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**FOR FURTHER INFORMATION CONTACT:**

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**SUPPLEMENTARY INFORMATION:**

- I. Background on the Colorado Program
- II. Description of the Proposed Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations

**I. Background on the Colorado Program**

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, "a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of [the] Act \* \* \*; and rules and regulations consistent with regulations issued by the Secretary pursuant to [the] Act." See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Colorado program on December 15, 1980. You can find background information on the Colorado program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Colorado program in the December 15, 1980, **Federal Register** (45 FR 82173). You can also find later actions concerning Colorado's program and program amendments at 30 CFR 906.15, 906.16, and 906.30.

**II. Description of the Proposed Amendment**

By letter dated March 27, 2003, Colorado sent us a proposed amendment to its program (State Amendment Tracking System No. CO-033, administrative record No. CO-696-1) under SMCRA (30 U.S.C. 1201 *et seq.*). Colorado submitted the amendment in response to the letters that we sent to Colorado in accordance with 30 CFR 732.17(c) on May 7, 1986; June 9, 1987; and March 22, 1990. The full text of the program amendment is available for you to read at the locations listed above under **ADDRESSES**.

In the amendment, Colorado proposes to revise or add the following rules of the Colorado Mined Land Reclamation Board at 2 Code of Colorado Regulations (CCR) 407-2: 1.04(71)(f) and (g), land use definitions; 2.04.13(1)(e), annual reclamation report; 2.06.8(4)(a)(i),

alluvial valley floor application contents; 2.06.8(5)(b)(i), permit approval or denial; 2.06.6(2)(a) and (g), soil surveys; 2.07.6(1)(a)(ii), criteria for review of permits; 2.07.6(2)(n), criteria for permit approval or denial; 2.08.4(6)(c)(iii), request for formal hearing on minor permit revision application decision; 3.03.2, bond release application decision by the Division of Minerals and Geology; 3.03.2(1)(e), procedures for seeking release of performance bond; 4.03.1(4)(e), culverts and bridges; 4.05.2, sedimentation ponds and other treatment facilities; 4.06.1(2), topsoil—general requirements; 4.15.1(5), revegetation general requirements; 4.15.4(5), mulching and other soil-stabilizing practices; 4.15.7(1), (2), (3)(b), (3)(f), and (4), determining revegetation success; 4.15.7(5), normal husbandry practices; 4.15.7(5)(a), repair of rills and gullies; 4.15.7(5)(b), weed control measures; 4.15.7(5)(c), normal husbandry practices for annual crops; 4.15.7(5)(d), normal husbandry for perennial hay cropland; 4.15.7(5)(e), normal husbandry for pastureland; 4.15.7(5)(f), limiting tree or shrub planting; 4.15.7(5)(g), interseeding to enhance rangeland/wildlife habitat; 4.15.8(3)(a), revegetation success criteria—cover; 4.15.8(4), revegetation success criteria—production; 4.15.8(7), revegetation success criteria—woody plants; 4.15.8(8), revegetation success criteria—forestry; 4.15.9, revegetation success criteria—cropland; 4.15.11, revegetation sampling methods and statistical demonstrations for revegetation success; 4.15.11(1)(a), vegetation cover; 4.15.11(1)(b), herbaceous production; 4.15.11(1)(c), woody plant density; 4.15.11(2), sample adequacy and statistical approaches; 4.15.11(3), woody plant density—alternative statistical approaches; and 4.25.2(4), prime farmlands—special requirements.

In the amendment, Colorado also proposes an MOU between the Division of Minerals and Geology and the State Historic Preservation Officer. The MOU concerns historic property reviews for coal mine applications.

Colorado revised the rules and developed the MOU with the intent of making its program consistent with SMCRA and the implementing Federal regulations.

**III. Public Comment Procedures**

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we

approve the amendment, it will become part of the Colorado program.

*Written Comments*

Send your written or electronic comments to OSM at the address given above. Your comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. We will not consider or respond to your comments when developing the final rule if they are received after the close of the comment period (*see DATES*). We will make every attempt to log all comments into the administrative record, but comments delivered to an address other than the Denver Field Division may not be logged in.

*Electronic Comments*

Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include "Attn: SATS No. CO-033" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Denver Field Division at (303) 844-1400, extension 1424.

*Availability of Comments*

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law.

Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public review in their entirety.

*Public Hearing*

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., m.d.t. on June 18, 2003. If you are disabled and need special accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold the hearing.