

COAL RULE CHANGES APPROVED SINCE 1989

COAL

Rule	Filed with Secretary of State	Approved by OSM
CHAPTER 1, AUTHORITIES AND DEFINITIONS		
Chapter 1, Section 2(e) <u>"Amendment" means the addition of new lands to a previously approved permit area, as allowed by W.S. 35-11-406(a)(xii).</u>	12/01/92	YES 11/02/93 58 FR 58487
Chapter 1, Section 2(j) "Bluff" means with respect to coal mine reclamation features, a high, steep, broad faced bank resulting from mining operations which is designed and constructed for the purpose of enhancement of the postmining land use.	3/28/94	YES 3/30/94 59 FR 14750
Chapter 1, Section 2(k) <u>"Bond" means a surety or self-bond instrument by which the permit applicant assures faithful performance of all requirements of the Act all rules and regulations promulgated thereunder, and the provisions of the permit and license to mine. The term shall also include the following, which the operator has deposited with the Department of Environmental Quality in lieu of a Surety Bond or Self-Bond Instrument any:</u> <ul style="list-style-type: none"> (i) Federal insured certificates of deposit; (ii) Cash; (iii) Government securities; or (iv) Irrevocable letters of credit; (v) <u>An alternative method of financial assurance that is acceptable to the Administrator and provides for a comparable level of assurance for performance of reclamation obligations. The alternative method of financial assurance must first be approved by the Office of Surface Mining; or</u> (vi) <u>A combination of any of these bonding methods.</u> which the operator has deposited with the Department of Environmental Quality in lieu of a Surety Bond or Self-Bond Instrument.	1/31/06	Pending
Chapter 1, Section 2(l) <u>"Coal exploration" means either:</u> <ul style="list-style-type: none"> (i) The field gathering of surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical or other techniques necessary to determine the quality and quantity of overburden and coal of the area. If this activity results in the extraction of coal, the coal shall not be offered for commercial sale (except for test burns); or 	4/14/04	YES 4/4/05 70 FR 16945
Chapter 1, Section 2(v) "Critical habitat" means those areas essential to the survival and recovery of species listed by the Secretary of the Interior or Commerce as threatened or endangered; (50 CFR, Parts 17 and 226). that habitat which is present in minimum amounts and is the determining factor in the potential for population maintenance or growth. The determination of "critical" is related to a specific population unit and is not related to the density of species relative to another population unit.	11/16/95	YES 8/6/96 61 FR 40736 <i>(With the provision that the rule be modified as shown below.)</i>
Chapter 1, Section 2(v) <u>"Critical habitat" means those areas essential to the survival and recovery of species listed by the Secretary of Interior or Commerce as threatened or endangered under the authority of (50 CFR, Parts 17 and 226).</u>	4/15/98	YES 10/1/99 64 FR 53203

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<p>Chapter 1, Section 2(w) <u>"Crucial habitat" means those areas, designated as such by the Wyoming Game and Fish Department, which determine a population's ability to maintain and reproduce itself at a certain level over the long term.</u></p>	11/16/95	<p>YES 8/6/96 61 FR 40736</p>
<p>Chapter 1, Section 2(ac) <u>"Eligible land" means all land to be affected by a mining operation after the shrub standard set forth at Chapter 4, Section 2(d)(x)(E) is approved by the Office of Surface Mining. Cropland, pastureland or treated grazingland approved by the Administrator which is to be affected by a mining operation after the shrub standard set forth at Chapter 4, Section 2(d)(x)(E) is approved by the Office of Surface Mining is not "eligible land".</u></p>	11/16/95	<p>YES 8/6/96 61 FR 40739</p>
<p>Chapter 1, Section 2(ac) <u>"Eligible land" means all land to be affected by a mining operation after the shrub standard set forth at Chapter 4, Section 2(d)(x)(E) is approved by the Office of Surface Mining August 6, 1996. Cropland, pastureland or treated grazingland approved by the Administrator which is to be affected by a mining operation after the shrub standard set forth at Chapter 4, Section 2(d)(x)(E) is approved by the Office of Surface Mining August 6, 1996 is not "eligible land".</u></p>	04/15/98	<p>YES 10/1/99 64 FR 53203</p>
<p>Chapter 1, Section 2(ah) <u>"Existing structure" means a structure or mine facility used in connection with or to facilitate surface coal mining and reclamation operations for which construction begins prior to the approval of a State program pursuant to Section 503 of P.L. 95-87.</u></p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 1, Section 2(av)(ax) <u>"Important habitat" means that habitat which, in limited availability, supports or encourages a maximum diversity of wildlife species or fulfills one or more living requirements of a wildlife species increases the species diversity of a localized area, or fulfills one or more living requirements of important wildlife species. Examples of important habitat include, but are not limited to, wetlands, riparian zones areas, rimrocks, areas offering special shelter or protection, reproduction and nursery areas, and wintering areas. big game winter range, parturition areas, grouse leks, and significant raptor nesting areas.</u></p>	11/16/95	<p>YES 8/6/96 61 FR 40736</p>
<p>Chapter 1, Section 2(ax)(bb) <u>"Joint agency approval" means, for surface coal mining operations, the approval of mining or reclamation plans that would adversely effect any publicly owned park or any place included in the national register of historic places by the federal, state, or local agency with jurisdiction over the park or place.</u></p>	6/17/91	<p>YES 10/29/92 57 FR 48984</p>
<p>Chapter 1, Section 2(ba)(bc) <u>"Land use"</u></p> <p>...</p> <p>(iii) <u>Grazingland includes rangelands and forest lands where the indigenous native vegetation is actively managed for grazing, browsing, and may occasionally be cut for hay production, and occasional use by wildlife.</u></p> <p>...</p> <p>(viii) <u>Fish and wildlife habitat is means land used dedicated wholly or partially for to the production, protection or management of species of fish or wildlife.</u></p> <p>...</p> <p>(xi) <u>Treated grazingland means grazingland which has been altered to reduce or eliminate shrubs provided such treatment was applied at least five years prior to submission of the state program permit application. However, grazingland altered more than five years prior to submission of the state program permit application on which full shrubs have reestablished to a density of at least one per nine square meters does not qualify as treated grazingland.</u></p>	11/16/95	<p>YES 8/6/96 61 FR 40735 61 FR 40740</p>

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<p>Chapter 1, Section 2(bq)(bs) <u>"Public building" means any structure that is owned or leased, and principally used by a governmental agency for business or meetings.</u></p>	6/17/91	<p>YES 10/29/92 57 FR 48984</p>
<p>Chapter 1, Section 2(bu) <u>"Public road" means a road; any thoroughfare open to the public which has been and is being used by the public for passage of vehicles, and is maintained by public funds.</u></p> <p>(i) <u>Which has been designated as a public road pursuant to the laws of the jurisdiction in which it is located;</u></p> <p>(ii) <u>Which is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction;</u></p> <p>(iii) <u>For which there is substantial (more than incidental) public use;</u> <u>and</u></p> <p>(iv) <u>Which meets road construction standards for other public roads of the same classification in the local jurisdiction.</u></p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 1, Section 2(by) <u>"Revised mining or reclamation operations" means, except for incidental operation changes, mining and/or reclamation operations conducted during the term of a permit which differ from those operations described in the original mine permit application and approved under the original permit.</u></p>	3/26/02	<p>YES 5/08/2003 68 FR 24647</p>
<p>Chapter 1, Section 2(bz) <u>"Road(s)" means a surface right-of-way corridor of affected land associated with for purposes of travel by land vehicles used in surface coal mining and reclamation operations or coal exploration. A road consists of including the roadbed, shoulders, parking and side areas, approaches, structures, ditches, and surface drainage features. The term includes access and haulroads constructed, used, reconstructed, improved, or maintained for use in surface coal mining and reclamation operations or coal exploration, including use by coal hauling vehicles to and from transfer, processing, or storage areas. The term does not include ramps and routes of travel within the immediate mining area or within spoil or coal mine waste disposal areas. Immediate mining area refers to areas subject to frequent surface changes. This includes areas where topsoil and overburden are being moved and areas undergoing active reclamation. Roads shall be classified to include:</u></p> <p>(i) <u>Haul roads: all roads utilized for the transport of the extracted mineral, overburden, or other earthen materials.</u></p> <p>(ii) <u>Access roads: all roads, exclusive of haul and light use roads, utilized for the transportation of personnel, equipment, and small payloads of material within the permit area.</u></p> <p>(iii) <u>Light use roads: those roads established and utilized for exploration, for occasional inspection of monitoring equipment, weather station, test plots, or for other purposes necessary to comply with the requirements of these regulations. Light use roads shall be limited to:</u></p> <p>(A) <u>Roads or portions thereof which exist for less than six months and where the road is constructed by grading, cutting, filling or other methods whereby the natural land surface is disturbed; or</u></p> <p>(B) <u>Nonconstructed roads where the natural land surface is not physically altered by same course construction or grading; however a two tracked road occurs due to vehicle travel over the same course. Nonconstructed roads may include pioneer construction roads or roads used for transport of spoil and topsoil to stockpile sites which exist for not greater than two weeks and are then stabilized or replaced in accordance with these requirements.</u></p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>

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<p>(iv) Exempted roads: roads within the pit and those roads maintained by the county, State or Federal government or those roads which are existing private roads except:</p> <p>(A) When the existing road requires extensive regrading and resurfacing in order to render the road usable; or</p> <p>(B) Upgrading of the road requires cuts, fills, and borrow areas.</p>		<i>(continued from previous page)</i>
<p>Chapter 1, Section 2(cc) “Soft rock surface mining” means surface mining of materials deposited within or as sedimentary rock formations which include: coal, uranium, sand and gravel, jade, bentonite, hot springs deposit, placer mining, clay, gypsum, oil shale, and scoria.</p>	4/14/04	YES 4/4/05 70 FR 16945
<p>Chapter 1, Section 3(b)(i) 35-11-401(e)(v) shall be limited for surface coal mining operations to the extraction of coal where the surface mining operation affects two acres or less and from which 250 tons or less of minerals are removed within 12 consecutive calendar months.</p>	6/17/91	YES 10/29/92 57 FR 48984
CHAPTER 2, PERMIT APPLICATIONS		
<p>Chapter 2, Section 1(e) The applicant may consult with the local conservation district during preparation of the reclamation plan for conformance with technical standards and specifications adopted by the State Conservation Commission for mined land reclamation.</p>	4/15/98	YES 10/1/99 64 FR 53203
<p>Chapter 2, Section 2(a)(i)(D) A statement of all lands, interests in lands, options, or pending bids on interests held or made by the applicant for lands which are contiguous to the proposed permit area. to be mined during the term of the permit.</p>	3/28/94	YES 11/02/93 58 FR 58487
<p>Chapter 2, Section 2(a)(v) A list identifying the Mine Safety and Health Administration identification number for all mine associated structures mine facilities that require MSHA approval and licenses, permits or approvals needed by the applicant to conduct the proposed operation, whether and when they have been issued, the issuing authority, and the steps to be taken to comply with the requirements. To the extent possible, the Administrator and Director shall advise, consult and cooperate with the identified authorities so as to provide for the coordination of review and issuance of these licenses, permits or approvals with the permit to mine. This list shall contain:</p>	11/13/02	YES 11/5/2003 68 FR 62519
<p>Chapter 2, Section 2(a)(v)(A)(I)(1.) There is a detailed plan, with appropriate maps and cross-sections, for the construction and operation of any mine facility capable of causing or contributing to pollution of surface and groundwater. The plan shall be in accordance with Chapters III and XI, and as applicable Chapter X, of the Water Quality Division Rules and Regulations. As applicable, any plans shall include a copy of the NPDES permit granted by the Water Quality Division and quantitative limits on pollutants in discharges of water from all point sources.</p>	11/13/02	YES 11/5/2003 68 FR 62519
<p>Chapter 2, Section 2(a)(v)(A)(II) Solid Waste Information: The information from the approved construction and operating plans application for the approved permit(s) for an industrial solid waste land disposal facility which affirmatively demonstrates that disposal of noncoal wastes shall be in accordance with the standards set out in Section 11, paragraph e., Solid Waste Management Rules and Regulations (1980). any Solid Waste Management Facility(ies) located within the proposed permit area. Note that a Solid Waste Management Facility, as defined by W.S. 35-11-103(d)(ii), is a facility that receives solid waste which is generated outside the proposed permit area by any activity other than a mine mouth power plant or mine mouth coal drier. Solid Waste Management Facilities are subject to the permitting, bonding and performance standards of Article 5 of the Environmental Quality</p>	6/17/91	NO 10/29/92 57 FR 48984

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<u>Act.</u>		
<p>Chapter 2, Section 2(a)(vi)(G) Studies of fish, wildlife, and their habitats, in the level of detail and for those areas as determined by the Administrator, after consultation with the Wyoming Game and Fish Department in accordance with the Memorandum of Understanding between the two agencies; and Federal agencies having responsibilities for the management or conservation of such environmental values, <u>including:</u></p> <p style="padding-left: 40px;"><u>(I) A list of species as specified in Section 2(a)(i)(e)(i) of this Chapter within and adjacent to the permit area. The area of survey for the possible presence of threatened or endangered species shall be on or within one (1) mile of the permit area.</u></p>	6/17/91	YES 10/29/92 57 FR 48984
<p>Chapter 2, Section 2(a)(vi)(G)(II) If critical, <u>crucial</u> or important habitat or migration route disruption is likely, the Wyoming Game and Fish Department shall be contacted in order to determine the types and numbers of wildlife likely to be disturbed or displaced.</p> <p>Chapter 2, Section 2(a)(vi)(G)(II) If critical, <u>habitat disruption is likely, the U.S. Fish and Wildlife Service and Wyoming Game and Fish Department shall be contacted by the Administrator. If</u> crucial or important habitat or migration route disruption is likely, the Wyoming Game and Fish Department shall be contacted <u>by the Administrator. Contacting the appropriate agency(ies) is required</u> in order to determine the types and numbers of wildlife likely to be disturbed or displaced.</p>	11/16/95 4/15/98	YES 8/6/96 61 FR 40741 <i>(With the provision that the rule be modified as shown below.)</i> YES 10/1/99 64 FR 53203
<p>Chapter 2, Section 2(a)(vi)(H) A detailed description, <u>prepared or certified by a licensed professional geologist, or other qualified professional (as required by W.S. §§ 33-41-101 through 121),</u> of the geology within the proposed permit area down to and including any aquifer to be <u>adversely affected by mining below the lowest coal seam to be mined. The description shall include the areal and structural geology of the permit area and, by extrapolation, adjacent areas, including geologic parameters which influence the required reclamation, and the occurrence, availability, movement, quantity, and quality of potentially affected surface and groundwaters.</u></p>	4/15/98	YES 10/1/99 64 FR 53203
<p>Chapter 2, Section 2(a)(vi)(J) Maps and cross-sections of the area, certified by a registered professional engineer, <u>licensed professional geologist, or other qualified professional (as required by W.S. §§ 33-29-111 139 and 9-3-1402 33-41-101 through 121),</u> showing:</p>	4/15/98	YES 10/1/99 64 FR 53203
<p>Chapter 2, Section 2(a)(vi)(J)(II) All coal crop lines <u>and the strike and dip of the coal to be mined</u> within the proposed permit area;</p>	4/15/98	YES 10/1/99 64 FR 53203
<p>Chapter 2, Section 2(a)(vi)(L)(III) Baseline monitoring information of surface water quantity within the permit area which is representative of the surface hydrologic system., <u>Water quantity descriptions shall include, at a minimum, baseline information on seasonal flow rates, and identification of drainage area acreage and critical low flows, peak discharges, and seasonal fluctuations;</u> and</p>	6/4/01	YES 11/6/02 67 FR 67540
<p>Chapter 2, Section 2(a)(vi)(L)(IV) Water quality data sufficient to identify seasonal variation. <u>All surface water-quality sampling and analyses performed to meet the requirements of this Section shall be conducted according to the methodology in the 20th edition of "Standard Methods for the Examination of Water and Wastewater," or the methodology in 40 CFR Part 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants," as amended on January 16, 2001. Contact the Land Quality</u></p>	6/04/01	YES 11/6/02 67 FR 67540

