

HDR

Using Nationwide Permit 49 to Obtain Corps Permit for Mining in Oklahoma and Texas

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General Permits (Nationwide and Regional)

- Used to authorize activities that have minimal individual and cumulative effects on the aquatic environment
- Must be reissued by HQ every five years
- 50 Nationwide Permits for various activities
- Three of the 50 NWP's (NWP 21, 49, and 50) are for coal mining activities
- Applicants provide notification via a Pre-Construction Notification (PCN) to district for review
- Districts must determine that the project will have no more than minimal individual or cumulative adverse environmental effects (proposed mitigation can be considered)
- Applicants cannot begin work until they receive written verification from the Corps

Nationwide Permit (NWP) 21

- 2012 Limits
 - ½ acre of non-tidal waters of U.S.
 - 300 linear feet of stream bed
 - DE can waive for intermittent & ephemeral streams

12 NWP 49–Coal Remining Activities

- First issued in 2007 in response to request by industry for incentive to remine
- Remining can fix pre-law problems such as disconnected streams, highwalls, gob piles
- New mining techniques make it feasible to recover additional reserves
- No limits on impacts but must result in a net increase in aquatic resource functions
- Permittee must document the net increase in function in the notification package
- Allows new mining in adjacent areas if newly mined area is less than 40% of remined area plus any additional area needed to facilitate the remining and reclamation

NWP 49

- 2012 Limits
 - Limited to sites that were previously mined for coal, but new mining may be conducted in adjacent areas if the newly-mined area is <40% of the area being remined plus any unmined area needed for reclamation
 - Corps will review SMCRA determination regarding the amount of previously unmined area necessary for reclamation

