

2026 Regular Session

HOUSE BILL NO. 899

BY REPRESENTATIVE ROBBY CARTER

NATURAL RESOURCES DEPT: Provides with respect to land reclamation following non-coal mining

1 AN ACT

2 To enact Chapter 9-C of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 30:971 through 989, relative to noncoal surface mining; to
4 create the Louisiana Noncoal Surface Mining Law; to provide for reclamation and
5 conservation of land; to provide for the powers and duties of the Department of
6 Natural Resources; to provide for the powers and duties of the office of conservation;
7 to provide for permitting, definitions, and inspections; to provide for fees; to provide
8 for violations, notices, hearings, penalties, and enforcement; to provide for the
9 Noncoal Mine Land Reclamation Fund; to provide for uses and expenditures of the
10 fund; to provide for exemptions; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Chapter 9-C of Subtitle I of Title 30 of the Louisiana Revised Statutes of
13 1950, to be comprised of R.S. 30:971 through 989 is hereby enacted to read as follows:

14 CHAPTER 9-C. LOUISIANA NONCOAL SURFACE MINING LAW

15 §971. Title

16 This Chapter shall be known and cited as "The Louisiana Noncoal Surface
17 Mining Law".

18 §972. Declaration of policy

19 It is hereby declared to be the policy of this state to provide for the
20 reclamation and conservation of land subjected to surface disturbance by mining and

1 thereby to preserve natural resources; to encourage the productive use of such lands
2 after mining; to aid in the protection of wildlife and aquatic resources; to encourage
3 the planting of trees, grasses, and other vegetation; to protect and perpetuate the
4 taxable value of property; to aid in the prevention of erosion, landslides, floods, and
5 the pollution of waters and air; to protect the ground water resources of the state; to
6 protect the natural beauty and aesthetic values in the affected areas of this state; to
7 protect and to promote the health, safety, and general welfare of the people of this
8 state; and to establish a regulatory system of permits and reclamation standards,
9 supplemented by the knowledge, expertise, and concerns of the mining industry,
10 landowners, and the general public which is designed to achieve an acceptable,
11 workable balance between the economic necessities of developing our natural
12 resources and the public interest in protecting our environment, acknowledging those
13 industry practices viewed to be customary, beneficial, and in harmony with the stated
14 declaration.

15 §973. Jurisdiction

16 A. It is the intent of the legislature that this Chapter vests the state with
17 exclusive jurisdiction over noncoal surface mine reclamation and conservation of
18 land subjected to surface disturbance by associated mining activities, including but
19 not limited to regulations, permitting, and related fee schedules, and no other
20 governmental entity, including any political subdivision or governing authority, shall
21 have jurisdiction over this subject matter nor the authority to enact any local or
22 special law or ordinance affecting this subject.

23 B. The Department of Conservation and Energy is hereby designated as the
24 official agency whose duty it is to administer the regulations and guidelines
25 contained in this Chapter and to institute such other reasonable regulations and
26 guidelines, after notice and public hearing, as may become necessary pursuant to this
27 Chapter to protect state and private lands from unreasonable degradation by any
28 operator engaged in noncoal surface mining operations.

29 §974. Powers and duties

1 In addition to the duties and powers conferred on the office in other
2 provisions of this Chapter, the secretary shall have the authority and power to:

3 (1) Adopt and promulgate reasonable rules and regulations respecting the
4 administration of this Chapter and in conformity therewith in accordance with the
5 Administrative Procedure Act.

6 (2) Order, after hearing, the revocation of any permit issued hereunder for
7 violation of this Chapter.

8 (3) Cause to be instituted, in any court of competent jurisdiction, legal
9 proceedings for injunctive or other appropriate relief to enforce this Chapter.

10 (4) Make investigations and inspections and take appropriate enforcement
11 actions, including assessment of civil penalties which are necessary or appropriate
12 to insure compliance with this Chapter.

13 (5) Collect and disseminate information relating to reclamation of affected
14 lands.

15 (6) To hold hearings relative to the approval, denial, termination, suspension,
16 or reinstatement of any mining permit or relative to violations of this Chapter or the
17 rules and regulations of the office of conservation.

