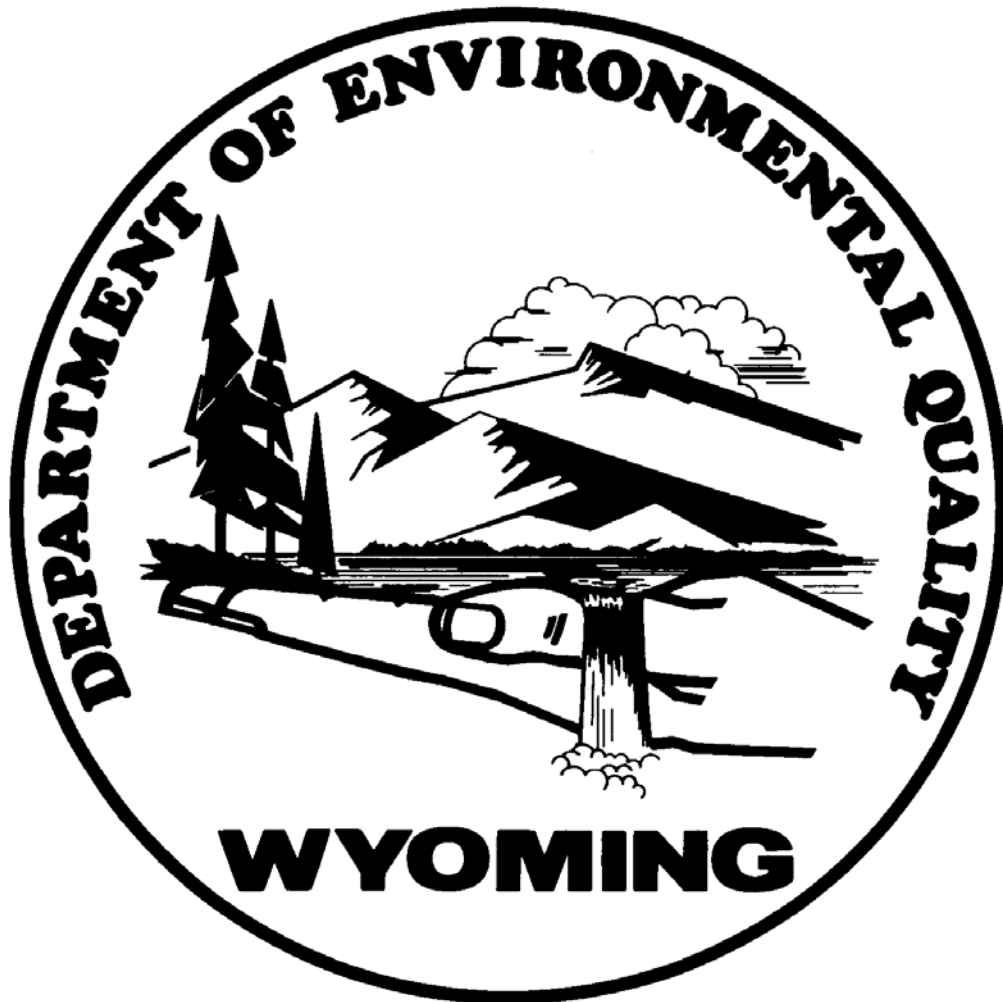


**DEPARTMENT OF ENVIRONMENTAL QUALITY  
LAND QUALITY DIVISION**



**GUIDELINE NO. 24**

**PRE-APPLICATION PROCESS GUIDELINE FOR  
PERMIT APPLICATIONS, AMENDMENTS AND  
REVISIONS FOR COAL AND NONCOAL MINING  
OPERATIONS**

# Table of Contents

<b>I.</b>	<b>PROCESS OVERVIEW.....</b>	<b>1</b>
<b>II.</b>	<b>PROCESS STEPS.....</b>	<b>2</b>
	<b>A.</b> Initial Contact.....	<b>2</b>
	<b>B.</b> Meeting Coordination.....	<b>2</b>
	<b>C.</b> Meeting Preparation.....	<b>2</b>
	<b>D.</b> The Meeting.....	<b>3</b>
	<b>E.</b> Meeting Outcomes.....	<b>4</b>
<b>III.</b>	<b>APPLICATION SUBMITTAL.....</b>	<b>4</b>
<b>IV.</b>	<b>LQD PERMIT COORDINATOR INFORMATION.....</b>	<b>4</b>
	<b>ATTACHMENT NO. 1 – Pre-application Process Flow Chart.....</b>	<b>6</b>
	<b>ATTACHMENT NO. 2 – Applicable Guidelines.....</b>	<b>7</b>
	<b>ATTACHMENT NO. 3 – Pre-Application Process: Complex – Simple Path Determination Flow Chart.....</b>	<b>8</b>
	<b>ATTACHMENT NO. 4 – Simple Path Meeting Agenda and Checklist.....</b>	<b>9</b>
	<b>ATTACHMENT NO. 5 – Simple Path Action Plan.....</b>	<b>10</b>
	<b>ATTACHMENT NO. 6 – Complex Path Meeting Agenda and Checklist.....</b>	<b>12</b>
	<b>ATTACHMENT NO. 7 – Complex Path Action Plan.....</b>	<b>13</b>
	<b>ATTACHMENT NO. 8 – Metric Tracking Data Collection Sheet.....</b>	<b>17</b>

# WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY

## LAND QUALITY DIVISION

### GUIDELINE NO. 24

Pre-Application Process Guideline for Permit Applications, Amendments and Revisions for Coal and Noncoal Mining Operations.

The Land Quality Division (LQD) held a workshop in April 2011 that included representatives from Industry and LQD with the objective of streamlining and formalizing the current pre-application process. The purpose of the pre-application process is to ensure submittal of complete and accurate applications resulting in shorter reviews, fewer rounds of comment and response, and, ultimately, more rapid approval of applications. More efficient preparation and review of applications results in time and cost savings both for applicants and LQD.

This guideline provides an overview and instructions on how to use the pre-application process (see Attachment No. 1 for process overview). The process applies to all types of applications including new permits, amendments, revisions, renewals, and transfers. It does not apply to bonding.

Prior to baseline collection and development of a mining and reclamation plan, an applicant should review the following applicable documents which can be obtained from the Land Quality Division upon request or at <http://deq.state.wy.us/lqd/>:

1. 1973 Wyoming Environmental Quality Act, as amended.
2. LQD Coal or Noncoal Rules and Regulations and revisions.
3. LQD Guidelines for Baseline Collection and Portions of the Mine and Reclamation Plan (see Attachment Number 2 for a list of applicable Guidelines)
4. LQD Guidelines for Mine and Reclamation Plan (see Attachment Number 2 for a list of applicable Guidelines)

#### **I. Process overview**

The process centers on several key steps. *The first step is the initial contact between the applicant and the LQD.* The applicant will describe the project and the LQD Permit Coordinator will decide if the project is complex or simple (Attachment No. 3). Usually the simple path (Attachment Nos. 4 and 5) can be addressed with instructions via phone calls or emails while the complex path (Attachment Nos. 6 and 7) will require a meeting.

*The second key step for complex permit actions is the meeting and development of the action plan where the applicant and members of LQD meet to discuss requirements for elements of the permit action.* A standard agenda, meeting checklist, and action plan are posted on the LQD web page. The applicant should use these documents to ensure they have collected all of the necessary information as preparation for the meeting. The applicant should also complete the action plan in preparation for the meeting. The action plan will document all agreements between the applicant and LQD that occur during the meeting.

The applicant should collect the information in the meeting checklist to enable the District Supervisor to assign the Permit Coordinator in the case of a new permit, or allow the Permit Coordinator to determine if a meeting is needed in the case of a change to an existing permit. The applicant then contacts the Permit Coordinator to determine if a meeting is needed.

## II. Process Steps

### A. Initial Contact

The purpose of the initial contact is to communicate the proposed permit action, identify a Permit Coordinator for new permits, and to determine if the simple (see Attachment Nos. 4 and 5) or complex path (see Attachment Nos. 6 and 7) will be followed. The Permit Coordinator will also decide if a meeting is necessary.

**New Permit.** An applicant who is planning on submitting an application for a new permit should contact the District Supervisor for the district where the project is located. The locations of the three districts are shown on the LQD web page (<http://deq.state.wy.us/lqd/>) along with the contact information for each District Supervisor. The District Supervisor will assign a Permit Coordinator for the project. Before contacting the supervisor, the applicant should know the proposed location (county and/or township, range, and section), the size of the project (acres), and the mineral to be mined.

Once the Permit Coordinator is identified, the applicant should contact the Permit Coordinator to discuss the proposed permit action and schedule a meeting. The applicant should have the information described in the paragraph above before contacting the Permit Coordinator.

**Existing Permit.** If the permit action is for an existing permit, then the first point of contact is the Permit Coordinator. The applicant is likely to know who the Permit Coordinator is, but may use the LQD web page (<http://deq.state.wy.us/lqd/>) to contact the District Supervisor and identify the Permit Coordinator. Before contacting the Permit Coordinator, the applicant should know the permit number, the location, and the type of change that is proposed. The Permit Coordinator will schedule a meeting if necessary.

### B. Meeting Coordination

If a meeting is needed, the applicant should contact all company and consultant personnel who should attend the meeting and establish common times when they are available. Once this is done, the applicant should contact the Permit Coordinator to set a date for the meeting. The Permit Coordinator will coordinate the LQD staff.

