

VIRGINIA ACTS OF ASSEMBLY -- 1995 SESSION

CHAPTER 265

An Act to amend and reenact § 45.1-161.64 of the Code of Virginia, relating to mine maps.

[S 865]

Approved March 16, 1995

Be it enacted by the General Assembly of Virginia:

1. That § 45.1-161.64 of the Code of Virginia is amended and reenacted as follows:

§ 45.1-161.64. Maps of mines required to be made; contents; extension and preservation; use by Department; release; posting of map.

A. The operator of a mine, or his agent, shall make, or cause to be made, unless already made and filed, an accurate map of such mine, on a scale to be stated thereon of 100 to 400 feet to the inch. Such map shall show the openings or excavations, the shafts, slopes, entries and airways, with darts or arrows showing direction of air currents, headings, rooms, pillars and other relevant information, permanent explosive magazines, permanent fuel storage facilities, and such portions of such mine or mines as may have been abandoned, ~~the general inclination of the coal or mineral strata~~, and so much of the property lines and the outcrop of the coal or mineral of the tract of land on which the mine is located, as may be within 1,000 feet of any part of the workings of such mine, *and for underground mines only, the general inclination of the coal or mineral strata.*

B. The operator of any surface coal or surface mineral mine, or his agent, shall not be required to submit a map of such mine to the Department as a condition for obtaining a mine license unless the mine may intersect (i) underground workings or (ii) workings of auger, thin seam, or highwall ~~mining miners~~. ~~The operator of other mines, or his agent, shall deliver a true copy of the mine map to the Department.~~ The map shall be filed and preserved among the records of the Department and made available at a reasonable cost to all persons owning, leasing, or residing on or having an equitable interest in surface areas or coal or mineral interests within 1,000 feet of such mining operation upon written proof satisfactory to the Director and upon sworn affidavit that such person requesting a map has a proper legal or equitable interest; however, the Director shall provide to the person requesting a map only that portion of the map which abuts or is contiguous to the property in which such requesting party has a legal or equitable interest. In no case shall any copy of the same be made for any other person without the consent of the operator or his agent. The Director shall promptly deliver notice of such request to the operator of such mining operation.

C. The original map, or a true copy thereof, shall be kept by such operator at the *active* mine, open at all reasonable times for the examination and use of the mine inspector. ~~Such operator shall twice within every twelve months, between December 1 and February 1, and between June 1 and August 1 of each year, while the mine is in operation, cause such mine to be surveyed and the map thereof extended so as to accurately show the progress of the workings, the property lines and outcrop as before described, and shall forward the same to the Department, to be kept on record, subject to the conditions stated herein.~~ The Department shall assign a Mine Index number to the mine. The operator of an *underground mine* shall show such Mine Index number on the map at or near the portal.

D. *The operator of a coal mine shall, twice within every twelve months, between December 1 and February 1 and between June 1 and August 1 of each year, while the mine is in operation, cause such mine to be surveyed and the map thereof extended so as to accurately show the progress of the workings, and the property lines and outcrop as described in subsection A, and shall forward the same to the Department to be kept on record, subject to the conditions stated in subsection B. If there are no changes in the information required by this section, an updated map shall not be required to be submitted to the Department.*

E. *The operator of an underground mineral mine shall, beginning on the anniversary date of the mine permit issued pursuant to Chapter 16 (§ 45.1-180 et seq.) of Title 45.1 and every six months thereafter, while the mine is in operation, cause such mine to be surveyed and the map thereof extended so as to accurately show the progress of the workings, and the property lines and outcrop as described in subsection A, and shall forward the same to the Department to be kept on record, subject to the conditions stated in subsection B. If there are no changes in the information required by this section, an updated map shall not be required to be submitted to the Department.*

F. *The operator of a surface mineral mine shall annually, beginning on the anniversary date of the mine permit issued pursuant to Chapter 16 (§ 45.1-180 et seq.) of Title 45.1, while the mine is still in operation, cause such mine to be surveyed and the map thereof extended so as to accurately show the progress of the workings, and the property lines and outcrop as described in subsection A, and shall forward the same to the Department to be kept on record, subject to the conditions stated in subsection B. If there are no changes in the information required by this section, an updated map shall not be*

required to be submitted to the Department.

~~D.~~ *G.* Such maps may be used by the Department for the evaluation of the coal resources of the Commonwealth.

~~E.~~ *H.* Copies of such maps shall be made available at a reasonable cost to the governing body of any county, city or town in which the mine is located upon written request; however, such copies shall be provided on the condition that they not be released to any person who does not have a legal or equitable interest in surface areas or mineral interests within 1,000 feet of the mining operation without the written consent of the operator or his agent. The governing body shall promptly deliver notice of any request for a copy of such a map to the operator or his agent.

~~F.~~ *I.* At underground coal mines, an accurate map of the mine showing clearly all avenues of ingress and egress in case of fire shall be posted in a place accessible to all miners.