18 §975. Definitions

19 As used in this Chapter, unless a different meaning clearly appears from the
20 context:

21 (1) "Abandoned noncoal mine lands" means the area of land abandoned or
22 mined before the effective date of this Chapter and determined by the department to
23 be eligible for reclamation.

24 (2) "Affected land" means the area of land mined after the effective date of
25 this Chapter from which overburden shall have been removed, or upon which
26 overburden, spoil, or refuse has been deposited.

27 (3) "Box cut" means the first open cut in strip mining which results in the
28 placing of overburden on unmined land adjacent to the initial pit and outside the area
29 to be mined.

1 (4) "Conservation agent" means any authorized employee of the Department
2 of Conservation and Energy.

3 (5) "Consolidated material" means material of sufficient hardness or ability
4 to resist weathering and to inhibit erosion or sloughing.

5 (6) "Department of Conservation and Energy" or "department" means the
6 Department of Conservation and Energy of the state of Louisiana.

7 (7) "Disturbed land" or "land disturbed" means:

8 (a) The mine area from which overburden has been removed in the mining
9 operation.

10 (b) The mine area covered by spoil.

11 (c) Any mine areas used in the mining operations which by virtue of their
12 use are susceptible to excessive erosion including all mine lands disturbed by the
13 construction or improvement of haulageways, roads, or trails.

14 (8) "Land use" means specific uses or management-related activities, rather
15 than the vegetation or cover of the land. Land uses may be identified in combination
16 when joint or seasonal uses occur. Land use includes the following:

17 (a) Forestry: Land used or managed for the long-term production of wood,
18 wood fiber, or wood derived products. Land used for facilities in support of forest
19 harvest and management operations which is adjacent to or an integral part of these
20 operations is also included.

21 (b) Pastureland: Land used primarily for the long-term production of
22 adapted, domesticated forage plants to be grazed by livestock or occasionally cut and
23 cured for livestock feed. Land used for facilities in support of pastureland or land
24 occasionally cut for hay which is adjacent to or an integral part of these operations
25 is also included.

26 (c) Recreation: Land used for public or private leisure-time use, including
27 developed recreational facilities such as parks, camps, and amusement areas, as well
28 as areas for less intensive uses such as hiking, canoeing, and other undeveloped
29 recreational uses.

1 (d) Developed water resources: Includes land used for storing water for
2 beneficial uses such as stockponds, irrigation, fire protection, flood control, and
3 water supply.

4 (e) Fish and wildlife habitat: Land dedicated wholly or partially to the
5 production, protection, or management of species of fish or wildlife.

6 (f) Cropland: Land used for the production of adapted crops for harvest,
7 alone or in a rotation with grasses and legumes, and includes row crops, small grain
8 crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.
9 Land used for facilities in support of cropland farming operations which is adjacent
10 to or an integral part of these operations is also included for purposes of these
11 land-use categories.

12 (g) Residential: Includes single-family and multiple-family housing, mobile
13 home parks, and other residential lodgings. Land used for facilities in support of
14 residential operations which is adjacent to or an integral part of these operations is
15 also included. Support facilities include but are not limited to vehicle parking and
16 open space that directly relate to the residential use.

17 (h) Industrial/commercial:

18 (i) Land used for extraction or transformation of materials for fabrication of
19 products, wholesaling of products or for long-term storage of products. This
20 includes all heavy and light manufacturing facilities such as lumber and wood
21 processing, chemical manufacturing, petroleum refining, and fabricated metal
22 products manufacture. Land used for facilities in support of these operations which
23 is adjacent to or an integral part of that operation is also included. Support facilities
24 include but are not limited to all rails, roads, and other transportation facilities.

25 (ii) Land used for retail or trade of goods or services, including hotels,
26 motels, stores, restaurants, and other commercial establishments. Land used for
27 facilities in support of commercial operations which is adjacent to or an integral part
28 of these operations is also included. Support facilities include but are not limited to
29 parking, storage, or shipping facilities.