### C. Meeting Preparation

This section describes the materials and preparation necessary for a successful meeting. The applicant should download three documents from the LQD web page: pre-application agenda template, pre-application meeting checklist, and a pre-application action plan. These documents are attached to this guideline.

**Pre-Application Agenda Template.** (see Attachment Nos. 4 and 6) The pre-application agenda template provides a starting point for listing discussion topics for the pre-application meeting. The applicant should consider the listed elements and include all the topics that apply to the permit action. In addition, any other relevant topics should be added to the agenda. The applicant prepares the agenda and provides it to the Permit Coordinator prior to the meeting to facilitate LQD preparation.

**Pre-Application Meeting Checklist.** (see Attachment Nos. 4 and 6) The pre-application meeting checklist provides a list of the information and supporting documents the applicant should bring to the pre-application meeting. Some of the items on the list only apply to specific permit actions. The checklist is intended to prompt the applicant to determine all of the relevant information and ensure it is available at the pre-application meeting. All relevant materials and supporting documents should be brought to the pre-application meeting. An example of supporting documents may be Alluvial Valley Floor information that has already been collected for a previous project or the sage grouse core area map.

**Pre-Application Action Plan.** (see Attachment Nos. 5 and 7) The purpose of the pre-application action plan is to describe and agree on elements of, and methods for, developing a proposed permit action document. This is intended to be a living document that is amended as circumstances change until the application is submitted. The applicant should complete a draft action plan prior to the pre-application meeting so that it can be discussed and revised during the meeting. If possible, the action plan should be provided to the LQD at least 3 days before the meeting to allow staff to prepare.

**LQD Preparation.** LQD staff will use the agenda and draft action plan to prepare for the meeting.

#### **D. The Meeting**

The meeting is the applicant's opportunity to introduce the project. A map of the project area will be presented and the action plan will be discussed in depth. Supporting information may also be presented during this time.

The intention is that the action plan will capture all meeting outcomes. The outcomes may be amended as circumstances change during the application preparation process. During the meeting, the draft action plan will be projected so that attendees can see the plan and make changes as they occur. All agreements, methods, post-meeting actions, target dates, site visit plans, and other agency contacts will be captured during the meeting. All post-meeting actions will have an owner and completion target date. Any notes that come out of the meeting will be in the action plan, and all notes will be finalized at the end of the meeting. The action plan will be signed at the end of the meeting (for Complex Path projects) to signify that the applicant and LQD are in agreement on the meeting outcomes. Signed copies will be circulated at the end of the meeting.

As baseline is being collected, or if the results of the baseline necessitate altered or additional baseline to be collected, the action plan will be amended. The final version of the action plan may occur only days before the application submittal.

## **E. Meeting Outcomes**

When the methodology in the action plan for collecting baseline has been agreed upon by LQD and the applicant, the applicant can proceed with the baseline collection.

After the meeting and LQD review of the baseline collection methodologies, it may be important to perform a field visit of the proposed permit or amendment area to verify onsite conditions. A field visit will be organized by the Permit Coordinator or any reviewer of the application who needs a field visit.

Generally after baseline collection, or some portion, the applicant is ready to develop the Mine and Reclamation Plan if the permit action is a new permit or revise the permit if it is an amendment. The action plan should also set dates for discussion of the Mine and Reclamation Plan. Approximate Original Contours status, postmining impoundments, postmining topography and hydrologic consequences are a few of the items that should be discussed before application submittal, and included in the action plan.

## **III. Application Submittal**

The organization and pagination of the application should be discussed and agreed upon prior to the submittal.

## **IV. LQD Permit Coordinator Information**

All documents for use with the pre-application process are stored on the LQD Sharepoint site with access for all LQD Staff to download for use on their desktop. The folder path for the document storage is *DEQ Intranet (Home Page)>Land Quality>LQD Files>PIT - PRE-APP PROCESS*.

The following documents are stored at the above location:

- Pre-Application Process Guideline – Guideline 24: This document.
- Pre-Application Simple and Complex Path Meeting Agenda Templates: These templates are a starting point for pre-application meeting discussion.
- Pre-Application Simple and Complex Path Meeting Checklist Templates: These templates help the applicant and LQD remember the most important items to collect and bring to a pre-application meeting so the meeting can be productive.
- Pre-Application Simple and Complex Path Action Plan Templates: These templates act to guide the applicant and LQD in planning and capturing the process toward submittal for a permit action.
- Pre-Application Metric Tracking Data Collection Sheet (DCS) Template (see Attachment No. 8): The DCS is a sheet used to capture the important milestone dates during the pre-application process for inclusion in the LQD Database. The dates will allow staff and management to analyze the impact of the pre-application process.

