
**Rules of
Department of Natural Resources
Division 40—Land Reclamation Commission
Chapter 9—Abandoned Mine Reclamation Fund;
Abandoned Mine Reclamation and Restoration**

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES**
**Division 40—Land Reclamation
Commission**
**Chapter 9—Abandoned Mine
Reclamation Fund; Abandoned Mine
Reclamation and Restoration**

**10 CSR 40-9.010 Abandoned Mine Recla-
mation Fund**

*PURPOSE: This rule sets forth require-
ments for the abandoned mine reclama-
tion fund pursuant to sections 444.810,
444.915, 444.920 and 444.940.2., RSMo.*

*Editor's Note: The secretary of state has
determined that the publication of this rule in
its entirety would be unduly cumbersome or
expensive. The entire text of the material
referenced has been filed with the secretary of
state. This material may be found at the Office
of the Secretary of State or at the headquarters
of the agency and is available to any interested
person at a cost established by state law.*

(1) Definitions. For the purposes of 10 CSR 40-9, the following terms have been defined:

(A) Abandoned mine reclamation fund or fund means a separate fund established by section 444.810(11), RSMo (1986), to which monies granted by the director of the office under an approved state reclamation program and other monies are deposited in the fund;

(B) Emergency means an extreme danger which presents a high probability of considerable physical harm to persons, property or the environment before the danger can be abated under normal program operation procedures;

(C) Expended means that monies have been paid out by the state for work that has been accomplished or services rendered;

(D) Extreme danger means a condition which could reasonably be expected to cause considerable physical harm to persons, property or the environment and to which persons or improvements on real property are currently exposed;

(E) Federal abandoned mine reclamation fund or federal fund is a trust fund established on the books of the United States Treasury for the purpose of accumulating revenue designated for reclamation of abandoned mine lands, and other activities authorized by the Act;

(F) Office means the Office of Surface Mining and Enforcement of the Department of the Interior;

(G) Reclamation activities means restoration, reclamation, abatement, control or prevention of adverse effects of mining;

(H) State reclamation plan means a plan submitted by the state and approved by the office under 30 CFR 884 for the reclamation of land and water adversely affected by past mining; and

(I) State reclamation program means a program established by the state for the reclamation of land and water adversely affected by past mining, including the state reclamation plan and annual application for grants under the state reclamation plan.

(2) Revenue to the abandoned mine reclamation fund shall include:

(A) Amounts granted to the state by the office for purposes of conducting the approved state reclamation plan;

(B) Monies collected by the state from charges for uses of lands acquired or reclaimed with monies from the fund under 10 CSR 40-9.050;

(C) Monies recovered by the state through the satisfaction of liens filed against privately-owned lands reclaimed with monies from the fund under 10 CSR 40-9.060;

(D) Monies recovered by the state from the sale of lands acquired with monies from the fund under 10 CSR 40-9.050; and

(E) Such other monies as received from grants or other funds or gifts from public and private agencies and individuals.

(3) Monies deposited in the fund shall be used to carry out the state reclamation plan.

*Auth: section 444.810, RSMo (1994).**
Original rule filed June 11, 1981, effective
Oct. 13, 1981.

**Original authority 1979, amended 1983, 1993.*

**10 CSR 40-9.020 Reclamation—General
Requirements**

*PURPOSE: This rule sets forth require-
ments for abandoned mine reclama-
tion done with moneys from the abandoned
mine reclamation fund pursuant to
sections 444.810, 444.915, 444.920,
444.935 and 444.940, RSMo.*

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of the Secretary of State or at the headquarters
of the agency and is available to any interested
person at a cost established by state law.*

(1) Land and water are eligible for reclamation activities if—

(A) They were mined for coal or affected by coal mining processes before August 3, 1977;

(B) They were inadequately reclaimed;

(C) There is no continuing responsibility for reclamation by the operator, permittee or agent of the permittee under statutes of the state or federal government, or the state as a result of bond forfeiture. Bond forfeiture will render lands or water ineligible only if the amount forfeited is sufficient to pay the total cost of the necessary reclamation. In cases where the forfeited bond is insufficient to pay the total cost of reclamation, additional moneys from the fund will be sought under 30 CFR 886 and 30 CFR 888; and

(D) Notwithstanding subsections (1)(A)—(C) of this rule, coal lands and waters damaged and abandoned after August 3, 1977, by coal mining processes are also eligible for reclamation activities if—

