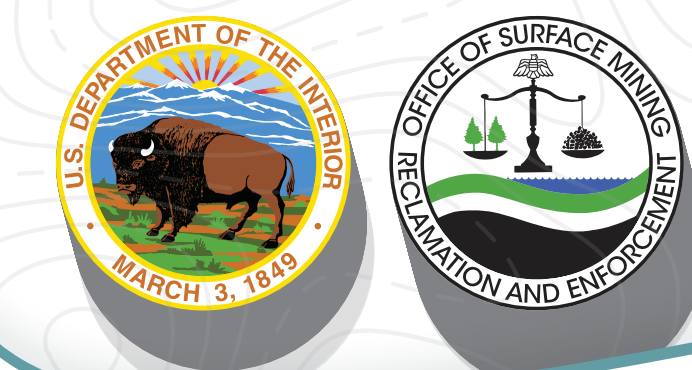




Stream Protection Rule



Activity in or near Streams

Current Regulations

Currently, mining activities may not disturb land within 100 feet of a perennial or an intermittent stream unless the regulatory authority specifically authorizes activities closer to, or through, such a stream. The regulatory authority may authorize such activities only after finding that the proposed activities would not cause or contribute to a violation of applicable federal or state water quality standards under the Clean Water Act and would not adversely affect the water quantity and quality or other environmental resources of the stream.

The existing regulations at 30 CFR 816.71 through 816.74 require that excess spoil fills be constructed by controlled placement of the excess spoil in lifts no greater than four feet thick, except that durable rock fills may be constructed by end-dumping, which is intended to result in the formation of underdrains by gravity segregation. In general, only surface coal mining operations in steep-slope terrain generate excess spoil.



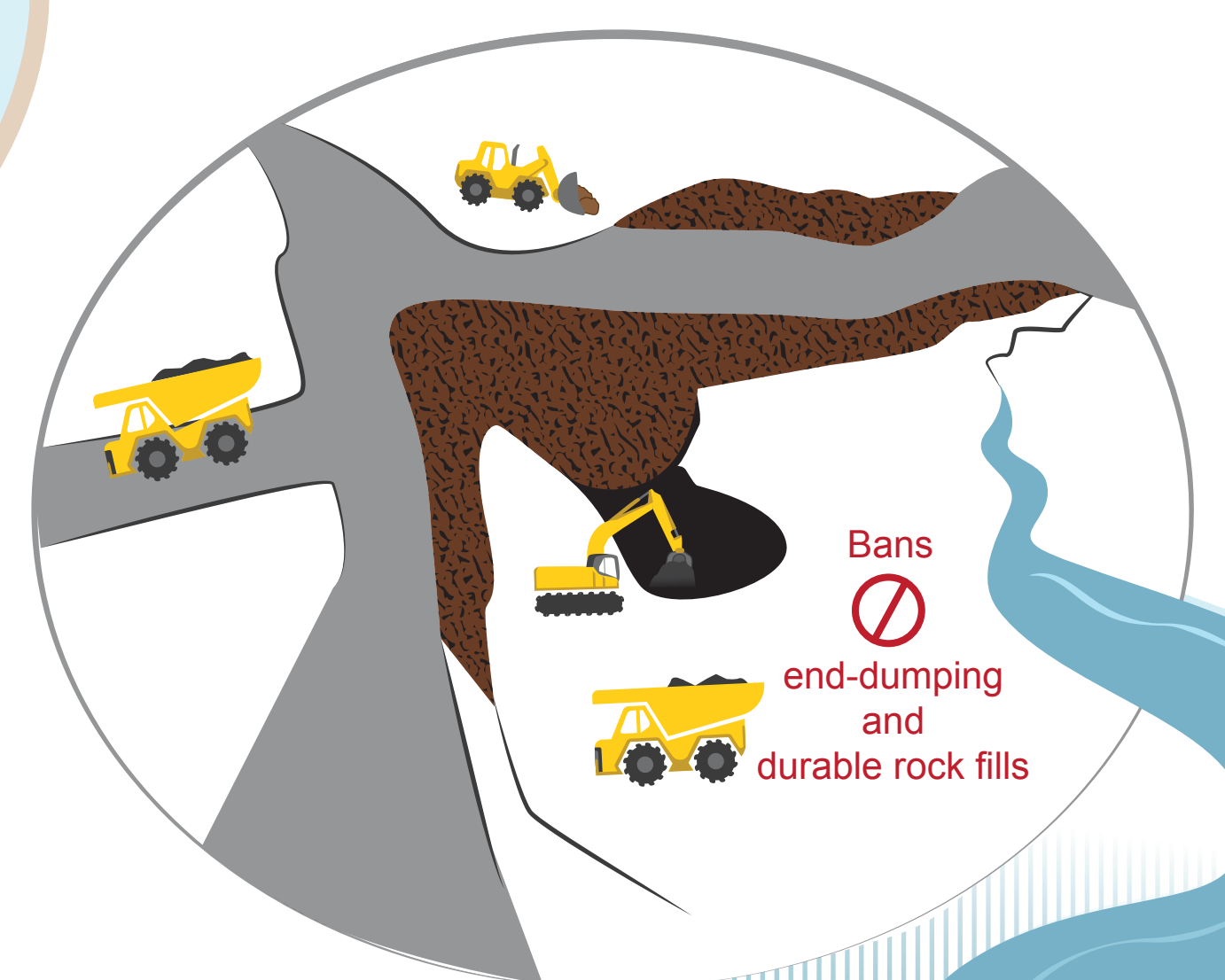
Restored stream under current regulations

