



U.S. Office of Surface Mining

# News Release



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## OSM to Hold Open Houses to Take Public Comments On Stream Protection Rule EIS

(Washington) – The [Office of Surface Mining Reclamation and Enforcement](#) (OSM) is taking the next step in developing a new Stream Protection Rule to better protect streams affected by surface coal mining. OSM is publishing today a Notice of Intent in the [Federal Register](#) to announce scoping opportunities for the public on the development of a new Environmental Impact Statement, or EIS. Today’s Notice of Intent supersedes a previous notice published in the *Federal Register* on April 30, 2010, which presented an initial opportunity for public input on the EIS.

This scoping process will provide an opportunity for the public to receive information about the alternatives for the rule under consideration to better protect streams. The public will then have an opportunity to provide their comments on the alternatives for the record at public open houses. OSM will also accept comments delivered to OSM headquarters in Washington, D.C., via traditional U.S. mail, and electronic mail.

OSM will develop the EIS to examine alternatives that may be used to revise surface mining rules for better protection of streams. As part of the process, OSM will hold public open houses in up to nine cities across the country.

“This step demonstrates OSM’s commitment to transparency and openness in the rulemaking process,” said [OSM Director Joe Pizarchik](#). “Our actions go beyond the legal requirements for public involvement under the National Environmental Policy Act, and we will examine closely and give careful consideration to the input the public and the stakeholders give us during the scoping process,” he added.

The EIS will examine a range of alternatives that include keeping the current regulations, as well as other options to prevent downstream impacts without eliminating surface coal mining. OSM developed these alternatives after considering more than 32,000 comments received in 2009 after the bureau published an Advance Notice of Proposed Rulemaking. The alternatives include (but are not limited to):

- Requiring coal mining companies to gather more extensive and more specific baseline data on a proposed mine site’s hydrology, geology, and aquatic biology;

- Establishing a definition of the term “material damage” to watersheds outside of areas permitted for mining;
- Adding monitoring requirements for surface water, groundwater, and aquatic biology during mining and reclamation;
- Using monitoring results to establish thresholds for certain mine discharges which, if exceeded, would require a company to take corrective action; and
- Limiting variances and exceptions to “approximate original contour,” a requirement of the Surface Mining Control and Reclamation Act that mine operators reclaim mined areas as close as possible to their original shape and size.

OSM is committed to publish a proposed rule in early 2011 and finalize the rule in mid-2012. Development of the new rule also fulfills a commitment the Department of the Interior made last June. OSM is actively pursuing the course of action outlined in the [Memorandum of Understanding](#) with the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to minimize the adverse consequences of Appalachian surface coal mining.

While the Stream Protection Rule will have the greatest impact in Appalachia, where mountaintop mining occurs, the rule will apply nationwide to better protect all streams throughout the United States.

For the full text of today’s Notice of Intent, interested parties may visit the *Federal Register* online, where a copy will be available for public inspection at: [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2010\\_register&docid=fr18jn10-21.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=2010_register&docid=fr18jn10-21.pdf). Publication of the Notice of Intent in the *Federal Register* marks the start of a public comment period that will close on July 30, 2010. Comments may be submitted to [sra-eis@osmre.gov](mailto:sra-eis@osmre.gov).

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*The Office of Surface Mining Reclamation and Enforcement carries out the requirements of the [Surface Mining Control and Reclamation Act of 1977](#) in cooperation with states and tribes. OSM’s objectives are to ensure that coal mining activities are conducted in a manner that protects citizens and the environment during mining, to ensure that the land is restored to beneficial use after mining, and to mitigate the effects of past mining by aggressively pursuing reclamation of abandoned coal mines.*