Public Notice

US Army Corps of Engineers
Huntington District

In reply refer to:	Issuance Date:
Public Notice No.	June 13, 2003
Application No.:	Expiration Date:
200300623-KY	N/A
Address comments to:	US Army Corps of Engineers, Huntington District 502 Eighth Street ATTN: CELRH-F Huntington, West Virginia 25701-2070

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. One acceptable method is the Eastern Kentucky Stream Assessment Protocol (EKSAP), which is a scientifically-based assessment method used to assess a stream's (or a particular segment of stream) ecological integrity or functional aquatic value. The EKSAP can be used to correlate a monetary figure from a stream's ecological integrity. 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 EKSAP can be referenced on the internet at http://www.lrl.usace.army.mil/orf/Mitigation/EKYStreamAssess/eastkystreamassessment.htm.

Information regarding compensatory mitigation may be referenced from the Regulatory Guidance Letter 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 Kentucky, 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-KY on March 18, 2002 and may be referenced on the internet at http://www.lrh.usace.army.mil/or/permits/hqreg/Nationwide/248-KY.pdf. If you have questions, please feel free to contact me at (304) 529-5487.

Ginger Mullins

Ginger Mullins, Chief
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Huntington District

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