1. They were mined for coal or affected by coal mining processes; and

2. The mining occurred and the site was left in either an unreclaimed or inadequately reclaimed condition between August 4, 1977 and ending on or before November 21, 1980, and that funds for reclamation or abatement which are available pursuant to a bond or other form of financial guarantee or from any other source are not sufficient to provide for adequate reclamation or abatement at the site; or

3. The mining occurred and the site was left in either an unreclaimed or inadequately reclaimed condition during the period beginning on August 4, 1977 and ending on or before November 5, 1990, and that the surety of such mining operator became insolvent during such period, and as of November 5, 1990, funds immediately available from proceedings relating to such insolvency, or from any financial guarantee or other source are not sufficient to provide for adequate reclamation or abatement at the site; and

4. The site meets the priority objectives stated in subsections (4)(A) and (B) of this rule. Priority will be given to those sites which are in the immediate vicinity of a residential area or which have an adverse economic impact upon a community; and

(E) Monies available from sources outside the fund or which are ultimately recovered from responsible parties involving lands eligible pursuant to subsection (1)(D) of this rule, shall either be used to offset the cost of the reclamation or transferred to the fund if not required for further reclamation activities at the permitted site.

(2) Land and water which were mined or affected by mining for minerals and materials other than coal shall be eligible for reclamation activities with federal funds under the



state reclamation program when requested by the governor to the director of the office and the director of the office has found in writing that—

(A) The conditions of section (1) of this rule have been met;

(B) The reclamation has been requested by the governor;

(C) All reclamation with respect to abandoned coal mine land and water has been accomplished within the state or the reclamation is necessary for the protection of public health and safety; and

(D) Moneys allocated to the state for the state reclamation program by the federal government are available for the work.

(3) Left or abandoned in either an unreclaimed or inadequately reclaimed condition means lands and water—

(A) Which meet the conditions of section (1) or (2) of this rule; and

(B) Which continue, in their present condition, to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public.

(4) Reclamation Objectives and Priorities. Reclamation projects shall meet one (1) or more of the objectives stated in this section. The objectives are stated in the order of priority with the highest priority first. Preference among those projects competing for available resources shall be given to projects meeting higher priority objectives. The objectives are based on the need for—

(A) Protection of public health, safety, general welfare and property from extreme danger resulting from the adverse effects of past coal mining practices;

(B) Protection of public health, safety and general welfare from adverse effects of past coal mining practices which do not constitute an extreme danger;

(C) Restoration of eligible land and water and the environment previously degraded by adverse effects of past coal mining practices, including measures for the conservation and development of soil, water (excluding channelization), woodland, fish and wildlife, recreation resources and agricultural productivity;

(D) Research and demonstration projects relating to the development of surface coal mining reclamation and water quality control program methods and techniques;

(E) Protection, repair, replacement, construction or enhancement of public facilities such as utilities, roads, recreation and conservation facilities adversely affected by past coal mining practices;

(F) Development of publicly-owned land adversely affected by past coal mining practices, including land acquired under 10 CSR 40-9.050, for recreation and historic purposes, conservation and reclamation purposes and open space benefits;

(G) Protection of the public from hazards endangering life and property resulting from the adverse effects of past noncoal mining practices. However, upon request of the governor, such work may be undertaken before the priorities related to past coal mining have been fulfilled;

(H) Protection of the public from hazards to health and safety from the adverse effects of past noncoal mining practices;

(I) Restoration of the environment degraded by the adverse effects of past noncoal mining; and

(J) Construction of public facilities in communities impacted by coal development when the governor certifies that all other objectives of the fund have been met, the available impact funds are inadequate for such construction and the director concurs.

(5) Reclamation Project Evaluation. Proposed reclamation projects and completed reclamation work shall be evaluated in terms of the factors stated in this section. The factors shall be used to determine whether or not proposed reclamation will be undertaken and to assign priorities to proposals intended to meet the same objective under section (4) of this rule. Completed reclamation shall be evaluated in terms of the factors set forth below as a means to identify conditions which should be avoided, corrected or improved in plans for future reclamation work. The factors shall include:

(A) The need for reclamation work to accomplish one (1) or more specific reclamation objectives as stated in section (4) of this rule;

(B) The availability of technology to accomplish the reclamation work with reasonable assurance of success. In the case of research and demonstration projects, the research capability and plans shall provide reasonable assurance of beneficial results without residual adverse impacts;