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<p><u>Division for information on how to obtain a copy of either reference materials. The data shall include at a minimum:</u></p> <ul style="list-style-type: none"> (1.) Total dissolved solids (mg/l); (2.) Total suspended solids (mg/l); (3.) pH (standards units); (4.) Total and dissolved iron (mg/l); <u>and</u> (5.) Total manganese (mg/l); and 		<p><i>(continued from previous page)</i></p>
<p>Chapter 2, Section 2(a)(vi)(L)(V) <u>Baseline Alkalinity and acidity information shall be provided if there is a potential for acid drainage from the proposed mining operation.</u></p>	6/04/01	<p>YES 11/6/02 67 FR 67540</p>
<p>Chapter 2, Section 2(a)(vi)(M)(III) The quality of any groundwater <u>All water-quality sampling and analyses performed to meet the requirements of this Section shall be conducted according to the methodology in the 20th edition of "Standard Methods for the Examination of Water and Wastewater" or the methodology in 40 CFR Part 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants," as amended on January 16, 2001. Contact the Land Quality Division for information on how to obtain a copy of either reference materials. The data shall include at a minimum: including</u></p> <ul style="list-style-type: none"> (1.) €<u>Total dissolved solids (mg/l),</u> (2.) €<u>Total and dissolved iron (mg/l);</u> (3.) and €<u>Total manganese (mg/l); and</u> (4.) <u>pH (standard units).</u> 	6/04/01	<p>YES 11/6/02 67 FR 67540</p>
<p>Chapter 2, Section 2(a)(vi)(O) <u>A description of the surface water and groundwater and related geology in the permit area and general area sufficient to assess the probable hydrologic consequences (PHC). If the determination of the PHC required by Chapter 19, Section 2(a)(i) indicates that adverse impacts on or off the proposed permit area may occur to the hydrologic balance, or that acid-forming or toxic material is present that may result in the contamination of groundwater or surface water supplies, then information supplemental to that required under (a)(vi)(L) and (M) of this Section shall be provided to evaluate such PHC and to plan remedial and reclamation activities. Such supplemental information may be based upon drilling, aquifer tests, hydrogeologic analysis of the water-bearing strata, flood flows, or analysis of other water-quality or quantity characteristics.</u></p>	6/04/01	<p>YES 11/6/02 67 FR 67540</p>
<p>Chapter 2, Section 2(a)(vi)(R) <u>Boundaries and descriptions of all cultural, historic and archeological resources listed on, or eligible for listing on, the national register of historic places. In compliance with the Archeological Resources Protection Act of 1979 (P.L. 96-95), This information shall not be placed on display at the county clerk's office (as required by W.S.35-11-406(d)) where such resources occur on lands owned by the United States.</u></p>	6/17/91	<p>NO 10/29/92 57 FR 48984</p>
<p>Chapter 2, Section 2(b)(i)(D)(V) The location, construction and maintenance of mine facilities. <u>The location, construction and maintenance of coal stockpiles, temporary and excess spoil piles shall be provided for the permit area:</u></p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 2, Section 2(b)(i)(E) <u>A description, plans, and drawings for each mine facility to be constructed, used, or maintained within the proposed permit area. The plans and drawings shall include a map, appropriate cross-sections, design drawings, and specifications sufficient to demonstrate compliance with section 2(n) of Chapter 4 for each facility.</u></p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>

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<p>Chapter 2, Section 2(b)(i)(F) <u>A map of the permit area which clearly shows that a railroad spur(s) which provides exclusive service to that particular permit is being included within the permit boundary from the point that it provides such service. This spur(s) shall be covered by a reclamation bond.</u></p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 2, Section 2(b)(i)(D)(VII) The location, description, and design for bluff type features constructed in accordance with Chapter IV, Section 3(a)(ix).</p>	3/28/94	<p>YES 3/30/94 59 FR 14750</p>
<p>Chapter 2, Section 2(b)(iii) A narrative covering the area to be mined during the term of the permit, unless required for the permit area by the Administrator or as specified below, explaining the location and plans for modification or construction, use, and maintenance of new <u>mine structures</u>, facilities, signs and markers, dams, embankments, impoundments, and soil, coal and waste removal, handling, storage, cleaning, transportation and disposal areas. In addition, the narrative shall contain a plan of operation describing methods for minimizing interference with services in accordance with Chapter 4, Section 2(n). The narrative shall also include a map of the permit area identifying the location of existing structures, a description of their use and maintenance, and an explanation of whether they meet the requirements of Chapter 4 or the plan for removal, if required, or modification to comply with those standards in a manner which protects the environment and public health and safety.</p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 2, Section 2(b)(iv)(C) A plan to assure revegetation of all affected land in accordance with Chapter 4, Section 2(d). The plan shall include the method and schedule of revegetation, including but not limited to species of plants, seeding rates, seeding techniques, mulching requirements or other erosion control techniques, and seeding times to be used in a given area for reclamation purposes. The standards and specifications adopted by the State Conservation Commission for mine reclamation shall be considered by the applicant during the preparation of the reclamation plan whenever practicable. The Wyoming Game and Fish Department and the Wyoming Department of Agriculture shall be consulted <u>and its approval shall be required for minimum stocking and planting arrangements of trees and shrubs, including species composition and vegetative ground cover regarding revegetation procedures for wildlife habitat, for crucial and critical habitat. The Wyoming Game and Fish Department shall be consulted for recommended minimum stocking and planting arrangements of trees and shrubs, including species composition and vegetative ground cover for important habitat. The Wyoming Department of Agriculture shall be consulted regarding croplands and erosion control techniques.</u></p>	11/16/95	<p>YES 8/6/96 61 FR 40737 <i>(With the provision that the rule be modified as shown below.)</i></p>
<p>Chapter 2, Section 2(b)(iv)(C) A plan to assure revegetation of all affected land in accordance with Chapter 4, Section 2(d). The plan shall include the method and schedule of revegetation, including but not limited to species of plants, seeding rates, seeding techniques, mulching requirements or other erosion control techniques, and seeding times to be used in a given area for reclamation purposes. The standards and specifications adopted by the State Conservation Commission for mine reclamation shall be considered by the applicant during the preparation of the reclamation plan whenever practicable. The Wyoming Game and Fish Department shall be consulted and its approval shall be required for minimum stocking and planting arrangements of trees and shrubs, including species composition and vegetative ground cover for crucial habitat, <u>declared as such prior to the submittal of a permit application or any subsequent amendment,</u> and critical habitat. The Wyoming Game and Fish Department shall be consulted for recommended minimum stocking and planting arrangements of trees and shrubs, including species composition and vegetative ground cover for important habitat. The Wyoming Department of Agriculture shall be consulted regarding croplands and erosion control techniques.</p>	4/15/98	<p>YES 10/1/99 64 FR 53203</p>

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<p>Chapter 2, Section 2(b)(iv)(G) A classification and description, including maps and cross sections, if appropriate, of all roads (except exempted roads), other transportation facilities, shipping areas and rights of way to be built or utilized during the operation. The classification shall designate the road as either a haul road, access road, or light use road. The description shall include:</p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 2, Section 2(b)(iv)(G)(I)(a)(i)(E) Legal ownership - if the operator includes roads or spur lines within the permit area but does not possess the mineral rights or the right-to-mine for these lands, the legal land description shall then be listed in the application as a separate subsection in Appendix "C". The heading of the subsection shall make it clear that the right-to-mine is not claimed on the described lands. Surface owners shall be listed for all lands crossed by spur lines and roads.</p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 2, Section 2(b)(iv)(G)(II) All information necessary to show compliance with the requirements of Chapter 4, Section 2.(j).</p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 2, Section 2(b)(iv)(H G) A plan for the disposal of buildings and structures mine facilities, erected, used or modified by the applicant in accordance with the requirements of Chapter 4, Section 2(m).</p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 2, Section 2(b)(vi)(B) <u>A statement of how the applicant will utilize monitoring methods as specified in Appendix B of these rules and regulations, and impact control measures and management techniques, and monitoring methods to protect or enhance the following, if they are likely to be affected by the proposed operation:</u></p>	6/16/92	<p>YES 10/07/93 58 FR 52232</p>
<p>Chapter 2, Section 2(b)(vi)(C) <u>Upon request, the Administrator shall provide the resource information required under paragraph (B) of this Section and that required by Section 2(a)(vi)(G) of this Chapter to the U.S. Department of the Interior, Fish and Wildlife Service regional or field office for their review. This information shall be provided within 10 days of receipt of the request from the Service.</u></p>	4/15/98	<p>YES 10/1/99 64 FR 53203</p>
<p>Chapter 2, Section 2(b)(vii)(C) <u>A plan for monitoring permanent revegetation on reclaimed areas, specifically including quantitative sampling, as required by Chapter 4, Section 2(d)(xi).</u></p>	6/17/91	<p>YES 10/29/92 57 FR 48984</p>
<p>Chapter 2, Section 2(b)(xi)(D) A plan to collect, record and report water quantity and quality data according to Chapter 4, Section 2(i); <u>and</u></p> <p style="padding-left: 40px;">(I) <u>Surface water monitoring plan.</u></p> <p style="padding-left: 80px;">(1.) <u>The application shall include a monitoring plan based upon the PHC determination required under subsection 2(b)(xii) of this Chapter and the analysis of all baseline hydrologic, geologic, and other information in the permit application. The plan shall provide for the monitoring of parameters that relate to the suitability of the surface water for current and approved postmining land uses and to the objectives for protection of the hydrologic balance as set forth in subsection 2(b)(xi) of this Chapter.</u></p> <p style="padding-left: 80px;">(2.) <u>The plan shall identify the surface water quantity and quality parameters to be monitored, sampling frequency, and site locations. At a minimum, the parameters specified in Section 2(a)(vi)(L)(III) and (IV) of this Chapter shall be measured. Results of monitoring shall be available for inspection at the mine and available to the Director's designated authorized representative, and shall be reasonably current. Surface water monitoring shall be conducted quarterly unless an alternate frequency, appropriate to the monitored site, is approved by the Administrator, and Results of monitoring shall be submitted in the annual report for each monitoring location, and for</u></p>	6/04/01	<p>YES 11/6/02 67 FR 67540</p>

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<p>the parameters of paragraphs (a)(vi)(L)(III) and (IV) of this Section; and</p> <p>(3.) <u>The plan shall describe how the data may be used to determine the impacts of the operation upon the hydrologic balance.</u></p>		<p><i>(continued from previous page)</i></p>
<p>Chapter 2, Section 2(b)(xi)(D)(II) <u>Groundwater monitoring plan.</u></p> <p>(1.) <u>The application shall include a groundwater monitoring plan based upon the PHC determination required under subsection 2(b)(xii) of this Chapter and the analysis of all baseline hydrologic, geologic, and other information in the permit application. The plan shall provide for the monitoring of parameters that relate to the suitability of the groundwater for current and approved postmining land uses and to the objectives for protection of the hydrologic balance set forth in subsection 2(b)(xi) of this Chapter.</u></p>	6/04/01	<p>YES 11/06/02 67 FR 67540</p>
<p>Chapter 2, Section 2(b)(xi)(D)(II)(2.) <u>The plan shall identify the quantity and quality parameters to be monitored, sampling frequency, and site locations. It shall describe how the data may be used to determine the impacts of the operation upon the hydrologic balance. At a minimum, the parameters specified in Section 2(a)(vi)(M)(III) of this Chapter and water levels shall be measured. Groundwater monitoring shall be conducted quarterly unless an alternate frequency, appropriate to the monitored site, is approved by the Administrator. Results of monitoring shall be available for inspection at the mine and available to the Director's designated authorized representative, and shall be reasonably current. Results of monitoring and shall be submitted in the annual report for each monitoring location and for the parameters of paragraphs (a)(vi)(L)(III) and (IV) and;</u></p>	6/04/01	<p>YES 11/6/02 67 FR 67540</p>
<p>Chapter 2, Section 2(b)(xii) <u>Probable hydrologic consequences determination (PHC).</u> A determination of the probable hydrologic consequences <u>PHC</u> of the proposed operation on the hydrologic regime and the quantity and quality of surface water and groundwater systems within the permit area and the general area consistent with the information required in Chapter 19, Section 2 of these regulations. <u>The PHC determination shall be based on baseline hydrologic, geologic and other information collected for the permit application and may include data statistically representative of the site. This determination shall specifically address potential adverse hydrologic consequences and describe preventive and remedial measures.</u></p>	6/04/01	<p>YES 11/6/02 67 FR 67540</p>
<p>Chapter 2, Section 2(b)(xviii)(D) <u>A stability analysis including, but not limited to, strength parameters, pore pressures and long term seepage conditions. These data shall be accompanied by a description of all engineering design assumptions and calculations and the alternatives considered in selecting the specific design specifications and methods. The stability analysis may be waived by the Administrator if he determines, in writing, that the proposed spoil pile design is so conservative relative to site conditions that risk of slope and foundation failure is remote.</u></p>	6/17/91	<p>YES 10/29/92 57 FR 48984</p>
<p>Chapter 2, Section 2(b)(xix) <u>Road Systems. A complete description covering the area to be mined during the term of the permit of roads and other transportation facilities, and a general location of proposed roads for the permit area. The description shall include, but not be limited to the following:</u></p> <p>(A) <u>Each applicant shall submit plans and drawings for each road as defined in Chapter 1 to be constructed, used, or maintained within the proposed permit area. The plans and drawings shall:</u></p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 2, Section 2(b)(xix)(A)(I) <u>Include a map, appropriate cross-sections, design drawings and specifications for each road widths, road gradients, road surfacing materials, road cuts, fill embankments, culverts, bridges, drainage ditches, and drainage structures and low-water crossings;</u></p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>

Rule	Filed with Secretary of State	Approved by OSM
Chapter 2, Section 2(b)(xix)(B) A report of appropriate geotechnical analysis to demonstrate that steep cut slopes and embankments will meet minimum safety factors; (moved to Chapter 4, Section 2(j)(vii)(B))	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 2, Section 2(b)(xix)(C)(A)(II) <u>Contain the drawings and specifications of each proposed road that is located in the channel of an ephemeral stream that has the potential for sufficient flow to cause substantial environmental harm unless a downstream sediment control structure exists within the permit boundaries, any intermittent or any perennial stream, as necessary for approval of the road by the Administrator in accordance with Chapter 4, Section 2(j)(iv)(A);</u>	11/13/02	YES 11/5/2003 68 FR62519
Chapter 2, Section 2(b)(xix)(A)(III) <u>Contain the drawings and specifications for each proposed ford of intermittent or perennial streams that is used as a temporary route, as necessary for approval of the ford by the Administrator in accordance with Chapter 4, Section 2(j)(vii)(C)(II);</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 2, Section 2(b)(xix)(C)(A)(IV) <u>Contain a A description of measures to be taken to obtain approval of from the Administrator for alteration or relocation of a natural drainageway stream channel under Chapter 4, Section 2(j)(vii)(D)(IV);</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 2, Section 2(b)(xix)(A)(V) <u>Contain the drawings and specifications for each low-water crossing of an ephemeral stream channel that has the potential for sufficient flow to cause substantial environmental harm unless a downstream sediment control structure exists within the permit boundaries, any intermittent stream channel or any perennial stream channel so that the Administrator can maximize the protection of the stream in accordance with Chapter 4, Section 2(j)(vii)(D)(VI); and</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 2, Section 2(b)(xix)(A)(VI) <u>Describe the plans to remove and reclaim each road that would not be retained under an approved postmining land use, and the schedule for this removal and reclamation.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 2, Section 2(b)(xix)(D) A description of measures, other than use of a rock headwall, to be taken to protect the inlet end of a ditch relief culvert, for approval by the Administrator.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 2, Section 2(b)(xix)(B) <u>The plans and drawings for each primary road (as defined in Chapter 4, Section 2(j)(i)(B)) shall be prepared by, or under the direction of, and certified by a qualified registered professional engineer as meeting the requirements of this Chapter and current, prudent engineering practices.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 2, Section 2(b)(xxi) Plans of mine facilities or structures (including overstrip areas) that are to be shared by two or more separately permitted mining operations may be included in one permit application and referenced in the other application(s). Each permittee shall bond the <u>mine facilities</u> or structures unless the permittees sharing it agree to another arrangement for assuming their respective responsibilities. If such agreement is reached, the application shall include a copy of the agreement between or among the parties setting forth the respective bonding responsibilities of each party for the <u>mine facilities</u> or structures . The agreement shall demonstrate to the satisfaction of the Administrator that all responsibilities under the Act and regulations for the <u>mine facilities</u> or structures will be met.	11/13/02	YES 11/05/2003 68 FR 62519

