§ 23-2705. Definitions.

As used in this title, unless the context otherwise requires:

1. "Abandoned" means the cessation of mining and reclamation activities on land affected by mining without prior notification to the department of such cessation of activities or without describing such cessation in a mined land-use plan approved by the department, and after opportunity to be heard.

2. "Affected land" and "land affected by mining" means the sum of that surface area of land or land under water which: (i) has been disturbed by mining since April first, nineteen hundred seventy-five and not been reclaimed, and (ii) is to be disturbed by mining during the term of the permit to mine.

3. "Applicant" means that person making application to the department for a mining permit.

4. "Haulageway" means all roads utilized for mining purposes, together with that area of land over which material is transported, that are located within the permitted area.

5. "Mine" means any excavation from which a mineral is to be produced for sale or exchange, or for commercial, industrial or municipal use; all haulageways and all equipment above, on or below the surface of the ground used in connection with such excavation, and all lands included in the life of the mine review by the department.

6. "Mined land-use plan" means a document, consisting of a mining plan and a reclamation plan, which describes proposals for conduct of the applicant's mining operation and reclamation of the land to be mined to achieve the purposes of this title.

7. "Mineral" means any naturally formed, usually inorganic, solid material located on or below the surface of the earth. For the purposes of this title, peat and topsoil shall be considered minerals.

8. "Mining" means the extraction of overburden and minerals from the earth; the preparation and processing of minerals, including any activities or processes or parts thereof for the extraction or removal of minerals from their original location and the preparation, washing, cleaning, crushing, stockpiling or other processing of minerals at the mine location so as to make them suitable for commercial, industrial, or construction use; exclusive of manufacturing processes, at the mine location; the removal of such materials through sale or exchange, or for commercial, industrial or municipal use; and the disposition of overburden, tailings and waste at the mine location. "Mining" shall not include the excavation, removal and disposition of minerals from construction projects, exclusive of the creation of water bodies, or excavations in aid of agricultural activities.

9. "Mining plan" means a description of the applicant's mining operation which shall include maps, plans, written materials and other documents as required by the department.

10. "Overburden" means all of the earth, vegetation and other materials which lie above or alongside a mineral deposit.

11. "Permittee" means any person who holds a valid mining permit from the department for the boundaries of the land identified in the mined land-use plan.

12. "Person" means any individual, public or private corporation, political subdivision, government agency, department or bureau of the state, municipality, industry, partnership, association, firm, trust, estate or any other legal entity whatsoever.

13. "Person engaged in mining" means a person who is subject to this title but who is mining without a mining permit issued by the department.

14. "Reclamation" means the conditioning of the affected land to make it suitable for any uses or purposes consistent with the provisions of

this title.

15. "Reclamation plan" means a description of operations to be performed by the applicant to reclaim the land to be mined over the life of the mine. The reclamation plan shall include maps, plans, the schedule for reclamation, written material and other documents as required by the department.

16. "Spoil" means any waste material removed from its natural place in the process of mining and all waste material directly connected with the cleaning and preparation of any minerals.

17. "Tailings" means material of inferior quality or value resulting from the removal, preparation or processing of minerals.