§ 23-2709. Administration of title.

1. The department shall have and be entitled to exercise the following powers and duties:

(a) to issue permits in accordance with the criteria set forth in this article and the rules and regulations promulgated thereunder;

(b) to administer and enforce the provisions of this title and any rule or regulation promulgated thereunder or order issued pursuant thereto;

(c) to establish environmental standards and criteria for mining and reclamation of the affected land to achieve the purposes of this title;

(d) to order, pursuant to section 71-0301 of this chapter, an immediate suspension of mining or reclamation operations or operations incidental or appurtenant thereto whenever such operations are being carried on in violation of this title or of rules, regulations and orders adopted pursuant thereto;

(e) to conduct investigations and obtain data with respect to research experiments and demonstrations, and to collect and disseminate information regarding mining and reclamation;

(f) to accept grants or funds for purposes of administration of this title and research into the fields of mining and land reclamation;

(g) to cooperate with any other governmental entity to further the purposes of this title;

(h) to contract with the soil and water conservation district in the county where a mine is located to achieve the purposes of this title;

(i) to allow, upon agreement by the department and the permittee, the reclamation of unreclaimed land affected by mining prior to April first, nineteen hundred seventy-five, as a substitute for reclamation of land affected by mining after that date, provided that a net environmental benefit results from such substitution; and

(j) to determine, after notice and an opportunity for a hearing, if a mining operation has been abandoned.

2. This title shall not apply to the commissioner of general services acting with respect to lands under water pursuant to the public lands law.

3. The state geological survey shall be the state agency responsible for the collection of mineral production information for the state in association with the United States bureau of mines. The state geological survey shall also continue to be the state agency responsible for the conduct of mineral resource investigations and inventories. Such information shall be made available to the department upon request and the survey shall have access to any records of the department collected in conjunction with the administration of this title.