

**FILED**

*Oct 04, 2012*

Jim Ruby, Executive Secretary  
Environmental Quality Council

**Land Quality Division**  
**Environmental Quality Council**  
**Rules Hearing**  
**October 5, 2012**



# Coal Housekeeping Package

- Proposed rules are intended to address four main issues:
  - Allow for variable topsoil depth replacement during reclamation if beneficial for revegetation efforts
  - Remove self-bonding rules which were disapproved by OSM and revert to previously approved rules
  - Address concerns identified by OSM related to Rule Package 1-BZ (Valid existing rights)
  - Address concerns identified by OSM related to Ownership and Control rule package

# Variable Topsoil Depth

- Proposed rule allows for variable depth of topsoil during reclamation
- 30 CFR 816.22(d)(1)(i) of Federal Regulations
- Intent of proposed rule is to update rule to mirror changes to OSM rule (71 FR 51684) that was revised August 30, 2006 and give operators another tool for encouraging the development of diverse plant communities required for specific postmining land uses.

# Self-bonding Regulations

- Changes are intended to remove rule language which was disapproved by OSM on October 14, 2009 (74 FR 52677)
- Rules were promulgated and approved at State level and remain on the books despite disapproval by OSM
- Proposed changes revert back to rules as approved by OSM prior to the promulgation of the self-bonding rule package

# 1-BZ Concern Letter

- August 17, 2011 LQD received concern letter from OSM which detailed 18 concerns they had with submittal
- Proposed rules attempt to address those 18 issues
- Issues mainly related to valid existing rights rules

# Ownership and Control Concern Letter

- February 12, 2012 LQD received concern letter from OSM which detailed 16 concerns they had with submittal
- After discussion with OSM the LQD withdrew O&C package from consideration until revisions could be made
- Previously approved rules and changes presented today will be submitted together as one amendment to OSM.

# Comments Received

- WY Game & Fish – no concerns regarding rules as proposed
- Wyoming Outdoor Council – 5 comments generally in support of rules
- OSM Informal Review – OSM provided additional revisions based on review of proposed rules draft submitted to EQC.

# Next Steps

- Finish WY rulemaking process
- Assemble package for submittal to OSM that will contain:
  - Original O&C package approved in 2011
  - Rules approved during this rulemaking
- OSM formal review of amendments to program