Upon initial contact from an applicant, the Permit Coordinator should gather as much information as necessary from the applicant to make a determination of whether the proposed permit action falls into the “Simple” or “Complex” path using the Pre-Application Process: Complex – Simple Path Determination Flow Chart (Attachment No. 3). The flow chart is intended as a guide, and the Permit Coordinator and District Supervisor will generally make the final determination whether the Simple or Complex path should be followed. Once the path determination is made, the Permit Coordinator

and the applicant will determine if a meeting needs to be held, the appropriate staff and applicant personnel to include in the meeting, and set a proposed meeting date.

During the initial contact discussion, the Permit Coordinator should also go over the pre-application meeting agenda, meeting checklist, and action plan templates to familiarize the applicant with the information they should collect and bring to the meeting. The Permit Coordinator should also attempt to identify any unusual circumstances during the initial contact discussion, and inform the applicant of any additional data or information requirements that will make the pre-application meeting more productive and successful. If the applicant has not downloaded pre-application templates, the Permit Coordinator should provide a copy of the action plan template for the applicant to use during meeting preparation and for use during the meeting. During the meeting, the Permit Coordinator should identify the appropriate LQD disciplines that will need to be involved in the review, and target dates for review of materials submitted during the process. After the meeting is complete, and the applicant is collecting information to complete the application and data submittal, the Permit Coordinator should keep the action plan for each project on their desktop to amend the action plan throughout the pre-application process.

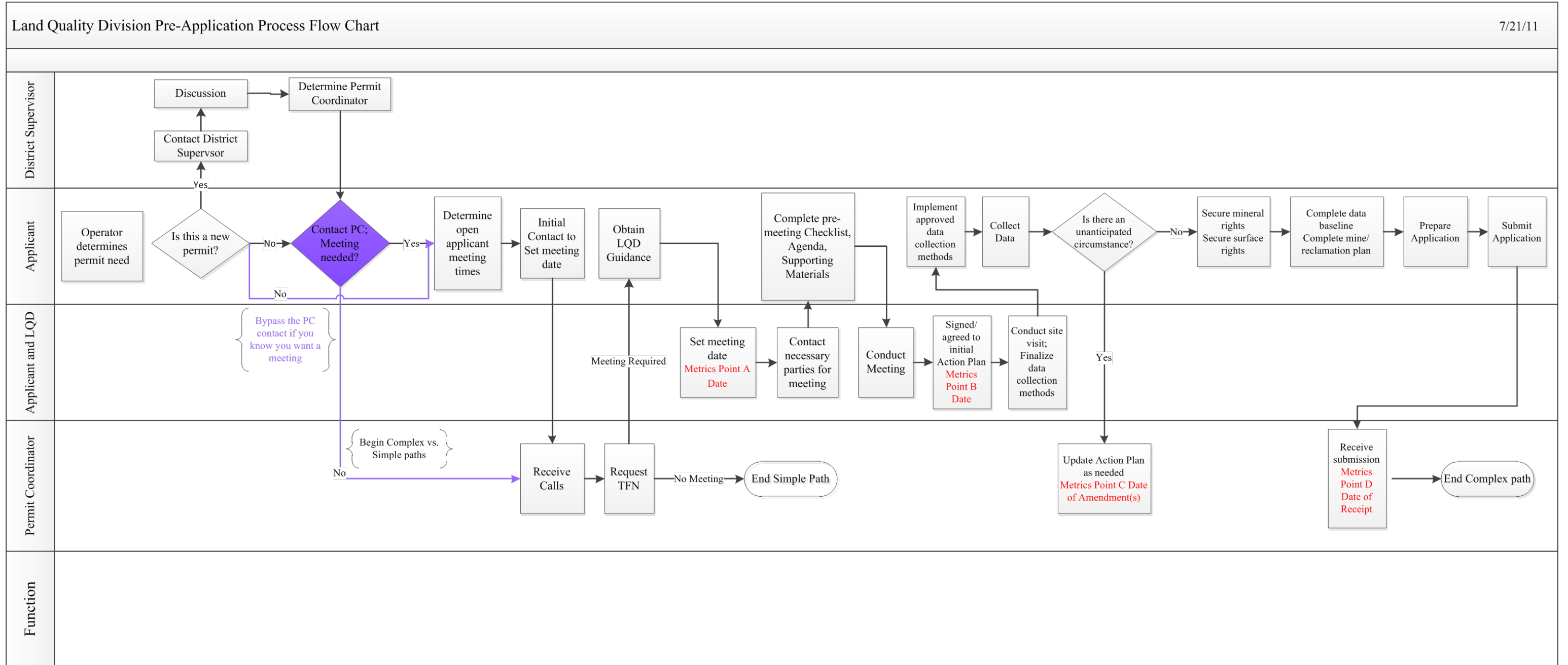
To track the relevant milestone dates during the pre-application process, the Permit Coordinator should download a copy of the metric tracking data collection sheet (DCS) after initial contact. The Permit Coordinator should ensure that the DCS is filled out during the pre-application process. The DCS will be filed in the TFN file on top of all correspondence. When complete, the DCS should include all dates relevant to the pre-application process: the date of initial contact, the pre-application meeting date, date the action plan was initially written and agreed upon, and dates of any subsequent action plan amendments.

