

OSM WESTERN REGION
OPERATING GUIDANCE

INITIAL PROGRAM REGULATIONS

RILLS AND GULLIES: (approved by Regional Management Council 10/02/2000)

In implementing the requirements of 30 CFR 715.14 (i), the region has determined that, three (3) years after the last seeding, vegetation would be considered established for the purposes of this paragraph unless a different period of time was otherwise determined and documented on a case by case basis. After vegetation is established, OSM would not consider a gully deeper than 9" to be a violation of 30 CFR 715.14(i). Since directive Reg-14 addresses those areas where vegetation has not been established, it is not applicable once the time period has been met.

Gullies that develop on Initial Program lands after vegetation has been established will be evaluated under the criteria at 30 CFR 715.13(a) (i.e., "all disturbed areas shall be restored to conditions that are capable of supporting the uses which they were capable of supporting before any mining") and 715.17 (i.e., "changes in water quality and quantity ... shall be minimized such that the post-mining land use of the disturbed land is not adversely affected and the applicable Federal and State statutes and regulations are not violated"). Vegetation will be evaluated under 715.20.

GRAZING: (approved by Regional Management Council 5/02/2001- for application on Indian land mines in the Southwest.)

The following process will be followed by the Western Region in determining when a revegetated area is ready for grazing under the requirements of 30 CFR 715.20(e)(2). If an operator believes that a reclaimed area is ready for managed grazing the Field Office should be notified either in writing or orally. The notification should include a description of the areas that the operator believes are ready for managed grazing. WRCC may also initiate a determination that areas are ready for managed grazing. In any event, WRCC will coordinate an inspection of the reclaimed areas with the Tribes, the BIA and the operator. OSM in consultation with the other inspection participants will determine whether the areas are ready for grazing based upon a field review. The areas that are determined to be ready for grazing will be documented in a Grazing Areas Approval form that will be signed by all the inspection parties, hand-delivered to the operator, and maintained in OSM's files.

For areas that have not been determined as ready for grazing, inspectors will provide the operator with an opportunity to remove livestock before writing an NOV. For areas that have been approved for grazing, operators need not submit grazing plans for approval (and may modify their permits to remove such a requirement if now mandated by their permits) nor will grazing plans be enforced by OSM. Impacts of overgrazing will be regulated through the vegetation and stabilization requirements as with the permanent program.