (D5) COMAR 26.20.21.07.

**Select appropriate response:**

- Project will be consistent with policy Minimizing Hydrologic Impacts & Erosion from Mining Areas.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

**Mineral Extraction Policy 24 – Mine Drainage & Discharge to Surface Waters Shall Be Treated Onsite.** All surface drainage from coal mining and discharge of water from underground coal mining to surface waters shall be passed through a sedimentation pond, a series of sedimentation ponds, or a treatment facility before leaving the permit area. MDE (D5) COMAR 26.20.13.06.

**Select appropriate response:**

- Project will be consistent with policy requiring Mine Drainage & Surface Water Discharge Treatment Onsite.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**



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**Mineral Extraction Policy 25 – Overburden & Mine Waste from Surface Mining Must Be Stabilized Using Approved Methods.** Storage piles of overburden, mine waste, and rock from surface mining must be stabilized and may not restrict any natural drainage without an approved diversion. MDE (D5) COMAR 26.21.01.12.

Select appropriate response:

- Project will be consistent with policy requiring Overburden & Mine Waste from Surface Mining to be Stabilized Using Approved Methods.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Mineral Extraction Policy 26 –Stream Protection & Erosion Control During Prospecting.** An ephemeral, intermittent, or perennial stream may not be diverted during coal prospecting activities. Overland flow of water shall be diverted only in a manner that prevents erosion and, to the extent possible using best available technology, additional contributions of suspended solids to streamflow or runoff outside the prospecting area. MDE (D5) COMAR 26.20.08.04.

Select appropriate response:

- Project will be consistent with policy requiring Stream Protection & Erosion Control during Prospecting.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



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**Mineral Extraction Policy 27 –Protection of Water Flow, Quality & Quantity During Mining.** During any coal mining activities, changes in the depth to ground water, in water quality and quantity, and in the location of surface water drainage channels shall be minimized. MDE (D5) COMAR 26.20.21.01.

Select appropriate response:

- Project will be consistent with policy requiring Protection of Water Flow, Quality & Quantity during Mining.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Mineral Extraction Policy 28 –Compensation of Water Users Impacted By Mining.** The operator of a coal mine shall replace the water supply of an owner of interest in real property who obtains all or part of the owner’s supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where the supply has been affected by contamination, diminution, or interruption proximately resulting from the mining operations. MDE (D5) Md. Code Ann., Envir. §§ 15-524(b), -608(b); COMAR 26.20.13.05D; COMAR 26.20.20.11.

Select appropriate response:

- Project will be consistent with policy requiring Compensation of Water Users Impacted by Mining.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



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**Mineral Extraction Policy 29 – Compensation for Water Supply or Property Damage in Karst Terrain.** If water is pumped out of a pit located in karst terrain in Baltimore, Carroll, Frederick, and Washington counties, the project proponent shall replace a water supply if it fails as a result of declining ground-water levels and pay compensation for property damage from land subsidence. MDE (D5) Md. Code Ann., Envir. § 15-813.

**Select appropriate response:**

- Project will be consistent with policy requiring Compensation of Water Supply or Property Damage in Karst Terrain.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**

**Mineral Extraction Policy 30 – Mining & Reclamation Shall Maintain Pre-Mining Recharge & Hydrology.** Surface coal mining activities and restoration efforts shall be conducted so as to maintain the recharge capacity of surface mining areas and support the approved post mining land use, minimizes disturbances to the hydrologic balance in the mine plan area and in adjacent areas, and provides a rate of recharge that approximates the pre-mining recharge rate. MDE (D5) COMAR 26.0.20.02; COMAR 26.20.21.01A.

**Select appropriate response:**

- Project will be consistent with policy Maintaining Pre-Mining Recharge & Hydrology during Mining & Reclamation.
- Not Applicable.

**Describe situation and/or actions to make project or activity consistent with the above policy:**



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**Mineral Extraction Policy 31 – Prompt Reclamation After Completion of Prospecting.** Promptly after coal prospecting activities are completed, all areas disturbed during prospecting operations, including roads, shall be returned to the approximate original contour. MDE (D5) COMAR 26.20.08.04.

Select appropriate response:

- Project will be consistent with policy requiring Prompt Reclamation after Completion of Prospecting.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Mineral Extraction Policy 32 –Mine Reclamation Must Restore Resources and Landscape to Support Future Land Use.** Mined land must be properly reclaimed, including rehabilitating settling ponds; restoring or establishing stream channels and stream banks to a condition that minimizes erosion, siltation, and other pollution; and creating final slopes in all excavations at an angle that minimizes the possibility of slides and is consistent with the future use of the land. MDE (D5) Md. Code Ann., Envir. §§ 15-802(a), -807(d), -822, -828(b).

Select appropriate response:

- Project will be consistent with policy requiring Mine Reclamation to Restore Resources & Landscapes to Support Future Land Use.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:



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**Mineral Extraction Policy 33 – Mine Reclamation Must Minimize Contamination, Adverse Impacts to Ground Water & Support Post-Mining Land Uses.** The placement of backfilled materials shall be done in a way that minimizes contamination and other adverse effects of coal mining on ground water systems outside the permit area and supports approved post-mining land uses. MDE (D5) COMAR 26.20.20.01A.

Select appropriate response:

- Project will be consistent with policy requiring Mine Reclamation to Minimize Contamination & Adverse Impacts to Ground Water & Support Post-Mining Land Uses.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:

**Mineral Extraction Policy 34 – Mine Reclamation Vegetative Cover Shall Support Post-Mining Land Use.** Vegetative cover shall be established on all areas disturbed by surface coal mining in a manner that is compatible with the approved post-mining land use. MDE (D5) COMAR 26.20.29.01A.

Select appropriate response:

- Project will be consistent with policy requiring Mine Reclamation Vegetative Cover Support Post-Mining Land Use.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy:





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**Mineral Extraction Policy 35 – Mine Reclamation Shall Adhere to Mining & Reclamation Plan & Be Completed Within 2 Years of Mining Termination.** Surface mining reclamation shall be completed in accordance with the mining and reclamation plan within 2 years after mineral extraction has terminated. MDE (D5) COMAR 26.21.01.16.

Select appropriate response:

- Project will be consistent with policy requiring Mine Reclamation to Adhere to Mining & Reclamation Plan & Be Completed within 2 Years of Mining Termination.
- Not Applicable.

Describe situation and/or actions to make project or activity consistent with the above policy: