

rejection the Lessee may submit amended supplemental plans. Upon further determination by the authorized officer that an amended supplemental plan does not fulfill the requirements of the regulations, he shall deliver to the Lessee in writing a notice of rejection of amended supplemental plan and shall set forth in said notice of rejection the manner in which such amended supplemental plan fails to fulfill said requirements and shall stipulate the requirements necessary to comply with said regulations.

(c) The authorized officer shall deliver to the Lessee within thirty (30) days after the receipt of any supplemental conservation and reclamation plan or amended supplemental conservation and reclamation plan to notice of rejection or notice of acceptance of said plan as the case may be, provided, however, that if the authorized officer fails to deliver a notice of acceptance or notice of rejection within said time period, the supplemental plan submitted shall be deemed to comply with the regulations and Lessee may commence and conduct or continue, as the case may be, his mining operations as if a notice of acceptance of said plan had been received from the authorized officer.

(d) Lessee may at any time after receipt of a notice of rejection of any supplemental conservation and reclamation plan or amended supplemental conservation and reclamation plan deliver to the authorized officer in writing a notice of intent to appeal the determination of the authorized officer that a given supplemental plan or amended supplemental plan does not meet the requirements of the regulations whereupon the authorized officer shall within thirty (30) days from the date of the receipt of said notice of intent to appeal, issue and deliver to the Lessee a written decision formally rejecting the said supplemental plan or amended supplemental plan which decision shall set forth in detail the reason for such rejection and the actual findings upon which such rejection is based together with the action which must be taken by the Lessee in order to comply with said regulations. Lessee may then appeal such decision as hereinafter provided.

(e) The lessee shall not conduct mining operations with respect to a phosphate mine panel which is covered by an approved conservation and reclamation plan which are contrary to such plan until the supplemental conservation and reclamation plan or amended supplemental conservation and reclamation plan has been accepted as provided in these regulations, except that if Lessee determines that unforeseen events or unexpected conditions require immediate changes of an approved conservation and reclamation plan or any approved amended or supplemental plan, the Lessee may continue mining operations in accordance with the procedures dictated by the changed conditions pending submission and approval of a supplemental plan even though such operations do not comply with the approved plan, provided, however, that nothing herein stated shall be construed to excuse the Lessee from performing mining operations in a good and miner-like manner and in accordance with the requirements of Sections 3161.4-5 and 3161.4-6.

SECTION 3161.4-5 CONSERVATION AND RECLAMATION REQUIREMENTS

(a) Every Permittee or Lessee who conducts prospecting, development or mining operations on permit or lease premises shall perform the following land conservation and reclamation activities:

(1) Ridges of overburden shall be leveled in such manner as to have a minimum width of ten feet at the top.

(2) Peaks of overburden shall be leveled in such a manner as to have a minimum width of fifteen feet at the top.

(3) Overburden piles which have been deposited in such a manner as to be flat on top shall be prepared to minimize erosion from water which is deposited on top of such overburden piles.

(4) Where water run-off from overburden piles, phosphate ore stockpiles or mined areas results in stream or lake siltation in excess of that which normally results from run-off and which creates a hazard to wildlife, stock, or humans using said water, Lessee shall prepare the overburden piles, phosphate ore stockpiles, mined areas and adjacent off-site premises as necessary to reduce the siltation to non-hazardous levels.

(5) Roads which are abandoned will be cross-ditched insofar as necessary to avoid erosion gullies.

(6) Prospecting and development drill holes shall be plugged so as to eliminate hazard to humans or animals.