

DMLR PERMIT ENHANCEMENT WORKGROUP

Oxbow Center, St. Paul, Virginia

October 4, 2007

Les Vincent	Butch Lambert	Greg Baker
Tabitha Peace	Jan Zentmeyer	Roger Jones
Debra Zirkle	Gerald Collins	Amanda Slaughter
Phil Mullins	Mark Sproles	Bob Blackstock
Buddy Hamilton	Robert Hylton	Carolyn Cannella
Greg Clark	Tim Cox	Gavin Bledsoe
Tom Mackey	Randy Stanley	Michael Smith
Kim Britton	Chris Vincent	Gary Slone
Tad Nunley	John Molinary	Lynn Haynes
Gary Egan	R J Porter	John Jones
Stephen Maxfield	Doug Mullins	Tim Browning
Jonathan Stamper	Lance Debord	David Gruber
Byrd Copley	John Looney	Brian Evans
Gerald Ramsey	Brad Kreps	

Butch Lambert welcomed everyone to the meeting and gave an update on an AML internal funding workgroup.

Brad Kreps, of The Nature Conservancy gave a presentation on key initiatives at The Nature Conservancy. He reviewed “Top Threats” in the Clinch Valley VA/TN program and their “Top Strategies” for addressing those threats.

Bryan Evans, US Fish and Wildlife, encouraged everyone to review and give feedback on the DRAFT Species Specific Protective Measures Act by **10-31-07** (extended to 12-31-07 due to a extension request from industry).

Doug Mullins, DMLR, advised that CAD standards are still a work in progress. Doug also stated two changes are going into effect January 1, 2008.

1. The Division will no longer accept any paper maps or drawings. Maps and drawings will be submitted in two separate files. A DWG file and either a PDF or DWF file. The PDF or DWF file would be an unchangeable view of the map and should be produced at scale and coincide to map scale.
2. All mapping and point data must be based on a NAD 83 coordinate base. (The change is from NAD27 to NAD83.)

Kim Britton, DMLR, stated that as of July 1, 2007 all Division of Mines maps must be submitted electronically.

Mike Smith, DMLR gave an update on the TMDL review process.

Les Vincent, DMLR, reported that the Division is going to start accepting electronic signatures. Electronic signatures can be done in Word 2003 and with Adobe PDF files. This is an attempt to completely do away with paper copies of any documents. There will be a guidance memorandum

regarding electronic signatures in the near future. Les also said that the Division would accept them now if they were in the correct format.

Lynn Haynes, DMLR, gave a brief update on the proposed OSM Stream Buffer Zone Rule and noted that the deadline for written comments has been extended to 11/23/07.

Debbie Zirkle, OSM BSGAO, gave a brief update on several OSM Appalachian regional topics including Temporary Cessations, Slurry Impoundments, Contemporaneous Reclamation, and AOC Variances & PMLU Requirements.

Tom Mackey, DMLR, briefed the group on 2 aspects of the 2008 OSM Oversight Plan including Active and Reclamation Active Permit Inspections (60 permits will be looked at for timeliness in planting trees and shrubs) and Bond Releases (16-18 Phase III bond release applications will be evaluated with regard to reclamation success and standards achieved).

Randy Stanley, DMLR, also briefed the group on 2 aspects of the 2008 OSM Oversight Plan. He advised that OSM will conduct an office review of 26 complaints. Also, OSM will conduct an on-site review of 8 AML Enhancement Project sites, focusing on construction management.

Greg Baker, DMLR, reported the following on several issues in permitting.

1. There will be a guidance memo to operators coming out soon detailing the changes in permitting.
2. There will be a guidance memo for temporary cessation. No temporary cessations will be approved for more than 2 ½ years.
3. As of January 1, 2008 we are going to accept anniversary reports in the EP system. There will also be covered in the guidance document. Also, anniversary reports must be submitted 45 days before the anniversary date.
4. Effective October 31, 2007, AA revisions for pool bonded permits will be required to submit a new pool bond fee as well as the first year taxes for the whole permit.
5. Permits with DGO permits on them will be able to apply for a Phase III bond release on areas covered by the DGO permit without having to advertise.

There were some objections to the changes. Butch advised everyone that the Division would take all comments under consideration.

Annette Poore, USACE, stated that the Corp of Engineers has a new contract for reviewing preconstruction notifications. She also mentioned that (1) they have been receiving a lot of FOIA requests, (2) that DMLR will be working on a joint DMLR/USACE permit, and (3) Dr. Burger's research indicates that use of the forestry reclamation approach could reduce conductivity levels in streams.

Regulatory Work Group

Les Vincent discussed valley fill design specifications in the regulations and stated that changes will be proposed.

Gavin Bledsoe gave an update on regulatory review mandates of DMLR Regulations. He also discussed pending rules on (1) success standards for Forested Areas using Forestry Reclamation Approach, (2) self-bonding requirements (cost and pool), (3) stream restoration requirements, and (4) topsoil and topsoil substitutes.