Individual Permit

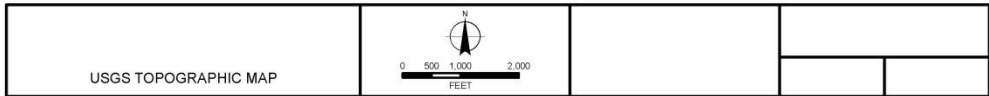
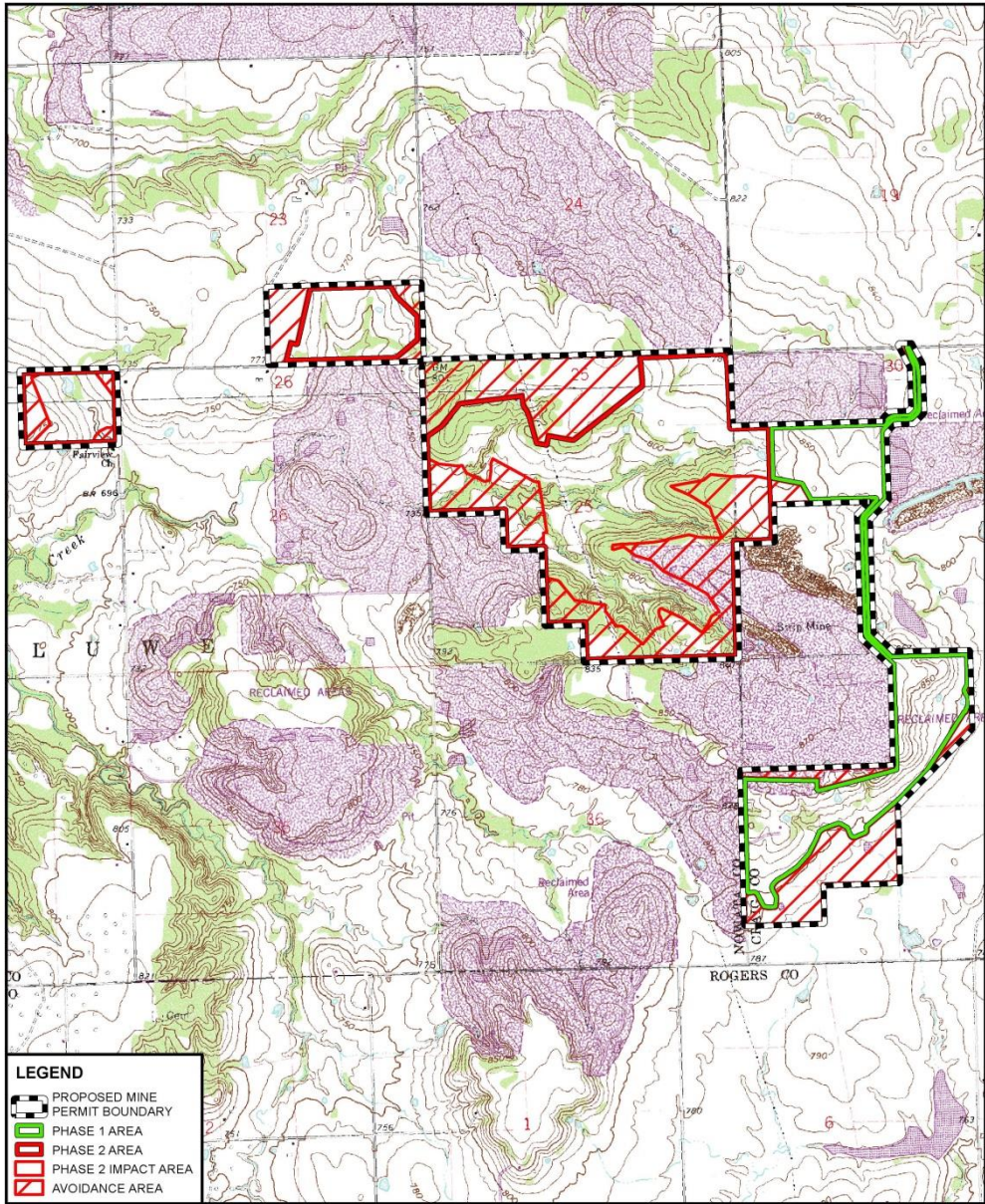
- Activities that do not qualify for authorization under the General Permit program may qualify for authorization by Standard Individual Permit (IP). Authorization under an IP may be obtained only through application with the USACE. These permits are issued for activities that have more than minimal adverse impacts to waters of the United States, and evaluation of each permit application involves a more thorough review of the potential environmental and socioeconomic effects of the proposed activity.

