

2023 Kansas Statutes

49-603. Surface-mining land conservation and reclamation; definitions. As used in this act*:

- (a) "Director" means the executive director of the division or a designee.
- (b) "Affected land" means the area of land from which overburden has been removed or upon which overburden has been deposited, or both, but shall not include crushing areas, stockpile areas or roads.
- (c) "Commission" means the conservation program policy board created in K.S.A. 2-1904, and amendments thereto, including the state conservation commission continued in existence by K.S.A. 74-5,128, and amendments thereto.
- (d) "Mine" means any underground or surface mine developed and operated for the purpose of extracting rocks, minerals and industrial materials, other than coal, oil and gas. Mine does not include borrow areas created for construction purposes.
- (e) "Operator" means any person who engages in surface mining or operation of an underground mine or mines.
- (f) "Overburden" means all of the earth and other materials that lie above the natural deposits of material being mined or to be mined.
- (g) "Peak" means a projecting point of overburden removed from its natural position and deposited elsewhere in the process of surface mining.
- (h) "Pit" means a tract of land from which overburden has been or is being removed for the purpose of surface mining.
- (i) "Ridge" means a lengthened elevation of overburden removed from its natural position and deposited elsewhere in the process of surface mining.
- (j) (1) "Surface mining" means the mining of material, except for coal, oil and gas, for sale or for processing or for consumption in the regular operation of a business by removing the overburden lying above natural deposits and mining directly from the natural deposits exposed, or by mining directly from deposits lying exposed in their natural state, or the surface effects of underground mining. Surface mining shall include dredge operations lying outside the high banks of streams and rivers.
(2) Removal of overburden and mining of limited amounts of any materials shall not be considered surface mining when done only for the purpose and to the extent necessary to determine the location, quantity or quality of the natural deposit, if the materials removed during exploratory excavation or mining are not sold, processed for sale or consumed in the regular operation of a business.
- (k) "Topsoil" means the natural medium located at the land surface with favorable characteristics for growth of vegetation, which is normally the A or B, or both, soil horizon layers of the four soil horizons.
- (l) "Active site" means a site where surface mining is being conducted.
- (m) "Inactive site" means a site where surface mining is not being conducted but where overburden has been disturbed in the past for the purpose of conducting surface mining and an operator anticipates conducting further surface mining operations in the future.
- (n) "Materials" means natural deposits of gypsum, clay, stone, sandstone, sand, shale, silt, gravel, volcanic ash or any other minerals of commercial value found on or in the earth with the exception of coal, oil and gas and those located within cut and fill portions of road rights-of-way.
- (o) "Reclamation" means the reconditioning of the area of land affected by surface mining to a usable condition for agricultural, recreational or other use.
- (p) "Stockpile" means the finished products of the mining of gypsum, clay, shale, stone, sandstone, sand, silt, gravel, volcanic ash or other minerals and removal from its natural position and deposited elsewhere for future use in the normal operation as a business.
- (q) "Underground mining" means the extraction of rocks, minerals and industrial materials, other than coal, oil and gas, from the earth by developing entries or shafts from the surface to the seam or deposit before recovering the product by underground extraction methods.
- (r) "Person" means any individual, firm, partnership, corporation, government or other entity.
- (s) "Division" means the division of conservation established within the Kansas

department of agriculture in K.S.A. 74-5,126, and amendments thereto.

(t) "Secretary" means the Kansas secretary of agriculture.

History: L. 1994, ch. 197, § 3; L. 2012, ch. 140, § 132; L. 2021, ch. 74, § 15; May 6.

Revisor's Note:

* The phrase "this act" means K.S.A. 49-601 through 49-624.