§ 784.28 Surface activities in or adjacent to perennial or intermittent streams.

(a) Applicability—(1) In general. Except as otherwise provided in paragraph (a)(2) of this section, this section applies to underground mining permit applications that propose to conduct surface activities in perennial or intermittent streams or on the surface of lands within 100 feet, measured horizontally, of perennial or intermittent streams.

(2) Exceptions. (i) Coal preparation plants not located within the permit area of a mine. This section does not apply to applications under §785.21 of this chapter for coal preparation plants that are not located within the permit area of a mine.

(ii) Stream-channel diversions. Paragraphs (b) through (e) of this section do not apply to diversions of perennial or