1 (9) "Mine" means a surface excavation and development with or without
2 slopes, drifts, or tunnels for the extraction of minerals, with hoisting or haulage
3 equipment and appliances for the extraction thereof, and shall embrace any and all
4 of the land or property of the plan and the surface that contributes directly to the
5 mining properties, concentration, or handling of minerals, excluding private roads,
6 pipeline, and oil and gas operations.

7 (10) "Minerals" means sand, gravel, dirt, clay, shale, gypsum, limestone,
8 anhydrite, dolomite, sandstone, other stone, iron ore, limonite, siderite, glauconite,
9 goethite, uranium, metalliferous or nonmetalliferous ore, or other material or
10 substance of commercial value excavated in a solid state from natural deposits on or
11 in the earth, but does not include coal/lignite or peat, slate, salt, sulphur, oil, gas, and
12 any other mineral found naturally in a liquid or gaseous state.

13 (11) "Mining" means the extraction of minerals from natural deposits by any
14 method or process.

15 (12) "Operator" means any person, partnership, corporation, or governmental
16 entity engaged in noncoal surface mining who removes or intends to remove
17 minerals from the earth by surface mining methods.

18 (13) "Overburden" means all of the earth and other materials which lie above
19 natural deposits of minerals, and also means such earth and other materials disturbed
20 from their natural state in the process of surface mining.

21 (14) "Peak" means a projecting point of overburden created in the surface
22 mining process.

23 (15) "Permit area" means the area designated as such in a permit application
24 and shall include all land to be affected by the surface mining operations during the
25 term of the permit and may include any contiguous permitted area which the operator
26 proposes to surface mine thereafter.

27 (16) "Person" means an individual, partnership, association, society, joint
28 stock company, firm, company, corporation, governmental agency, political
29 subdivision, or other business organization.

1 (17) "Pit" means a tract of land from which overburden or minerals have
2 been or are being removed in the process of surface mining.

3 (18) "Reclamation" means conditioning affected land to make it suitable for
4 any uses or purposes consistent with those enumerated in R.S. 30:972.

5 (19) "Reclamation plan" means the applicant's written proposal for
6 reclamation of the affected areas including land-use objectives, maps, or other
7 documents as required to describe reclamation, grading specifications, and manner
8 and type of revegetation.

9 (20) "Refuse" means all waste material, slag, trash, garbage, junk, rubbish,
10 and scrap iron material which is considered worthless or useless and is to be recycled
11 or destroyed.

12 (21) "Ridge" means a lengthened elevation of overburden created in the
13 surface mining process.

14 (22) "Secretary of the Department of Conservation and Energy" or
15 "secretary" means the secretary of the Department of Conservation and Energy of the
16 state of Louisiana.

17 (23) "Spoil" means that material directly associated with a mineral deposit
18 which is separated from the mineral in the process of mining, including material
19 commonly known as debris, gangue, tailings or waste, and overburden.

20 (24) "Strip mining" means those mining operations carried out by removing
21 the overburden lying above natural deposits of minerals, and mining directly from
22 such natural deposits thereby exposed, but excludes auger mining, quarrying,
23 dredging, pumping, or the use of hydraulic methods.

24 (25) "Surface mining" means those mining operations carried out on the
25 surface, including strip mining, auger mining, quarrying, dredging, pumping, or the
26 use of hydraulic methods. Surface mining shall not include the handling, processing,
27 or storage of refuse on the premises of a manufacturer as a part of the manufacturing
28 process.

1 §976. Funding

2 A. The noncoal mine land reclamation activity shall be funded by the
3 following revenue sources provided for by this Chapter, in particular the following:

4 (1) Monies granted by the federal government for purposes of this Chapter.

5 (2) Monies appropriated by the legislature for purposes of this Chapter.

6 B. The revenues provided for in Subsection A of this Section shall be
7 deposited in the general fund. No expenditures shall be made from the revenues
8 derived in Subsection A of this Section unless first appropriated by the legislature.