Proposed Rule

PROTECTED STREAM

The proposed rule prohibits mining through perennial or intermittent streams unless the applicant demonstrates and the regulatory authority finds that the reclamation plan will achieve complete restoration of both the hydrologic form and ecological function of the stream.

In the illustration below, mining is occurring around the stream, but not within 100 feet on either side of the stream. The picture below demonstrates a protected stream under the proposed rule.



100 FT

100 FT

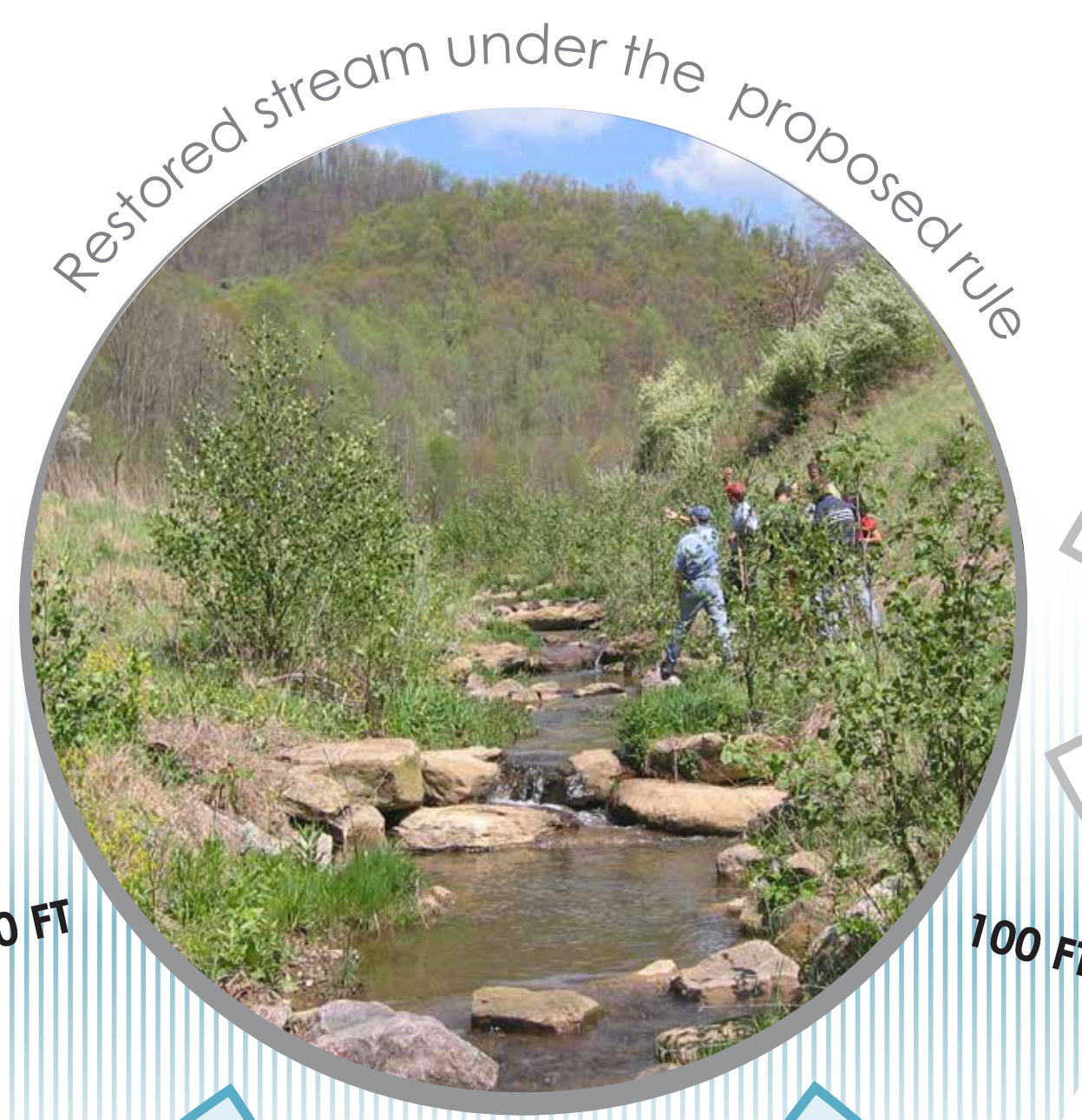


Protected stream under the proposed rule

RESTORED STREAM

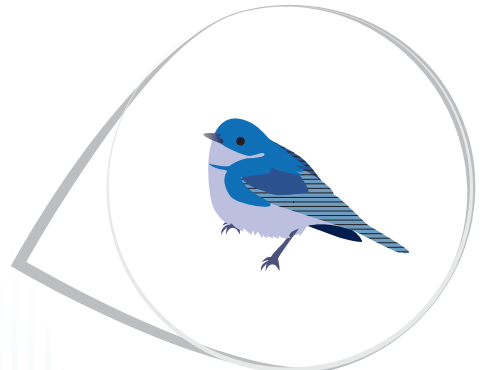