Any data or correspondence submitted after the assignment of a TFN, but during the pre-application process, will be assigned a status of “Preliminary” in the LQD database. After the application is ready for submittal, and the pre-application process is complete, the Permit Coordinator will request a change in status to “Pending” in the LQD database.

When the pre-application process is complete, and the application is ready for submittal, the Permit Coordinator needs to submit the completed DCS and a copy of the final action plan to Records Management with the request to change the status of the application from “Preliminary” to “Pending”. The dates from the DCS will be entered into the database by Records Management. The final action plan will be filed in the TFN correspondence during application review, and transferred into permit correspondence after approval of the permitting action.

This Guideline and the products derived from the Pre-Application Kaizen Meeting are intended to be updated and revised as conditions change. It is anticipated that, as LQD and applicants use the process, new efficiencies and ideas for improvement will be identified. LQD staff involved in the Kaizen process and District Supervisors will serve as “listening-posts” within the LQD District Offices. Please contact one of these staff if you hear of, or have a suggestion for, improvement of this process.

# Attachment No. 1. Pre-Application Process Flow Chart



## **Attachment No. 2. Applicable Guidelines**

### LQD Guidelines for Baseline Collection and Portions of the Mine and Reclamation Plan

[Guideline 1](#) - Topsoil and Overburden (This is used for noncoal and coal operations)

[Guideline 2](#) - Vegetation for Non-Coal

[Guideline 3](#) - Radiological Survey (This is used for noncoal and coal operations)

[Guideline 4](#) - In-Situ Mining (This is used for noncoal operations)

[Guideline 5](#) - Wildlife (This is used for noncoal and coal operations)

[Guideline 6](#) - Organization and Topic Guideline for an Application for a "Permit to Mine" or an "Amendment" (This is used for noncoal operations)

[Guideline 6a](#) - Format and General Content Guideline for Permit Applications, Amendments and Revisions for Coal Mining Operations (This is used for coal operations)

[Guideline 6ar](#) - Format and General Content Guideline for a Permit Renewal Application for Coal Mining Operations (This is used for coal operations)

[Guideline 8](#) - Hydrology (This is used for noncoal and coal operations)

[Guideline 9](#) - Alluvial Valley Floors (This is used for coal operations)

[Guideline 11](#) - Reporting Cultural and Paleontological Resources Within Mine Permit Areas (This is used for noncoal and coal operations)

[Guideline 18](#) - Coal Compensatory Wetland Mitigation

[Guideline 16](#) - Wyoming Gold Mining & Mineral Exploration –Commercial (See Guideline 19 for noncommercial.

[Guideline 19](#) - Noncoal - Non-commercial, Recreational Panning & Dredging

### LQD Guidelines for Mine and Reclamation Plan

[Guideline 10](#) - Fencing (This is used for noncoal and coal operations)

[Guideline 13](#) - Permitting of Sedimentation Ponds (This is used for coal operations)

[Guideline 14](#) - Recommended Procedures for Developing a Monitoring Program on Permanently Reclaimed Areas (This used for coal operations)

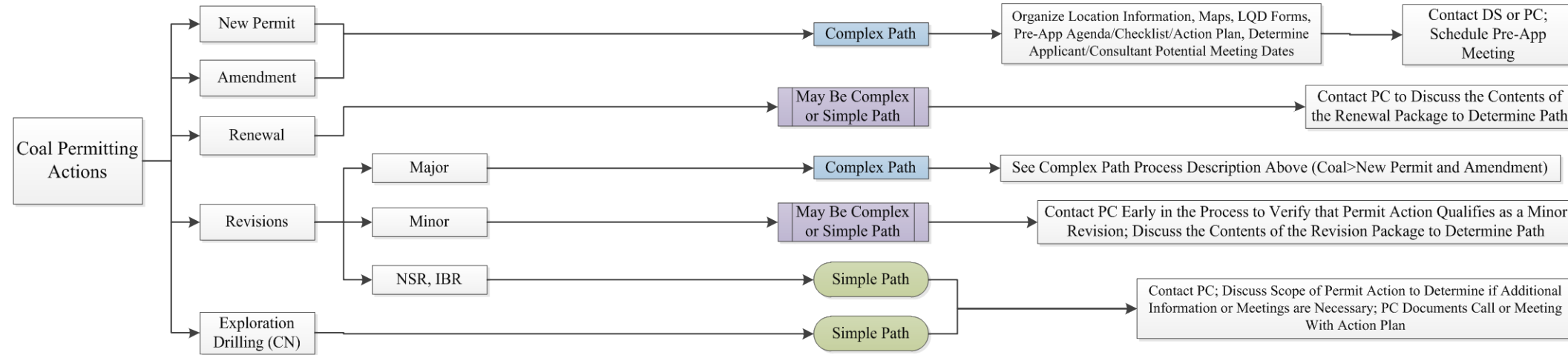
[Guideline 15](#) - Alternative Sediment Control Measures (This is used for noncoal and coal operations)

