



Kentucky
Department for Surface Mining
Reclamation and Enforcement

Reclamation Advisory Memorandum

From: Commissioner Elmore Grim *E.C.H.*
Subject: Fish and Wildlife Guidelines

Date: November 18, 1982

RAM# 54

The department has recently released guidelines to assist applicants in meeting the fish and wildlife requirements of the permanent program regulations. These guidelines were developed jointly by this department and the Department of Fish and Wildlife Resources. We have received numerous questions from industry representatives as to how these guidelines will affect the review of permits, and particularly how they will affect the initial completeness of applications submitted by January 18, 1983 for operations which are transitioning into the permanent program.

These guidelines are intended to help applicants comply with the regulations, but the applicant has the option to use them or not. The guidelines are not regulations, and no application will be rejected simply because it does not utilize the procedures recommended in the guidelines. Each application will be reviewed on its own merits to determine if it meets the requirements of the regulations regarding fish and wildlife. The Foreword to the guidelines makes this very clear.

The guidelines recommend a method for collecting and mapping vegetation information which makes it simple to adequately describe the existing habitats for fish and wildlife. However, because of the lateness of the season it will be difficult for applicants who are transitioning into the permanent program to utilize the recommended method to its greatest advantage. Also, because the guidelines have been released only recently, many applicants will not have adequate time between now and January 18, 1983 to make full use of other procedures recommended in the guidelines.

For these reasons, we will not reject any transitioning application as initially incomplete on January 18, 1983, solely because of a lack of specific fish and wildlife information in the application. We will allow the applicant to supplement the application at a later time with any necessary fish and wildlife information.