

for the area, showing the location of the tract of land to be affected by mining, and representative cross-sections. The surveyed topographic map and cross-sections shall be prepared and certified by a registered professional engineer or registered surveyor and show the boundaries of the proposed affected land, together with the drainage area above and below the area, the location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area, the outcrop line of any mineral deposit to be mined, the location of all buildings within 200 feet of the outer perimeter of the area affected, the names and addresses of the owners and present occupants, the purpose for which each building is used, the name of the owner of the tract where the proposed mining is to occur, and the names of the adjacent landowners, the municipality or district and county and nearest municipality. The topographic map also shall show the locations of test borings or sampling which the operator has conducted or will conduct at the site of the proposed operation. The cross-sections shall include the location of the test borings or sample sites, the nature and depth of the various strata, the thickness of any mineral seam or deposit, and analysis of any mineral deposit or ore, the thickness of the overburden, and an analysis of the overburden. Aerial photographs of the tract of land to be affected by the mining also shall be provided if they are required by the Department. The information resulting from the test borings is confidential information and not a matter of public record. The Department may waive any of the requirements of this subsection if the operator extracts less than [10,000] 30,000 tons per year OR 20,000 CUBIC YARDS PER YEAR of minerals and the affected area is less than five acres in size.

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(k) The amount of the bond required shall be for a maximum of \$750 per acre based on the number of acres of affected land [and] covered by the permit, but no bond may be filed for less than \$7,500, [unless] PROVIDED, HOWEVER, THAT the [operator can demonstrate to the reasonable satisfaction of the] Department SHALL DETERMINE [that] WHETHER the total bond fee is unreasonable and excessive for [that] A particular tract of land and [that] WHETHER a lesser total amount for the bond is sufficient to cover [the] reclamation. IN MAKING THIS DETERMINATION, THE DEPARTMENT SHALL CONSIDER THE SIZE OF THE OPERATION, THE AMOUNT OF LAND TO BE MINED, THE ACREAGE THAT IS UNRECLAIMED AT ANY ONE TIME, THE PROPOSED METHOD OF REGRADING AND REVEGETATION OF THE SITE, THE PROPOSED USE OF THE LAND FOLLOWING RECLAMATION AND ANY OTHER RELEVANT FACTORS.

(d) The bond shall be executed by the operator and corporate surety licensed to do business in the State. In lieu of a corporate surety, [either] ONE of the following shall be acceptable:

- (1) Deposits of cash or negotiable bonds of the