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## *Fish and Wildlife Resource Inquiries*

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<b>SUBJECT:</b>	<b>Applicability of State (WVDNR) Wildlife Resources Lands Inquires</b>
<b>DATE:</b>	<b>March 1, 1997</b>

The following types of applications require a *Lands Inquiry Response* be included in the application:

MR-4	Surface Mine Application
MR-3	Notice of Intent to Prospect
MR-4PR	Incidental Boundary Revision
MR-17*	Permit Renewal

An **existing** *Lands Inquiry Response* may be utilized if the following conditions are met:

- The date of the existing response may not exceed two (2) years prior to the date of submittal of the application;
- The existing response must be within 2,500 feet of the new submittal;
- Future permits entirely within a permitted area, including sufficient bond on file with DMR, shall not require a new *Lands Inquiry Response* regardless of the two (2) year limitation;
- The name on the *Lands Inquiry Response* does not in any way have to be connected with the applicant.

*\*The two (2) year limitation does not apply to permit renewals. An existing Lands Inquiry Response for a permit can be utilized in an Article 3 renewal.*

It is the applicant's responsibility to obtain and include a copy of the signed and dated *Lands Inquiry Response* in the appropriate applications.

<b>SUBJECT:</b>	<b>Guidelines for Applying for a State (WVDNR) Wildlife Resources Lands Inquiry*</b>
<b>DATE:</b>	<b>June 1, 1999</b>

These guidelines were determined by the West Virginia Department of Environmental Protection to prevent inconsistencies in the review process. Applications to the Division of Natural Resources must include the following:

1. Estimate of the total acreage to be permitted.
2. Limits of the proposed operation clearly shown on all maps.
3. Three (3) copies of the Proposal/Drainage map(s), minimum scale of 1"=500', with water discharge points and stream crossings clearly shown.
4. Two (2) copies of a topographic map (1"=2000') with the proposed operation site clearly shown.
5. A location map, such as a county road map, with the site clearly shown.
6. Latitude and longitude for operation clearly shown.
7. Receiving streams clearly shown on all maps.
8. A check for \$150.00 made out to the WV Division of Natural Resources.

- **If the application is for a prospect** you may send either three copies of the proposal/drainage map and one copy of the location map, OR **three** copies of the topographic map. Please be sure to include the above guidelines. Be site-specific when giving the limits of your operation by showing drill holes, and give a centrally located latitude/longitude.

Incomplete application packets will be returned. If you have any questions please contact Barbara Sargent at 304-637-0245 or [Barbara.D.Sargent@wv.gov](mailto:Barbara.D.Sargent@wv.gov).

Note: For this analysis, WVDNR reviews an area within a 2-mile radius and six miles downstream.

*\* Send completed application packages to WV Division of Natural Resources, P.O. Box 67, Elkins, WV 26241 Attention: Barbara Sargent/Coal Related Lands Inquiry.*

**SUBJECT: Guidelines and Applicability for Endangered Species Consultation\***

**DATE: September – 2004  
Updated – January 2007 – January 2010**

This guidance was developed to provide a consistent approach to endangered species consultation in conformance with the national programmatic 1996 Biological Opinion between the OSM and the U. S. Fish & Wildlife Service for approved state coal programs.

Regardless of acreage, all Surface Mining Applications and Amendments (Form MR-4) and Permit Renewals (Form MR-17) of Not Started class permits require consultation.

Consultation is also required for Incidental Boundary Revisions (IBR's) (Form MR-4PR) of 40 acres or more of forest containing trees  $\geq 5$  inches in diameter. If special endangered species conditions are listed within the original permit, consultation may be required for IBR's of lesser acreage.

For Notices of Intent to Prospect (Form MR-3) and Incidental Coal Removal (Form MR-4C), Headquarters staff listed below should be contacted if the associated WVDNR Wildlife Lands Inquiry is check-marked for rare, threatened or endangered species.

\* Submit consultation materials by email only on Form MR-27 entitled "Request for Endangered Species Consultation" to [End.Species.Coal@wv.gov](mailto:End.Species.Coal@wv.gov). This form is available on the WVDEP web page under Division of Mining and Reclamation.

If you have any questions please contact: Ben Lowman (304)-926-0499 ext.1101 [Ben.M.Lowman@wv.gov](mailto:Ben.M.Lowman@wv.gov) or Chris Harvey (304) 926-0499 ext.1509 [Christopher.J.Harvey@wv.gov](mailto:Christopher.J.Harvey@wv.gov).