



**FISH AND WILDLIFE INFORMATION RELATED
TO LISTED OR PROPOSED ENDANGERED OR THREATENED
SPECIES OF PLANTS OR ANIMALS OR THEIR CRITICAL
HABITATS UNDER 30 CFR §§ 780.16 AND 784.21**



Office of Surface Mining Reclamation and Enforcement
U.S. Fish and Wildlife Service

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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.

¹ "State regulatory authorities should approach the Service as early as possible in the permit application development process to provide sufficient time for the coordination and permit review and revisions process..." (see Appendix A, #1).

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:

- a. 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.
- b. Description of the specific area that may be affected by the action, which would include both the proposed permit area and the adjacent area.
- c. 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/>.
- d. 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.
- e. 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 Activities³ (provide specific page references to this information in the submission materials, if appropriate)

Specific location explanation³, if needed:

Total Acres/Miles in Project:

² SMCRA regulations define “adjacent area” as “the area outside the permit area where a resource or resources, determined according to the context in which *adjacent* area is used, are or reasonably could be expected to be adversely impacted by proposed mining operations, including probable impacts from underground workings.” For the purposes of identifying fish and wildlife information related to listed or proposed endangered or threatened species of plants or animals or their critical habitats under 30 CFR §§ 780.16 and 784.21, “adjacent areas” should include all impacted areas, including details such as location, amount, acreage, distance, timing, equipment used and all other relevant metrics of changes to land, air, or water. Please provide an explanation of how the affected area was determined.

³ To provide sufficient information for the Service to conduct its analysis, please provide a description of all components of the project resulting in changes to land, air, or water. The description is not limited to the footprint of the project and should include all areas impacted by these changes, including details such as location, amount, acreage, distance, timing, equipment used and all other metrics of relevant to the changes to land, air, or water. This also includes changes to land, air, or water that may occur later in time. Details on ground disturbance, vegetation removal, if aquatic areas will be impacted with rock or fill material or boring underneath the stream, and how these might impact species are also important for the Service to conduct its analysis. In addition to specific details, if deemed appropriate, provide specific details on whether state abandoned mine lands databases were reviewed for known caves or mine portals (provide maps if deemed necessary). Lastly, state whether a field reconnaissance of the SMCRA permit boundary occurred and provide any available details.

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].