

**FEDERAL REGISTER: 45 FR 25996 (April 16, 1980)**

DEPARTMENT OF THE INTERIOR

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM)

Experimental Practices

ACTION: Public notice -- proposed experimental practice.

**SUMMARY:** Diamond Coal Company. Pikeville, Kentucky, proposes to establish, as a postmining land use, a mobile home park on a site planned for surface mining in Pike County, Kentucky, northwest of Coal Run near the town of Pikeville. The site is approximately one-half mile southwest of the intersection of State Route 2061 and U.S. 23 on Weddington Branch, latitude 37 degrees 31 minutes, 45 seconds; longitude 82 degrees 31 minutes, 42 seconds.

Diamond proposes to contour mine approximately 13,800 feet of the Elkhorn Number 2 and Elkhorn Number 3 coal seams and to reclaim the area in a fashion that would leave a horizontal bench ranging from approximately 97 feet to 138 feet in width at an elevation approximately 15 feet above the Number 3 Elkhorn coal seam. A highwall of approximately 85 feet in height with 8-foot terraces at 25-foot intervals is proposed for the entire 13,000 feet of the project. A road and appurtenant drainage facilities would be constructed at the base of the highwall to serve as access to the mobile home park and as a buffer zone for safety from falling rocks. The project would also involve the construction of necessary support facilities such as water supply distribution systems, sewerage collection systems, electrical service systems, and sewerage treatment facilities. The project would support 200 mobile homes upon completion. This project is planned and incorporated into Kentucky Permit Application Number 098-0004.

The Surface Mining Control and Reclamation Act of 1977, 30 USC 1201 et seq. (Act) requires the complete elimination of highwalls resulting from surface coal mining operations (515(b)(3); 515(c)(2); 515(d)(2) and 515(e)(1)). The latter two cites refer specifically to returning to approximate original contour (AOC) and variances to AOC for steep slope mining operations. This requirement is reflected in the interim program regulations in sections 715.14(b)(1)(ii); (g)(2); (h)(5) and 716.2(a)(2); the latter of which refers to steep slope mining.

Section 711, of the Act provides for the authorization of experimental practices to encourage advances in mining and reclamation practices or to allow postmining land use for industrial, commercial, residential, or public use (including recreational facilities) if:

(i) The experimental practices are potentially more or at least as environmentally protective, during and after mining operations, as those required by promulgated standards; (ii) the mining operations approved for particular land-use or other purposes are not larger or more numerous than necessary to determine the effectiveness and economic feasibility of the experimental practices; and (iii) the experimental practices do not reduce the protection afforded public health and safety below that provided by promulgated standards.

OSM is considering the above experimental Practice Permit Application under section 711 [30 U.S.C. 1301] of the Act and solicits comments concerning this application.

A complete permit application package is available for public review at the OSM Region II Headquarters.

DATES: Comments must be received by 5:00 p.m. on the 30th day following publication of this public notice in the Federal Register.

ADDRESSES: Written comments must be mailed to: Region II Office of Surface Mining, U.S. Department of the Interior, 530 Gay Street, S.W., Suite 500, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: William R. Thomas, (615) 637-8060 Ext. 200.

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