The Director finds that Louisiana's proposed revision of LSMR 5423.B.4.a is substantively identical to and no less effective than the Federal regulations at 30 CFR 816.116(b)(3)(ii) in meeting SMCRA's requirements. Therefore, the Director approves the proposed revisions and removes the required amendment at 30 CFR 918.16(a).

b. Policy Statement PS-5. Louisiana's existing LSMR 5423.B.4.a requires that the technical success standards for revegetation success on lands reclaimed for use as forestry shall be 450 well-distributed free to grow live pine trees per acre of the same age or 250 well-distributed live hardwood trees per acre of the same age and the countable stems shall be a minimum of 3 years old.

Louisiana proposed Policy Statement, PS–5, Revegetation Success Standards for Tree and Shrub Stocking on Lands with a Postmining Land Use of Forestry, to clarify that the requirements in LSMR 5423.B.4.a mean that 100 percent (i.e., all countable stems) must be in place for a minimum of 60 percent of the responsibility period (i.e., 3 of the 5 year minimum period of responsibility).

The Federal regulations at 30 CFR 816.116(b)(3)(ii) include the requirement that, at the time of bond release, at least 80 percent of the trees and shrubs used to determine such success shall have been in place for 60 percent of the applicable minimum period of responsibility.

The Director finds that Louisiana's proposed LSMR 5423.B.4.a, as clarified by its Policy Statement PS–5, is no less effective than the Federal Regulations at 30 CFR 816.116(b)(3)(ii) in meeting SMCRA's requirements. Therefore, the Director approves the proposed Policy Statement PS–5 and removes the required amendment at 30 CFR 918.16(b).

IV. Summary and Disposition of Comments

Following are summaries of all substantive written comments on the proposed amendment that were received by OSM, and OSM's response to them.

1. Public Comments

OSM invited public comments on the proposed amendment, but none were received.

2. Federal Agency Comments

Purusant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Louisiana program (administrative record No. LA-351.01). The U.S. Bureau of Mines responded on November 30, 1994, that it had no comments (administrative record No. LA–351.03).

The U.S. Army Corps of Engineers responded on December 1, 1994, that the proposed amendment was satisfactory (administrative record no. LA–351.04).

The U.S. Fish and Wildlife Service responded on December 2, 1994, that it had no objection to implementation of the proposed amendment (administrative record No. LA–351.05).

The U.S. Natural Resources Conservation Service (NRCS) responded on December 9, 1994, that Louisiana's requirement for 70 percent ground cover is 5 percent below the NRCS standard for ground cover of 75 percent (administrative record No. LA-351.08). Louisiana's requirement at LSMR 5423.B.4.a, that vegetative ground cover shall not be less than 70 percent, was previously approved by OSM (57 FR 48726, October 28, 1992). Louisiana's existing LSMR 5417.A.4, applicable to revegetation on land reclaimed for any use, requires that a vegetative cover be established that is capable of stabilizing the soil surface from erosion. Therefore, the requirement for 70 percent ground cover on land developed for forestry is a minimum standard that must be increased if it is insufficient to control erosion. In addition, Louisiana requires at LSMR 5421.A that suitable mulch and other soil stabilizing practices shall be used on all regarded and topsoiled areas to control erosion, promote germination of seeds, or increase the moisture content of soil. LSMR 5417.A.4 and LSMR 5421.A are no less effective than the requirements of the counterpart Federal regulations at, respectively, 30 CFR 816.111(a)(4) and 816.114. The Federal regulations at 30 CFR 816.116(b)(3)(iii) require, for areas to be developed for forestry, that vegetative ground cover shall not be less than that required to achieve the approved postmining land use. Louisiana's standard for ground cover at LSMR 5423.B.4.a, in conjunction with the requirements at LSMR 5417.A.4 and LSMR 5421.A, is consistent with and no less effective in meeting SMCRA's requirements than the Federal regulations at 30 CFR 816.116(b)(3)(iii). Therefore, the Director is not, in response to this comment, requiring that Louisiana revise the standard at LSMR 5423.B.4.a for ground cover on areas to be developed for forestry.

3. Environmental Protection Agency (EPA) Concurrence and Comments

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to solicit the written concurrence of EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the revisions that Louisiana proposed to make in its amendment pertain to air or water quality standards. Therefore, OSM did not request EPA's concurrence.

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA (administrative record No. LA–351.01). EPA responded on December 8, 1994, that it had no objections to OSM's approval of the proposed amendment (administrative record No. LA–351.07).

4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed amendment from the SHPO and ACHP (administrative record No. LA–351.01). ACHP did not respond to OSM's request. The SHPO responded on December 8, 1994, that it had no comments (administrative record No. LA–351.06).

V. Director's Decision

Based on the above findings, the Director approves Louisiana's proposed amendment as submitted on November 2, 1994.

The Director approves, as discussed in: finding No. 1.a, recodification of a segment of Louisiana's rules; finding No. 1.b, a nonsubstantive editorial revision at LSMR 5423.B.4; finding No. 2.a, LSMR 5423.B.4.a, concerning trees that will be used in determining the success of stocking and the adequacy of the plant arrangement on reclaimed lands developed for use as forestry; and finding No. 2.b, Policy Statement PS–5, concerning clarification of the revegetation success standards in LSMR 5423.B.4.a.

The Director approves the rules as proposed by Louisiana with the provision that they be fully promulgated in identical form to the rules submitted to and reviewed by OSM and the public.

The Federal regulations at 30 CFR part 918, codifying decisions concerning the Louisiana program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay.