§ 72-1001. Definitions.

1. "Affected land" and "land affected by mining" means the sum of that surface area of land or land under water which:

(a) has been disturbed by mining since April first, nineteen hundred seventy-five, and has not been reclaimed, and

(b) is to be disturbed by mining during the term of the permit to mine.

2. "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, 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.

3. "Minor projects" means projects which meet all of the following criteria:

(a) total acreage affected by mining for the entire mining site is less than five acres, regardless of length of mining period;

(b) total depth of mine from floor to top of mine face is less than twenty feet;

(c) there is no on-site processing of minerals (e.g., washing, crushing);

(d) there is no mining within one hundred feet of any surface waters;

(e) there is no mining of consolidated minerals;

(f) there is no mining within five hundred feet of any dwelling; and

(g) there is no mining below the water table at the mine site.