Individual Permit

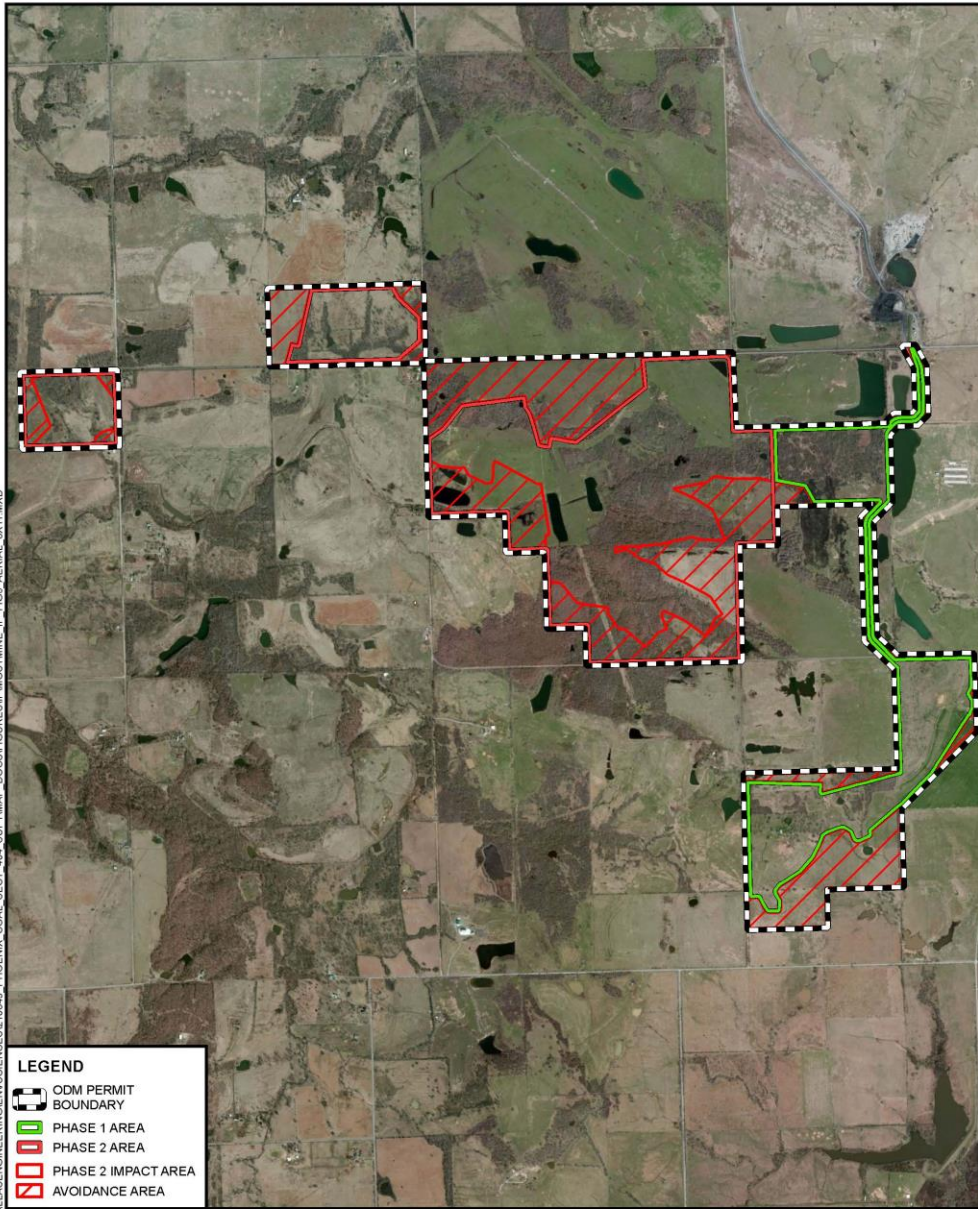
- Used for larger projects with more substantial impacts
- Issue public notice with opportunity for public hearing and/or input
- Prepare an environmental documentation pursuant to National Environmental Policy Act (NEPA)
- Must determine compliance with 404(b)(1) Guidelines and that work is not contrary to public interest

NWP 49


- It provides for authorization of projects associated with the re-mining and reclamation of lands that were previously mined for coal.
- Area must already have or be proposed for a SMCRA permit
- New mining may be conducted on adjacent areas provided that the area mined is smaller than 40 percent of the previously mined lands plus the unmined lands required to reclaim the previously mined lands as determined by SMCRA
- The applicant must clearly demonstrate that the reclamation plan will result in a net increase in aquatic resource functions, and that any adverse impacts to the aquatic environment are minimal. If the district engineer determines through this case-by-case review that the activity has the potential to result in more than minimal adverse effects to the aquatic environment, he or she can exercise discretionary authority to require an individual permit.