9 C. The secretary shall use the monies appropriated by the legislature to
10 accomplish reclamation of lands covered by this Chapter, particularly abandoned
11 noncoal mine lands, subject to the Louisiana Public Bid Law, R.S. 38:2211 et seq.,
12 and the monies shall be used to defray the administrative costs of this Chapter.

13 §977. Permits

14 A. It shall be unlawful for any operator to engage in any mining operations
15 in this state without first obtaining from the department a permit to do so for each
16 separate mining operation in such form as is provided in this Chapter. The office
17 shall determine what constitutes a separate mining operation by rules and regulations
18 promulgated under this Chapter. Any operator engaged in noncoal mining prior to
19 the effective date of this Chapter may continue to operate pending submission and
20 approval of a permit application. No new noncoal mining operations shall be
21 initiated after the effective date of this Act, without a permit issued by the
22 department in accordance with this Chapter. Within six months of the effective date
23 of this Act, operators of existing noncoal mining operations shall apply for a mine
24 operations permit in accordance with the provisions of this Section.

25 B. Any operator desiring to engage in surface mining shall make written
26 application to the office of conservation for a permit. Each permit may be issued for
27 the life of the mine, or such lesser period as designated on the application.
28 Application for such permit shall be made upon a form furnished by the department,
29 which form shall contain a description of the tract or tracts of land and the estimated

1 number of acres thereof to be affected by surface mining by the operator, which
2 description shall include the section, township, range, and parish in which the land
3 is located, and shall otherwise describe the land with sufficient certainty so that it
4 may be located and distinguished from other lands, and a statement that the operator
5 has the right and power by legal estate owned to mine by surface mining the land so
6 described.

7 C. Each application for a permit under Subsection B of this Section shall be
8 accompanied by a five-year plan of reclamation of the affected land that meets the
9 requirements of this Chapter. The initial five-year plan of reclamation shall include
10 maps and descriptive narratives setting forth all of the following:

- 11 (1) The proposed use to be made of the affected land.
12 (2) The grading to be accomplished.
13 (3) The type of revegetation to be accomplished.
14 (4) The approximate time schedule of grading and initial revegetation efforts.
15 (5) An approximate time schedule for the completion of each phase of
16 reclamation.

17 D. Subsequent five-year plans of reclamation shall be submitted within six
18 months before the end of the previous five-year period, and shall include all
19 information specified for the initial five-year plan along with indications of mining
20 and reclamation accomplished to date.

21 E. Each application for a permit under Subsection B of this Section shall be
22 accompanied by a fee of one thousand dollars, which shall be deposited in the
23 Noncoal Mine Land Reclamation Fund of the state treasury. The permit fee shall be
24 due and payable every five years during the life of the mine, unless the permit has
25 been terminated or revoked pursuant to this Chapter or voluntarily terminated by the
26 operator.

27 F. Upon the receipt of such application and fee due from the operator, the
28 department shall review the material submitted and upon the finding by the
29 department that the submitted material is complete and meets the requirements of

1 this Chapter, the department shall issue a surface mining permit to the applicant,
2 which shall entitle him to engage thereafter in mining on the land described therein.

3 G. An operator desiring to have his permit amended to cover additional land,
4 or to modify the five-year plan of reclamation, may file an amended application with
5 the department. Upon receipt of the amended application and such additional fee,
6 not to exceed five hundred dollars, the department shall issue an amendment to the
7 original permit covering the additional land described in the amended application.

8 H. Permits issued under this Chapter to an operator shall not be transferred
9 to another operator without prior approval of the department. An additional fee set
10 by the secretary, not to exceed five hundred dollars, may be charged to administer
11 an approved transfer.

12 I. All fees levied pursuant to this Section and collected shall be placed in the
13 state general fund.

14 §978. Buffer Zones

15 In the case of surface mining operations to be conducted in close enough
16 proximity to adjacent property boundaries to impose risks of slope failures,
17 landslides, or critical erosional problems, appropriate buffers, barriers, or other
18 mechanisms must be provided, unless waived pursuant to written agreement between
19 the operator and the adjacent property owner.

20 §979. Procedure of reclaiming land

21 A. All affected land, other than lands affected by lignite coal mining
22 operations, shall be reclaimed as provided in this Section.