[Guideline 17](#) - Permanent Postmine Impoundments (This is used for noncoal and coal operations)

# Attachment No. 3. Pre-Application Process: Complex – Simple Path Determination Flow Chart

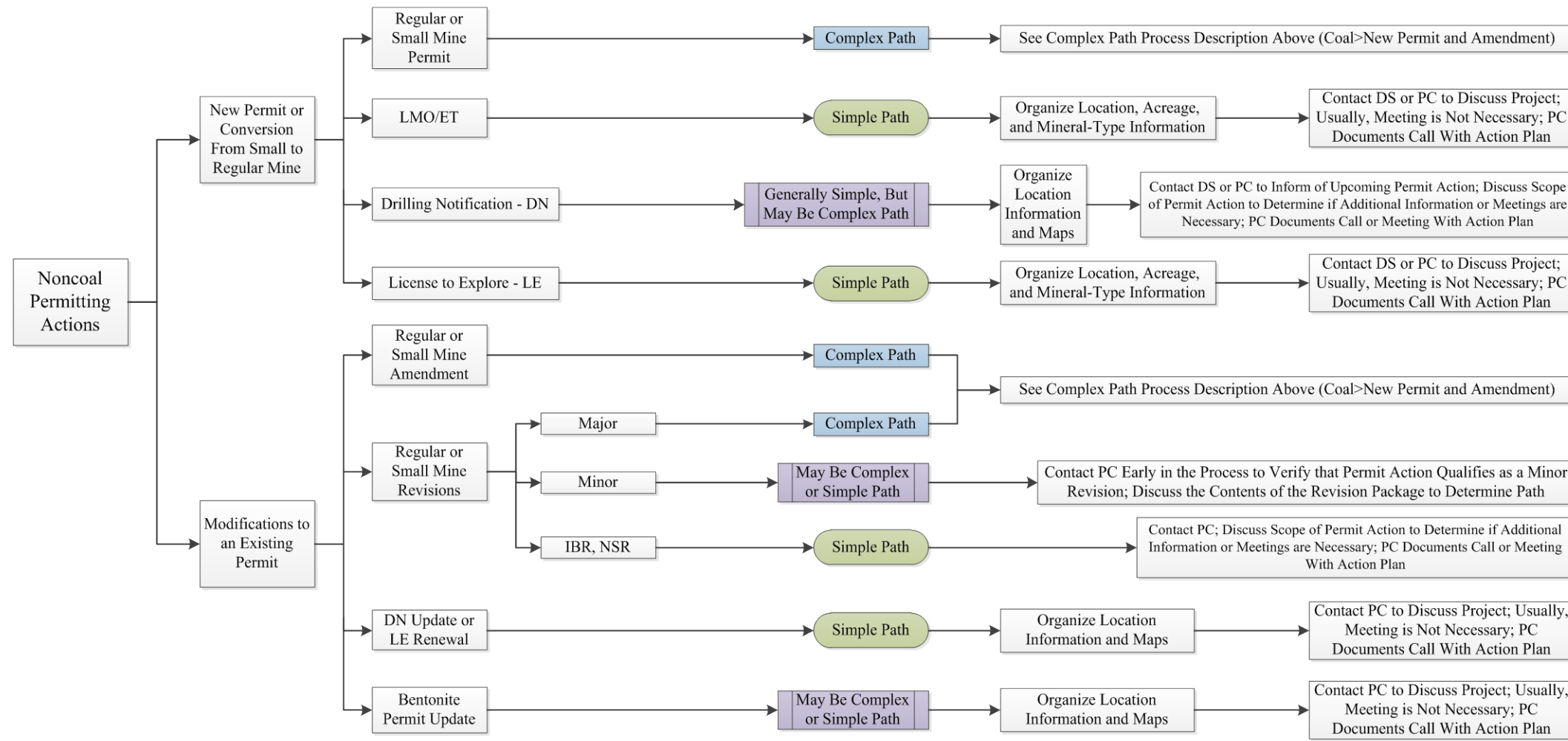
LQD Pre-Application Process: Complex – Simple Path Determination Flow Chart