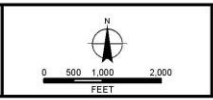
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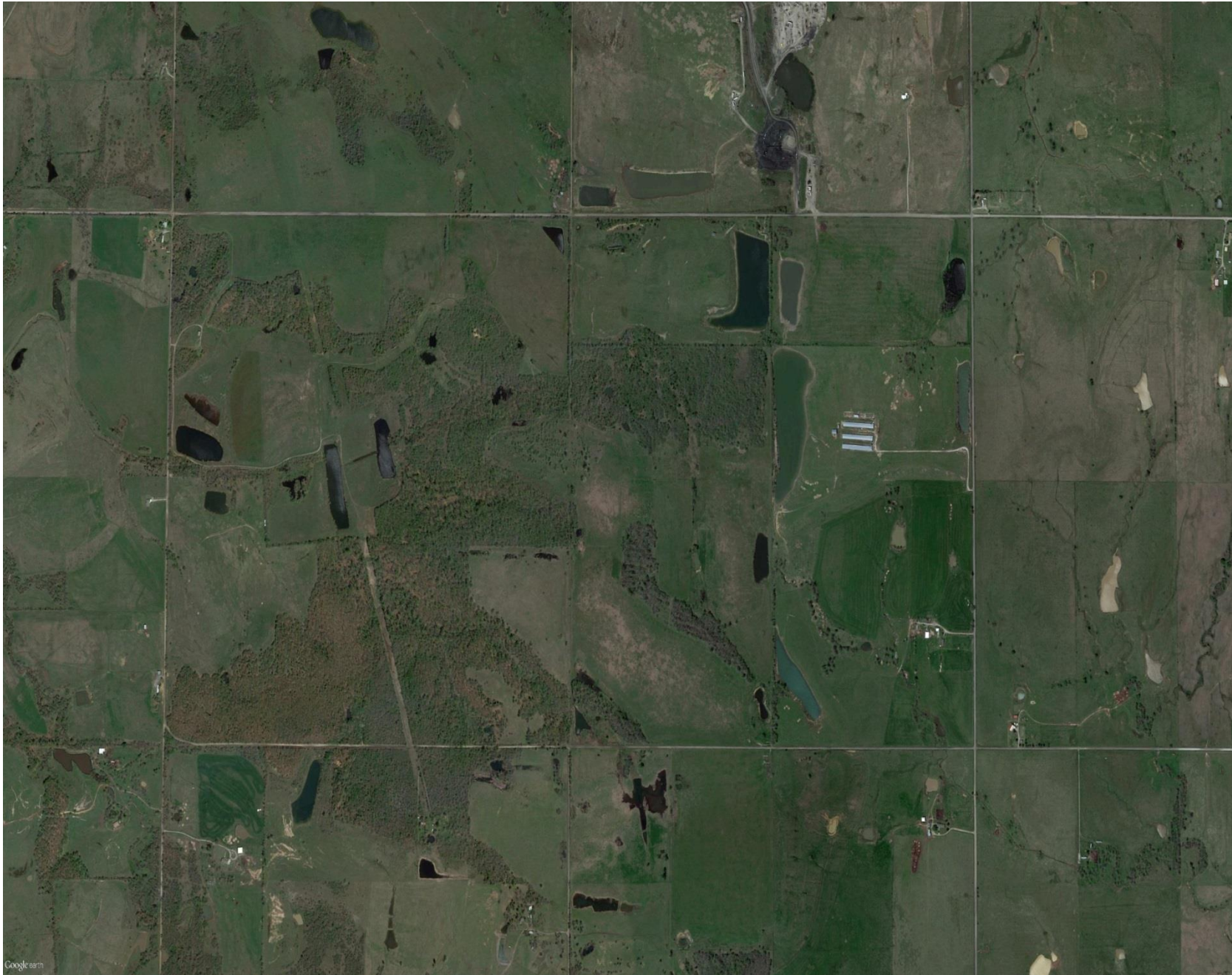
LEGEND

