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The following is designed to assist the State Regulatory Authorities (SRAs) in providing project-specific submissions for technical assistance required under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) Title V Regulatory Program and evaluated in the 2020 Biological Opinion (Opinion). This document aligns with the Office of Surface Mining Reclamation and Enforcement’s (OSMRE) 2020 Biological Assessment and Appendix A to the U.S. Fish and Wildlife Service’s (Service) Opinion. While SRAs are not required to use this document, it is provided as an optional tool to facilitate thorough and complete submissions. The Service anticipates that using this document may streamline the submission process and reduce the time necessary for the Service to provide technical assistance. Please note, the level of detail necessary in the submission will vary based upon factors such as project complexity and anticipated impacts to proposed or listed species and/or proposed or designated critical habitat which is reasonably certain to occur.

***Instructions*:**The CLEAR FORM button on the top left side of this page will clear all form boxes below. The signature block on the top right side will make the form into a read-only document. If you choose to use this document, please complete all items, and submit this document and all referenced attachments to the Service. Please contact the appropriate Service Field Office with any questions. If additional space is needed to specify details, please attach additional pages to this form. Please note the level of detail necessary in the submission will vary based upon factors such as project complexity and anticipated impacts that are reasonably certain to occur and would not occur but for the action to proposed or listed species and/or proposed or designated critical habitat.

**Submission Details**

**Submission Date:**

**Project Name:**

**Project County:**

**Service Project (IPaC) Number:**

**SMCRA Permit Number:**

**Type of Submittal** (*mark all that apply*): New Permit Permit Renewal Significant Revision

Incidental Boundary Revision Change in Species Listing/Critical Habitat Designation

*If applicable,* Significant Revisions Number: Incidental Boundary Revision Number:

**Type of Permit Facility:** Surface Underground Preparation Plant Haul Road Other:

**Coordination with Service1**

Is there an active state or federal violation, including any off-permit activities or impacts, related to this submission? Yes No

If yes, please provide details:

Date(s) and corresponding relevant details of earlier coordination history with the Service (if relevant) on this or a connected mining and reclamation operation. Include Service file numbers/SMCRA permit numbers and any other materials relevant to the previous coordination with the Service.

**Explanation and Details of Action under Consideration**

**Shapefile of entire permit area and “adjacent area”2 attached:** Yes No

Consistent with OSMRE's 2020 Biological Assessment and Appendix A to the Service's 2020 Biological Opinion, please provide, at a minimum, the following information:

1. Description of the action under consideration. The description must identify the areas to be disturbed by mining activities, including, but not limited to, vegetation removal, road construction, and surface excavations.
2. Description of the specific area that may be affected by the action, which would include both the proposed permit area and the adjacent area.
3. Description of any listed or proposed species or designated critical habitat that may be affected by the action, including the official species lists obtained through the Service’s Information for Planning and Consultation (IPaC) system found at: <https://ecos.fws.gov/ipac/>.
4. Description of how the operator will minimize disturbance and adverse impacts on proposed or listed species or proposed or final critical habitat, as well as an explanation of the operator’s compliance with the Endangered Species Act during the surface coal mining and reclamation operations.
5. Description of how the applicant proposes to enhance fish, wildlife, and related environmental values, where practicable (see 30 CFR §§ 780.16(b) and 784.21(b)).

**The following tables are provided to assist the SRA organizing the information required under 30 CFR** §§ **780.16 and 784.21, in a manner consistent with the regulations and the 2020 Opinion.**

**Table 1**. The purpose of this table is to help the SRA provide a description of the action under consideration (activity) and a description of the specific area (location) that may be affected by the action (items a and b above)2.

|  |  |  |  |
| --- | --- | --- | --- |
| **Type of Activity** | **Specific Location** | **Amount** (acres/miles) | **Detailed Description of Activities**3  (provide specific page references to this information in the submission materials, if appropriate) |
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**Specific location explanation3, if needed:**

**Total Acres/Miles in Project:**

**Table 2**. The purpose of this table is to help the SRA provide a description of adverse impacts of the above-mentioned actions (Table 1) on any listed or proposed species or designated critical habitat that may be affected by the action (item c above).

|  |  |  |  |
| --- | --- | --- | --- |
| **Species/**  **Critical Habitat** (on OSL) | **Species/ Critical Habitat Effects Determination** | **SRA Approved PEP Attached[[1]](#footnote-2)** | **Explanation of Rationale for Effects Determination[[2]](#footnote-3)** |
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OSL = Official Species List

**Detailed description of avoidance and minimization of adverse impacts (if any) to above listed species/ critical habitat**:

*Note: Specifically explain how disturbance and adverse impacts, if any, on listed or proposed species and designated critical habitat will be addressed. This description should also refer to any measures included in a PEP or proposed PEP that avoids or minimizes disturbances or adverse impacts. For instance, this may include time-of-year restrictions, buffer zones, sediment and erosion control, and locations and timing of these avoidance and minimization measures6. Please note, in some cases, avoidance of the incidental take of listed species cannot be achieved through measures included in a PEP. As explained in the 2020 Opinion, if incidental take of listed species cannot be avoided, the Service will specify additional species-specific protection measures (SSPMs) that minimize the impacts of incidental take and include monitoring and reporting requirements.*

**Detailed description of measures in a PEP that enhance, where practicable, proposed or listed species or proposed or final critical habitat:**

*Note: Describe any measures or proposed measures within the PEP that achieve enhancement, where practicable, of proposed or listed species or proposed or final critical habitat6.*

**NOTICES**

**PAPERWORK REDUCTION ACT STATEMENT**

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*), the Office of Surface Mining and Reclamation Enforcement (OSMRE) collects information necessary under §§ 780.16 and 784.21, and to respond to requests made under the Freedom of Information Act and the Privacy Act of 1974. Information requested in this form is used to obtain or retain a benefit. Submission of requested information is necessary to improve the quality of information gathered to strengthen the decision making for the U.S. Fish and Wildlife Service’s (Service) technical assistance. Failure to provide all requested information may be sufficient cause for the OSMRE or the Service to deny the request. According to the Paperwork Reduction Act of 1995, an agency may not conduct, or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. OMB has approved this collection of information and assigned Control No. 1029-0036.

**ESTIMATED BURDEN STATEMENT**

We estimate public reporting for this collection of information to average 11 hours, including time for reviewing instructions, gathering and maintaining data and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of the form to the Information Clearance Officer, U.S. Department of the Interior, OSMRE, Mailstop 1544, 1849 C Street NW, Washington, D.C. 20240. Please do not send your completed form to this address.

**FREEDOM OF INFORMATION ACT**

Information provided to the Service is generally subject to release to the public under the Freedom of Information Act (FOIA). Certain information, however, may be subject to withholding if the Service determines that the information is a trade secret and/or commercial or financial information that is privileged or confidential. To the extent you are submitting business information that falls into one of these categories, you must clearly mark this information as "Business Confidential" in order for the Service to assess the applicability of FOIA Exemption 4. Any information provided by you that is not marked as “Business Confidential” will be considered releasable to the public under the FOIA [43 CFR 2.26 – 2.33].

1. See species-specific checklist for more details. [↑](#footnote-ref-2)
2. This may include any on-site survey results, as well any additional measures that avoid or minimize impacts to species and their critical habitat. [↑](#footnote-ref-3)