Rule	Filed with Secretary of State	Approved by OSM
<p>Chapter 2, Section 2(b)(xxii) <u>A Cultural Resources Management Plan which:</u></p> <p>(a) <u>Describes the measures to be used to prevent impacts to public parks or places listed on the national register of historic places or, in cases of valid existing rights or where joint agency approval has been obtained, to minimize impacts to such parks or places;</u></p> <p>(b) <u>Provides for the mitigation of adverse effects to historic or archeological properties eligible for listing on the national register of historic places; and</u></p> <p>(c) <u>Ensures that the appropriate treatment measures of mitigation will be undertaken prior to the commencement of any specific mining operation that would affect such parks, places or properties.</u></p>	6/17/91	YES 10/29/92 57 FR 48984
<p>Chapter 2, Section 2(b)(xxiii) <u>A plan for the management and disposal within the proposed permit area of industrial solid wastes generated by the operation (such as, but not limited to, grease, lubricants, paints, flammable liquids, garbage, trash, discarded mining machinery, lumber and other combustible material) in accordance with Chapter 4, Section 2(c) and with those provisions of the Solid Waste Management Rules and Regulations deemed appropriate by the Administrator.</u></p>	6/17/91	NO 10/29/92 57 FR 48984
<p>Chapter 2, Section 2(b)(xxiv) <u>Plans for the management and disposal within the permit area of any solid wastes generated by a mine mouth power plant or mine mouth coal drier, in accordance with Chapter 4, section 2(c) and with provisions of the Solid Waste Management Rules and Regulations deemed appropriate by the Administrator.</u></p>	6/17/91	NO 10/29/92 57 FR 48984
CHAPTER 3, PERMITS FOR SPECIAL CATEGORIES OF SURFACE COAL MINING OPERATIONS		
<p>Chapter 3, Section 2(c)(viii) <u>Information necessary to identify those geologic, hydrologic and biologic characteristics which support the essential hydrologic functions which might be affected by the mining and reclamation process. The information required by this subparagraph shall evaluate those factors which contribute to collecting, storing, regulating and making the natural flow of water available for agricultural activities on the alluvial valley floor, including, but not limited to:</u></p> <p>(A) Characteristics of the erosional state of the stream;</p> <p>(B) Characteristics and maps of the surface and groundwater balance;</p> <p>(C) Characteristics of the topography, soil and vegetation existing on the alluvial valley floor;</p>	6/04/01	YES 11/6/02 67 FR 67540
<p>Chapter 3, Section 2(c)(viii)(D) <u>Factors contributing to the function of collecting water, such as amount, rate and frequency of rainfall and runoff, surface roughness, slope and vegetative cover, infiltration, and evapotranspiration, relief, slope and density of drainage channels;</u></p>	6/04/01	YES 11/6/02 67 FR 67540
<p>Chapter 3, Section 2(c)(viii)(E) <u>Factors contributing to the function of storing water, such as permeability, infiltration, porosity, depth and direction of ground water flow, and water holding capacity;</u></p>	6/04/01	YES 11/06/02 67 FR 67540
<p>Chapter 3, Section 2(c)(viii)(F) <u>Factors contributing to the function of regulating the flow of surface and ground water, such as the longitudinal profile and slope of the valley and channels, the sinuosity and cross-sections of the channels, interchange of water between streams and associated alluvial and bedrock aquifers, and rates and amount of water supplied by these aquifers; and</u></p>	6/04/01	YES 11/06/02 67 FR 67540

Rule	Filed with Secretary of State	Approved by OSM
Chapter 3, Section 2(c)(viii)(G) <u>Factors contributing to water availability, such as the presence of flood plains and terraces suitable for agricultural activities</u>	6/04/01	YES 11/06/02 67 FR 67540
CHAPTER 4, ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS		
Chapter 4, Section 2(b)(iv)(C) Spoil may be placed on an area outside the mined-out area to restore the approximate original contour by blending the spoil into the surrounding terrain if the spoil is backfilled and graded on the area in accordance with <u>if the following requirements of this subsection are met:</u> (I) <u>All vegetative and organic material shall be removed from the area.</u> (II) <u>The topsoil on the area shall be handled in accordance with Section 2(c) of this Chapter.</u> (III) <u>The spoil shall be backfilled and graded on the area in accordance with the requirements of this subsection 2(b).</u>	3/26/02	YES 5/08/2003 68 FR 24647
Chapter 4, Section 2(b)(iv)(C) <u>Retention of selected portions of a highwall or other steep feature created during the mining operation may be approved by the Administrator to remain as replacement for natural features that were mined out or are planned to be mined out under the current Mine Plan if the operator demonstrates that the retained highwall will:</u> (I) <u>Have a static safety factor of 1.3 or greater and be of similar erosive resistance;</u> (II) <u>Not pose a hazard to people using the area;</u> (III) <u>Be backfilled to cover the uppermost minable coal seam to a minimum depth of 4 feet;</u> (IV) <u>Not exceed the length and height of the premine feature it is replacing;</u> (V) <u>Be contoured into the surrounding terrain; and</u> (VI) <u>Enhance or restore important wildlife habitat or hydrologic conditions.</u>	9/29/05	YES 8/28/06 71 FR 50849
Chapter 4, Section 2(b)(ix)(D)(iv)(D) Highwall retention may be considered on a case-by-case basis to for enhanced wildlife habitat as replacement for natural features that were eliminated by mining. The Wyoming Game and Fish Department shall be consulted by the applicant for need and design of the land form. Any approval under this paragraph shall be based on a demonstration of safety, stability, environmental protection, and equal or better land use considerations.	4/14/04	NO 4/4/05 70 FR 16945 <i>(Reserved decision pending filing of Rule Package 1-T. See above entry.)</i>
Chapter 4, Section 2(b)(iv)(C)(D) Spoil may be placed on an area outside the mine-out area to restore the approximate original contour by blending the spoil into the surrounding terrain if the following requirements are met. (I) All vegetative and organic material shall be removed from the area. (II) The topsoil on the area shall be handled in accordance with Section 2(c) of this Chapter. (III) The spoil shall be backfilled and graded on the area in accordance with the requirements of this subsection 2(b).	9/29/05	YES 8/28/06 71 FR 50849

Rule	Filed with Secretary of State	Approved by OSM
<p>Chapter 4, Section 2(b)(iv)(D) Highwall retention may be considered on a case by case basis to enhance wildlife habitat as replacement for natural features that were eliminated by mining.</p>	9/29/05	YES 8/28/06 71 FR 50849
<p>Chapter 4, Section 2(b)(v) Postmining slopes shall not exceed a slope necessary to achieve a minimum long-term static safety factor of 1.3, to prevent slides and restore stable drainages and hillslopes except that bluffs approved in accordance with Section 2(b)(ix) of this Chapter shall meet the stability requirements of that paragraph.</p>	3/28/94	Conditionally approved 3/30/94 59 FR 14750 Final approval by letter dated 5/18/95
<p>Chapter 4, Section 2(b)(ix) The construction of bluffs or similar features may be approved if the operator can demonstrate to the satisfaction of the Administrator, and after public review and opportunity to comment by interested agencies, that such features would enhance the postmining land use in accordance with subsection (e). Bluff type features shall also be designed and constructed such that:</p> <p>(A) They will not pose an unreasonable hazard to persons, wildlife, or livestock;</p> <p>(B) They will be a stable, long term feature;</p> <p>(C) The uppermost minable coal seam shall be covered by at least 4 feet of suitable material as required by subsection (e)(iii);</p> <p>(D) Design of associated surface water drainages and water impoundments shall conform to all other applicable provisions of these regulations;</p> <p>(E) Topsoil shall be applied to those portions of bluffs where practical and desirable for the postmining land use and where such application may be performed in a safe manner.</p> <p>(F) Native vegetation shall be established in such a manner that the postmining land use and utility of such structures are maintained or enhanced.</p> <p>(G) When considering the utility of such structures for enhancement of the postmining land use, the Administrator shall consider (in addition to those items specified above) orientation, configuration, through access, and other features which would contribute to such enhancement.</p>	3/28/94	Conditionally approved 3/30/94 59 FR 14750 Final approval by letter dated 5/18/95
<p>Chapter 4, Section 2(b)(ix)(A) If the reclamation plan does not provide for a permanent water impoundment, the final pit area shall be backfilled, graded, compacted and contoured to the extent necessary to return the land to the use specified in the approved plan. In preparation of slope specifications in the plan, the operator shall consider an average of the measured slopes in the immediate area of the proposed mine site. Slopes in the reclaimed area shall approximate the premining slopes. Slopes greater than the approximate premining slopes may be approved if the operator can demonstrate to the satisfaction of the Administrator that returning the mined area to a slope equal to or less than the approximate premining slopes would create an unwarranted increase in the amount of affected lands or that greater slopes would enhance the postmining land use. Individual slope measurements, locations of the measurements, and the average measurement shall be submitted with the reclamation plan. In determinations of the approximate premining slope, the Land Quality Division may make an independent slope survey. All backfilling, grading, and contouring will be done in such a manner so as to preserve the original drainage or provide for approved adequate substitutes. No depressions to accumulate water will be permitted unless approved in the reclamation plan as being consistent with the proposed future use of the land.</p>	3/28/94	Conditionally approved 3/30/94 59 FR 14750 Final approval by letter dated 5/18/95

Rule	Filed with Secretary of State	Approved by OSM
<p>Chapter 4, Section 2(b)(ix) Soft rock surface mining.</p> <p>(A) If the reclamation plan does not provide for a permanent water impoundment, the final pit area shall be backfilled, graded, compacted and contoured to the extent necessary to return the land to the use specified in the approved plan. In preparation of slope specifications in the plan, the operator shall consider an average of the measured slopes in the immediate area of the proposed mine site. Slopes in the reclaimed area shall approximate the premining slopes. Individual slope measurements, locations of the measurements, and the average measurement shall be submitted with the reclamation plan. In determinations of the approximate premining slope, the Land Quality Division may make an independent slope survey. All backfilling, grading, and contouring will be done in such a manner so as to preserve the original drainage or provide for approved adequate substitutes. No depressions to accumulate water will be permitted unless approved in the reclamation plan as being consistent with the proposed future land use of the land.</p> <p>(B) Terraces or benches may be used only when it can be shown to the Administrator's satisfaction that other methods of contouring will not provide the required result. If terracing is proposed detailed plans indicating the dimensions and design of the terraces, check dams, any erosion prevention techniques, and slopes of the terraces and their intervals will be required.</p> <p>(C) If the reclamation plan provides for a permanent water impoundment and this use has been approved according to the requirements outlined in the Act and these regulations, the exposed pit areas must be sloped, graded, and contoured so as to blend in with the topography of the surrounding terrain and provide for access and revegetation. Riprapping where necessary to prevent erosion will be required. Sloping requirements will be as described above. Under certain conditions wherein it can be demonstrated to the Administrator's satisfaction that the pitwall can be stabilized by terracing or other techniques it may be permissible to leave not more than on half of a proposed shoreline composed of the stabilized pitwall. The remaining portion of the shoreline must be graded and contoured so as to provide access and blend in with the topography of the surrounding terrain. In the event that a partial pitwall is proposed as final reclamation, the operator must submit a detailed explanation of the techniques to be used to establish the stability of the pitwalls in his reclamation plan. At the Administrator's discretion, a study of the proposed pitwall stabilization techniques may be required from an independent engineering company for purposes of verifying the effectiveness of the proposed stabilization techniques. The Land Quality Division will determine the acceptability of the proposed stabilization techniques based on his information and an on-site inspection.</p>	4/14/04	YES 4/4/05 70 FR 16945
<p>Chapter 4, Section 2(c) Topsoil, subsoil, overburden, <u>spoil, excess spoil,</u> and refuse, coal mine waste, acid-forming materials, toxic materials and other wastes.</p>	11/13/02	YES 11/5/2003 68 FR 62519
<p>Chapter 4, Section 2(c)(i)(A) All topsoil or approved surface material shall be removed from all areas to be affected in the permit area prior to these areas being affected unless otherwise authorized by the Administrator. The topsoil may be mixed with the subsoil but shall be segregated so as not to become mixed with spoil or waste material, stockpiled in the most advantageous manner and saved for reclamation purposes. The Administrator may authorize topsoil to remain on areas where minor disturbance <u>will occur such as</u> associated with construction and installation activities including but not limited to <u>light use roads, signs, utility lines power poles, light traffic, fences lines,</u> or monitoring stations <u>and or</u> drilling provided that the minor disturbance will not destroy the protective vegetative cover <u>and will not</u> increase erosion, nor adversely affect the soil resource.</p>	11/13/02	YES 11/5/2003 68 FR 62519

Rule	Filed with Secretary of State	Approved by OSM
<p>Chapter 4, Section 2(c)(ix) If a sufficient volume of suitable topsoil or subsoil is not available for salvage or redistribution, then selected <u>spoil material overburden</u> may be used as a topsoil or subsoil substitute or supplement. The operator shall demonstrate by analyses or test plots that the resulting soil plant growth medium or alternative material is equal to, or more suitable for sustaining vegetation than the existing topsoil or subsoil and that it is the best available in the permit area to support revegetation of an equivalent or better suitability than the existing topsoil and will be the best available at the time of use. A demonstration of the suitability of the substitutes or supplements shall be based upon analysis of the texture, percent coarse fragments and pH. The Administrator may require other chemical and physical analyses, field site trials, or greenhouse tests if determined to be necessary or desirable to demonstrate the suitability of the topsoil or subsoil substitutes or supplements.</p>	4/15/98	YES 10/1/99 64 FR 53203
<p>Chapter 4, Section 2(c)(xi) Overburden, spoil, <u>excess spoil</u>, and refuse.</p>	11/13/02	YES 11/5/2003 68 FR 62519
<p>Chapter 4, Section 2(e)(xi)(F) (Moved to 2(c)(xi)(G)(I)(1.)) Section 2(e)(xi)(F)(I) (Moved to 2(c)(xi)(G)(I)(1.)(a)) Section 2(e)(xi)(F)(II) (Moved to 2(c)(xi)(G)(I)(1.)(b)) (F) <u>All temporary overburden and spoil piles shall be located, designed and constructed using prudent engineering practices. Slopes shall be stable and temporary piles shall not be located or placed on slopes that exceed 20 degrees unless the Administrator authorizes such placement based upon demonstrations that the pile will have a safety factor of 1.5 or better, and/or other precautionary design factors are provided to mitigate the steepness of the slope.</u></p>	11/13/02	YES 11/5/2003 68 FR 62519
<p>Chapter 4, Section 2(e)(xi)(G) (Moved to 2(c)(xi)(G)(I)(2.)) (G) <u>Excess Spoil. In addition to the requirements provided in subsections (xi)(A) through (xi)(D) above (with the exception of (xi)(B)(I)), excess spoil piles shall be located, designed, constructed and inspected as prescribed below.</u></p>	11/13/02	YES 11/5/2003 68 FR 62519
<p>Chapter 4, Section 2(c)(xi)(G)(I) <u>Location Requirements:</u></p>	11/13/02	YES 11/5/2003 68 FR 62519
<p>Chapter 4, Section 2(c)(xi)(F)(G)(I)(1.) All excess spoil shall be placed in approved excess spoil disposal sites located within the permit area. If permanent overburden, spoil, or refuse piles have been approved by the Administrator, tThey shall be:</p>	11/13/02	YES 11/5/2003 68 FR 62519
<p>Chapter 4, Section 2(c)(xi)(F)(I)(G)(I)(1.)a. Located on moderately sloping and naturally stable areas where placement provides for stability and prevents mass movement.</p>	11/13/02	YES 11/5/2003 68 FR 62519
<p>Chapter 4, Section 2(c)(xi)(F)(I)(G)(I)(1.)b. Located in areas which do not contain springs, seeps, natural or man-made drainages (excluding rills and gullies), croplands, or important wildlife habitat.</p>	11/13/02	YES 11/5/2003 68 FR 62519
<p>Chapter 4, Section 2(c)(xi)(G)(G)(I)(2.) Excess spoil may be returned to underground mine workings in accordance with the plan approved by the Administrator and by MSHA.</p>	11/13/02	YES 11/5/2003 68 FR 62519
<p>Chapter 4, Section 2(c)(xi)(G)(II) <u>Design Standards:</u></p>	11/13/02	YES 11/5/2003 68 FR 62519

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Chapter 4, Section 2(c)(xi)(G)(II)(1.) <u>All excess spoil shall be:</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(c)(xi)(F)(III)(G)(II)(1.)a. Designed, graded and contoured so as to blend in with the topography of the surrounding terrain. Excess spoil pile sites shall not be located on an overall slope that exceeds 20 degrees unless keyway cuts (excavations to stable bedrock), rock toe buttresses or other special structural provisions are constructed to ensure fill stability. The operator must demonstrate to the satisfaction of the Administrator that this material will be stable and can be revegetated as required by this Section.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(c)(xi)(F)(IV)(G)(II)(1.)b. <u>Designed so that all</u> The slopes of all spoil areas must be designed so that they will be stabilized against wind and water erosion. After the grading and contouring of these stockpiles, topsoil or approved subsoil must be distributed over them in preparation for the revegetation procedure. Revegetation must be completed in accordance with requirements of this Chapter. A permanent drainage system must be established consistent with these regulations.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(c)(xi)(H)(G)(II)(1.)c <u>Excess spoil piles shall be d</u> Designed using current, prudent professional standards and certified by a qualified registered professional engineer. All piles shall be designed and constructed in accordance with the standards of this subsection. Special structural provisions shall be designed using prudent current engineering practices, in accordance with Chapter 2, Section 2(b)(xviii)(E).	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(c)(xi)(L)(G)(II)(2.) The foundation and abutments of the fill shall be stable under all conditions of construction. Sufficient foundation investigation and any necessary laboratory testing of foundation materials shall be performed in order to determine the design requirements for foundation stability. Analyses of foundation conditions shall include the effect of underground mine workings, if any, upon the stability of the structure.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(c)(xi)(P)(G)(II)(3.) The Administrator may specify additional design criteria on a case-by-case basis as necessary to meet the general requirements of this subsection.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(c)(xi)(G)(III) <u>Construction Standards:</u> (H) (1.) Excess spoil shall be placed in a controlled manner to: (H) a. Prevent pollution from leachate and surface runoff from the fill on surface water or groundwater of the State. (H) b. Ensure mass stability and prevent mass movement during and after construction and provide for stable drainages and hillslopes. (H) c. Ensure that the land mass designated as the disposal site is suitable for reclamation and revegetation compatible with the natural surroundings and approved postmining land use. (J) (2.) The spoil pile shall be transported and placed in horizontal lifts in a controlled manner, concurrently compacted as necessary to ensure mass stability and prevent mass movement, covered, and graded to allow surface and subsurface drainage to be compatible with the natural surroundings and ensure a minimum long-term static safety factor of 1.5. The Administrator may limit the horizontal lifts to four feet or less as necessary to ensure the stability of the fill or to meet other applicable requirements. (K) (3.) No water impoundments or large depressions shall be constructed on the fill. Soil conservation techniques may be approved if they are needed to minimize erosion, enhance wildlife habitat or assist revegetation, as long as they are not	11/13/02	YES 11/5/2003 68 FR 62519