7/21/11



**General Characteristics of the Complex Path**

- Large Project Scale and Scope
- Often Requires Multiple Office and Field Meetings
- Multiple Landowners
- Often Requires Public Notice
- Requires Multi-Agency/Division (Beyond LQD) Input or Involvement
- Multi-Disciplinary LQD Review
- May Involve Sensitive Species or Special Protections for Natural Resources



**General Characteristics of the Simple Path**

- Small to Moderate Project Scale or Scope
- Generally Requires only a Phone Conversation or One Meeting
- Often Fewer Landowners Involved
- Rarely Requires Public Notice
- Agency Involvement Limited to LQD with Few Other Agencies/Divisions
- Generally, PC Review Only
- Few Species or Natural Resource Issues

**Abbreviations**

PC – LQD Permit Coordinator  
 DS – LQD District Supervisor  
 NSR – Non-Significant Revision  
 IBR – Incidental Boundary Revision  
 LMO – Limited Mine Operation  
 ET – 10-Acre Exemption (Same as LMO)  
 CN – Coal Notification (Exploration By Drilling)  
 DN – Drilling Notification (Exploration By Drilling)  
 LE – License to Explore (Exploration By Dozing)

# Attachment No. 4. Simple Path Meeting Agenda and Checklist

[\[Download Agenda Here\]](#)

## Agenda for Pre-Application Meeting

(Simple Path – LMO’s, IBR, NSR –phone conversation or meeting with Permit Coordinator)

- 1) Scope of Project
- 2) Type of Mine and applicable guideline – IBR, NSR, LMO
- 3) Location – township, section, range on 7.5 minute quadrangle
  - a. Water bodies – rivers, streams, lakes, ponds
  - b. Wetlands (NWI map)
  - c. Depth to Ground Water
  - d. Sage Grouse Leks and Core Areas
  - e. Highways and access roads
  - f. Nearest neighbors
  - g. Other known features (gas lines, fiber optics etc.)
- 4) Discuss/develop Action Plan
- 5) Discuss outside agency contacts and requirements
  - a. County Planning and Zoning
  - b. WGF
  - c. USFW
  - d. WYDOT
  - e. BLM
  - f. ACOE
  - g. NRCS
  - h. Bureau of Reclamation
  - i. Forest Service
  - j. Other
- 6) Concur on Action Plan
- 7) Management of the Action Plan

## What to bring to Pre-Application Meeting

(Simple Path – LMO’s, IBR, NSR)

[\[Download Checklist Here\]](#)

- \_\_\_\_\_ 1. Agenda
- \_\_\_\_\_ 2. Supporting materials
  - \_\_\_\_\_ A. Water bodies – rivers, streams, lakes, ponds
  - \_\_\_\_\_ B. Wetlands (NWI map)
  - \_\_\_\_\_ C. Depth to Ground Water
  - \_\_\_\_\_ E. Sage Grouse Leks and Core Areas
  - \_\_\_\_\_ F. Highways and access roads
  - \_\_\_\_\_ G. Nearest neighbors
  - \_\_\_\_\_ H. Other known features (gas lines, fiber optics etc.)
- \_\_\_\_\_ 3. Location Map 7.5 minute quad
- \_\_\_\_\_ 4. Checklist for applicable permit
- \_\_\_\_\_ 5. Applicable forms

# Attachment No. 5. Simple Path Action Plan

[\[Download Form Here\]](#)

## Pre-Application Meeting Action Plan (Simple Path)

Applicant:  Permitting Action:

Mine Permit #:  Location:  Date:  TFN:

Project Description:

Attendees:	Organization	Email Address:	Phone #
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Topic	Discussion	Methods/Deviations Action	Target Date/Milestones	Responsible Party
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Other Issues:

Site Visit Needed?  Site Visit - Possible Dates?

# Attachment No. 5. (Continued) Simple Path Action Plan

Other Agency Contacts  BLM     USACE     USFS     USFWS     NRCS     BUR REC     OSM  
 WY G&F     WY DOT     County     State Lands     Arch.     OTHER

Checklist Complete?  What was missing?

