TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  

PART 1762  
CRITERIA FOR DESIGNATING AREAS AS UNSUITABLE FOR SURFACE COAL MINING OPERATIONS  

Section 1762.1  Scope  
This Part establishes the minimum criteria to be used in determining whether lands should be designated as unsuitable for all or certain types of surface coal mining operations.  

(Source: Amended at 6 Ill. Reg. 1, effective June 1, 1982)  

Section 1762.11 Criteria for Designating Lands as Unsuitable  

a) Upon petition, an area shall be designated as unsuitable for all or certain types of surface coal mining operations, if the Department determines that reclamation is not technologically and economically feasible under the Surface Coal Mining and Conservation and Reclamation Act (the State Act), and these regulations.  

b) Upon petition, an area may be (but is not required to be) designated as unsuitable for certain types of surface coal mining operations, if the operations will:  

1) Be incompatible with existing State or local land use plans or programs;  

2) Significantly reduce the viability of existing and future agricultural and recreational uses;  

3) Negatively affect the quality of air, water, and soil;  

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5) Cause substantial cumulative impacts on land, water, and other resources;  

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7) Be otherwise unsuitable.
2) Affect fragile or historic lands in which the operations could result in significant damage to important historic, cultural, scientific, or esthetic values or natural systems;

3) Affect renewable resource lands in which the operations could result in a substantial loss or reduction of long-range productivity of water supply, or of food or fiber products; or

4) Affect natural hazard lands in which the operations could substantially endanger life and property, such lands to include areas subject to frequent flooding and areas of unstable geology.

(Source: Amended at 6 Ill. Reg. 1, effective June 1, 1982)

Section 1762.13 Land Exempt From Designation as Unsuitable for Surface Coal Mining Operations

The requirements of this Part do not apply to:

a) Lands on which surface coal mining operations were being conducted on the date of enactment;

b) Lands covered by a permit issued under the Act; or

c) Lands where substantial legal and financial commitments in surface coal mining operations were in existence prior to January 4, 1977.

Section 1762.14 Applicability to Lands Designated as Unsuitable by Congress

If the Department determines that the proposed surface coal mining operation is not prohibited under Section 7.01 of the State Act and 62 Ill. Adm. Code 1761.11, it may nevertheless, pursuant to appropriate petitions, designate such lands as unsuitable for all or certain types of surface coal mining operations pursuant to 62 Ill. Adm. Code 1762 or 1764.

(Source: Amended at 27 Ill. Reg. 4646, effective February 26, 2003)

Section 1762.15 Exploration on Lands Designated as Unsuitable for Surface Coal Mining Operations

Designation of any area as unsuitable for all or certain types of surface coal mining operations pursuant to Section 7.02(a), (b) and (c) of the State Act and 62 Ill. Adm. Code 1761 through 1764 does not prohibit coal exploration operations in the area, if conducted in accordance with
the State Act and 62 Ill. Adm. Code 1700 through 1850 and other applicable requirements. Exploration operations on any lands designated unsuitable for surface coal mining operations must be approved by the Department under 62 Ill. Adm. Code 1772 to insure that exploration does not interfere with any value for which the area has been designated unsuitable for surface coal mining.

(Source: Amended at 29 Ill. Reg. 8345, effective May 27, 2005)