Rule	Filed with Secretary of State	Approved by OSM
<p>incompatible with the stability of the fill.</p> <p>(M)(4.) Slope protection shall be provided to minimize surface erosion at the site. Diversion of surface water runoff shall conform with the requirements of subsection (e) of this Section. All disturbed areas, including diversion ditches that are not riprapped, shall be vegetated upon completion of construction.</p> <p>(N)(5.) Terraces may be constructed on the outslope of the fill if required for stability, control of erosion, to conserve soil moisture, or to facilitate the approved postmining land use. The grade of the outslope between terrace benches shall not be steeper than 2h:1v (50 percent).</p> <p>(O)(6.) Excess spoil that is toxic, acid-forming or combustible shall be adequately covered with suitable material or treated to prevent pollution of surface and groundwater, to prevent sustained combustion, and to minimize adverse affects on plant growth and the approved postmining land use.</p>		<p><i>(continued from previous page)</i></p>
<p>Chapter 4, Section 2(c)(xi)(Q)(G)(IV) <u>Inspection of excess spoil piles.</u></p> <p>(1.) The fill shall be inspected for stability by a qualified registered professional engineer or other qualified professional specialist under the direction of a professional engineer experienced in the construction of earth and rockfill embankments at least quarterly throughout construction and during the following critical construction periods:</p> <p style="padding-left: 40px;"> (1)a. foundation preparation, including the removal of all organic material and topsoil; (2)b. placement of diversion systems; (3)c. installation of final surface drainage systems; and (4)d. final grading and revegetation. </p> <p>(2.) Regular inspections by the engineer or specialist shall be conducted during placement and compaction of the fill materials. The registered professional engineer shall promptly provide certified reports to the Administrator which demonstrate that the fill has been maintained and constructed as specified in the design contained in the approved mining and reclamation plan. The report shall discuss appearances of instability, structural weakness, and other hazardous conditions. A copy of all inspection reports shall be retained at the mine site.</p>	<p>11/13/02</p>	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 4, Section 2(c)(xii)(C) <u>In addition to (A) above, coal mine waste piles shall meet the following requirements:</u></p> <p>(I) <u>The disposal facility shall be designed to attain a minimum static safety factor of 1.5. The foundation and abutments must be stable under all conditions of construction.</u></p> <p>(II) <u>Following final grading of the waste pile, the site shall be covered with a minimum of four feet of the best available, nontoxic, nonacid-forming and noncombustible material, in a manner that directs runoff away from the waste pile. The site shall be revegetated in accordance with this Chapter. The Administrator may allow less than four feet of cover material based on physical and chemical analyses which show that the revegetation requirements will be met.</u></p> <p>(III) <u>Surface drainage from above the pile and from the crest and face of the pile shall be permanently diverted around the waste in accordance with subsection (e) of this Section.</u></p> <p>(IV) <u>All coal mine waste piles shall be inspected in accordance with the excess spoil requirements of (xi) above. More frequent inspections shall be</u></p>	<p>6/17/91</p>	<p>NO 10/29/92 57 FR 4884</p>

Rule	Filed with Secretary of State	Approved by OSM
<p><u>conducted if a danger or harm exists to the public health and safety or the environment. Inspections shall continue until the waste pile has been finally graded and revegetated or until a later time as required by the Administrator. If any inspection discloses that a potential hazard exists, the Administrator shall be notified immediately, including notification of any emergency protection and remedial procedures which will be implemented. If adequate procedures cannot be formulated or implemented, the Administrator shall inform the appropriate emergency agencies of the hazard to protect the public from the area.</u></p> <p>(V) <u>All coal mine waste piles shall meet the requirements of 30 CFR §§ 77.214 and 77.215.</u></p>		(continued from previous page)
<p>Chapter 4, Section 2(c)(xii)(D)(IV) <u>Be designed so that 90 percent or more of the water stored during the design precipitation event can be removed within ten days and at least 90 percent of the water stored during the design precipitation event shall be removed within the ten day period following the design precipitation event.</u></p>	6/04/01	YES 11/6/02 67 FR 67540
<p>Chapter 4, Section 2(c)(xiii)(C) <u>Final burial of noncoal mine waste materials (such as grease, lubricants, paints, flammable liquids, garbage, trash, abandoned mining machinery, lumber and other combustible materials) and any wastes classified as hazardous shall be in a designated disposal site authorized by the Solid Waste Management Section of the Department.</u></p>	6/17/91	NO 10/29/92 57 FR 48984
<p>Chapter 4, Section 2(c)(xiii)(D) <u>Management and final burial on the permit area of solid wastes generated by a mine mouth power plant or mine mouth coal drier shall be in accordance with this Section and with provisions of the Solid Waste Management Rules and Regulations deemed appropriate by the Administrator.</u></p>	6/17/91	NO 10/29/92 57 FR 48984
<p>Chapter 4, Section 2(d)(ix) Bond Release. The bond for revegetation shall be retained for not less than ten years after the operator has completed seeding, fertilizing, irrigation, or other work to ensure revegetation. The bonding period shall not be affected where normal and reasonably good husbandry practices are being followed. The success of revegetation shall be determined in accordance with Section 2(d)(x) of this Chapter and paragraphs (E) – (H)(J) below. If the Administrator approves an alternative success standard, as allowed by Section 2(d)(x) of this Chapter, the standard shall be based on technical information obtained from a recognized authority (e.g. Soil Conservation Service <u>Natural Resource Conservation Service</u>, Agricultural Research Service, Universities, Wyoming Game and Fish Department, U.S. Fish and Wildlife Service, etc.), or be supported by scientifically valid research. Use of an alternative technical standard shall be supported by concurrence from State and Federal agencies having an interest in management of the affected lands.</p>	9/29/05	YES 8/28/06 71 FR 50849
<p>Chapter 4, Section 2(d)(x) The Administrator shall not release the entire bond of any operator until such time as revegetation is complete, if revegetation is the method of reclamation as specified in the operator’s approved reclamation plan. Revegetation shall be deemed complete when: (1) the vegetation cover of the affected land is shown to be capable of renewing itself under natural conditions prevailing at the site, and the vegetative cover and total ground cover are at least equal to the cover on the area before mining, (2) the productivity is at least equal to the productivity on the area before mining, (3) the species diversity and composition are suitable for the approved postmining land use, and the revegetated area is capable of withstanding grazing pressure at least comparable to that which the land could have sustained prior to mining, unless Federal, State or local regulations prohibit grazing on such lands, and (4) the requirements in (1), (2), and (3) are met for the last two consecutive years of the bonding period <u>for those mines using native area comparisons or the requirements in (1), (2), and (3) are met for two out of four years</u></p>	9/29/05	YES 8/28/06 71 FR 50849

Rule	Filed with Secretary of State	Approved by OSM
<p><u>beginning no sooner than year eight of the bonding period for those mines using technical standards.</u> The Administrator shall specify quantitative methods and procedures for determining whether equal cover and productivity has been established including, where applicable, procedures for evaluating postmining species diversity and composition. The following options or an alternative success standard approved by the Administrator are available:</p>		<p><i>(continued from previous page)</i></p>
<p>Chapter 4, Section 2(d)(x)(E) Shrubs shall be established on a set percent of the surface to an average density of one shrub per square meter in a mosaic of shrub patches. Affected surfaces under long term management as pastureland or cropland prior to mining may be deleted from surfaces subject to the standard; however, surfaces which have reverted to native range must be included. The postmining density, composition, and distribution of shrubs shall be based upon site-specific evaluation of premining vegetation and wildlife use. Shrub reclamation procedures shall be conducted through the application of best technology currently available. The percentage and distribution of shrub patches shall be determined through site specific evaluation of the premining shrub cover, density, distribution, and wildlife use.</p>	<p>11/16/95</p>	<p>YES 8/6/96 61 FR 40737</p>
<p>Chapter 4, Section 2(d)(x)(E)(I) Except where a lesser density may be is justified from premining conditions in accordance with Appendix A, at least 20 percent of the eligible affected lands shall be restored to shrub patches supporting an average density of one shrub per square meter. Exceptions may be considered whenever the collective area of premine vegetation communities supporting at least one shrub per square meter was less than 20 percent of the affected surface. Specific criteria and procedures for reducing the standard and evaluating postmine shrub species composition are specified in Appendix A. Patches shall be established in a mosaic pattern which will optimize habitat interspersions and edge effect and may be no less than 0.05 acres. Patches shall be no less than .05 acres each and shall be arranged in a mosaic that will optimize habitat interspersions and edge effect. Criteria and procedures for establishing the standard are specified in Appendix A. This standard shall apply upon approval by OSM to all lands affected thereafter</p>	<p>11/16/95</p>	<p>YES 8/6/96 61 FR 40737</p>
<p>Chapter 4, Section 2(d)(x)(E)(I) Except where a lesser density is justified from premining conditions in accordance with Appendix A, at least 20 percent of the eligible lands shall be restored to shrub patches supporting an average density of one shrub per square meter. Patches shall be no less than .05 acres each and shall be arranged in a mosaic that will optimize habitat interspersions and edge effect. Criteria and procedures for establishing the standard are specified in Appendix A. This standard shall apply upon approval by OSM to all lands affected thereafter August 6, 1996.</p>	<p>4/15/98</p>	<p>YES 10/1/99 64 FR 53203</p>
<p>Chapter 4, Section 2(d)(x)(E)(I) <u>For lands affected between May 3, 1978 and August 6, 1996, a goal of a density of a minimum one shrub (full shrubs plus subshrubs) per square meter within a mosaic of shrub patches shall be restored using the best practicable technology. These shrub patches shall: cover a minimum of 10 percent of the postmining (affected area) landscape; be no smaller than 0.05 acres; and be arranged in a mosaic that will optimize interspersions and edge effect.</u></p>	<p>9/29/05</p>	<p>YES 8/28/06 71 FR 50849</p>
<p>Chapter 4, Section 2(d)(x)(E)(II) Approved shrub species and seeding techniques shall be applied to all remaining grazingland surfaces (excluding cropland and pastureland) used jointly by livestock and wildlife. Trees shall be returned to a density equal to the premining conditions.</p>	<p>11/16/95</p>	<p>YES 8/6/96 61 FR 40737</p>

Rule	Filed with Secretary of State	Approved by OSM
<p>Chapter 4, Section 2(d)(x)(E)(II) Except where a lesser density is justified from premining conditions in accordance with Appendix A, at least 20 percent of the eligible lands shall be restored to shrub patches supporting an average density of one shrub per square meter. Patches shall be no less than .05 acres each and shall be arranged in a mosaic that will optimize habitat interspersion and edge effect. Criteria and procedures for establishing the standard are specified in Appendix A. This standard shall apply to all lands affected after August 6, 1996.</p>	9/29/05	<p>YES 8/28/06 71 FR 50849</p>
<p>Chapter 4, Section 2(d)(x)(E)(III) For areas containing designated critical or important <u>crucial</u> habitat, the Wyoming Game and Fish Department shall be consulted about, and its approval shall be required for, minimum stocking and planting arrangements of shrubs, including species composition, for recommended reclamation standards for shrub density, cover, distribution and species composition. For areas determined to be important habitat, the Wyoming Game and Fish Department shall be consulted for recommended minimum stocking and planting arrangements of shrubs, including species composition, that may exceed the programmatic standard discussed above. This standard shall apply to all lands affected after January 1 following filing with the Wyoming Secretary of State.</p> <p>Chapter 4, Section 2(d)(x)(E)(III) For areas containing designated critical or crucial habitat, designated as such prior to the submittal of a permit application or any subsequent amendment, or critical habitat the Wyoming Game and Fish Department shall be consulted about, and its approval shall be required for, minimum stocking and planting arrangements of shrubs, including species composition. For areas determined to be important habitat, the Wyoming Game and Fish Department shall be consulted for recommended minimum stocking and planting arrangements of shrubs, including species composition, that may exceed the programmatic standard discussed above.</p> <p>Chapter 4, Section 2(d)(x)(E)(III) Approved shrub species and seeding techniques shall be applied to all remaining grazingland. Trees shall be returned to a density number <u>equal to the premining conditions number.</u></p>	<p>11/16/95</p> <p>4/15/98</p> <p>9/29/05</p>	<p>YES 8/6/96 61 FR 40737 <i>(With the provision that the rule be modified as shown below.)</i></p> <p>YES 10/1/99 64 FR 53203</p> <p>YES 8/28/06 71 FR 50849</p>
<p>Chapter 4, Section 2(d)(x)(E)(III)(IV) For areas containing crucial habitat, designated as such prior to the submittal of a permit application or any subsequent amendment, or critical habitat the Wyoming Game and Fish Department shall be consulted about, and its approval shall be required for, minimum stocking and planting arrangements of shrubs, including species composition. For areas determined to be important habitat, the Wyoming Game and Fish Department shall be consulted for recommended minimum stocking and planting arrangements of shrubs, including species composition, that may exceed the programmatic standard discussed above.</p>	9/29/05	<p>YES 8/28/06 71 FR 50849</p>
<p>Chapter 4, Section 2(d)(x)(F) <u>On affected lands, the total number of postmining trees shall be at least equal to the premining total number on those lands. The Reclamation Plan shall specify the tree species, the number per species and the location of tree plantings. The permittee may also receive credit for tree species which invade the reclaimed lands if those tree species support the postmining land use and are approved by the Administrator. Planted trees counted Where trees are part of the approved reclamation plan, at the time of bond release the trees to meet the required approved stocking rate shall be healthy, and at least 80 percent shall have been planted for at least eight years. Invaded trees that are counted to meet the approved stocking rate shall be healthy and may be of any age.</u></p>	9/29/05	<p>YES 8/28/06 71 FR 50849</p>

Rule	Filed with Secretary of State	Approved by OSM
Chapter 4, Section 2(d)(x)(J) <u>The Administrator may set technical success standards for cover and production based on data collected from undisturbed portions of the permit area or adjacent areas during a minimum of five independent sampling programs over a minimum of five years. The technical success standards may be set for a single mine or a group of mines in the same geographical area.</u>	9/29/05	YES 8/28/06 71 FR 50849
Chapter 4, Section 2(d)(xi) <u>Monitoring of permanent revegetation on reclaimed areas before and after grazing shall be conducted at intervals throughout the period prior to bond release in accordance with the plan required by Chapter 2, Section 2(b)(vii). Monitoring results shall be presented in the annual report.</u>	6/17/91	YES 10/29/92 57 FR 48984
Chapter 4, Section 2(d)(xiv) In those areas where there were no or very few noxious weeds prior to being affected by mining, the operator must control and minimize the introduction of noxious weeds into the revegetated areas for a period of at least five years after the initial seeding. <u>The operator must control and minimize the introduction of noxious weeds in accordance with Federal and State requirements until bond release.</u>	9/29/05	YES 8/28/06 71 FR 50849
Chapter 4, Section 2(e)(i)(G) <u>When no longer needed to achieve the purpose for which they were authorized, all temporary diversions shall be removed and the affected land regraded and revegetated, in accordance with this Chapter. Before diversions are removed, downstream water treatment facilities previously protected by the diversion shall be modified or removed, as necessary, to prevent overtopping or failure of the facilities. This requirement shall not relieve the operator from maintaining water treatment facilities as otherwise required.</u>	6/17/91	YES 10/29/92 57 FR 48984
Chapter 4, Section 2(i) <u>Surface water and groundwater quality and quantity shall be monitored until final bond release to determine the extent of the disturbance to the hydrologic balance. Monitoring shall be adequate to plan for modification of surface mining activities, if necessary, to minimize adverse affects on the water of the State. The operator is responsible for properly installing, operating, maintaining and removing all necessary monitoring equipment. In addition, the operator is responsible for conducting monitoring in accordance with the requirements of Chapter 2, Section 2(b)(xi)(D)(I) and (II) and the approved monitoring plan, and submitting all routine monitoring results to the Administrator at least annually. Routine monitoring results shall also be maintained on-site and available to the Director's designated authorized representative, and shall be reasonably current.</u> Noncompliance results for NPDES discharges shall be promptly reported by the operator to the Water Quality Division Administrator. The operator shall promptly report all other noncompliance results to the Land Quality Division Administrator and shall, after consultation with the Administrator, implement appropriate and prompt mitigative measures for those noncompliance situations determined to be mining caused. The monitoring system shall be based on the results of the probable hydrologic consequences assessment and shall include:	6/04/01	YES 11/6/02 67 FR 67540
Chapter 4, Section 2(i)(i)(C) Suitability of groundwater for current and approved postmining land uses.	6/04/01	YES 11/6/02 67 FR 67540
Chapter 4, Sec 2.(j) Roads and other transportation facilities.	11/13/02	YES 11/5/2003 68 FR 62519