23 B. The operator shall determine which parts of the affected land and permit
24 area shall be reclaimed to support post-mining land uses as defined in this Chapter
25 including forestry, pastureland, recreation, developed water resources, fish and
26 wildlife habitat, cropland, residential, industrial/commercial, or other such use
27 approved by the secretary.

28 C. All refuse and spoil disposal areas shall be reclaimed or treated, or the
29 material shall be removed or contained by the operator. The piles, ridges, and peaks

1 of overburden and spoil created by surface mining shall be graded to a topographic
2 condition traversable by machines or equipment customarily used in connection with
3 the use to be made of the land after reclamation, but such slopes need not be reduced
4 to less than the original grade of the area prior to mining, and the slope of the ridge
5 of overburden resulting from a box cut need not be graded flatter than a two to one
6 horizontal to vertical ratio.

7 D. The operator may construct earthen dams to form lakes in pits resulting
8 from surface mining operations, provided that the formation of lakes shall not
9 interfere with other mining operations or damage property of others.

10 E. The operator shall cover the exposed face of a mineral seam, where
11 significant concentrations of acid-forming materials are present, to a depth of not less
12 than three feet with earth that will support plant life or with a permanent water
13 impoundment.

14 F. The operator shall grade the banks of any pits or depressions created by
15 the removal of minerals by surface mining to a degree of slope appropriate, in
16 consideration of site-specific conditions, to assure long-term mass stability and
17 prevent mass deformation, movement, or failure of the banks of such pits or
18 depressions.

19 G. All affected land, except that which is to be covered with water, shall be
20 appropriately treated and reclaimed to prevent excess erosion and resultant sediment
21 loadings in adjacent streams. Off-site sediment loadings shall be minimized through
22 stabilization of erosive soils or use of appropriate sediment basins or traps. Soil
23 stabilization practices to be used for erosion and sediment control shall include
24 mechanical treatment, promotion of natural revegetation and revegetation by
25 planting and post emergence management of seeds, plants, trees, shrubs, or other
26 plantings appropriate to the use to be made of the land as determined by the operator
27 and approved by the commissioner of conservation.

28 H. Except when prevented by weather conditions or conditions of mining,
29 grading shall begin within one year after mining of the affected land has been

1 completed. Initial seeding or planting shall be made at the first appropriate time
2 following completion of grading. All affected lands shall be restored to a condition
3 capable of supporting their intended post-mining land use within thirty-six months
4 from completion of grading, as set forth by the approved five-year plan of
5 reclamation.

6 §980. Annual status reports

7 Within thirty days of the end of the first and subsequent years of mine
8 operations under an approved permit, all operators shall submit a report detailing
9 mining and reclamation activities during the previous mine operations period, such
10 reports shall include maps and descriptive narratives specifying all of the following:

11 (1) The location of the pit or pits by section, township, range, and parish,
12 with such other description as will identify the land which the operator has affected
13 by mining during the previous mining operations.

14 (2) The number of acres of affected land.

15 (3) The extent and acreage of reclamation accomplished on the affected land,
16 including grading and revegetation efforts, as of the anniversary date of permit
17 issuance.

18 (4) Designation of any deviation from the five-year plan of reclamation and
19 any updates or modifications filed as well as the reasons therefor.

20 §981. Completion of reclamation obligations

21 Whenever an operator shall have completed all requirements under the
22 provisions of this Chapter as to any affected land, or part thereof, he shall notify the
23 department and request an appropriate release. If the department determines that the
24 operator has completed reclamation requirements in accordance with the approved
25 five-year plan and achieved results appropriate to the use for which the areas were
26 reclaimed, the department shall not later than thirty days release the operator from
27 further obligations regarding such affected land, or part thereof.

1 §982. Reclamation fee

2 A. For the purpose of providing revenue with which to administer the state's
3 noncoal mining and reclamation regulatory program, to meet the environmental
4 management needs of this state, and to reclaim abandoned noncoal mine lands, a
5 reclamation fee is hereby levied on the sale of minerals surface mined in Louisiana.
6 Such fee shall be imposed upon the owners at the time of sale and shall be paid by
7 the owner or proportionately by the owners thereof at the time fixed by the
8 department. The fee shall be three cents per ton for all minerals as defined in R.S.
9 30:975(11).

