



# WEST VIRGINIA RIVERS COALITION

3501 MacCorkle Ave. SE #129 • Charleston, WV 25304 • (304) 637-7201 • [www.wvivers.org](http://www.wvivers.org)

October 26, 2015

Office of Surface Mining Reclamation and Enforcement  
Administrative Record, Room 252 SIB  
1951 Constitution Avenue NW.  
Washington, DC 20240

Re: Stream Protection Rule Docket ID: OSM–2010–001

West Virginia Rivers Coalition is a statewide non-profit organization dedicated to protecting and preserving West Virginia's exceptional rivers and streams. We endorse the extensive technical comments submitted by the Sierra Club and the Center for Biological Diversity. Generally, we support of the stricter regulations that the Office of Surface Mining Reclamation and Enforcement (OSMRE) have proposed in the Stream Protection Rule (SPR). We agree with OSMRE on several aspects of the rule including the requirement for pre- and post-mining water quality and biological monitoring, defining when a stream has been impaired and using native vegetation during reclamation.

SPR is an important step in the right direction, but there are additional areas where the rule could be improved to provide greater protections for WV's rivers and streams. We emphasize the following points in regards to strengthening the draft rule:

- Provide equal protections for perennial, intermittent, and ephemeral streams.
- Enforce a buffer zone of 100 feet for all streams within close proximity of mining activities.
- The 100 foot buffer zone around streams should not allow for exceptions or variances.
- Use the best available science that has been published and peer reviewed.
- The proposed regulations need to be enforceable under SMRCA.

We share in OSMRE's acknowledgment that the current approach to regulating surface coal mining is inadequate. We commend OSMRE on the attempts to draft a stronger rule and encourage thoughtful consideration of recommendations to further improve the final rule so that it truly protects streams from the impacts of coal mining. Thank you for your time and efforts.

Sincerely,

Angie Rosser  
Executive Director  
West Virginia Rivers Coalition