Rule	Filed with Secretary of State	Approved by OSM
Chapter 4, Section 2(j)(i)(A) Roads and railroads. Constructed or upgraded roads and railroad spurs shall be included within the permit area from that point that they provide exclusive service and shall be covered by a reclamation bond. (The latter portion of this sentence beginning with "and railroad spurs" has been relocated to Chapter 2, Section 2(b)(i)(F))	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(i)(B) Roads shall not be constructed up a stream channel or so close that the material shall spill into the channel, unless specifically approved by the Administrator.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(i)(C) Streams shall be crossed at or near right angles unless contouring down to the streambed will result in less potential stream bank erosion. Structure of ford entrances and exits must be constructed to prevent water from flowing down the roadway.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section (j)(i) General standards for all transportation facilities. <u>Road classification system.</u> (A) Each road, as defined in Chapter 1, shall be classified as either a primary road or an ancillary road. (B) A primary road is any road which is: (I) Used for transporting mineral or spoil; (II) Frequently used for access or other purposes for a period in excess of six months; or (III) To be retained for an approved postmining land use. (C) An ancillary road is any road not classified as a primary road.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(i)(D) Drainage control structures shall be used as necessary to control runoff and to minimize erosion, sedimentation and flooding. Drainage facilities shall be installed as road construction progresses.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(i)(E) Culverts shall be installed at prominent drainageways, or as required by the Administrator. Where necessary, culverts must be protected from erosion by adequate rock, concrete or riprap. Culverts and drainage pipes shall be constructed to avoid plugging, collapsing, or erosion at inlets and outlets. (Both subsections (D) and (E) are now addressed in Chapter 4, Section 2(j)(iii))	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(i)(F) Trees and vegetation may be cleared only for the essential width necessary to maintain slope stability and to serve traffic needs.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(i)(G) Access, haul roads and drainage structures shall be routinely maintained.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(ii) General performance standards for haul roads, access roads or light use roads. standards. Each road shall be located, designed, constructed, reconstructed, used, maintained and reclaimed so as to:	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(ii)(A) Control or prevent erosion, siltation, and the air pollution attendant to erosion, including road dust as well as dust occurring on other exposed surfaces, by measures such as vegetating, watering, using chemical or other dust suppressants, or otherwise stabilizing all exposed surfaces in accordance with current, prudent engineering practices;	11/13/02	YES 11/5/2003 68 FR 62519

Rule	Filed with Secretary of State	Approved by OSM
Chapter 4, Section 2(j)(ii)(B) Acid or toxic forming substances shall not be used in road surfacing (See 2(j)(ii)(G)) <u>Control or prevent damage to fish, wildlife, or their habitat and related environmental values;</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(ii)(C) To the extent possible using the best technology currently available, roads shall not cause damage to fish, wildlife, and related environmental values and shall not cause additional contributions of suspended solids to streamflow or to runoff outside the affected land or permit area. Any such contribution shall not be in excess of limitations of State or Federal law or degrade the quality of receiving water. <u>Control or prevent additional contributions of suspended solids to stream flow or runoff outside the permit area;</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(ii)(D) <u>Neither cause nor contribute to, directly or indirectly, the violation of State or Federal water quality standards applicable to receiving waters;</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(ii)(D)(E) The normal flow of water in streambeds and drainage channels shall not be significantly seriously altered. Damage to public or private property shall be prevented or controlled.;	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(ii)(F) The design and construction or reconstruction shall incorporate appropriate limits for grade, width, surface materials, surface drainage control, culvert placement, culvert size, and such other design criteria required by the Administrator to ensure environmental protection and safety appropriate for the planned duration and use. <u>Prevent or control damage to public or private property, including the prevention or mitigation of adverse effects on lands listed in Chapter 12, Section 1(a)(v)(A); and</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(ii)(G) All roads shall be maintained and/or repaired, if damaged, to meet the performance standards of this subsection.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(ii)(B)(G) Use nonaAcid- or and nontoxic-forming substances shall not be used in road surfacing.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(ii)(H) All roads shall be closed to vehicular travel when no longer needed and reclaimed in accordance with this Chapter, unless the road is retained for use under an approved postmining land use.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iii) <u>Design and construction limits and establishment of design criteria. To ensure environmental protection appropriate for their planned duration and use, including consideration of the type and size of equipment used, the design and construction or reconstruction of roads shall incorporate appropriate limits for grade, width, surface materials, surface drainage control, culvert placement, and culvert size, in accordance with current, prudent engineering practices.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iii)(E) Maintenance: Routine maintenance shall include repairs to the road surface, blading, filling potholes and adding replacement gravel or asphalt. It shall also include revegetation, brush removal, and minor reconstruction of road segments as necessary.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iv) Railroad and other transportation and mine facilities. <u>Location.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iv)(A) Railroad loops, spurs, sidings, surface conveyor systems, chutes, aerial tramways, or other transportation and mine facilities shall be designed, constructed, or reconstructed, and maintained the area restored to: No part of any	11/13/02	YES 11/5/2003 68 FR 62519

Rule	Filed with Secretary of State	Approved by OSM
<u>road shall be located in the channel of an ephemeral stream that has the potential for sufficient flow to cause substantial environmental harm unless a downstream sediment control structure exists within the permit boundaries, any intermittent stream channel or any perennial stream channel unless specifically approved by the Administrator in accordance with subsections 2(c), 2(e), 2(f), 2(h), 2(i), 2(r)(ii) and 2(w) of this Chapter and Section 2(a)(i) of Chapter 19.</u>		<i>(continued from previous page)</i>
Chapter 4, Section 2(j)(iv)(A)(II) Control and minimize diminution or degradation of water quality and quantity.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iv)(A)(IV) Control and minimize air pollution.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iv)(B) Railroads and other transportation and mine facility areas shall be reclaimed when no longer needed for the operation in accordance with the requirements of this Chapter. <u>Roads shall be located to minimize downstream sedimentation and flooding.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(v) <u>Maintenance.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(v)(A) <u>A road shall be maintained to meet the performance standards of this Chapter.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(v)(B) <u>A road damaged by a catastrophic event, such as a flood or earthquake, shall be repaired as soon as is practicable after the damage has occurred.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(vi) <u>Reclamation. A road not to be retained under an approved postmining land use shall be reclaimed in accordance with the approved reclamation plan as soon as practicable after it is no longer needed for mining and reclamation operations. This reclamation shall include:</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(vi)(A) <u>Closing the road to traffic;</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(vi)(B) <u>Removing all bridges unless approved as part of the postmining land use and removing all culverts unless approved as part of the postmining land use or approved for burial in place</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(vi)(C) <u>Removing or otherwise disposing of road-surfacing materials that are incompatible with the postmining land use and revegetation requirements;</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(vi)(D) <u>Reshaping cut-and-fill slopes as necessary to be compatible with the postmining land use and to complement the natural drainage pattern of the surrounding terrain;</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(vi)(E) <u>Protecting the natural drainage patterns by installing dikes or cross drains as necessary to control surface runoff and erosion; and</u>	11/13/02	YES 11/5/2003 68 FR 62519

Rule	Filed with Secretary of State	Approved by OSM
Chapter 4, Section 2(j)(vi)(F) <u>Scarifying or ripping the roadbed, replacing topsoil, subsoil or substitute material and revegetating disturbed surfaces in accordance with subsections 2(c)(i) through 2(c)(x) and 2(d) of this Chapter.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iii)(vii) Performance standards for haul roads and access roads. <u>Primary roads.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iii)(vii)(A) Certification. Design and construction: <u>The design and construction or reconstruction of haul roads and access primary roads shall be certified in a report to the Administrator by a registered professional engineer. The report shall indicate that the primary road has been constructed or reconstructed as designed and in accordance with the approved plan. The report shall be available for review at the mine site within 30 days following the completion of construction of each primary road, as meeting the requirements of this subsection; current, prudent engineering practices; and any design criteria required by the Administrator.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(ii)(E)(vii)(B) All <u>Each primary road embankments shall have, at a minimum, a static safety factors of 1.3 or meet the requirements established under Chapter 2, Section 2(b)(xix)(B).</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(vii)(C) <u>Location.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(ii)(A)(vii)(C)(I) Roads shall be located on ridges or on the most stable available slopes to minimize erosion, sedimentation and flooding. All exposed surfaces shall be stabilized in accordance with current, prudent engineering practices. To minimize erosion, a primary road shall be located, insofar as is practicable, on the most stable available surface.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iii)(B)(vii)(C)(II) Stream <u>Fords of intermittent or perennial streams by primary roads are prohibited unless they are specifically approved by the Administrator as temporary routes during periods of road construction.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iii)(C)(I)(vii)(D) <u>Drainage control. In accordance with the approved plan:</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iii)(C)(I)(vii)(D)(I) Haul and access <u>Each primary roads shall be designed, constructed, or reconstructed and maintained with to have adequate drainage control, using structures such as, but not limited to bridges, ditches, cross drains, and ditch relief drains. capable of The drainage control system shall be designed to safely passing the peak runoff from a 10-year, 6-hour precipitation event, or greater event a storm duration having a greater peak flow unless otherwise as specified specifically approved by the Administrator; The drainage control system shall include, but not be limited to bridges, culverts, ditches, cross drains, and ditch relief drains.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iii)(C)(II)(vii)(D)(II) All <u>Drainage pipes or and culverts shall be installed as designed, constructed and maintained in a free and operating condition and to prevent or control to avoid plugging, collapse and erosion at inlets and outlets</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iii)(C)(V)(vii)(D)(III) <u>Drainage ditches shall be designed constructed and maintained to prevent uncontrolled drainage over the road surface and embankment; Trash racks and debris basins shall be installed in the drainage ditches where debris from the drainage area may impair the functions of drainage and sediment control structures.</u>	11/13/02	YES 11/5/2003 68 FR 62519

Rule	Filed with Secretary of State	Approved by OSM
<p>Chapter 4, Section 2(j)(iii)(C)(III)(vii)(D)(IV) All <u>eCulverts shall be designed, constructed installed, and maintained to sustain the vertical soil pressure, passive resistance of the foundation, and the weight of vehicles to be using the road;</u></p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 4, Section 2(j)(iii)(C)(IV)(vii)(D)(V) Ephemeral (shown on a USGS 7.5 minute series quad), Intermittent, or perennial <u>Natural streams channels shall not be altered or relocated for road construction or reconstruction without the prior approval from of the Administrator in accordance with applicable Sections 2(c), 2(e), 2(f), 2(h), 2(i), 2(r)(ii) and 2(w) of this Chapter and Section 2(a)(i) of Chapter 19; and then, only if the natural channel drainage is not blocked except during periods of low flow or when flow has been acceptably diverted around the site, there is no significant damage to hydrologic balance, and there is no adverse impact on adjoining landowners.</u></p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 4, Section 2(j)(iii)(C)(VI)(vii)(D)(VI) Except as provided in (B) above (vii)(C)(II) of this section, <u>drainage structures which are used for stream channel crossings of ephemeral streams that have the potential for sufficient flow to cause substantial environmental harm unless a downstream sediment control structure exists within the permit boundaries, any intermittent stream or any perennial stream shall be made using bridges, culverts, low-water crossings or other structures designed, constructed, and maintained using current, prudent engineering practices. The Administrator shall ensure that low-water crossings are designed, constructed and maintained to prevent erosion of the structure or streambed and additional contributions of suspended solids to streamflow</u></p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 4, Section 2(j)(iii)(D) (vii)(E) Surfacing: Primary R <u>oads shall be surfaced with rock, crushed gravel, asphalt, or other material approved by the Administrator as being sufficiently durable for the anticipated volume of traffic and weight and speed of vehicles to be using the road.</u></p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 4, Section 2(j)(i)(H)(viii) Exemptions concerning roads.</p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 4, Section 2(j)(i)(H)(viii)(A) If approval is obtained from the surface landowner to leave a road unreclaimed, an operator may request in writing to the Land Quality Division that a road be permitted to remain unreclaimed. The operator must furnish proof of the surface landowner's approval. Final decision of road reclamation will be made by the Land Quality Division Administrator.</p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 4, Section 2(j)(i)(H)(viii)(B) In the event that the surface landowner, a city or town, another agency of the State of Wyoming or an agency of the United States government has requested that a road not be reclaimed, no bond shall be required of the applicant for the reclamation of the road and reclamation of the road shall not be required; provided, however, that the Administrator receives a copy of the written request from the surface owner, city or town, or agency of the State or Federal Government, for retention of the road.</p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 4, Section 2(k)(ii)(A) through (F) If reclamation of an area is delayed beyond 180 days after termination of a mining operation on the basis that economic conditions may make it profitable to continue mining in the area in the future, this must be explained in a written request for interim mine stabilization.</p> <p>(A) The Administrator has the authority to approve or disapprove a request for interim mine stabilization for a period not to exceed five years. The Administrator shall evaluate the operator's written request for interim mine stabilization on the operator's demonstration that:</p> <p>(1) Economic conditions are such that mining cannot</p>	3/28/94	<p>(see next page for details)</p>

Rule	Filed with Secretary of State	Approved by OSM
<p>continue at the present time;</p> <p>(H) There are marginal reserves remaining in the area. The permit mine plan must show a plan for mining these reserves; if the mine plan does not, the operator shall submit a permit revision subject to the requirements of Chapter XIV.</p> <p>(III) Certain affected lands must remain unreclaimed in order to provide practicable access to, or development of, the marginal reserves identified in (H) above. These areas must be stabilized to protect public health, safety and welfare.</p> <p>(IV) Sufficient means are employed to reclaim and stabilize all affected lands, excluding those identified in (III) above, to protect the public health, safety and welfare and the environment. This shall include the prevention of surface and subsurface water pollution, avoid public nuisance and provide safety measures to protect human and animal life.</p> <p>(B) All interim mine stabilization requests and renewals must be accompanied by written consent from the surface landowners to the proposed plan. The Council may issue an order in lieu of consent if it finds that:</p> <p>(I) The stabilization plan has been submitted to the surface landowner for approval;</p> <p>(H) All affected lands, excluding those identified in (A)(III), have been or are being reclaimed; and</p> <p>(III) The interim mine stabilization will not substantially interfere with the operations of the surface landowners.</p> <p>(C) All bonding and monitoring requirements shall be maintained during the approved interim period.</p> <p>(D) Renewal for interim mine stabilization, not to exceed five years, may be requested of and approved by the Environmental Quality Council upon referral by the Administrator. This is provided that the request contains supporting evidence for the continued delay, and shows that interim mine stabilization monitoring requirements have been and are being maintained.</p> <p>(E) Public notice requirements for requests and renewals of Interim Mine Stabilization for minerals other than coal:</p> <p>(I) The initial request for Interim Mine Stabilization requested under this regulation shall include an affidavit from the newspaper verifying that notice of the request for interim mine stabilization has been published once a week for two consecutive weeks in the newspaper of general circulation in the locality of the mined area.</p> <p>(II) The second request after approval of Interim Mine Stabilization shall include an affidavit from the newspaper verifying that notice of the renewal request was published for three consecutive weeks in a newspaper of general circulation in the locality of the mine area, and if requested, a public hearing will be held.</p> <p>(III) Subsequent renewal requests shall require a public hearing. At the public hearing the operator shall present to the council the requirements of (A), (B), (C), and (D); and the public shall have the opportunity to present their comments.</p> <p>(F) Marginal reserves, for the purpose of Interim Mine Stabilization, shall be as defined in U.S. Geological Survey Circular 831, 1980, i.e., "that part of the reserve base which, at the time of determination, borders on being economically producible. Its essential characteristic is economic uncertainty. Included are resources that would be producible, given postulated changes in economic or technical factors." -</p>	<p>3/28/94</p>	<p>Conditionally approved 3/30/94 59 FR 14750</p> <p>Final approval letter dated 5/18/95 from OSM</p>