-  ODM PERMIT BOUNDARY
-  PHASE 1 AREA
-  PHASE 2 AREA
-  PHASE 2 IMPACT AREA
-  AVOIDANCE AREA

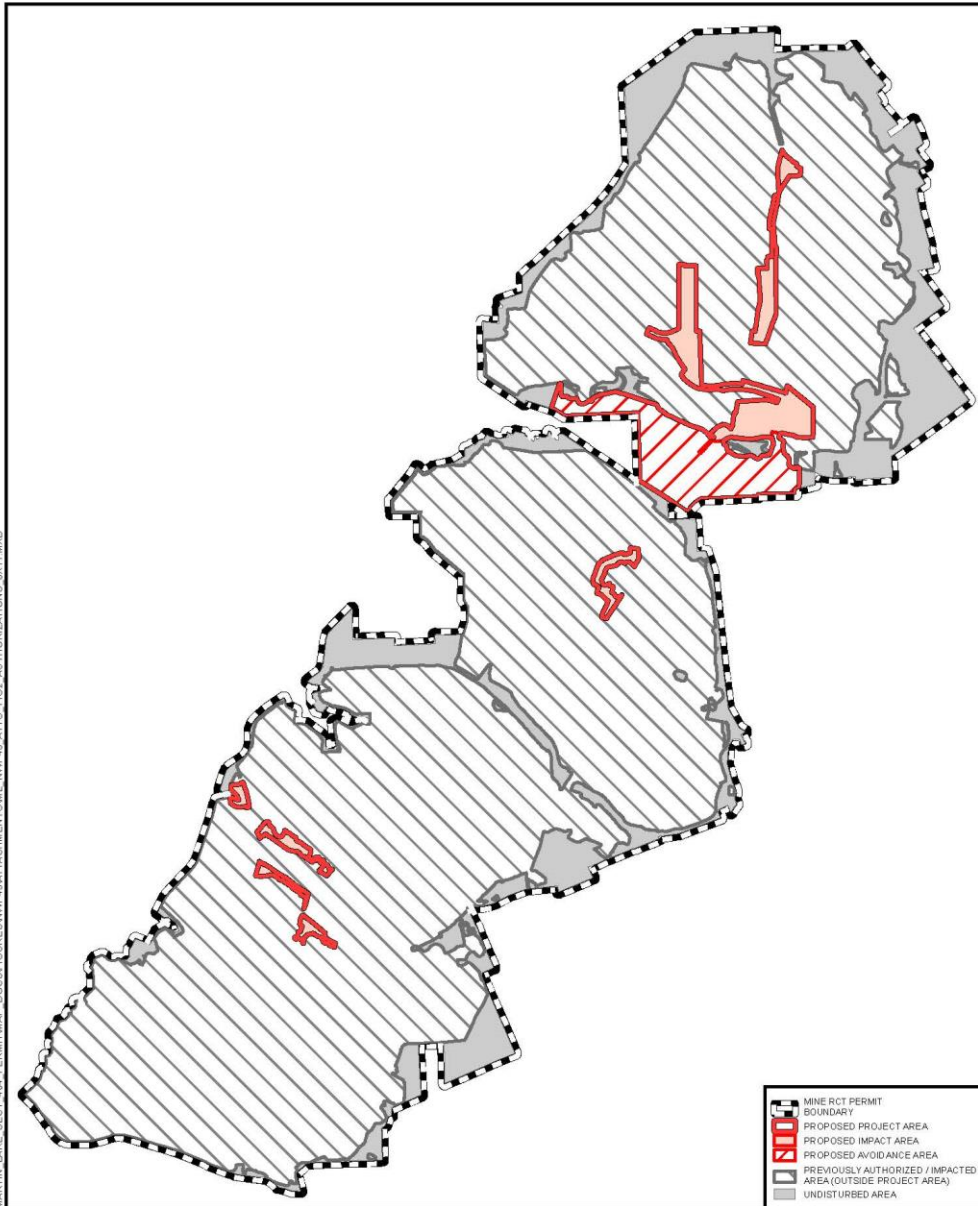
AERIAL PHOTOGRAPH



	<small>HDR ENGINEERING, INC. 1111 FRANKLIN BLVD. SUITE 300 DALLAS, TX 75248-1292 972-968-8400</small>
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JUN 2013	FIGURE 5

