



**U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
DIRECTIVES SYSTEM**

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Subject: Interpretation of Initial Program and Indian Lands Regulations Concerning Rills and Gullies

Approval: *[Signature]* **Title:** Acting Director

1. PURPOSE. This directive provides guidance to clarify the regulatory requirements concerning the stabilization of rills and gullies on Indian lands (25 CFR Part 216) and on lands subject to the Federal initial program regulations (Subchapter B of 30 CFR Chapter VII).
2. DEFINITIONS. None.
3. POLICY/PROCEDURES.

The backfilling and grading regulations at 25 CFR 216.105(i) (Indian lands) and 30 CFR 715.14(i) (initial program sites) require that when rills and gullies deeper than nine inches form in areas that have been regraded and have had the topsoil replaced, but where vegetation has not yet been established, the permittee fill, grade, or otherwise stabilize the rills and gullies and reseed or replant the area according to 25 CFR 216.110 or 30 CFR 715.20, as appropriate. Also, the rules specify that rills and gullies of lesser size must be stabilized if the erosion channels will disrupt the approved postmining land use or will result in additional erosion.

The revegetation regulations at 25 CFR 216.110 (Indian lands) and 30 CFR 715.20 (initial program sites) require the establishment of a diverse, effective, permanent vegetative cover, capable of stabilizing the soil surface with respect to erosion and supportive of the approved postmining land use, on the entire permit area.

Considered in conjunction with each other, these rules require that rills and gullies which form on regraded and topsoiled areas on Indian lands or initial program sites be filled, graded, or otherwise stabilized unless they have naturally stabilized and will not interfere with the postmining land use. Areas containing rills and gullies must also meet all applicable requirements of 25 CFR 216.110 or 30 CFR 715.20 concerning surface stabilization and revegetation before full release of bond or operator liability can occur.

Where vegetation sufficient to control overall erosion on the site has not yet been established, the presence of active rills and gullies constitutes a violation only when the rills and gullies are greater than nine inches in depth, or where they would interfere with the postmining land use, or where they are of such areal extent as to preclude prompt future stabilization by further natural vegetative development. Operators should of course be encouraged to initiate appropriate soil conservation measures before erosion occurs to this degree.

In evaluating rill and gully conditions, individuals must distinguish between active and inactive channels. Active rill and gully channel erosion is characterized by:

- (1) vertical or near vertical channel sides with the soil exposed;
- (2) overhanging banks or associated bank failures (unstabilized slumping);
- (3) continuing channel expansion or extension headward (uphill), outward (lateral), or downward (depth);
- (4) occurrence in the channel of raised clumps of soil (pedestals) containing plants whose roots are exposed around the edge of the pedestal;
- (5) temporary establishment of plants on channel sides because the plants have been undermined and translocated by erosional activities;
- (6) exposure of root crowns of plants along channel walls;
- (7) continuing downchannel deposition of eroded materials; and
- (8) lack of litter or organic matter accumulation in the channel.

Characteristics of inactive erosional channels include:

- (1) rounding of channel sides;
- (2) discontinuance of channel expansion or extension (headward, outward, or downward);
- (3) extensive permanent establishment of vegetation on the sides and bottom of the channel;
- (4) lack of unanchored clumps of soil and vegetation that have fallen from the channel sides;
- (5) discontinuance of downchannel deposition of eroded materials;
- (6) establishment of a permanent vegetative cover on areas of erosional deposition; and
- (7) accumulation of litter and organic matter in the channel.

Observation of a rill or gully is not itself evidence that erosion is presently occurring or that site utility is being impaired. Where an erosional channel appears stabilized, based upon an evaluation of the channel characteristics discussed above, and the channel does not interfere with the postmining land use, the permittee should be advised to monitor the site for any change in status, but should not be required to take any corrective action. Inspectors shall also monitor such rills and gullies for any change in status. In general, if a channel displays both active and inactive characteristics, it should be considered active (and hence unstabilized).

The remedial action specified for any rill or gully violation shall clearly allow use of the environmentally least disruptive method of stabilization consistent with the approved postmining land use. One example of a remedial measure other than regrading that may be acceptable is the application of heavy mulch or fiber mats to stabilize channels which do not interfere with the postmining land use.

4. REPORTING REQUIREMENTS. None.
5. REFERENCES. None.
6. EFFECT ON OTHER DOCUMENTS. Supersedes memorandum dated May 28, 1986, from the Deputy Director, Operations and Technical Services to the Assistant Directors, Field Operations concerning rills and gullies.
7. EFFECTIVE DATE. Upon Issuance.
8. CONTACT. Chief, Division of Regulatory Programs, (202) 343-5351.