§ 761.11 Areas where surface coal mining operations are prohibited or limited.

You may not conduct surface coal mining operations on the following lands unless you either have valid existing rights, as determined under § 761.16, or qualify for the exception for existing operations under § 761.12:

(a) Any lands within the boundaries of:
   (1) The National Park System;
   (2) The National Wildlife Refuge System;
   (3) The National System of Trails;
   (4) The National Wilderness Preservation System;
   (5) The Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act, 16 U.S.C. 1276(a), or study rivers or study river corridors established in any guidelines issued under that Act; or
   (6) National Recreation Areas designated by Act of Congress.
   (b) Any Federal lands within a national forest. This prohibition does not apply if, as provided in § 761.14, the regulatory authority (or the appropriate public road authority designated by the regulatory authority) allows the public road to be relocated or closed, or the area within the protected zone to be affected by the surface coal mining operation, after:
      (i) Providing public notice and opportunity for a public hearing; and
      (ii) Finding in writing that the interests of the affected public and landowners will be protected.
   (c) Any lands where the operation would adversely affect any publicly owned park or any place in the National Register of Historic Places. This prohibition does not apply if, as provided in § 761.17(d), the regulatory authority and the Federal, State, or local agency with jurisdiction over the park or place jointly approve the operation.
   (d) Within 100 feet, measured horizontally, of the outside right-of-way line of any public road. This prohibition does not apply:
      (1) Where a mine access or haul road joins a public road, or
      (2) When, as provided in § 761.14, the regulatory authority (or the appropriate public road authority designated by the regulatory authority) allows the public road to be relocated or closed, or the area within the protected zone to be affected by the surface coal mining operation, after:
         (i) Providing public notice and opportunity for a public hearing; and
         (ii) Finding in writing that the interests of the affected public and landowners will be protected.
   (e) Within 300 feet, measured horizontally, of any occupied dwelling.
      (1) The owner of the dwelling has provided a written waiver consenting to surface coal mining operations within the protected zone, as provided in § 761.15; or
      (2) The part of the operation to be located closer than 300 feet to the dwelling is an access or haul road that connects with an existing public road on the side of the public road opposite the dwelling.
   (f) Within 300 feet, measured horizontally, of any public building, school, church, community or institutional building, or public park.
   (g) Within 100 feet, measured horizontally, of a cemetery. This prohibition does not apply if the cemetery is relocated in accordance with all applicable laws and regulations.