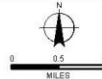


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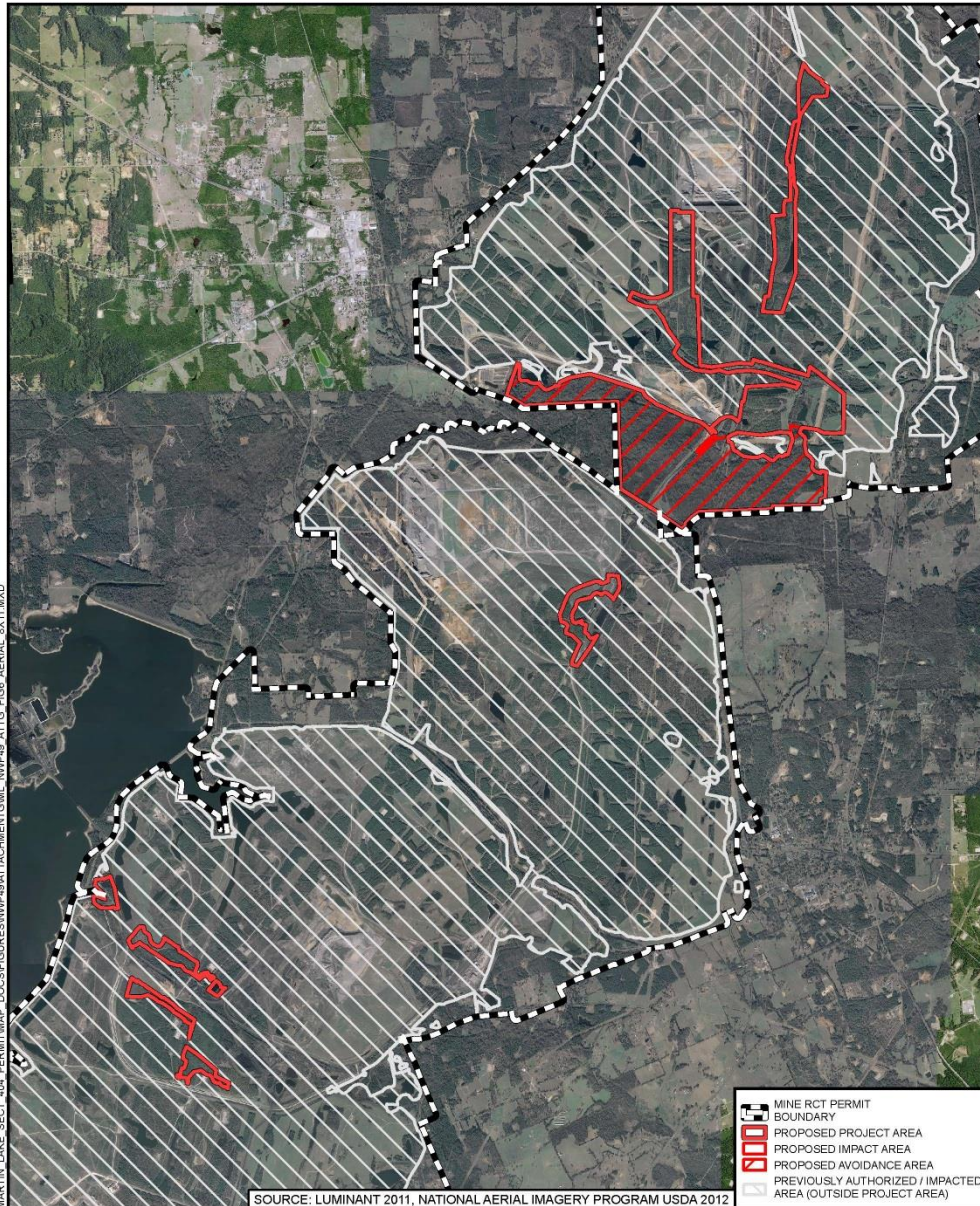


- MINE RCT PERMIT BOUNDARY
- PROPOSED PROJECT AREA
- PROPOSED IMPACT AREA
- PROPOSED AVOIDANCE AREA
- PREVIOUSLY AUTHORIZED / IMPACTED AREA (OUTSIDE PROJECT AREA)
- UNDISTURBED AREA






