

(7) Abandoned overburden piles shall be topped, to the extent that such overburden is reasonably available from the pit, with that type of overburden which is conducive to the control of erosion or the growth of the vegetation which Lessee elects to plant thereon.

(8) Lessee shall conduct revegetation activities on the mined areas, overburden piles, and abandoned roads in accordance with the provisions of Sections 3161.4-6 and 3161.4-7.

(b) The authorized officer may direct that a given road or portion thereof not be cross-ditched or revegetated and upon such request the Lessee shall be excused from performing such activities as to such road or portion thereof.

(c) Leases and prospecting permits entered into pursuant to these regulations and conservation and reclamation plans shall contain no terms requiring performance by Lessee of conservation and reclamation activities in addition to those set forth in these regulations and all requirements as to conservation and reclamation activities shall be reasonably construed to further the policy of the department to encourage the exploration and development of the phosphate deposits on public lands as well as the reclamation and conservation of the lease and permit premises.

SECTION 3161.4-6 REVEGETATION

(a) Lessee shall plant on the roads, mined areas, and overburden piles vegetation species comparable to the vegetation which was growing on the area occupied by the road, mined areas, or overburden piles prior to the prospecting, development and mining operations.

(b) No planting shall be required on any road, mined area, or overburden pile, or portions thereof, where planting would not be practicable or reasonable because the soil is composed of sand, gravel, shale, stone or other materials to such an extent as to inhibit plant growth or if the climatic conditions are such that planting has little likelihood of being successful.

(c) No planting shall be required to be made with respect to any of the following:

(1) On any mined area or overburden pile proposed to be used in the mining operations for haulage roads, so long as such roads are not abandoned.

(2) On any mined area or overburden pile where pools or lakes may be formed by rainfall or drainage run-off from the adjoining lands.

(3) On any phosphate ore stockpile.

(4) On any prospecting or development trench which will become a part of any pit or overburden disposal area.

(5) On any road which Lessee intends to use in its mining operations so long as said road has not been abandoned.

(6) On any mined area consisting of exposed rock which will not support vegetation.

SECTION 3161.4-7 CONSERVATION AND RECLAMATION ACTIVITIES: STANDARDS, COMMENCEMENT AND COMPLETION

All conservation and reclamation activities required to be conducted under Sections 3161.4-5 and 3161.4-6 shall be performed in a good and workman-like manner with all reasonable diligence and as to a given prospecting or development road or trench within one year after abandonment thereof. The conservation and reclamation activity as to a given phosphate mine shall be commenced within one year after mining operations have permanently ceased as to such panel, provided however, that in the event that during the course of mining operations on a given phosphate mine panel, the Lessee permanently ceases disposing of overburden on a given overburden pile or permanently ceases removing phosphate from a given pit, or permanently ceases using a given road, then the conservation and reclamation activities to be conducted hereunder as to such pit, road, or overburden pile, shall be commenced within one year after such termination despite the fact that all operations as to the phosphate mine panel which includes such pit, road or overburden pile have not permanently ceased. It shall be presumed that the Lessee has permanently ceased mining operations as to a given overburden pile or pit if no substantial amount of overburden has been placed on the overburden pile in question or if no phosphate or associated or related minerals have been removed from the pit in question, as the case may be, for a period of ten (10) years unless within said time Lessee in good faith advises the authorized officer that such operations have in fact not permanently ceased.