Rule	Filed with Secretary of State	Approved by OSM
Chapter 4, Section 2(m) Disposal of buildings and structures <u>mine facilities</u> .	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(m)(i) All buildings and structures <u>mine facilities</u> constructed, used or improved by the operator must be removed or dismantled <u>and shall be reclaimed in accordance with the requirements of this Chapter</u> when no longer needed for the operation unless it can be demonstrated to the Administrator's satisfaction that the buildings or structures will be of beneficial use in accomplishing the proposed use of the land after reclamation or for environmental monitoring	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(m)(ii) If the operator does not wish to remove certain buildings or mine facilities , he <u>the operator</u> must obtain the written consent of the surface landowner to leave the buildings or mine facilities intact. The operator must make a request in writing, providing written proof of the above to the Land Quality Division, that the buildings or mine facilities be permitted to remain intact.	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(n) <u>Mine Facilities. All support buildings, including loading and storage facilities, plants, sheds, shops and other buildings shall be designed, constructed or reconstructed and located to prevent or control erosion, pollution, and damage to public or private property, fish, wildlife, and related environmental values.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(n)(i) <u>Mine facilities shall be operated in accordance with the permit issued for the mine or coal preparation operation to which it is incident or from which its operation results.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(n)(ii) <u>In addition to the other provisions of this Chapter, mine facilities shall be located, maintained, and used in a manner that:</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iv)(A)(III) and (V)(n)(ii)(A) <u>Prevents or controls and minimize erosion and siltation, water pollution, and prevent damage to public or private property;</u> ;	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iv)(A)(I)(n)(ii)(B) Prevent, <u>To the extent possible using the best technology currently available;</u> ;	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iv)(A)(I)(n)(ii)(B)(1.) <u>Minimizes damage to fish, wildlife, and related environmental values;</u> ; <u>and</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(j)(iv)(A)(I)(n)(ii)(B)(2.) <u>Minimizes additional contributions of suspended solids to streamflow or runoff outside the affected land and permit area. Any such contributions shall not be in excess of limitations of State or Federal law or degrade the quality of receiving water.</u>	11/13/02	YES 11/5/2003 68 FR 62519
Chapter 4, Section 2(r)(iv) <u>The operator shall perform periodic surveys in the level of detail and for those areas as determined by the Administrator, in accordance with Appendix B of these rules and regulations.</u>	6/14/92	YES 10/07/93 58 FR 52232
Chapter 4, Section 2(w) The operator shall conduct all operations in such a manner as to minimize disturbance of the hydrologic balance within the permit and adjacent areas, to prevent material damage to the hydrologic balance outside the permit area, to assure the protection or replacement of water rights, and to support approved postmining land uses in accordance with the terms and conditions of the approved permit and the performance standards of this Chapter. <u>The Administrator may require additional preventative, remedial, or monitoring measures to assure that material damage to the hydrologic balance outside the</u>	6/04/01	YES 11/6/02 67 FR 67540

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<p><u>permit area is prevented.</u> Mining and reclamation practices that minimize water pollution and changes in flow shall be used in preference to water treatment.</p>		<p><i>(continued from previous page)</i></p>
<p>Chapter 4, Section 2(n x) All support buildings, including loading and storage facilities, plants, sheds, shops and other buildings shall be designed, constructed or reconstructed and located to prevent or control erosion, pollution, and damage to public or private property, fish, wildlife, and related environmental values. Utility installations which are not part of the surface coal mining operation. All operations shall be conducted so as to in a manner which <u>minimizes damage, destruction, or disruption of any services provided by facilities oil, gas, and water wells; oil, gas, and coal-slurry pipelines; railroads; electric and telephone lines; and water and sewage lines which pass over, located on, under or through the permit area, unless otherwise permitted approved by the Administrator or owner of the utility installation facilities.</u></p>	<p>11/13/02</p>	<p>YES 11/5/2003 68 FR 62519</p>
<p>CHAPTER 8, SPECIAL BITUMINOUS COAL MINES</p>		
<p>Chapter 8, Section 3. Special Alternative Standards for Existing Special Bituminous Surface Coal Mines (e) For new special bituminous surface coal mines and pits not covered under (a) above, requirements for backfilling and grading of the mine pit area and spoil piles as contained in Chapter 4, Section 2(b) shall be applicable.</p>	<p>4/15/98</p>	<p>YES 10/1/99 64 FR 53203</p>
<p>Chapter 8, Section 4. Special Alternative Standards for New Special Bituminous Surface Coal Mines. <u>New special bituminous surface coal mines and pits not covered under Section 3(a) above shall comply with the following requirements for backfilling and grading of the mine pit area and spoil piles:</u> (a) <u>Backfilling, grading, and contouring of affected land shall be accomplished by one or more of the following as detailed in the approved reclamation plan:</u> (i) <u>Reestablishment of the contour of the land in a manner consistent with the proposed future use of the land.</u> (ii) <u>Reestablishment of adequate through drainage if such a provision is necessary to prevent pollution or diminution of the quantity and quality of the surface water and groundwater.</u> (iii) <u>Contouring of affected land to blend in with the topography of the surrounding terrain unless so doing would create an erosion problem or a hazard to man or beast.</u> (iv) <u>Creation of water impoundments for a use certified in an approved plan in accordance with the statutes and Chapter 4, Sec. 2(g)(ii).</u> (v) <u>If the reclamation plan does not provide for a permanent water impoundment, the final pit area shall be backfilled, graded, compacted and contoured to the extent necessary to return the land to the use specified in the approved plan. In preparation of slope specifications in the plan, the operator shall consider an average of the measured slopes in the immediate area of the proposed mine site. Slopes in the reclaimed area shall approximate the premining slopes. Slopes greater than the approximate premining slopes may be approved if the operator can demonstrate to the satisfaction of the Administrator that returning the mined area to a slope equal to or less than the approximate premining slopes would create an unwarranted increase in the amount of affected lands. Individual slope measurements, locations of the measurements, and the average measurement shall be submitted with the reclamation plan. In determinations of the approximate premining slope, the Land Quality Division may make an independent slope</u></p>	<p>4/15/98</p>	<p>YES 10/1/99 64 FR 53203</p>

Rule	Filed with Secretary of State	Approved by OSM
<p><u>survey. All backfilling, grading, and contouring will be done in such a manner so as to preserve the original drainage or provide for approved adequate substitutes. No depressions to accumulate water will be permitted unless approved in the reclamation plan as being consistent with the proposed future use of the land.</u></p> <p><u>(vi) Terraces or benches may be used only when it can be shown to the Administrator's satisfaction that other methods of contouring will not provide the required result. If terracing is proposed, detailed plans indicating the dimensions and design of the terraces, check dams, any erosion prevention techniques, and slopes of the terraces and their intervals will be required.</u></p> <p><u>(vii) If the reclamation plan provides for a permanent water impoundment and this use has been approved according to the requirements outlined in the Act and these regulations, the exposed pit areas must be sloped, graded, and contoured so as to blend in with the topography of the surrounding terrain and provide for access and revegetation. Riprapping where necessary to prevent erosion will be required. Sloping requirements will be as described above. Under certain conditions wherein it can be demonstrated to the Administrator's satisfaction that the pitwall can be stabilized by terracing or other techniques it may be permissible to leave not more than one-half of a proposed shoreline composed of the stabilized pitwall. The remaining portion of the shoreline must be graded and contoured so as to provide access and blend in with the topography of the surrounding terrain. In the event that a partial pitwall is proposed as final reclamation, the operator must submit a detailed explanation of the techniques to be used to establish the stability of the pitwalls in his reclamation plan. At the Administrator's discretion, a study of the proposed pitwall stabilization techniques may be required from an independent engineering company for purposes of verifying the effectiveness of the proposed stabilization techniques. The Land Quality Division will determine the acceptability of the proposed stabilization techniques based on this information and an on-site inspection.</u></p> <p><u>(viii) Highwall retention may be considered on a case-by-case basis for enhanced wildlife habitat. The Wyoming Game and Fish Department shall be consulted by the applicant for need and design of the land form. Any approval under this paragraph shall be based on a demonstration of safety, stability, environmental protection, and equal or better land use considerations.</u></p>		<p><i>(continued from previous page)</i></p>
<p>Chapter 8, Section 45. General Performance Standards.</p> <p>All other performance standards contained in the Act and Chapter 4 shall apply to special bituminous coal mines to the extent that such performance standards do not preclude the benefit intended under the special alternative regulations contained in Sections 3 and 4 of this Chapter.</p>	4/15/98	YES 10/1/99 64 FR 53203
CHAPTER 10, COAL EXPLORATION		
<p>Chapter 10, Section 1. General Requirements: Exploration of Less than 250 Tons or Less.-</p>	4/14/04	YES 4/4/05 70 FR 16945
<p>Chapter 10, Section 1(b)(iii) A narrative describing the proposed exploration area or and a map which describes the exploration area <u>A narrative describing the proposed exploration area and a map which describes the exploration area at a scale of 1:24,000 or greater, showing the proposed area of exploration and the general location of drill holes and trenches, existing and proposed roads, occupied dwellings, topographic features, bodies of surface water, and pipelines. This description shall clearly describe the areas to be disturbed as well as the natural and man-made features in and immediately around the exploration area. -</u></p>	4/14/04	YES 4/4/05 70 FR 16945

Rule	Filed with Secretary of State	Approved by OSM
<p>Chapter 10, Section 2(b) The application shall include, <u>at a minimum, the following information:</u></p> <p>(i) That information required in Section 1(b) above. <u>The applicant's name, address, and telephone number.</u></p> <p>(ii) <u>The name, address and telephone number of the applicant's representative who will be present at, and responsible for, conducting the exploration activities.</u></p> <p>(iii) <u>A narrative describing the proposed exploration area.</u></p>	4/14/04	YES 4/4/05 70 FR 16945
<p>Chapter 10, Section 2(b)(iv) A description of historic or cultural features or resources listed or known to be eligible for listing on the National Register of Historic Places. This shall also include a description of known archeological resources located within the proposed exploration area. <u>detailed description of all archeological and historic resources located within the areas to be directly affected by the proposed exploration activities.</u></p>	6/17/91	NO 10/29/92 57 FR 48984
<p>Chapter 10, Section 2(b)(iv) A <u>narrative</u> description of the <u>methods and equipment</u> to be used <u>to conduct the exploration and reclamation.</u></p> <p>(v) <u>An estimated timetable for conducting and completing each phase of the exploration and reclamation.</u></p> <p>(iii vi) The estimated amount of coal to be removed, a description of the methods to be used to determine the amount, and a statement of why extraction of more than 250 tons of coal is necessary for exploration.</p> <p>(iv vii) A description of historic or cultural features or resources listed or known to be eligible for listing on the National Register of Historic Places. This shall include a detailed description of all archeological and historic resources located within the areas to be directly affected by the proposed exploration activities. <u>This shall also include any other information which the Administrator may require regarding known or unknown possible historic or archeological resources.</u></p> <p>(viii) A description of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) identified within the proposed exploration area.</p> <p>(ix) <u>A description of the measures to be used to comply with Section 4 of this Chapter.</u></p> <p>(vii x) The name and address of the owner of record of the surface land and of the subsurface mineral estate of the area to be explored.</p> <p>(vi xi) A map(s) at a scale of 1:24,000 or larger, showing the areas of land to be disturbed by the proposed exploration and reclamation. The map shall specifically show existing roads, occupied dwellings, topographic and drainage features, bodies of surface water, and pipelines; proposed locations of trenches, roads, and other access routes and structures to be constructed; the location of proposed land excavations; the location of exploration holes or other drill holes or underground openings; the location of excavated earth or waste material disposal areas; and the location of critical habitats of any endangered or threatened species listed pursuant to the Endangered Species Act.</p> <p>(viii xii) If the surface is owned by a person other than the applicant a description of the basis upon which the applicant claims the right to enter the area for the purpose of conducting the exploration and reclamation.</p>	4/14/04	YES 4/4/05 70 FR 16945

Rule	Filed with Secretary of State	Approved by OSM
<p>Chapter 10, Section 3(b) If the Administrator provides notice that he intends to approve the application, then a Any person having an interest which is or may be adversely affected by the decision of the Administrator shall have the right to file written objection to the application within 30 days after the notification. Such persons shall have the opportunity for administrative and judicial review as outlined in W.S. § 35-11-406(k). The final decision, to issue or deny the license, shall be done in accordance with W.S. § 35-11-406(p). If there are no objections, the Administrator shall promptly approve and issue the license in accordance with (c) immediately below. -</p>	4/14/04	<p>YES 4/4/05 70 FR 16945</p>
<p>Chapter 10, Section 4(e) Critical or crucial Hhabitats of unique, (critical or important) value for fish, wildlife, and other related environmental values shall not be disturbed during the coal exploration. <u>The Wyoming Game and Fish Department shall be consulted prior to disturbance of important habitat.</u></p>	11/16/95	<p>YES 8/6/96 61 FR 40741 <i>(with the provision that the rule be modified to clarify that important habitat can't be disturbed either)</i></p>
<p>Chapter 10, Section 4(e) Critical or crucialhabitats of listed threatened or endangered species identified pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not be disturbed during coal exploration. <u>Crucial or important habitat for wildlife shall not be disturbed during coal exploration unless written evidence of consultation with the Wyoming Game and Fish Department and any resulting recommendations are submitted to the Administrator as part of either a coal exploration license or notice of intent to explore application. The Wyoming Game and Fish Department shall be consulted prior to disturbance of important habitat.</u> -</p>	4/14/04	<p>YES 4/4/05 70 FR 16945</p>
<p>Chapter 10, Section 8. <u>Commercial Use or Sale of Coal Extracted under a Coal Exploration License.</u></p>	4/14/04	<p>YES 4/4/05 70 FR 16945</p>
<p>Chapter 10, Section 8(a) <u>Except as provided under subparagraph (b) below, any person who intends to commercially use or sell coal extracted during coal exploration operations under an exploration license, shall first obtain a permit to conduct surface coal mining operations for those operations.</u></p>	4/14/04	<p>YES 4/4/05 70 FR 16945</p>
<p>Chapter 10, Section 8(b) <u>With the prior written approval of the Administrator, no permit to conduct surface coal mining operations is required for the sale or commercial use of coal extracted during exploration operations if such sale or commercial use is for coal testing purposes only. The person conducting the exploration shall file an application for such approval with the Administrator. The application shall demonstrate that the coal testing is necessary for the development of a surface coal mining and reclamation operation for which a surface coal mining operations permit application is to be submitted in the near future, and that the proposed commercial use or sale of coal extracted during exploration operations is solely for the purpose of testing the coal. The application shall contain the following:</u></p> <p style="padding-left: 40px;">(i) <u>The name of the testing firm and the locations at which the coal will be tested.</u></p> <p style="padding-left: 40px;">(ii) <u>If the coal will be sold directly to, or commercially used directly by, the intended end user, a statement from the intended end user, or if the coal is sold indirectly to the intended end user through an agent or broker, a statement from the agent or broker. The statement shall include:</u></p> <p style="padding-left: 80px;">(A) <u>The specific reason for the test, including why the</u></p>	4/14/04	<p>YES 4/4/05 70 FR 16945</p>

Rule	Filed with Secretary of State	Approved by OSM
<p>coal may be so different from the intended user's other coal supplies as to require testing:</p> <p>(B) <u>The amount of coal necessary for the test and why a lesser amount is not sufficient; and</u></p> <p>(C) <u>A description of the specific tests that will be conducted.</u></p> <p>(iii) <u>Evidence that sufficient reserves of coal are available to the person conducting exploration or its principals for future commercial use or sale to the intended end user, or agent or broker of such user identified above, to demonstrate that the amount of coal to be removed is not the total reserve, but is a sampling of a larger reserve.</u></p> <p>(iv) <u>An explanation as to why other means of exploration, such as core drilling, are not adequate to determine the quality of the coal and/or the feasibility of developing a surface coal mining operation.</u></p>		<i>(continued from previous page)</i>
CHAPTER 11, SELF-BONDING PROGRAM		
<p>Chapter 11, Section 1(a) "Self-bond" means an indemnity agreement in a sum certain executed by the permittee and/or the parent company or Federal agency guarantor and made payable to the State, with or without separate surety. <u>The indemnity agreement is signed by the permittee and, if applicable, the parent company or federal agency guarantor.</u></p>	6/17/92	YES 10/29/92 57 FR 48984
<p>Chapter 11, Section 1(a) "Self-bond" means an indemnity agreement in a sum certain made payable to the State, with or without separate surety. The indemnity agreement is signed by the permittee and, if applicable, the parent <u>or non-parent corporate company or federal agency</u> guarantor.</p>	3/26/02	YES 5/08/2003 68 FR 24647
<p>Chapter 11, Section 2(a)(vii)(A) The operator has a rating for a bond issuance actions over the past five years of "A" or higher as issued by either Moody's Investor Service, or Standard and Poor's Corporation <u>or any other nationally recognized rating organization that is acceptable to the regulatory authority. Any additional rating organization must be a "nationally recognized statistical rating organization" as approved by the Securities and Exchange Commission. If the additional rating organization uses a different rating system, only ratings that are equivalent to a rating of "A" or higher by either Moody's Investor Service or Standard and Poor's Corporation will qualify (the rating service organization should be identified together with any further breakdown of specific ratings).</u></p>	1/31/06	Pending
<p>Chapter 11, Section 2(a)(x) The Administrator may accept a <u>A</u> written guarantee for an operator's self-bond from a parent corporation guarantor or from a Federal agency, if the guarantor or Federal agency <u>meets</u> satisfies the financial criteria <u>conditions</u> of subsections (a)(iv), (vi), (vii) and (ix) of this Chapter Section as if it were the operator. <u>Such a written guarantee may be accepted by the Administrator and</u> The operator must only supply information addressing requirements not met by the parent corporation guarantor. shall be referred to as a "parent corporate guarantee." The terms of the parent corporate or Federal agency <u>guarantee</u> shall provide for the following:</p>	3/26/02	YES 5/08/2003 68 FR 24647
<p>Chapter 11, Section 2(a)(x)(A) If the operator fails to complete the reclamation plan the <u>parent corporate</u> guarantor shall do so or the <u>parent corporate</u> guarantor shall be liable under the indemnity agreement to provide funds to the state sufficient to complete the reclamation plan, but not to exceed the bond amount.</p>	3/26/02	YES 5/08/2003 68 FR 24647