NATIONWIDE PERMIT 49
PREVIOUS / CURRENT USACE AUTHORIZATIONS



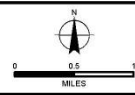
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SOURCE: LUMINANT 2011, NATIONAL AERIAL IMAGERY PROGRAM USDA 2012

-  MINE RCT PERMIT BOUNDARY
-  PROPOSED PROJECT AREA
-  PROPOSED IMPACT AREA
-  PROPOSED AVOIDANCE AREA
-  PREVIOUSLY AUTHORIZED / IMPACTED AREA (OUTSIDE PROJECT AREA)

NATIONWIDE PERMIT 49
AERIAL PHOTOGRAPH

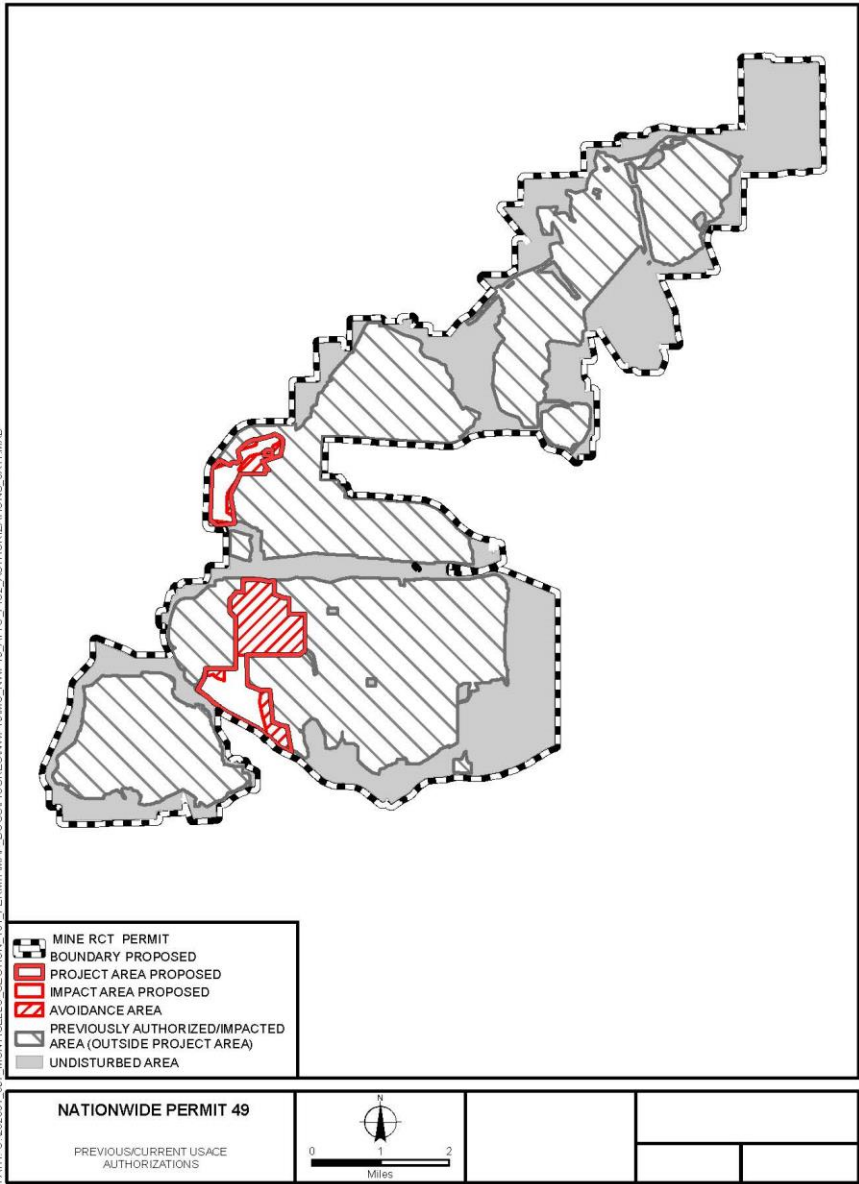


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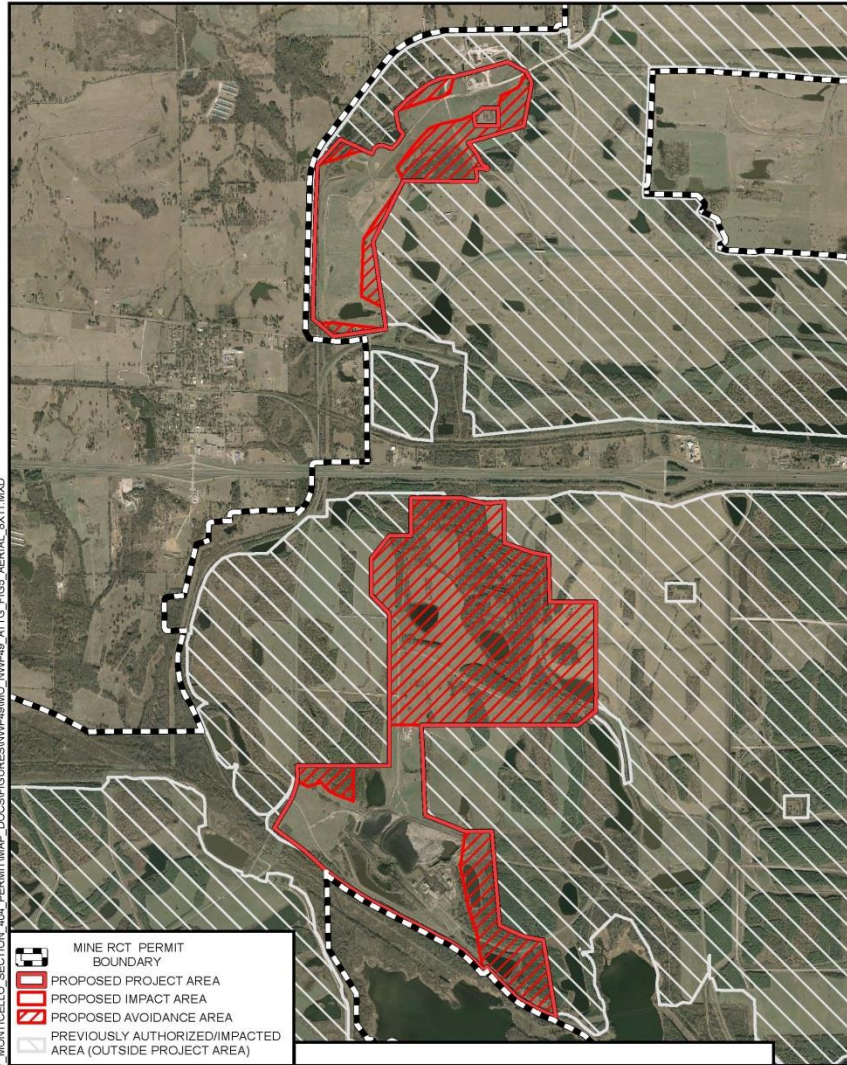
ATTACHMENT G
FIGURE 6








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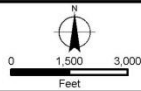


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-  MINE RCT PERMIT BOUNDARY
-  PROPOSED PROJECT AREA
-  PROPOSED IMPACT AREA
-  PROPOSED AVOIDANCE AREA
-  PREVIOUSLY AUTHORIZED/IMPACTED AREA (OUTSIDE PROJECT AREA)

**NATIONWIDE PERMIT 49
AERIAL PHOTOGRAPH**



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APR 2014

ATTACHMENT G
FIGURE 5



State Water Quality

- State water quality certification will likely be required
 - Include 401 information in NWP 49 application in Texas
 - Mining company must work with ODEQ in Oklahoma

All general and special conditions must be met for the Region granting the permit, regardless of permit type.

