# Public Notice

US Army Corps of Engineers
Huntington District

| In reply refer to: | Issuance Date: |
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| **Public Notice No.** | June 13, 2003 |
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## REGULATORY GUIDANCE ON SURFACE COAL MINING ACTIVITIES

The purpose of this notice is to advise and clarify a determination of acceptable information for evaluating impacts to jurisdictional waters of the U. S., resulting from surface coal mining activities. The submittal of a Preconstruction Notification (PCN), as required under Nationwide Permit (NWP) 21, as well as, individual permit applications must include acceptable functional assessment methodologies consistent with the U. S. Environmental Protection Agency's Rapid Bioassessment Method. Two acceptable and state approved methodologies for Ohio include the Qualitative Habitat Evaluation Index (QHEI) for streams and the Ohio Rapid Assessment Method (ORAM) for wetlands. This office will evaluate acceptable functional assessment data along with any proposed mitigation to determine if a project will result in more than minimal impacts to jurisdictional waters. Information pertaining to the QHEI or ORAM can be referenced on the Ohio Environmental Protection Agency's website at http://www.epa.state.oh.us/index.html.

Information regarding compensatory mitigation may be referenced from the Regulatory Guidance Letter (RGL) 02-2, dated December 24, 2002, and available on the internet at http://www.usace.army.mil/inet/functions/cw/cecwo/reg/RGL2-02.pdf.

In accordance with Public Notice No. 200200248-21-1, dated January 10, 2003, applicants shall continue to reference and provide all information described in "Pre-Construction Notification Requirements for Nationwide Permit 21, Surface Coal Mining Activities". This public notice and other mining-related public notices may be referenced on the internet at http://www.lrh.usace.army.mil/or/permits/Public%20Notices/200200248.htm.

Additional information concerning Nationwide Permits for the State of Ohio, specifically NWP 21 can be found in the January 15, 2002, Federal Register notice (67 FR 2020). This announcement was published by Public Notice No. 200200248-1 on March 18, 2002 and may be referenced on the internet at http://www.lrh.usace.army.mil/or/permits/hqreg/Nationwide/nation.asp. If you have questions, please feel free to contact me at (304) 529-5487.

Ginger Mullins

Ginger Mullins, Chief
Regulatory Branch
Huntington District

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