Rule	Filed with Secretary of State	Approved by OSM
<p>Chapter 11, Section 2(a)(x)(B) The parent corporate or Federal agency guarantee shall remain in force unless the <u>parent corporate</u> guarantor sends notice of cancellation by certified mail to the operator and to the Administrator at least 90 days in advance of the cancellation date, and the Administrator accepts the cancellation. The cancellation shall be accepted by the Administrator if the operator obtains a suitable replacement bond before the cancellation date, if the lands for which the self-bond, or portion thereof, was accepted have not been disturbed, or if the lands have been released under Chapter 15 or W.S. §§ 35-11-417(e) and 423.</p>	3/26/02	YES 5/08/2003 68 FR 24647
<p>Chapter 11, Section 2(a)(xi) <u>A written guarantee for an applicant's self-bond from any corporate guarantor, whenever the operator meets the conditions of subsections (a)(iv), (a)(vi) and (a)(ix) of this Section, and the guarantor meets the conditions of subsections (a)(iv), (a)(vi), (a)(vii) and (a)(ix) of this Section may be accepted by the Administrator. Such a written guarantee shall be referred to as a "non-parent corporate guarantee." The terms of this guarantee shall provide for compliance with the conditions of subsections (a)(x)(A) and (B) of this Section. The Administrator may require the operator to submit any information specified in subsection (a)(vii) of this Section in order to determine the financial capabilities of the operator.</u></p>	3/26/02	YES 5/08/2003 68 FR 24647
<p>Chapter 11, Section 2(a)(xii) <u>The following in order:</u> (A) For the Administrator to accept an equal operator's self-bond, the total amount of the outstanding and proposed self-bonds of the operator shall not exceed 25 percent of the operator's tangible net worth in the United States, <u>or</u></p>	3/26/02	YES 5/08/2003 68 FR 24647
<p>Chapter 11, Section 2(a)(xii) <u>The following in order:</u> (A) For the Administrator to accept an operator's self-bond, the total amount of the outstanding and proposed self-bonds of the operator shall not exceed 25 percent of the operator's tangible net worth in the United States, <u>however the Administrator may allow for an increase in the self-bond amount to 35 percent of tangible net worth for operators that have a ratio of total liabilities to net worth of 1.5 or less and a ratio of current assets to current liabilities of 1.7 or greater, or</u></p>	1/31/06	Pending
<p>Chapter 11, Section 2(a)(xii) <u>The following in order:</u> (B) For the Administrator to accept a <u>parent corporate</u> guarantee, the total amount of the parent corporation guarantor's present and proposed self-bonds and guaranteed self-bonds shall not exceed 25 percent of the <u>parent corporate</u> guarantor's tangible net worth in the United States, <u>or</u></p>	3/26/02	YES 5/08/2003 68 FR 24647
<p>Chapter 11, Section 2(a)(xii) <u>The following in order:</u> (B) For the Administrator to accept a parent corporate guarantee, the total amount of the parent corporation guarantor's present and proposed self-bonds shall not exceed 25 percent of the parent corporate guarantor's tangible net worth in the United States, <u>however the Administrator may allow for an increase in the self-bond amount to 30 percent of tangible net worth for guarantors that have a ratio of total liabilities to net worth of 1.5 or less and a ratio of current assets to current liabilities of .17 or greater, or</u></p>	1/31/06	Pending
<p>Chapter 11, Section 2(a)(xii) <u>The following in order:</u> (C) <u>For the Administrator to accept a non-parent corporate guarantee, the total amount of the non-parent corporate guarantor's present and proposed self-bonds and guaranteed self-bonds shall not exceed 25 percent of the non-parent corporate guarantor's tangible net worth in the United States.</u></p>	3/26/02	YES 5/08/2003 68 FR 24647

Rule	Filed with Secretary of State	Approved by OSM
Chapter 11, Section 2(a)(xii)(D) <u>If the operator chooses to include assets outside the United States in their tangible net worth, the Administrator shall require the information required under subsection (E).</u>	1/31/06	Pending
<p>Chapter 11, Section 2(a)(xii)(E) <u>If the Administrator accepts a foreign parent corporate guarantee or a foreign non-parent corporate guarantee, the Administrator shall require:</u></p> <p>(I) <u>A legal opinion from a firm recognized to business in the country of the firm's international headquarters concerning the collectability of the self-bond in the foreign country. The opinion shall also provide an estimate of the cost of recovering the self-bond under the laws of that foreign country. The firm shall be selected by the Administrator from a list provided by the applicant. The applicant shall be responsible for the cost of the opinion;</u></p> <p>(II) <u>A separate bonding instrument to cover the estimated cost of recovering the reclamation bond in the foreign country. This separate bond shall be highly liquid such as cash, letters of credit, certificates of deposit or government securities and be redeemable within 90 days of forfeiture. The Administrator may also require additional information that is deemed necessary to support the self-bond; and</u></p> <p>(III) <u>All audited financial statements shall be in English and shall be prepared with generally accepted accounting principles, as adopted by the United States Financial Accounting Standards Board.</u></p>	1/31/06	Pending
Chapter 11, Section 3(b)(i) <u>The indemnity agreement shall be executed by all persons and parties who are to be bound by it, including the parent or non-parent corporate or Federal agency guarantor, and shall bind each jointly and severally.</u>	3/26/02	YES 5/08/2003 68 FR 24647
<p>Chapter 11, Section 3(b)(ii) <u>Corporations applying for a self-bond or parent and non-parent corporations guaranteeing an operator's subsidiary's self-bond shall submit an indemnity agreement signed by two corporate officers who are authorized to bind their corporations. A copy of such authorization shall be provided to the Administrator along with an affidavit certifying that such an agreement is valid under all applicable Federal and State laws. A Federal agency guaranteeing an operator's self-bond shall submit an indemnity agreement signed by two officers of the agency who are authorized to bind the agency and a copy of their authorization. The agency shall also submit documents supporting the availability of a cause of action against the Federal agency for performance under the indemnity agreement. In addition, all corporate guarantors shall provide a copy of the corporate authorization demonstrating that the corporation may guarantee the self-bond and execute the indemnity agreement.</u></p>	3/26/02	YES 5/08/2003 68 FR 24647
Chapter 11, Section 3(c) <u>If the application is rejected based on the information required in Section 2, or based on the limitation set in Section 2(a)(xii), then the operator may offer collateral and an indemnity agreement to support the self-bond application. The indemnity agreement shall be subject to the requirements of (b) above.</u>	3/26/02	YES 5/08/2003 68 FR 24647
Chapter 11, Section 4(a)(ii) <u>Financial information in sufficient detail to show that the guarantor still meets one of the criteria in Section 2(a)(vii), and the limitation in Section 2(a)(xii). The Administrator may request financial statements for the most recently completed fiscal year together with an independent certified public accountant's audit opinion or review opinion of the financial statements with no adverse opinion. Additional unaudited information may be requested by the Administrator.</u>	3/26/02	YES 5/08/2003 68 FR 24647
Chapter 11, Section 5(a) <u>The Administrator may require the operator to substitute a good and sufficient corporate surety licensed to do business in the State if the Administrator determines in writing that the self-bond of the operator fails to provide the protection consistent with the objectives and purposes of this Act. The Administrator shall require this</u>	11/16/95	YES 8/6/96 61 FR 40735

Rule	Filed with Secretary of State	Approved by OSM
substitution if the financial information submitted or requested under Section 3 4(a)(ii) indicates that the operator no longer qualifies under the self-bonding program. Substitution of an alternate bond shall be made within 90 days. The operator may also request substitution. This request is contingent upon the operator meeting all the requirements of the bond provisions (W.S. 35-11-417 to 424 (1977)) of the Act. If these requirements are met, the Administrator shall accept substitution.		<i>(continued from previous page)</i>
CHAPTER 12, PROCEDURES APPLICABLE TO SURFACE COAL MINING OPERATIONS		
<p>Chapter 12, Section 1(a)(iv) In addition to the specific findings required by W.S. 35-11-406(n), no permit shall be approved unless the demonstration and finding includes that, for the term to be covered by the permit, the proposed operation will not be inconsistent with other surface coal mining and reclamation operations proposed or contemplated in pending or approved mining permits. <u>Administrator also finds in writing that:</u></p> <p style="padding-left: 40px;">(A) <u>The proposed operation will not be inconsistent with other surface coal mining and reclamation operations proposed or contemplated in pending or approved mining permits;</u></p> <p style="padding-left: 40px;">(B) <u>The effect of the proposed operation on properties eligible for listing on the National Register of Historic Places has been taken into account; and</u></p> <p style="padding-left: 80px;">(I) <u>Mining has been prohibited within 100 feet of any such properties by permit condition; or</u></p> <p style="padding-left: 80px;">(II) <u>The applicant has provided for the protection of such properties in the approved mining and reclamation plan; or</u></p> <p style="padding-left: 80px;">(III) <u>The Administrator has determined, in consultation with the State Historic Preservation Officer, that no additional protection measures are necessary.</u></p>	6/17/91	<p>NO 10/29/92 57 FR 48984 <i>(required to be revised as shown below with addition of listed on and properties)</i></p>
<p>Chapter 12, Section 1(a)(iv)(B) The effect of the proposed operation on properties <u>listed on and properties eligible for listing on the National Register of Historic Places has been taken into account; and</u></p>	4/15/98	<p>YES 10/1/99 64 FR 53205</p>
<p>Chapter 12, Section 1(a)(v)(D) Within 100 feet, measured horizontally, of the outside right-of-way line of any public road, except where mine access roads or haulage roads <u>primary roads</u> join such right-of-way line. Provided, however, the Administrator may specifically authorize operations where the road is to be relocated, closed, or where the area affected lies within 100 feet of a public road. Such specific authorization shall follow public notice and an opportunity for public hearing, together with a finding on whether the interests of the public and the affected landowners will be protected from the proposed operation. The Administrator may rely upon the procedures and findings of the public road authority with jurisdiction over the road in specifically authorizing road relocations or closures;</p>	11/13/02	<p>YES 11/5/2003 68 FR 62519</p>
<p>Chapter 12, Section 1(a)(v)(A) On any lands within the boundaries of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including, for study rivers designated under Section 5(a) of the Wild and Scenic Rivers Act <u>or study rivers or study river corridors as established in any guidelines pursuant to that Act, a corridor extending not more than one quarter mile from each bank or the width of the study area whichever is the greater, for the length of the segment being studied, and National Recreation Areas designated by Act of Congress;</u></p>	6/17/91	<p>YES 10/29/92 57 FR 48984</p>

Rule	Filed with Secretary of State	Approved by OSM
Chapter 12, Section 1(a)(v)(C) On any lands where <u>which</u> mining will adversely affect any publicly owned park or any places included in properties listed on and any properties eligible for listing on the National Register of Historic Places, unless jointly approved by the Administrator and the Federal, State or local agency with jurisdiction over the park or place;	4/15/98	YES 10/1/99 64 FR 53205
Chapter 12, Section 1(b)(i) All requirements imposed by W.S. § 35-11-405(e) for permit renewals. The additional revised or updated information <u>application</u> shall be filed at least 120 days before the expiration of the permit term and shall include <u>at a minimum</u> :	3/26/02	YES 5/08/2003 68 FR 24647
Chapter 12, Section 1(b)(i)(D) A revised and updated probable hydrologic consequences assessment shall be provided if significant changes in the results of the assessment are expected in comparison to the previous assessment, considering a revised operation or new data. If a new or updated assessment is required, the Administrator shall reassess the probable cumulative hydrologic impacts in accordance with Chapter 19, Section 2 of these regulations. <u>Additional revised or updated information required by the Administrator.</u>	3/26/02	YES 5/08/2003 68 FR 24647
Chapter 12, Section 1(b)(i)(E) <u>If an application for renewal includes any proposed revisions to the mine or reclamation plan, such revisions shall be identified and subject to the requirements of Chapter 13.</u>	3/26/02	YES 5/08/2003 68 FR 24647
Chapter 12, Section 1(b)(ii) All requirements imposed by W.S. § 35-11-408 and this provision for permit transfers. These requirements shall be met, as evidenced by the written approval of the statement of qualifications by the Administrator and Director, prior to any permit transfer. <u>Permit transfers shall not be subject to the requirements of W.S. § 35-11-406(g).</u>	4/15/98	YES 10/1/99 64 FR 53205
Chapter 12, Section 1(b)(iii) <u>If the Administrator determines that there is insufficient time within the 120-day period to review any revised or updated information, he may renew the existing valid coal mining permit for another five year term and consider the revised or updated information submitted in the renewal application as a revision of the renewed permit, subject to the provisions of Chapter 13.</u>	6/17/91	NO 10/29/92 57 FR 48984
Chapter 12, Section 1(b)(iii) If the Administrator determines that there is insufficient time within the 120-day period to review any revised or updated information, he may renew the existing valid coal mining permit for another five year term and consider the revised or updated information submitted in the renewal application as a revision of the renewed permit, subject to the provisions of Chapter 13.	3/26/02	YES 5/08/2003 68 FR 24647
Chapter 12, Section 2(d)(iv) <u>Isolated increments of bonded land.</u> (A) Isolated and clearly defined portions of the permit area requiring extended liability <u>or limited areas or increments being assessed a specific bond amount</u> may be separated from the original area and bonded separately with the approval of the Administrator.	3/26/02	YES 5/08/2003 68 FR 24647
Chapter 12, Section 2(d)(iv)(B) Such areas shall be limited in extent <u>of sufficient size and configuration</u> and not constitute a scattered, intermittent, or checkerboard pattern of failure to provide for efficient reclamation operations should reclamation by the Administrator become necessary pursuant to Section 2(b) of this Chapter.	3/26/02	YES 5/08/2003 68 FR 24647
Chapter 12, Section 2(d)(iv)(C) Access to the separated <u>isolated</u> areas for remedial work may be included in the area under extended liability if deemed necessary by the Administrator.	3/26/02	YES 5/08/2003 68 FR 24647

Rule	Filed with Secretary of State	Approved by OSM
CHAPTER 13, PERMIT REVISIONS		
<p>Chapter 13, Section 1(a) A permit may be revised, upon approval by the Administrator, if the operator submits a request to the Division. Significant revisions are those which constitute a change described in Section 2. of this Chapter. Any permit except for surface coal mining permits, may be revised by identifying alterations to the mining or reclamation plan in the annual report or addendum thereto, or by obtaining prior approval from the Department.</p>	3/28/94	Conditionally approved 3/30/94 59 FR 14750 Final approval by letter dated 5/18/95
<p>Chapter 13, Section 1(a) A permit may be revised, upon approval by the Administrator, if the operator submits an <u>application request</u> to the Division <u>in accordance with Section 1(d) of this Chapter.</u> Significant revisions are those which constitute a change described in Section 2 of this Chapter.</p>	3/26/02	YES 5/08/2003 68 FR 24647
<p>Chapter 13, Section 1(b) Nonsignificant revisions shall be submitted in a format approved by the Administrator. If promptly filed, and unless notified by the Administrator to delay, the operator may initiate the proposed change <u>within 72 hours of filing.</u> All nonsignificant revisions shall include:</p>	6/17/91	NO 10/29/92 57 FR 48984
<p>Chapter 13, Section 1(b) Non-significant revisions shall be submitted in a format approved by the Administrator. If promptly filed, and unless notified by the Administrator to delay, the operator may initiate the proposed change within 72 hours of filing. All non-significant revisions shall include:</p>	3/26/02	YES 5/08/2003 68 FR 24647
<p>Chapter 13, Section 1(c) Incidental changes which are not categorized under (a) or (b) of this Section shall be noted in the annual report. <u>RESERVED</u></p>	3/26/02	YES 5/08/2003 68 FR 24647
<p>Chapter 13, Section 1(d)(iv)(D) For surface coal mining operations, the Administrator shall require a revised or updated probable hydrologic consequences assessment if significant changes in the results of the assessment are expected to occur as a result of a revised operation or new data. The information shall be in sufficient detail to enable the Administrator to determine whether a new or updated assessment of probable cumulative hydrologic impacts is required. <u>If a new or updated assessment is required, the Administrator shall reassess the probable cumulative hydrologic impacts in accordance with Chapter 19, Section 2 of these regulations.</u></p>	3/26/02	YES 5/08/2003 68 FR 24647
<p>Chapter 13, Section 2(b)(i) More than a twenty percent increase in affected land from that which was approved in the original permit;</p>	3/28/94	Conditionally approved 11/02/93 58 FR 58487 Final approval by letter dated 5/18/95
<p>Chapter 13, Section 3(a) When required under Section 2, the operator shall cause notice of the application for permit revision to be published in a newspaper of general circulation in the locality of the mining site once a week for four consecutive weeks commencing within 15 days after notification that publication is required. The notice shall contain that information required <u>by W.S. 35-11-406(j) in Section 1.(b)(i), (ii), (iii), the permit number and date approved,</u> and a general description of the proposed revision. the location at which information about the application for permit revision may be obtained,</p>	11/16/95	YES 8/6/96 61 FR 40742