(C) The specific benefits of reclamation which are desirable in the area in which the work will be carried out. Benefits to be considered include, but are not limited to, the:

1. Protection of human life, health or safety;

2. Protection of the environment, including air and water quality, abatement of erosion and sedimentation, fish, wildlife and plant habitat, visual beauty, historic or cultural resources and recreation resources;

3. Protection of public or private property;

4. Abatement of adverse social and economic impacts of past mining on persons or property including employment, income and land values or uses, or assistance to persons disabled, displaced or dislocated by past mining practices;

5. Improvement of environmental conditions which may be considered to generally enhance the quality of human life;

6. Improvement of the use of natural resources, including post-reclamation land uses which—

A. Increase the productive capability of the land to be reclaimed;

B. Enhance the use of surrounding lands consistent with existing land-use plans;

C. Provide for construction or enhancement of public facilities; and

D. Provide for residential, commercial or industrial developments consistent with the needs and plans of the community in which the site is located; and

7. Demonstration to the public and industry of methods and technologies which can be used to reclaim areas disturbed by mining;

(D) The acceptability of any additional adverse impacts to people or the environment that will occur during or after reclamation and of uncorrected conditions, if any, that will continue to exist after reclamation;

(E) The Costs of Reclamation. Consideration shall be given to both the economy and efficiency of the reclamation work and to the results obtained or expected as a result of reclamation;

(F) The availability of additional coal or other mineral or material resources within the project area which—

1. Results in a reasonable probability that the desired reclamation will be accomplished during the process of future mining; or

2. Requires special consideration to assure that the resource is not lost as a result of reclamation and that the benefits of reclamation are not negated by subsequent, essential resource recovery operations;

(G) The acceptability of post-reclamation land uses in terms of compatibility with land uses in the surrounding area, consistency with applicable state, regional and local land-use plans and laws, and the needs and desires of the community in which the project is located; and

(H) The probability of post-reclamation management, maintenance and control of the area consistent with the reclamation completed.

*Auth: section 444.810, RSMo (1994).
Original rule filed June 11, 1981, effective Oct. 13, 1981. Amended: Filed Sept. 15, 1994, effective April 30, 1995.*

**Original authority 1979, amended 1983, 1993.*



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION
SURETY BOND
(SURFACE COAL MINING LAW)

P.O. BOX 176
JEFFERSON CITY, MISSOURI 65102

SURETY COMPANY BOND NUMBER	PERMIT NUMBER	INCREMENT NUMBER
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KNOW ALL MEN BY THESE PRESENTS, That the undersigned _____
(NAME OF PERMITTEE)
of _____
(ADDRESS OF PERMITTEE)
as Principal, and _____
(NAME OF SURETY)
of _____
(ADDRESS OF SURETY)
as Surety, are held and firmly bound unto the State of Missouri, payable to the Treasurer of the State of Missouri, to the credit of the Mined Land Reclamation Fund in the sum of _____ Dollars (\$ _____) as security to guarantee the Principal's legal obligations as provided below.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the above named Principal did on the _____ day of _____, 19 _____, file with the Land Reclamation Commission an application to secure a permit to engage in surface coal mining and reclamation operations in the State of Missouri, under the terms and provisions of Sections 444.800 to 444.970, RSMo; that said application has been approved for operations under Permit Number _____, Increment Number _____, consisting of _____ acres; that the Principal will undertake operations and complete reclamation on the affected land in accordance with the statutes, regulations of the Commission, conditions of the permit, and the approved reclamation plan; and that this bond is subject to forfeiture pursuant to the statutes and regulations for failure to so comply.

Now if the said Principal shall faithfully perform all of the requirements of Sections 444.800 to 444.970, RSMo, and shall comply with the regulations of the Land Reclamation Commission at 10 CSR Division 40, with the conditions of the permit issued to Principal as identified herein, or any amendments to said permit, and with the approved reclamation plan submitted with the application for said permit and any amendments to said reclamation plan, and shall successfully complete reclamation on the area covered by said permit according to said statutes, regulations, permit conditions and reclamation plan as they pertain to reclamation and operations prior to completion of reclamation, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

MO 780-1155 (2-94)



The Surety shall not cancel this bond, for any reason whatsoever, including, but not limited to, nonpayment of premium, bankruptcy or insolvency of the Principal, or issuance of notices of violations or cessation orders and assessment of penalties with respect to the operations covered by this bond, unless the Surety shall first give actual notice in writing to both the Commission and the Principal of intent to cancel the bond, stating the reasons therefor, sixty (60) days in advance of such cancellation. The obligations of the bond may not be cancelled as to acreage affected prior to the expiration of the sixty-day notice period.