10 B. The payment of the fees and the making of any reports required to be filed
11 by the office of conservation shall be done by those actually engaged in the operation
12 of severing whether it be the owner of the soil, or other person severing from the soil
13 of another, or the owner of the natural resources minerals being severed from the soil
14 of another. The severer shall collect and withhold out of the value of the
15 proportionate parts of the total fee due by the respective owners of the minerals at
16 the time of the sale.

17 C. The monies received by the state treasurer from the fees levied pursuant
18 to this Section shall be credited to the state general fund.

19 D. On the day fixed by the department for the payment of the reclamation
20 fees required to be paid by this Section, the fees, with any penalties or interest
21 thereon, shall become a lien on the affected property of the taxpayer in this state,
22 whether such property is employed by the taxpayer in the prosecution of its business
23 or is in the hands of an assignee, trustee, or receiver for the benefit of creditors or
24 stockholders. The lien shall continue until the fees and penalties or interest thereon
25 are paid.

26 E. Penalties and interest on fees due pursuant to this Chapter shall be the
27 same as provided in Part IV of Chapter 18 of Subtitle II of Title 47 of the Louisiana
28 Revised Statutes of 1950.

29 §983. Inspections

1 The department is designated as the agency to make mine inspections on
2 mineral and quarrying operations. Conservation agents may enter upon the lands of
3 the operator at all reasonable times, for the purposes of inspection, to determine
4 whether the operations are in compliance with the provisions of this Chapter.

5 §984. Violations; notice; hearings; enforcement

6 A.(1) The department shall notify the operator in writing by registered and
7 certified mail of any claimed violation of the provisions of this Chapter or the rules
8 and regulations of the department. If the operator denies the alleged violation, the
9 department shall hold a hearing on said charges. The hearing shall be held not less
10 than thirty days from the notice of hearing.

11 (2) At the hearing, the operator shall have the right to present evidence in
12 opposition to the claimed violation.

13 B.(1) If after the hearing, the department determines that a violation has
14 occurred, the department shall make detailed findings of the violation and the
15 necessary corrective measures and may include appropriate civil penalties. The
16 order shall provide a reasonable time, commensurate with the work to be done, for
17 the operator to perform the corrective measures.

18 (2) If the operator fails to perform the corrective work required by the office,
19 the department may contract for the work to be done. The department shall not issue
20 any permits to an operator who has failed to perform such corrective work, until such
21 obligations are met by the operator or his agent, as determined by the department.

22 C. The department shall institute proceedings to recover any damages and
23 expenses which the department may have sustained by reason of the default of the
24 operator. The proceedings shall be brought against the operator in the parish in
25 which the violation occurred or in East Baton Rouge Parish.

26 §985. Penalties

27 A. Any person required by this Chapter to have a permit who engages in
28 mining without a valid permit issued pursuant to this Chapter is guilty of a
29 misdemeanor, and on conviction, shall be fined not less than fifty dollars nor more

1 than one thousand dollars. Each day of operations without the permit required by
2 this Chapter shall be deemed a separate violation.

3 B. A civil penalty may be assessed by the secretary to any permittee who
4 violates any permit condition or who violates any provision of this Chapter. The
5 penalty may be assessed only after the person charged with a violation has been
6 given an opportunity for a public hearing. If a complaint is filed by any person
7 alleging a violation, an investigation will be conducted by the department, and upon
8 finding a basis for such complaint a notice of such complaint will be served on the
9 operator. If the alleged violations are not corrected within ten days of notice to the
10 operator, the operator shall appear at a hearing before the secretary who shall issue
11 an order appropriate to the evidence presented, which order may include a civil
12 penalty not to exceed one thousand dollars for each violation. Each day of
13 operations under the violations shall be deemed a separate violation. An appeal of
14 the order may be made providing that such appeal is filed with the Nineteenth
15 Judicial District Court within ten days following the date of such order.

