From: Mary Flanderka
To: Berglund, Jeff
Cc: Wightman, Catherine; Pat Deibert; Jodi Bush; Brent Esmoil; Mary Flanderka
Subject: Re: SMCRA / WY EO
Date: Thursday, September 19, 2013 2:29:40 PM

Jeff, I think you captured it. There is concern that a coal mine would exceed the 5%. If that is the case, there would LOTS of conversation about minimizing either the disturbance or how to restore previous reclaimed but unsuitable habitat.

On Thu, Sep 19, 2013 at 1:09 PM, Berglund, Jeff <jeff_berglund@fws.gov> wrote:

> Hi Catherine. Just had a conversation with and received a subsequent voicemail from Mary Flanderka that I'll attempt to relay. This pertains to the May 15, 2013 SUMMARY OF HOW COAL ACTIVITIES WILL BE HANDLED INSIDE SAGE GROUSE CORE AREAS (attached). Here were her points as I understood them:
>
> 1) The items were drafted by committee and may be somewhat hard to follow, but need to all be read and considered together.
> 2) Coal mining is not exempt from the EO. SMCRA requires WDEQ to handle permitting, and WDEQ requests comments from WG&F. Both WDEQ and WG&F have to compy with the EO. So, the EO actually applies, in effect, through SMCRA. SMCRA does not supercede the EO, and the EO does not supercede SMCRA.
> 3) In core habitat, it is anticipated that coal projects have to comply with the EO except for: a) existing operations, which are allowed to continue under SMCRA-authorized permit terms and conditions; and b) minimal impacts associated with modified mine plans and/or new leases under existing mine operations / plans, for which exceptions are allowed.
>
> Mary, if I misrepresented any of this, please let me know. Thanks!
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> Jeff
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