Application for release of the obligations of this bond may be made to the Commission in accordance with the provisions of Sections 444.875 and 444.950, RSMo.

NOW THEREFORE, We, the undersigned, intending to be legally bound by this agreement, jointly and severally bind ourselves, our heirs, administrators, executors, successors, and assigns.

PRINCIPAL'S SIGNATURE		SURETY'S SIGNATURE	
SIGNATURE	DATE	SIGNATURE	DATE
NAME		NAME	
OFFICIAL POSITION		OFFICIAL POSITION	
STATE OF MISSOURI COUNTY OF		STATE OF MISSOURI COUNTY OF	
APPEARED BEFORE ME THIS _____ DAY OF _____ _____, 19____, _____		APPEARED BEFORE ME THIS _____ DAY OF _____ _____, 19____, _____	
_____ TO ME PERSONALLY KNOWN,		_____ TO ME PERSONALLY KNOWN,	
WHO EXECUTED THE ABOVE AS THEIR FREE ACTS AND DEEDS.		WHO EXECUTED THE ABOVE AS THEIR FREE ACTS AND DEEDS.	
NOTARY PUBLIC	MY COMMISSION EXPIRES	NOTARY PUBLIC	MY COMMISSION EXPIRES

Where one signs by virtue of Power of Attorney for a surety company, such Power of Attorney must be filed with the bond.

Any notices to or correspondence with the surety hereunder shall be to the following name and address:

NAME	ADDRESS
BOND ACCEPTED BY THE DIRECTOR: SIGNATURE	
DATE	

MO 780-1155 (2-94)



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION
ASSIGNMENT OF CERTIFICATE OF DEPOSIT

P.O. BOX 176
JEFFERSON CITY, MO 65102

On this _____ day of _____, 19____, _____
hereinafter referred to as "Payee(s)", assigns the following C.D.'s in full to the State of Missouri, Land Reclamation Commission,
hereinafter referred to as "State" as security for reclamation liabilities incurred by _____,
hereinafter referred to as "Permittee", in the conduct of coal mining activities as described by 444.830 to 444.970, RSMo:

CERTIFICATE	ISSUING BANK	AMOUNT	DATE OF ISSUE
CERTIFICATE	ISSUING BANK	AMOUNT	DATE OF ISSUE
CERTIFICATE	ISSUING BANK	AMOUNT	DATE OF ISSUE
CERTIFICATE	ISSUING BANK	AMOUNT	DATE OF ISSUE
CERTIFICATE	ISSUING BANK	AMOUNT	DATE OF ISSUE
CERTIFICATE	ISSUING BANK	AMOUNT	DATE OF ISSUE
CERTIFICATE	ISSUING BANK	AMOUNT	DATE OF ISSUE

CERTIFICATE OF DEPOSIT HOLDER(S)

NOW, THEREFORE, the parties hereto, intending to be legally bound hereby, agree as follows:

1. The Payee(s) assign(s) and pledge(s) the aforesaid CD's and any renewals thereof, to the State as collateral, to guarantee the Permittee's legal obligations as provided in the attached Personal Bond secured by a Certificate of Deposit.
2. The Payee(s) hereby authorizes the State to withdraw any portion or all of the moneys on deposit with the Bank pursuant to the aforesaid CD's, at any time and from time to time upon default of any of the obligations provided or referred to in the attached Personal Bond.
3. The Payee(s) hereby authorizes the Bank, upon written demand by the State, to pay to the State any portion or all of the moneys on deposit with the Bank pursuant to the aforesaid CD's at any time and from time to time, without further notice to, consent of or endorsement by the undersigned Payee(s).
4. The Payee(s) do(es) hereby agree, represent and warrant that, except as assigned and pledged herein, the aforesaid CD's and the moneys thereby represented have not nor will be sold, assigned, transferred, pledged, or promised as a security interest in any manner whatsoever without written consent of the State and that the aforesaid CD's are assigned and pledged herewith free and clear of any and all liens, encumbrances, pledges, restrictions, security interests and agreements.

