

and ground cover for crucial and critical habitat, (2) the Wyoming Game and Fish Department shall be consulted for minimum stocking and planting arrangements of trees and shrubs, including species composition and vegetative ground cover for important habitat, and (3) the Wyoming Department of Agriculture shall be consulted on cropland and erosion control techniques.

In chapter IV, Wyoming proposes to revise section 2(d)(x)(E) to include a requirement that the postmining density, composition, and distribution of shrubs shall be based upon site-specific evaluation of premining vegetation and wildlife use. It proposes to revise section 2(d)(x)(E)(I) to require that (1) except where a lesser density is justified from premining condition in accordance with appendix A, at least 20 percent of the eligible land shall be restored to shrub patches supporting an average density of one shrub per square meter, (2) patches shall be no less than .05 acres each and shall be arranged in a mosaic that will optimize habitat interspersed and edge effect, (3) criteria and procedures for establishing the standard are specified in appendix A, and (4) this standard shall apply upon approval by OSM to all lands affected thereafter. It also proposes to revise section 2(d)(x)(E)(II) to require that approved shrub species and seeding techniques shall be applied to all remaining grazingland. Finally, it proposes to revise section 2(d)(x)(E)(III) to require that (1) for areas containing designated critical or crucial habitat, the Wyoming Game and Fish Department shall be consulted about, and its approval received for, minimum stocking and planting arrangements of shrubs, including species composition, and (2) for areas determined to be important habitat, the Wyoming Game and Fish Department shall be consulted for recommended minimum stocking and planting arrangements of shrubs, including species composition, that may exceed the programmatic standard discussed above.

In chapter X, Wyoming proposes to revise section 4(e) to require that coal exploration operations that will substantially disturb the natural land surface shall not disturb critical or crucial habitats and that they shall consult the Wyoming Game and Fish Department prior to disturbing important habitat.

In chapter XI, Wyoming proposes to revise section 5(a) to require that the Administrator of the Division of Land Quality shall require the substitution of a corporate surety for a self-bond if the financial information submitted or

requested under section 4(a)(ii), rather than section 3(a)(ii), indicates that the operator no longer qualifies under the self-bonding program.

In Chapter XIII, Wyoming proposes to revise section 3(a) to require that (1) the operator's newspaper notice of application for permit revision shall include the information required by W.S. 35-11-406(j) and the permit number and date approved, and (2) the operator shall mail a copy of the application mine plan map to the Wyoming Oil and Gas Commission in accordance with W.S. 35-11-406(j).

In chapter XVII, Wyoming proposes to revise its rules concerning designation of areas unsuitable for surface coal mining at section 1(a) to define "Fragile lands" to include crucial habitats for fish or wildlife.

In appendix A, Wyoming proposes to revise section II.C.3, suggested sampling procedures for "shrub habitat characteristics," to indicate that (1) the postmining density, composition and distribution of shrubs shall be based upon site-specific evaluation of the premining vegetation and wildlife use, (2) except where a lesser density is justified from premining conditions, at least 20 percent of the eligible land shall be restored to shrub patches supporting an average density of one shrub per square meter, (3) the baseline vegetation "shall," instead of "should," include premining shrub distribution data, (4) shrub density and cover data "shall," instead of "should," be components of the shrub distribution information, (5) when shrub density data are estimated, they "shall," instead of "should," be gathered from each community, but not from control areas, reference areas, or extended reference areas, (6) "shrubs" "shall," instead of "should," be divided into woody species (full shrubs) and suffrutescent species (subshrubs) for sampling purposes, (7) shrub density counts shall be performed within a 50 square meter area using a plot shape appropriate to the community, (8) data "shall," instead of "should," be recorded by species, (9) data "shall," instead of "should," be reported as number per square meter and per acre, (10) all shrub density data collected after the effective date specified in chapter IV, section 2(d)(x)(E) of the rules and regulations shall be subject to the sample adequacy tests specified in appendix A, section IV, although all shrub density data collected on land affected prior to the effective date shall not be subject to sample adequacy tests unless that shrub density data is being used to fulfill the 20 percent shrub density standard, and (11) when sampling, which is not subject to

sample adequacy, is conducted, the number of shrub density sample points should correspond to the number of cover samples in each community type.

In appendix A, Wyoming proposes to revise table 1 to include parameter values to be used for 50 square meter shrub density plots in assessing sample adequacy, (2) to revise table 2, minimum and maximum sample sizes for various sampling methods, to delete the belt transect sampling method, and (3) to revise table 2 to require, for 50 square meter shrub density plots, a minimum of 15 samples and to indicate that, if sample adequacy cannot be achieved after sampling 50 shrub density plots, the operator shall contact the Land Quality Division for guidance.

In appendix A, Wyoming proposes to revise section IV.D to require that, with respect to maximum and minimum sampling sizes, shrub density be estimated using a 50 square meter plot.

In appendix A, Wyoming proposes to revise section VII.F, restoration of shrubs, subshrubs, and trees, to require that (1) the postmining density, composition, and distribution of shrubs shall be based upon site-specific evaluation of the premining vegetation and wildlife use and (2) except where a lesser density is justified from premining conditions, at least 20 percent of the eligible land shall be restored to shrub patches supporting an average density of one shrub per square meter. In this section, Wyoming also proposes to delete various shrub density criteria.

In Appendix A, Wyoming proposes to add in section VIII.E various and numerous standards and criteria for the evaluation of shrub density.

Lastly, in appendix A, Wyoming proposes to revise the glossary at appendix VII to define "dominant" as the species with the greatest density relative to all other species sampled and "primary shrub species" as

All full shrub species which comprise at least 10 percent of the relative density of full shrubs. However, if an operator selects option IV, the community-specific full shrub and approved subshrub density standard, then 'primary shrub species' means all full shrub and approved subshrub species which comprise at least 10 percent of the relative density of full shrubs. It is further provided under option IV that in order to be considered as a "primary shrub species," fringed sagewort must comprise at least 20 percent of the relative shrub and approved subshrub species composition.

### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable