on previously mined areas that the reclaimed vegetative ground cover must (1) not be less than the ground cover existing before redisturbance and (2) be adequate to control erosion.

With the exception of a minimum requirement that ground cover must be at least 70 percent, Oklahoma's proposed revisions are substantively identical to the Federal regulations at 30 CFR 816.116(b)(5) and 817.116(b)(5). Oklahoma's proposed requirement that the ground cover on the reclaimed area must be at least 70 percent vegetation has no counterpart in the Federal regulations. However, this proposed requirement is not inconsistent with the Federal regulations and, in those cases where the ground cover of the previously disturbed area was less than 70 percent and was sufficient to control erosion, provides for a greater degree of revegetation of previously mined areas than do the Federal regulations.

Therefore, the Director finds that Oklahoma's proposed revisions of subsection I.F.3.d in the Bond Release Guidelines are no less effective than the Federal regulations at 30 CFR 816.116(b)(5) and 817.116(b)(5). The Director approves the proposed revisions and removes the required amendment at 30 CFR 936.16(b).

Oklahoma also required at sections VII.A and B, for phase II and III bond release on areas developed for commercial, industrial, or residential land use, that the ground cover must be sufficient to control erosion. Oklahoma indicated parenthetically that the ground cover standard would be 70 percent. Oklahoma, at OAC 460:20-43-43(a)(4) and 460:20-45-43(a)(4), and OAC 460:20-43-46(b)(5) and 460:20-45-46(b)(5) require respectively that (1) ground cover for all land uses be capable of stabilizing the soil surface from erosion and (2) ground cover be not less than that required to control erosion for areas with an approved industrial, commercial, or residential land use. Therefore, OSM interprets Oklahoma's parenthetical indication that there must be 70 percent ground cover on land developed for commercial, industrial, or residential use to be a minimum standard that must be increased if it is insufficient to control erosion.

c. Subsection I.F.5.b, Phase III bond release requirements for permanent drainage control facilities. At 30 CFR 936.16(d), OSM required that Oklahoma revise subsection I.F.5.b to require that water discharged from permanent impoundments, ponds, diversions, and treatment facilities meet applicable water quality effluent limitations in addition to not degrading the quality of receiving water below applicable water quality standards (finding No. 5, 58 FR 64374, 64378, December 7, 1993).

Oklahoma proposed to revise subsection I.F.5.b in the Bond Release Guidelines to require that water discharged from permanent impoundments, ponds, diversions, and treatment facilities shall meet applicable water quality effluent limitations and not degrade the quality of receiving waters to less than the water quality standards pursuant to applicable State and Federal laws.

The Federal regulations at 30 CFR 816.49(b)(2) and 817.49(b)(2) require for permanent impoundments that the quality of impounded water will meet applicable State and Federal water quality standards, and discharges will meet applicable effluent limitations and will not degrade the quality of receiving water below applicable State and Federal water quality standards.

The Director finds that Oklahoma's proposed revisions of subsection I.F.5.b in the Bond Release Guidelines are substantively identical to and no less effective than the Federal regulations at 30 CFR 816.49(b)(2) and 817.49(b)(2). Therefore, the Director approves the proposed revisions and removes the required amendment at 30 CFR 936.16(d).

d. Subsections II.B.2.d, III.B.2.d, and V.B.2.c, Phase III bond release requirements for productivity on pastureland, phase III bond release requirements for productivity on grazingland, and phase II bond release requirements for productivity on prime farmland cropland. At 30 CFR 936.16(f), OSM required that Oklahoma revise subsections II.B.2.d, III.B.2.d, and V.B.2.c to state that productivity standards proposed by an applicant that are not calculated using the method described in Appendix O must be approved by both Oklahoma and OSM (finding No. 6.b, 58 FR 64374, 64378, December 7, 1993).

Oklahoma proposed to revise subsections II.B.2.d and III.B.2.d in the Bond Release Guidelines to require that, when a reference area is not used, a technical success standard for productivity on pastureland and grazingland be calculated by using the method described in Appendix O. Oklahoma also proposed to revise subsection V.B.2.c in the Bond Release Guidelines to require that, when a reference area is not used, a technical success standard for productivity on prime farmland cropland be calculated by using the method described in Appendix O.

The Federal regulations at 30 CFR 816.116(a)(1) and 817.116(a)(1) require

that standards for revegetation success shall be selected by the regulatory authority and included in an approved regulatory program. OSM previously approved the methods for calculating technical success standards for productivity in Appendix O in the Bond Release Guidelines.

By referencing Appendix O in subsections II.B.2.d, III.B.2.d, and V.B.2.c, Oklahoma has, in effect, limited technical success standards for productivity on pastureland, grazingland, and prime farmland cropland to only those standards calculated using the methods described in Appendix O.

Because Oklahoma no longer allows unspecified methods that OSM would not have an opportunity to approve, and because OSM previously approved Appendix O, the Director finds that the proposed revisions of subsections II.B.2.d, III.B.2.d, and V.B.2.c in the Bond Release Guidelines are no less effective than the Federal regulations at 30 CFR 816.116(a)(1) and 817.116(a)(1). The Director approves the proposed revisions and removes the required amendment at 30 CFR 936.36(f).

e. Subsections IV.A.1.a and b and Sections VII.A and B, Phase III bond release requirements for diversity, seasonality, permanence, and regeneration. At 30 CFR 936.16(c), OSM required that Oklahoma revise the Bond Release Guidelines to identify the revegetation success standards and sampling methods for diversity, seasonality, permanence, and regeneration that will be applied for all land uses prior to phase III bond release (finding No. 1.a, 58 FR 64374, 64375, December 7, 1993).

Oklahoma proposed to revise subsections IV.A.1.a and b, and sections VII.A and B in the Bond Release Guidelines, to require, prior to phase II and III bond release on reclaimed areas with a designated land use of forestry, wildlife habitat, recreation, industrial, commercial, or residential, that the bond release areas must meet permitspecific standards for diversity, seasonality, permanence, and regeneration.

For phase II bond release on pastureland and grazingland, subsections II.A.1.g and III.A.1.g in the Bond Release Guidelines require that perennial species not listed in the approved reclamation plan (but approved by Oklahoma as desirable and compatible with the postmining land use) cannot exceed 20 percent of total ground cover with no more than 5 percent ground cover by any one of these species. Subsections II.A.1.f and III.A.1.f in the Bond Release Guidelines