16 C. All civil penalties levied pursuant to this Section and collected shall be
17 placed in the state general fund.

18 §986. Designating areas unsuitable for noncoal surface mining

19 Any person having an interest which is or may be adversely affected shall
20 have the right to petition the secretary to have an area designated as unsuitable for
21 noncoal surface mining operations, or to have such a designation terminated. The
22 petition shall contain allegations of facts with supporting evidence which would tend
23 to establish the allegations. The secretary shall, within ten days of receipt of a
24 petition, publish a legal notice describing the petition and affected lands in the
25 official journal of each parish affected by the petition. Within sixty days after receipt
26 of the petition, the secretary shall make a determination of the validity of the
27 allegations contained in the petition and may designate the lands included in the
28 petition as unsuitable for noncoal surface mining, deny the petition as being without
29 standing or valid basis, or may hold a public hearing in the locality of the affected

1 area, after appropriate notice and publication of the date, time, and location of such
2 hearing. After a person having an interest which is or may be adversely affected has
3 filed a petition and before the hearing, as required by this Subsection, any person
4 may intervene by filing allegations of facts with supporting evidence which would
5 tend to establish the allegations. Within thirty days after such hearing, the secretary
6 shall issue and furnish to the petitioner and any other party to the hearing, a written
7 decision regarding the petition, and the reasons supporting the decision. In the event
8 that all the petitioners enter into a stipulated agreement prior to the requested
9 hearing, and withdraw their request, a hearing need not be held.

10 §987. Exempt operations

11 A. Any state or political subdivision engaged in mining as defined in this
12 Chapter shall conform to all requirements of this Chapter, except that nothing
13 contained in this Chapter shall apply to lands or water bottoms subject to the
14 jurisdiction of the Department of Wildlife and Fisheries or political subdivisions, as
15 defined in Article VI, Section 44 of the Constitution of Louisiana, who are engaged
16 in noncommercial activities.

17 B. Excavation, grading, forming, or removal of minerals, as defined in this
18 Chapter, by an owner or holder of a possessory interest in the affected land for
19 construction or maintenance of access roads to or on his property, for other on-site
20 construction, or for the extraction of minerals other than lignite for his own
21 noncommercial use shall be exempt from the provisions of this Chapter, except that
22 all such operations shall be conducted in an environmentally acceptable manner.

23 C. All noncoal surface mining operations conducted to provide fill materials
24 through excavation of borrow pits for government-financed public works
25 construction activities where contractual requirements direct such excavation shall
26 be exempt from the permitting requirements of this Chapter, so as to avoid
27 duplication of regulatory authority over these operations.

1 §988. Confidentiality

2 Information submitted to the department considered by the operator as

3 confidential concerning trade secrets or privileged commercial or financial

4 information which relates to competitive rights shall not be available for public

5 examination.

6 §989. Judicial review

7 All final decisions and orders of this office shall be subject to judicial review

8 of the acts of administrative agencies as provided for in the Administrative

9 Procedure Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 899 Original

2026 Regular Session

Robby Carter

Abstract: Creates the La. Noncoal Surface Mining Law and provides for operations, fees, fines, oversight, and penalties.

Proposed law creates the La. Noncoal Surface Mining Law to provide for reclamation and conservation of land disturbed by surface mining operations, to encourage the productive use of this land after mining, to encourage the protection of natural resources, and to protect property values. The Dept. of Conservation and Energy has exclusive jurisdiction over proposed law. The secretary has rulemaking, investigatory, and administrative authority.

Proposed law prohibits other governmental entities, including local governing authorities, from enacting any laws or ordinances over noncoal surface mine reclamation and conservation.

Proposed law applies to commercial operators and governmental agencies engaged in mining of minerals by surface mining methods. Excludes pipeline and oil and gas operations and noncommercial activities of political subdivisions.

Proposed law provides that the permit fees, penalties, and other revenues are placed in the general fund and may be expended pursuant to appropriation by the legislature. Specifies that monies used by the secretary for reclamation are subject to the Public Bid Law.

