

Bureau of Land Management, Interior

§ 3440.1-4

for consideration for disposition through exchange, the exchange shall be processed in accordance with part 2200 of this title, except as provided in this section.

(d) The Secretary may consolidate the environmental analysis for the proposed exchange with the regional environmental impact statement prepared on alternative leasing schedules for the coal production region in which the Federal coal deposits are located pursuant to §3420.3-4 of this title. If the environmental analysis is not so consolidated, the Secretary shall consider environmental and other resource information obtained during the land use planning process or at other stages of the coal management program in preparing an appropriate environmental analysis or environmental impact statement on the proposed exchange.

(e) Exchanges shall be made on an equal value basis, provided that values of the lands exchanged may be equalized by the payment of money to the grantor or the Secretary so long as the payment does not exceed 25 percent of the total value of the lands or interests transferred out of Federal ownership. In determining the value of the coal deposit underlying or near an alluvial valley floor, the Secretary shall proceed as though there were no prohibition on surface coal mining operations on the property.

[47 FR 33145, July 30, 1982, as amended at 50 FR 42023, Oct. 17, 1985]

PART 3440—LICENSES TO MINE

Subpart 3440—Licenses to Mine

- Sec.
- 3440.0-3 Authority.
- 3440.1 Terms.
- 3440.1-1 Forms.
- 3440.1-2 Qualifications.
- 3440.1-3 Limitations on coal use.
- 3440.1-4 Area and duration of license.
- 3440.1-5 Compliance with Surface Mining Control and Reclamation Act.
- 3440.1-6 Cancellation or forfeiture.

AUTHORITY: 30 U.S.C. 181 *et seq.*

SOURCE: 44 FR 42634, July 19, 1979, unless otherwise noted.

Subpart 3440—Licenses to Mine

§ 3440.0-3 Authority.

(a) These regulations are issued under the authority of the statutes cited in §3400.0-3 of this title.

(b) These regulations primarily implement section 8 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 208).

§ 3440.1 Terms.

§ 3440.1-1 Forms.

(a) Four copies of the application for a license to mine coal for domestic needs or for a renewal of such a license shall be filed on a form approved by the Director, or a substantial equivalent of the form, in the Bureau of Land Management State Office having jurisdiction over the lands involved (43 CFR subpart 1821).

(b) The original application or any renewal application shall be accompanied by the fee prescribed in subpart 3473 of this title, except when the application is filed by a relief agency.

§ 3440.1-2 Qualifications.

(a) An individual, association or individuals, municipality, charitable organization or relief agency may hold a license to mine. A municipality shall file the information required under § 3472.2-5(b) of this title.

(b) A license to mine shall not be issued to a private corporation.

(c) A license to mine shall not be issued to a minor, but may be issued to a legal guardian on behalf of a minor.

§ 3440.1-3 Limitations on coal use.

(a) A license to mine may be issued to a municipality for the nonprofit mining and disposal of coal to its residents for household use only. Under such a license, a municipality may not mine coal either for its own use or for nonhousehold use such as for factories, stores, other business establishments and heating and lighting plants.

(b) Coal extracted under a license to mine shall not be disposed of for profit.

§ 3440.1-4 Area and duration of license.

(a) A license to mine for an individual or association in the absence of

§ 3440.1-5

unusual conditions or necessity, shall be limited to a legal subdivision of 40 acres or less and may be revoked at any time. Each license to mine shall terminate at the end of 2 years from the date of issuance, unless an application for a 2 year renewal is filed and approved before its termination date.

(b) A license to mine to a municipality may not exceed 320 acres for a municipality of less than 100,000 population, 1,280 acres for a municipality between 100,000 and 150,000 population, and 2,560 acres for a municipality of 150,000 population or more. A license to mine to a municipality shall terminate at the end of 4 years from the date of issuance, unless an application for a 4 year renewal is filed and approved before the termination date.

(c) (1) The authorized officer may authorize a recognized and established relief agency of any state upon the agency's request, to take government-owned coal deposits within the state and provide the coal to localities where it is needed to supply families on the rolls of such agency who require coal for household use but are unable to pay for that coal.

(2) Tracts shall be selected in areas assessed as acceptable for mining operations and at points convenient to supply the families in a locality. Each family shall be restricted to the amount of coal actually needed for its use, not to exceed 20 tons annually.

(3) Coal shall be taken from such tracts only by those with written authority from the relief agency. All mining shall be done pursuant to such authorization.

[44 FR 42634, July 19, 1979, as amended at 47 FR 33146, July 30, 1982]

§ 3440.1-5 Compliance with Surface Mining Control and Reclamation Act.

Mining on a license to mine shall not commence without a permit issued by the Surface Mining Officer unless the operation is exempt from the permit requirements under 30 CFR 700.11.

[44 FR 42634, July 19, 1979. Redesignated and amended at 47 FR 33146, July 30, 1982]

§ 3440.1-6 Cancellation or forfeiture.

Any license to mine may be canceled or forfeited for violation of the Act

43 CFR Ch. II (10-1-24 Edition)

under which the license to mine was issued, applicable Federal laws and regulations, or the terms and conditions of the license to mine.

[47 FR 33146, July 30, 1982]

PART 3450—MANAGEMENT OF EXISTING LEASES

Subpart 3451—Continuation of Leases: Readjustment of Terms

Sec.

3451.1 Readjustment of lease terms.

3451.2 Notification of readjusted lease terms.

Subpart 3452—Relinquishment, Cancellation, and Termination

3452.1 Relinquishment.

3452.1-1 General.

3452.1-2 Where filed.

3452.1-3 Acceptance.

3452.2 Cancellation.

3452.2-1 Cause for cancellation.

3452.2-2 Cancellation procedure.

3452.3 Termination.

Subpart 3453—Transfers by Assignment, Sublease or Otherwise

3453.1 Qualifications.

3453.2 Requirements.

3453.2-1 Application.

3453.2-2 Forms and statements.

3453.2-3 Filing location and fee.

3453.2-4 Bonds.

3453.2-5 Effect of partial assignment.

3453.3 Approval.

3453.3-1 Conditions for approval.

3453.3-2 Disapproval of transfers.

3453.3-3 Effective date.

3453.3-4 Extensions.

AUTHORITY: 30 U.S.C. 181 *et seq.*; 30 U.S.C. 351-359; 30 U.S.C. 521-531; 30 U.S.C. 1201 *et seq.*; and 43 U.S.C. 1701 *et seq.*

SOURCE: 44 FR 42635, July 19, 1979, unless otherwise noted.

Subpart 3451—Continuation of Leases: Readjustment of Terms

§ 3451.1 Readjustment of lease terms.

(a) (1) All leases issued prior to August 4, 1976, shall be subject to readjustment at the end of the current 20-year period and at the end of each 10-year period thereafter. All leases issued after August 4, 1976, shall be subject to readjustment at the end of the first 20-