Summary

## **Attachment No. 6. Complex Path Meeting Agenda** [\[Download Agenda Here\]](#)

### **Agenda for Pre-Application Meeting**

(Complex Path – new permits or amendments – large and small mines)

- 1) Scope of Project
- 2) Type of Mine and applicable guideline - Guideline 6, 6a, Small Mine
- 3) Location – township, section, range on 7.5 minute quadrangle
  - a. Water bodies – rivers, streams, lakes, ponds
  - b. Wetlands (NWI map)
  - c. Alluvial Valley Floors (coal)
  - d. Depth to Ground Water
    - i. Other exploration information
    - ii. SEO information
  - e. Sage Grouse Leks and Core Areas
  - f. Highways and access roads
  - g. Nearest neighbors
  - h. Other known features (gas lines, fiber optics etc.)
- 4) Discuss/develop Action Plan
- 5) Discuss outside agency contacts and requirements
  - a. BLM
  - b. WYDOT
  - c. WGF
  - d. USFW
  - e. ACOE
  - f. NRCS
  - g. Bureau of Reclamation
  - h. Forest Service
  - i. County Planning and Zoning
  - j. Other
- 6) Concur on Action Plan
- 7) Management of the Action Plan

## Attachment No. 6. (Continued) Complex Path Meeting Checklist

[\[Download Checklist Here\]](#)

### What to bring to Pre-Application Meeting

(Complex Path – new permits or amendments – large and small mines)

- \_\_\_\_\_ 1. Agenda
- \_\_\_\_\_ 2. Draft of Action Plan
- \_\_\_\_\_ 3. Supporting materials
  - \_\_\_\_\_ A. Water bodies – rivers, streams, lakes, ponds
  - \_\_\_\_\_ B. Wetlands (NWI map)
  - \_\_\_\_\_ C. Alluvial Valley Floors (coal)
  - \_\_\_\_\_ D. Depth to Ground Water
    - \_\_\_\_\_ a. Other exploration information
    - \_\_\_\_\_ b. SEO information
  - \_\_\_\_\_ E. Sage Grouse Leks and Core Areas
  - \_\_\_\_\_ F. Highways and access roads
  - \_\_\_\_\_ G. Nearest neighbors
  - \_\_\_\_\_ H. Other known features (gas lines, fiber optics etc.)
  - \_\_\_\_\_ I. Data collection plans
- \_\_\_\_\_ 4. Location Map 7.5 minute quad
- \_\_\_\_\_ 5. NWI map with Location
- \_\_\_\_\_ 6. Checklist for applicable permit
- \_\_\_\_\_ 7. Applicable forms

# Attachment No. 7. Complex Path Action Plan

[\[Download Form Here\]](#)

## Pre-Application Meeting Action Plan (Complex Path)

Applicant:  Permitting Action:   
Mine Permit #:  Location:  Date:  TFN:   
Project Description:

Attendees:	Organization	Email Address:	Phone #
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

# Attachment No. 7. (Continued) Complex Path Action Plan

Appendix #	Guideline #	Discussion	Methods/Deviations	Action	Target Date/Milestones	Responsible Party
Appendix #	Guideline #	Discussion	Methods/Deviations	Action	Target Date/Milestones	Responsible Party
Appendix #	Guideline #	Discussion	Methods/Deviations	Action	Target Date/Milestones	Responsible Party
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Appendix #	Guideline #	Discussion	Methods/Deviations	Action	Target Date/Milestones	Responsible Party
Appendix #	Guideline #	Discussion	Methods/Deviations	Action	Target Date/Milestones	Responsible Party
Appendix #	Guideline #	Discussion	Methods/Deviations	Action	Target Date/Milestones	Responsible Party
Appendix #	Guideline #	Discussion	Methods/Deviations	Action	Target Date/Milestones	Responsible Party
Appendix #	Guideline #	Discussion	Methods/Deviations	Action	Target Date/Milestones	Responsible Party

# Attachment No. 7. (Continued) Complex Path Action Plan

Appendix #	Guideline #	Discussion	Methods/Deviations	Action	Target Date/Milestones	Responsible Party
Mine Plan	Guideline #	Discussion	Methods/Deviations	Action	Target Date/Milestones	Responsible Party
Reclam. Plan	Guideline #	Discussion	Methods/Deviations	Action	Target Date/Milestones	Responsible Party
Other Issues:						
Site Visit Needed? <input type="checkbox"/> Site Visit - Possible Dates? <input type="text"/>						
Other Agency Contacts <input type="checkbox"/> BLM <input type="checkbox"/> USACE <input type="checkbox"/> USFS <input type="checkbox"/> USFWS <input type="checkbox"/> NRCS <input type="checkbox"/> BUR REC <input type="checkbox"/> OSM <input type="checkbox"/> WY G&F <input type="checkbox"/> WY DOT <input type="checkbox"/> County <input type="checkbox"/> State Lands <input type="checkbox"/> Arch. <input type="checkbox"/> OTHER						
Checklist Complete? <input type="checkbox"/> What was missing? <input type="text"/>						
Summary <input type="text"/>						

LQD District Supervisor (if in attendance): \_\_\_\_\_ (Signature)

LQD Permit Coordinator or Representative: \_\_\_\_\_ (Signature)

Operator/Owner Representative: \_\_\_\_\_ (Signature)

Consultant Lead Representative: \_\_\_\_\_ (Signature)

