

received by 4:00 p.m., m.s.t., January 2, 1996.

ADDRESSES: Written comments should be mailed or hand delivered to Guy V. Padgett at the address listed below.

Copies of the Wyoming program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Casper Field Office.

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SUPPLEMENTARY INFORMATION:

I. Background on the Wyoming Program

On November 26, 1980, the Secretary of the Interior conditionally approved the Wyoming program. General background information on the Wyoming program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Wyoming program can be found in the November 26, 1980, Federal Register (45 FR 78637). Subsequent actions concerning Wyoming's program and program amendments can be found at 30 CFR 950.12, 950.15, 950.16, and 950.20.

II. Proposed Amendment

By letter dated November 29, 1995, Wyoming submitted a proposed amendment to its program (administrative record No. WY-031-1) pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Wyoming submitted the proposed amendment in response to the required program amendments at 30 CFR 950.16(q) and (bb) through (gg). The provisions of the Wyoming Environmental Quality Act that Wyoming proposes to revise are: Wyoming Statue (W.S.) 35-11-103, definitions, and W.S. 35-11-402, establishment of reclamation standards. The provisions of the coal rules and regulations of the Department of Environmental Quality, Land Quality Division, that Wyoming proposes to revise are: chapter I, section 2,

definitions; chapter II, section 2, permit application requirements for surface coal mining operations; chapter IV, section 2, general environmental protection performance standards for surface coal mining operations; chapter X, section 4, coal exploration and reclamation performance standards; chapter XI, section 5, self-bonding; chapter XIII, section 3, notice and opportunity for public hearing on surface coal mining permit revisions; chapter XVII, section 1, definitions for designation of areas unsuitable for surface coal mining; and appendix A, vegetation sampling methods and reclamation success standards for surface coal mining operations.

Specifically, Wyoming proposes to delete the definitions for "Agricultural lands," "Critical habitat," and "Important habitat" or "crucial habitat" at W.S. 35-11-103(e) (xxviii), (xxix), and (xxx).

Wyoming proposes to revise W.S. 35-11-402(b) to indicate that this statutory provision addresses, to the extent required by Federal law or regulations, State wildlife agencies' approval, rather than consultation and approval, of reclamation standards for fish and wildlife habitat. It proposes to further revise W.S. 35-11-402(b) to require that the Wyoming Game and Fish Department shall consider "fish and wildlife habitat" to be that defined at W.S. 35-11-103(e)(xxvi) and not to include grazing land as defined in W.S. 35-11-103(e) (xxvii) "unless the grazingland has been designated as critical habitat by the United States Fish and Wildlife Service" or "crucial habitat by the Wyoming Game and Fish Department prior to submittal of the initial permit application or any subsequent amendments to the permit application." Wyoming proposes to revise W.S. 35-11-402(c) to require that native shrubs shall be reestablished on grazing land and that no shrub species shall be required to be more than one-half of the shrubs in the postmining standard.

Wyoming also proposes several revisions to its rules and regulations. In chapter I, Wyoming proposes to revise the definition for "Critical habitat" at section 2(v) to be "those areas essential to the survival and recovery of species listed by the Secretary of the Interior or Commerce as threatened or endangered; (50 CFR Parts 17 and 226)." It proposes to add a definition for "Crucial habitat" at section 2(w) to be "those areas, designated as such by the Wyoming Game and Fish Department, which determine a population's ability to maintain and reproduce itself at a certain level over a long term." It

proposes to add a definition for "Eligible land" at section 2(ac) to be

All land to be affected by a mining operation after the shrub standard set forth at Chapter IV, Section 2.(d)(x)(E) is approved by the Office of Surface Mining. Cropland, pastureland, or treated grazingland approved by the Administrator which is to be affected by a mining operation after the shrub standard set forth at chapter IV, section 2.(d)(x)(E) is approved by the Office of Surface Mining is not 'eligible land'.

Wyoming proposes to revise the definition for "Important habitat" at recodified section 2(ax) to be

That habitat which, in limited availability, supports or encourages a maximum diversity of wildlife species or fulfills one or more living requirements of a wildlife species. Examples of important habitat include, but are not limited to, wetlands, riparian areas, rimrocks, areas offering special shelter or protection, reproduction and nursery areas, and wintering areas.

It proposes to revise section 2(bc)(iii) to indicate that "Grazingland includes rangelands and forest lands where the indigenous native vegetation is actively managed for grazing, browsing, and occasionally hay production, and occasional use by wildlife." Wyoming proposes to revise section 2(bc)(viii) to indicate that "Fish and wildlife habitat means land dedicated wholly or partially to the production, protection or management of species of fish or wildlife." It proposes to add at section 2(bc)(xi) a provision to indicate that

"Treated grazingland" means grazingland which has been altered to reduce or eliminate shrubs provided such treatment was applied at least five years prior to submission of the state program permit application. However, grazingland altered more than five years prior to submission of the state program permit application on which full shrubs have reestablished to a density of at least one per nine square meters does not qualify as treated grazingland.

Wyoming proposes to recodify the definitions in chapter 1, section 2, to reflect the additions of new terms as discussed above.

In chapter II, Wyoming proposes to revise section 2(a)(vi)(G)(II) to require that, if crucial habitat, in addition to critical or important habitat, disruption is likely, the Wyoming Game and Fish Department shall be contacted to determine the types and numbers of wildlife likely to be disturbed or displaced. It also proposes to revise section 2(b)(iv)(C), regarding revegetation plans, to require that (1) the Wyoming Game and Fish Department shall be consulted, and its approval received, for minimum stocking and planting arrangements of trees and shrubs, including species composition