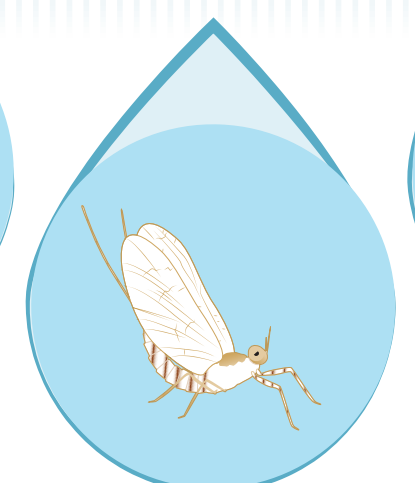
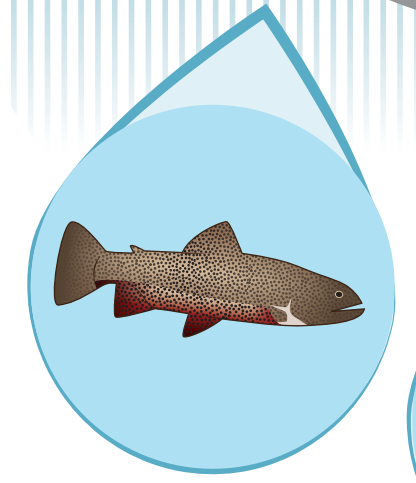
If an applicant has successfully demonstrated to the regulatory authority a number of criteria, mining through a perennial or intermittent stream may be allowed, but the hydrologic form and ecological function of the stream must be restored utilizing natural channel design techniques. Native vegetation on either side of a restored ephemeral, intermittent, or perennial stream must be planted in a corridor 100 feet wide.

The picture below illustrates the physical appearance of a restored stream under the proposed rule.



100 FT

100 FT



NOTE: See handout for additional direct stream protection measures.