FIRST PAYEE'S SIGNATURE		SECOND PAYEE'S SIGNATURE	
SIGNATURE	DATE	SIGNATURE	DATE
NAME		NAME	
OFFICIAL POSITION		OFFICIAL POSITION	
STATE OF MISSOURI, COUNTY OF _____	STATE OF MISSOURI, COUNTY OF _____	STATE OF MISSOURI, COUNTY OF _____	STATE OF MISSOURI, COUNTY OF _____
APPEARED BEFORE ME THIS _____ DAY OF _____	APPEARED BEFORE ME THIS _____ DAY OF _____	APPEARED BEFORE ME THIS _____ DAY OF _____	APPEARED BEFORE ME THIS _____ DAY OF _____
_____, 19____, _____	_____, 19____, _____	_____, 19____, _____	_____, 19____, _____
_____ TO ME PERSONALLY KNOWN,	_____ TO ME PERSONALLY KNOWN,	_____ TO ME PERSONALLY KNOWN,	_____ TO ME PERSONALLY KNOWN,
WHO EXECUTED THE ABOVE AS THEIR FREE ACTS AND DEEDS.	WHO EXECUTED THE ABOVE AS THEIR FREE ACTS AND DEEDS.	WHO EXECUTED THE ABOVE AS THEIR FREE ACTS AND DEEDS.	WHO EXECUTED THE ABOVE AS THEIR FREE ACTS AND DEEDS.
NOTARY PUBLIC	MY COMMISSION EXPIRES	NOTARY PUBLIC	MY COMMISSION EXPIRES

MO 780-0832 (3-94)



WHEREAS, the Bank desires to act as the custodian for the benefit of the State of the moneys represented by the aforesaid CD's and subject to the terms and conditions contained herein.

The Bank hereby acknowledges that assignment and pledge of the aforesaid CD's to the State and agrees to record the assignment upon the back of the CD's and upon the books of the bank. Further, the Bank acknowledges and agrees that it shall hold the moneys represented by the CD's as a custodian and agent for the State and shall be liable to the State for any and all losses to the principal amount(s) of the aforesaid CD's caused in any manner whatsoever during the term of this Agreement. THE BANK EXPRESSLY AGREES TO WAIVE ANY AND ALL RIGHTS OR OBLIGATIONS, INCLUDING THOSE UNDER FEDERAL AND STATE LAW, TO DEDUCT ANY PENALTY FOR WITHDRAWAL BY THE STATE PRIOR TO MATURITY FROM THE PRINCIPAL AMOUNT OF THE CD'S IF SUCH DEDUCTION WOULD REDUCE THE AMOUNT OF COLLATERAL ASSIGNED AND PLEDGED TO THE STATE TO AN AMOUNT WHICH IS INSUFFICIENT TO SATISFY, IN FULL, THE BOND OBLIGATION AS PROVIDED IN ATTACHED COLLATERAL BOND. THE BANK EXPRESSLY ASSUMES THE RESPONSIBILITY TO DESIGN THE CD'S SO THAT NO SUCH PENALTY CAN BE ASSESSED AGAINST THE STATE'S RIGHT TO THE AFORESAID CD'S.

The Bank hereby waives, for the duration of this Assignment, all rights of setoff or liens or any other claims which it now has or might, in the future, have against the aforesaid CD's or the deposited moneys upon which the certificate(s) were issued. Any conditions pertaining to said CD's to the contrary are hereby expressly rescinded.

The Bank hereby agrees to: (a) renew automatically said certificate(s) for the same term as that for which it or they were originally issued, and (b) collect, from time to time, all interest on the certificate(s) or otherwise as required in writing by the State.

The Bank agrees that any delay by the State in enforcing its rights to the aforesaid CD's pursuant to the attached Personal Bond shall not affect the State's rights to the CD's.

BANK'S SIGNATURE	
SIGNATURE	DATE
NAME	
OFFICIAL POSITION	
STATE OF MISSOURI, COUNTY OF _____	
APPEARED BEFORE ME THIS _____ DAY OF _____	
_____, 19____, _____	
TO ME PERSONALLY KNOWN, WHO EXECUTED THE ABOVE AS THEIR FREE ACTS AND DEEDS.	
NOTARY PUBLIC	MY COMMISSION EXPIRES

MO 780-0832 (3-94)