

## **Questions and Answers Regarding Proposed Coal Surface Mining Regulations**

**Division of Mining, Land and Water**

**Department of Natural Resources**

**February 11, 2022**

**Question:** If OSMRE amended the regulations in 1994, 1999, 2000, and 2007, why are we amending state regulations now? Did they just not notice that we hadn't updated ours?

**Answer:** The years 1994, 1999, 2000, and 2007 were the dates that changes to the federal regulations dealing with Ownership and Control and Valid Existing Rights were noted in the federal register. After publication in the Federal Register there have been both legal challenges to those regulations as well as OSMRE's review of every state's regulations with primacy over the federal coal program. This review identifies where a state's regulations may be deficient based on the federal regulation change. The Department has been working towards the goal of addressing the necessary changes as well as other changes reflected in this notice since 2007. During this time, the Department has been working closely with OSMRE to incorporate these changes to ensure that the state program meets the requirements of the federal counterpart.