



## WYOMING GAME AND FISH DEPARTMENT

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January 16, 2009

WER 7472

Department of Environmental Quality

Land Quality Division

Notice of Intent to Adopt Rules and Regulations

Land Quality Division of the

Coal Rules and Regulations

Craig Hults, Environmental Scientist I  
Department of Environmental Quality  
Land Quality Division  
Herschler Building, 3W  
122 W 25<sup>th</sup> Street  
Cheyenne, WY 82002

**FILED**

JAN 16 2009

Jim Ruby, Executive Secretary  
Environmental Quality Council

Dear Mr. Hults:

The staff of the Wyoming Game and Fish Department has reviewed the Notice of Intent to Adopt Rules and Regulations of the Land Quality Division Coal Rules and Regulations. We offer the following comments for your consideration.

As we previously stated in our letter of December 3, 2007 (WER 5685) we are concerned with the language regarding "species lacking credible value". We are very supportive of LQD's current language which essentially excludes such "species lacking credible value" (ex. noxious weeds, cheatgrass, other non-native invasives) from measurements of vegetative cover, diversity and biomass. These plant "species" that are encompassed by this language provide no value to wildlife habitat and can adversely affect long term success of reclamation.

We recommend DEQ investigate the potential to coordinate reclamation among adjoining mines. Using a "landscape approach" in mine land reclamation may better re-establish pre-mine vegetative landscapes and provide larger contiguous blocks of habitat to support wildlife species such as pronghorn, mule deer, and sage grouse. In addition, a landscape approach can enable appropriate planning across mine borders to provide reclamation of drainages that provide additional valuable habitat function as movement corridors.

The species diversity and composition standard which consists of identifying species within a 100 m<sup>2</sup> belt transect is weak at best. We recommend developing a more statistically robust method for determining the vegetative diversity found within reclamation. Greater plant

Mr. Craig Hults  
January 16, 2009  
WER - 7472

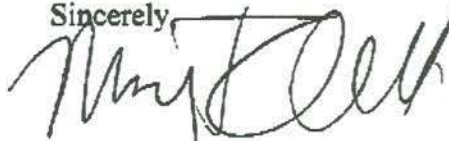
species diversity will better represent pre-mine native ranges and provide a variety of grasses and forbs enhancing the habitat for wildlife species.

We suggest that all wetland habitats are highly important whether they are "jurisdictional" or not. We recommend wetlands be reclaimed/restored to pre-mine condition as they provide a vital function for a variety of wildlife species.

Proper evaluation of vegetative parameters is imperative for the success of the mine reclamation program. We support DEQ-LQD's time frame of evaluation as stated in the document. Measuring vegetative parameters 2 of the last 4 years beginning no sooner than year 8 (of the bond) for a technical standard is appropriate.

Thank you for the opportunity to comment.

Sincerely



JOHN EMMERICH  
DEPUTY DIRECTOR



JE: MF

cc: USFWS