



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

## DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

### MEMORANDUM

DATE: September 6, 2011

TO: Land Reclamation Commission

FROM: Mike Larsen, Director of Staff (*Original Signed By Mike Larsen*)

SUBJECT: Orders of Rulemaking, Coal Valid Existing Rights Amendments

The following proposed rule amendments were published in the August 1, 2011 edition of the *Missouri Register*. The public comment period expired on August 31, 2011.

The following is a listing of the rules being amended.

**10 CSR 40-5.010 Prohibitions and Limitations on Mining in Certain Areas**  
**10 CSR 40-5.020 State Designation of Areas as Unsuitable for Mining**

We anticipate processing the Orders of Rulemaking according to the following schedule:

Adoption of Orders of Rulemaking by the Commission	9/22/2011
File Orders of Rulemaking with the Joint Committee on Administrative Rules	10/24/2011
File Orders of Rulemaking with Secretary of State	11/25/2011
Orders of Rulemaking published in <i>Missouri Register</i>	12/15/2011
Publication in the Code of State Regulations	01/15/2012
Rules become final and effective	02/15/2012

The program did not receive any comments during the public comment period. The final Orders of Rulemaking are enclosed with this memo for the commission's information and action.



Recycled Paper

## **RECOMMENDATION**

It is the staff's recommendation that the Land Reclamation Commission formally adopt the two Orders of Rulemaking.

Attachments

**Title 10--DEPARTMENT OF NATURAL RESOURCES**  
**Division 40--Land Reclamation Commission**  
**Chapter 5— Prohibitions and Limitations on Mining in Certain Areas and Areas**  
**Unsuitable for Mining**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under 444.530 and 444.767, RSMo (2001), the Commission amends a rule as follows:

**10 CSR 40-5.010 Prohibitions and Limitations on Mining in Certain Areas is amended**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2011 (36 MoReg 1820 - 1826). No changes have been made in the text of the proposed amendment so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10--DEPARTMENT OF NATURAL RESOURCES**  
**Division 40--Land Reclamation Commission**  
**Chapter 5— Prohibitions and Limitations on Mining in Certain Areas and Areas**  
**Unsuitable for Mining**

**ORDER OF RULEMAKING**

By the authority vested in the Land Reclamation Commission under 444.530 and 444.767, RSMo (2001), the Commission amends a rule as follows:

**10 CSR 40-5.020** State Designation of Areas as Unsuitable for Mining **is amended**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2011 (36 MoReg 1826 - 1828). No changes have been made in the text of the proposed amendment so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.