Rule	Filed with Secretary of State	Approved by OSM
<p>and the location and final date for filing objections to the application. The operator shall also <u>mail a copy of the application mine plan map to the Wyoming Oil and Gas Commission</u> notify owners of record in accordance with W.S. 35-11-406(j).</p>		<p><i>(continued from previous page)</i></p>
<p>Chapter 13, Section 6. Exception</p> <p>(a) For surface coal mining operations, this Chapter does not apply to extensions to of the five year area identified in Chapter II, Section 3(b)(i)(A) <u>mine permit boundary</u>. Any such extension, except incidental boundary revisions, must be made in accordance with the Act and by application for another a permit <u>amendment</u> with public notice, and <u>opportunity for hearing only when required thereby</u>. The operator shall notify the Administrator in advance where the extension is an incidental boundary revision, and possess a copy of the notification at the site of the operation. The operator will not be allowed to utilize this provision for incidental boundary revisions so as to circumvent the policy and purpose of this Chapter and the Wyoming Environmental Quality Act.</p>	<p>12/1/92 & 3/28/94</p>	<p>YES 11/02/93 58 FR 58487</p>
<p>CHAPTER 15 RELEASE OF BONDS OR DEPOSITS AND TERMINATION OF JURISDICTION FOR SURFACE COAL MINING OPERATIONS</p>		
<p>Chapter 15, Section 1. Request for Release.</p> <p>(a) <u>The procedures in this Chapter are administrative in nature and the operator shall submit and resolve with the Division any demonstration of meeting the performance standards of the Act, regulations, or approved permit prior to requesting bond release. The Division shall review any such demonstrations by the operator within the time frames required for revisions specified in Chapter 13 of these regulations. Failure to demonstrate the required performance standards prior to filing a request under the Chapter may be grounds for rejecting the request and the reasons for the denial will be provided by the Administrator.</u></p> <p>(ab) The operator may file a request with the Division for the release of all or part of the area bond, an incremental bond, or a deposit. The request shall contain the following information.</p> <p>(i) The precise location of the land affected by legal subdivision, Section, township, range, county and municipal corporation, if any.</p> <p>(ii) The number of acres affected.</p> <p>(iii) The permit number and the date approved.</p> <p>(iv) The type and amount of bond, and type and portion sought to be released.</p> <p>(v) A map describing the location and acreage of each type of bond release in the request, the dates of rough backfilling, the dates of topsoil replacement and replacement depths, and the dates of seeding.</p> <p>(vi) <u>A notarized statement, signed by the applicant's authorized representative, which certifies that all applicable reclamation activities have been accomplished in accordance with the Act, the regulations, and the approved permit. Such certification shall be submitted for each bond release application.</u></p>	<p>9/29/05</p>	<p>YES 8/28/06 71 FR 50849</p>
<p>Chapter 15, Section 1(bc) Within 15 days of receipt of the request, the Administrator shall determine if the request is complete, i.e., does it contain all information required by (ab) immediately above. If it is not complete, the Administrator will promptly notify the operator of any deficiencies. If it is complete, the Administrator will promptly notify the operator in writing of that fact.</p>	<p>9/29/05</p>	<p>YES 8/28/06 71 FR 50849</p>

Rule	Filed with Secretary of State	Approved by OSM
<p>Chapter 15, Section 1(ed) Within 15 days of notification by the Administrator that the request is complete, the operator shall cause notice of the request for bond release to be published in a newspaper of general circulation in the locality of the surface coal mining operation at least once per week for four consecutive weeks commencing within 15 days after filing of the completed request. <u>The publisher's affidavit and copy of the notice shall be promptly submitted to the Administrator.</u> The notice shall contain information regarding:</p> <p>(i) The name of the operator.</p> <p>(ii) The information contain in (ab)(i) – (iv) above plus a description of the types and dates of reclamation work performed and the results achieved.</p> <p>(iii) The location and final date for filing objections to and requests for a hearing on the bond or deposit release request.</p>	9/29/05	YES 8/28/06 71 FR 50849
<p>Chapter 15, Section 1(de) Also within 15 days of notification by the Administrator that the request is complete, letters stating the operator's intent to seek release from the bond(s) or deposit shall be sent to:</p> <p>(i) The overlying and adjoining surface owners of record;</p> <p>(ii) The county or counties in which the operation is located and any incorporated municipality within five miles of the permit area; <u>and</u></p> <p>(iii) The Economic Development and Stabilization Board (EDS Board) and other are wide planning entities within the State; and</p> <p>(iviii) Sewage and water treatment authorities or water companies in the locality of the operation.</p>	9/29/05	YES 8/28/06 71 FR 50849
<p>Chapter 15, Section 1(ef) These letters shall contain the information outlined in (ed) above. Copies of the letters shall be promptly submitted to the Administrator.</p>	9/29/05	YES 8/28/06 71 FR 50849
<p>Chapter 15, Section 7. <u>Termination of Jurisdiction.</u></p> <p>(a) <u>The Administrator may terminate jurisdiction over the reclaimed site of a completed surface coal mining and reclamation operation, or increment thereof, when the Administrator determines in writing that all requirements imposed under the rules and regulations and Environmental Quality Act have been successfully completed and the Administrator has made a final decision in accordance with Chapters 4 and 15 to release the performance bond fully.</u></p>	3/26/02	YES 5/08/2003 68 FR 24647
<p>Chapter 15, Section 7(b) <u>Following a termination under paragraph (a) of this Section, the Administrator shall reassert jurisdiction over a site if it is demonstrated that the bond release or written determination referred to in paragraph (a) of this Section was based upon fraud, collusion, or misrepresentation of a material fact.</u></p>	3/26/02	YES 5/08/2003 68 FR 24647
CHAPTER 16, INSPECTIONS, ENFORCEMENT AND PENALTIES FOR SURFACE COAL MINING OPERATIONS		
<p>Chapter 16, Section 3(c) The procedure for any requested assessment conference, as provided for in W.S. § 35-11-9042(e d) shall be the equivalent of the informal conference procedure described by the Act and regulations applicable to permit applications excepting that the Director, not the Administrator, shall conduct the conference.</p>	4/15/98	YES 10/1/99 64 FR 53203
<p>Chapter 16, Section 3(f) The civil penalty prescribed by W.S. § 35-11-9042(n) shall be assessed for a maximum of 30 days, except that, if the person to whom the notice or order was issued initiated review proceedings with respect to the violation, the abatement period shall be extended as follows:</p>	4/15/98	YES 10/1/99 64 FR 53203

Rule	Filed with Secretary of State	Approved by OSM
CHAPTER 17, DESIGNATION OF AREAS UNSUITABLE FOR SURFACE COAL MINING		
<p>Chapter 17, Section 1(a) "Fragile lands" means geographic areas containing natural, ecologic, scientific or esthetic resources that could be damaged or destroyed by surface coal mining operations. Examples of fragile lands include critical <u>crucial</u> or important habitats for fish or wildlife, critical habitats for endangered species of plants, uncommon geologic formations, National Natural Landmark sites, areas where mining may result in flooding, environmental corridors containing a concentration of ecologic and esthetic features, areas of recreational value due to high environmental quality, and buffer zones adjacent to the boundaries of areas where surface coal mining operations are prohibited under W.S. 35-11-406(n)(iv).</p>	11/16/95	YES 8/6/96 57 FR 40742
CHAPTER 18, IN SITU MINING		
<p>Chapter 18, Section 3(b)(vii) The name, description and map of all surface waters within the permit area and on adjacent lands. A list and mapping of all adjudicated and permitted surface water and groundwater rights within <u>and adjacent to</u> the permit area and to a distance of three (3) miles outside of the permit area shall be provided.</p>	6/17/91	YES 10/29/92 57 FR 48984
<p>Chapter 18, Section 3(b)(x) Locations and present owners of all water wells in use within the permit area and on adjacent lands, including a description of well completion data, producing interval(s), and variations in water level to the extent such information is available in the Public records and from a reasonable inspection of the property. The Administrator shall require a mapping of all wells <u>within and adjacent to</u> a distance of three (3) miles outside the permit area.</p>	6/17/91	YES 10/29/92 57 FR 48984
<p>Chapter 18, Section 3(c)(xvii) Contour map(s) which accurately locate and identify the permit area and show the location of any public highways <u>roads</u>, dwellings, utilities and easements within the permit area and adjacent lands in relation to all proposed affected lands and proposed activities associated with the operation including, but not limited to: plant site, chemical storage areas, well field areas, monitor wells, roads, temporary and permanent drainage diversions, impoundments, stockpiles for topsoil, ore product and waste, and all processing facilities.</p>	11/13/02	YES 11/5/2003 68 FR 62519
<p>Chapter 18, Section 3(d)(vi)(A) Cost of removing and disposing of structures <u>mine facilities</u>.</p>	11/13/02	YES 11/5/2003 68 FR 62519
<p>Chapter 18, Section 3(d)(ix) Procedures for removing and disposing of structures <u>mine facilities</u> used in conjunction with the mining operation.</p>	11/13/02	YES 11/5/2003 68 FR 62519
Appendix A – Coal Rules and Regulations		
<p>APPENDIX A - VEGETATION (with extensive changes regarding shrub density, and changes to tables)</p>	11/16/95	YES 8/6/96 61 FR 40739
<p>Appendix A, Section II.C.2.c. (page A-12) c. Data on Cropland, Hayland or Pastureland In general, CONAs or REFAs need not be established for these land units. The premining production data, similar undisturbed management units or average area agricultural statistics information may serve as reclamation success standards per Chapter 4, Section 2(d)(x)(E)(I). However, given site specific conditions it may be appropriate to establish CONAs or REFAs for haylands and pasturelands. The need to establish CONAs or REFAs should be discussed with the LQD during the initial planning stages of the vegetation inventory.</p>	4/15/98	YES 10/1/99 64 FR 53203

Rule	Filed with Secretary of State	Approved by OSM
<p>Appendix A, Section II.C.3. All shrub density data collected after the effective date specified in Chapter 4, Section 2(d)(x)(E) <u>August 6, 1996</u> shall be subject to sample adequacy tests specified in Section IV. of this Appendix. However, all shrub density data collected prior to the effective date August 6, 1996 shall not be subject to sample adequacy tests unless that shrub density data is being used to fulfill the 20% standard. In general, when sampling is conducted which is not subject to sample adequacy, the number of shrub density sample points should correspond to the number of cover samples in each community type.</p>	4/15/98	YES 10/1/99 64 FR 53203
<p>Appendix A, Section III. Establishing Revegetation Success Goals</p> <p>A. Quantitative and Qualitative Vegetation Standards</p> <p>Chapter 4, Section 2(a)(i) requires that reclamation restore the land to a condition equal to or greater than the “highest previous use”. Chapter 4, Section 2(d)(x) outlines specific vegetation parameters which constitute revegetation success goals when reclaimed lands are considered for full bond release.</p> <p>These qualitative and quantitative vegetation parameters which constitute revegetation success goals include:</p> <ol style="list-style-type: none"> 1. % vegetation cover (absolute value). 2. % total ground cover (absolute value). 3. Total production for herbaceous species (absolute value). 4. Density of full shrub and subshrub species (postmining shrub habitat). <u>(in mosaics according to the applicable goal or standard).</u> 5. Areal extent of dense shrub mosaics <u>according to the applicable goal or standard.</u> 6. Density <u>Total number</u> of trees. 7. Species diversity and species composition. 8. Ability to withstand grazing pressure. 9 <u>8.</u> Attainment of these parameters for the last (2) <u>two</u> consecutive years <u>for those mines using reference areas, or for those mines using an approved technical standard two out of four years beginning no sooner than year eight of the bonding period.</u> 	9/29/05	YES 8/28/06 71 FR 50849
<p>Appendix A, Section VII. E. Postmining Grazing Practices</p> <p>Chapter 4, Section 2(d)(xiii) states that the LQD, the permittee and the landowner or land managing agency will mutually determine <u>if and when</u> domestic livestock grazing will be introduced on revegetated areas. Secondly, as per Chapter 4, Section 2(d)(x) the capability of revegetated areas to withstand livestock grazing pressure is a distinct criterion for full bond release.</p> <p>The Reclamation Plan should <u>shall</u> include some discussion of both the above points. Due to the temporal lag between permit preparation and permanent reclamation activities, the LQD believes that a full, detailed postmining grazing program is not necessary at the permitting stage. However, the applicant should, at a minimum, commit to providing a grazing plan prior to the introduction of grazing on reclaimed lands.</p>	9/29/05	YES 8/28/06 71 FR 50849
<p>Appendix A, Section VIII. A. Reclamation Success Standards</p> <p>Chapter 2, Section 2(b)(xiv) of the LQD Rules and Regulations requires that the applicant clearly define the postmining land uses. Livestock grazing <u>and</u> wildlife habitat are the most commonly proposed postmining land uses. Chapter 4, Section</p>	9/29/05	YES 8/28/06 71 FR 50849

Rule	Filed with Secretary of State	Approved by OSM
<p>2(d)(x) defines the following success goals for all operators:</p> <ol style="list-style-type: none"> 1. Postmining cover equal to premining cover; 2. Postmining production equal to premining production; 3. Species composition and species diversity capable of supporting the postmining land uses; 4. Ability of the reclaimed community to sustain grazing pressure at least equal to premining grazing pressure. 5 <u>4.</u> Attainment of all of the above for two (2) consecutive years immediately prior to full bond release <u>for those mines using reference areas, or two out of four years beginning no sooner than year eight of the bonding period for those mines using an approved technical standard.</u> 		<p><i>(continued from previous page)</i></p>
<p>Appendix A, Section VIII.E. <u>Evaluation of Shrub Density</u></p> <p>Introduction</p> <p>All land affected after the effective date of the shrub standard <u>August 6, 1996</u>, excluding cropland, pastureland or treated grazingland as defined in Chapter 1, Section 2 (b) shall be considered eligible land subject to the standard. Except where a lesser density is justified by premining conditions, at least 20 percent of the eligible land shall be restored to shrub patches supporting an average density of one shrub per square meter (Chapter 4, Section 2(d)(x)(E)).</p>	<p>4/15/98</p>	<p>YES 10/1/99 64 FR 53203</p>
<p>Appendix A, Section VIII. F. Summary</p> <p>The major components of a complete proposal for evaluation of revegetation success should <u>shall</u> be presented in the Reclamation plan and should <u>shall</u> include:</p> <ol style="list-style-type: none"> 1. A commitment to provide a brief discussion of the reclamation practices us on each reclaimed area, including the seed mix applied, any husbandry practices used (e.g., interseeding, biocide application, <u>grazing practices</u>, etc.) and the land management practices applied. ... 8. Specification of methods to demonstrate that the reclaimed area is capable of withstanding grazing pressure at least comparable to that sustained prior to mining. 9 <u>8.</u> Specification of methods to assess the establishment of suitable postmining wildlife habitat, including assessment of the quantitative and qualitative aspects of wildlife habitat. 	<p>9/29/05</p>	<p>YES 8/28/06 71 FR 50849</p>
<p>Appendix A , Appendix IV - Plant Species of Special Concern</p> <p>One plant species in Wyoming is currently listed as Threatened (T) and another is listed as Endangered (E) under the federal Endangered Species Act. Two other species are candidates (C) for potential listing. These plants are noted by their assigned ranking in parentheses. However, there are many additional species occurring within Wyoming which may be considered for formal listing in the future. State and federal agencies have historically afforded these species special consideration until their status is accurately assessed.</p> <p>Presented below are those species currently (as of January, 2001) listed as Threatened (T), Endangered (E), or Candidates (C). In addition to this list, the Administrator will compile a list of those species that deserve special consideration. This list will be made available to the public and will be updated as determined by the Administrator.</p> <p><i>Gaura neomexicana ssp. coloradensis</i> (C)</p>	<p>6/04/01 <i>(Text on left shows current changes)</i></p> <p><i>(continued on next page)</i></p>	<p>YES 11/6/02 67 FR 67540</p>

Rule	Filed with Secretary of State	Approved by OSM
<p><u>known nests.</u></p> <p>Follow-up visits to previously identified nests, as necessary, shall be timed to facilitate documentation of occupied territories, nest building, incubation and fledging success according to the biology of the species present and variations in breeding chronology among study areas.</p> <p>Nest checks during <u>all</u> periods should be brief and conducted from a distance if possible, so as not to cause <u>to avoid flushing</u> birds to leave <u>raptors from their</u> nests. Once an active nest is identified, productivity checks shall be conducted to determine the number of young fledged from the nest. The status and productivity of all nests are to be reported annually.</p>		<p><i>(continued from previous page)</i></p>
<p>Appendix B: E. Federally Listed Threatened and Endangered Species</p> <p>All observations of threatened and endangered species except migrating and wintering bald eagles or migrating peregrine falcons, must be reported promptly to the <u>USFWS regulatory authority as required in Chapter 4, Section 2(r)(i)(E), unless otherwise specified by the USFWS.</u></p>	8/12/94	<p>YES 3/17/95 60 FR 14368</p>