Proposed law provides that operators must be permitted by the dept. prior to operation. Requires the permit application be accompanied by a five-year plan of reclamation. Requires that subsequent five-year plans be submitted at least six months prior to the end of the previous five-year plan.

Proposed law provides for a \$1,000 fee for the permit, payable every five years. Specifies the fee will support the cost of regulation and the reclamation of previously abandoned lands. Specifies that permits are not transferable without approval. Specifies that the fee for an amended application or to modify the plan may not exceed \$500. Prohibits the additional fee to administer an approved transfer from not exceeding \$500.

Proposed law requires the affected area to be restored to a condition capable of supporting the intended post-mining use within 36 months from the completion of grading in accordance with the five-year plan. Provides a timetable for completing the reclamation process; one year after the completion of mining to begin grading, and revegetation at the first appropriate time after completion of grading.

Proposed law provides that post-mining land uses include forestry, pastureland, recreation, developed water resources, fish and wildlife habitat, cropland, residential, industrial/commercial, or other use approved by the secretary.

Proposed law requires reclamation, treatment, or containment of refuse and the grading of piles, ridges, and peaks; authorizes the construction of earthen dams to create lakes; requires the covering of the exposed face of a mineral seam; requires the grading of the banks of pits or depressions to stabilize them; and requires the use of soil stabilization practices to prevent erosion and provide sediment control, including revegetation.

Proposed law requires the operator to annually submit a report detailing the mining and reclamation activities during the previous period which is to include maps of the affected areas and descriptive narratives to show the extent of reclamation accomplished.

Proposed law authorizes the department to release the operator from further reclamation obligations if he has completed the requirements of the five-year plan and has achieved results appropriate to the land use for which the areas were reclaimed. He must be released within 30 days of completion.

Proposed law establishes a fee of 3 cents per ton on the sale of minerals that were surface mined. Specifies this fee is imposed on owners of the mined minerals at the time of the sale. Provides that the owner's portion of the fee is withheld by the severer, who reports and pays the fee. Specifies that the fee operates as a lien and privilege on all affected property of the taxpayer in this state.

Proposed law authorizes the department to conduct on-site inspections to determine if the operations are in compliance. Authorizes proceedings brought against an operator to recover damages and expenses for failing to comply to be brought in the parish where the violation occurred or in East Baton Rouge Parish.

Proposed law provides for a notice of violations and a right to a hearing. If there are violations, authorizes the department to impose civil penalties and order corrective work. Limits the civil penalties to up to \$1,000 for each day of violations. Requires appeals of an order for civil penalties be brought in the 19th JDC (East Baton Rouge).

Proposed law declares that unpermitted mining operation is a misdemeanor punishable by a fine of not less than \$50 nor more than \$1,000 and that each day of operations is a separate offense.

Proposed law provides for a procedure for designating an area as unsuitable for noncoal surface mining. Authorizes any person having an interest which may be adversely affected to petition the department to make such a determination. Within 60 days, the secretary may deny the petition or hold a public hearing in the affected area after appropriate notice. Within 10 days, the secretary must publish a legal notice describing the petition and the affected lands in the official journal of each parish affected. Allows any person to intervene. Within 30 days of the hearing, the secretary shall issue a written decision. Specifies if there is a stipulated agreement prior to the hearing and the request is withdrawn, the hearing may not be held.

Proposed law exempts the following: (1) Political subdivisions engaged in noncommercial activities. The proposed law does not apply to lands or water bottoms under the jurisdiction of the Department of Wildlife and Fisheries. (2) Excavation, grading, forming, or removal

of minerals by an owner for construction or maintenance of an access road to his property or other on-site construction, except the operation must be conducted in an environmentally acceptable manner. (3) Operations conducted to provide fill material from borrow pits for government financed public works construction activities if there are contractual requirements for the reclamation of the pits.

Proposed law provides that information submitted by the operators concerning trade secrets or privileged information is not available for public inspection.

Proposed law provides that final decisions by the office are subject to judicial review in accordance with the Administrative Procedure Act.

(Adds R.S. 30:971-989)