Comments on EIS
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Could better discern what the effects of valley fill were if one knew the percent slope of the land above it and could statistically separate out the effect of steep slopes from the size of valley fills. The problems being attributed to valley fills may be due to the step slopes above those valley fills. And it is very possible that larger valley fill that make possible a reduction of steepness of slope on the land above the valley fill will have less runoff than a small valley fill with steeper land above it. However without information on the slope of the land, it will be hard for scientist to make these determinations. (The irony is that Illinois, which is much flatter than West Virginia keeps records on steepness of slopes, and West Virginia ignores the issue.)

Slope information needs to be cataloged here in the mountains just as well

Regulations could be improved by a consideration for steepness. For example: to control erosion, one needs to have more vegetation (or other erosion control measures) on a 40% slope than a 4% slope (grade). But for revegetation purposes DEP treats all land the same, even that which is ten times as steep as the land preferred by farmers and most homeowners. If DEP had logical vegetation requirements for different grades of land this would help quail, which prefer a patchwork pattern of vegetation. (Since plant species vary in their sensitivity to competition, a greater diversity of plant life will be permitted by this change.)

For example:

The typical grade of a wet meadow (and some forest wetlands) is 1%. Anything over 2% generally becomes a mound or relatively dry island. There could be a category for land with an overall grade under 2%, so the public could know whether enough wet weather pools, wet meadows and wet forests are being created to sustain wildlife that depend on these habitats.
The typical grade for a highway is 4% or less. (Note that DOH puts up signs warning of a steep grade ahead for highways that have a 5% or greater grade.) There could be a category for land no steeper than the typical highway.
The safety limit for dumping a load from a truck is 15%. There could be a category for regarded mined land that is safe enough to operate a dump truck. 16.6% used to be the standard for the pitch of a roof on mobile homes (also described as 2" fall per 12"). Now the standard is 20%. (2 ½" fall per 12")
The safety limit for operating a farm tractor along the contour is 25%. There could be a category for land safe enough to operate a farm tractor (along the contour and thus aid the use of soil conservation practices). (25% is the standard pitch for a roof on a house, (which a contractor would refer to as 3/12 or 3" fall per 12").
Finally there could be a category for land too steep to operate to operate a farm tractor along the contour and is steeper than the roof on the average American's house

However rather than match cover type with the steepness as one would do for a play ground or roof on a house, DEP insists on the same kind of vegetative cover for all slopes. By enforcing a uniformly unimaginative cover types, DEP further impoverishes the landscape of West Virginia, limits game birds, and reduces the variety of songbirds and butterflies.

Another variable is that valley fills of different designs will have different runoff rates.
The simplest example being the a valley fill of the same size and shape with 80% durable rock will have a faster discharge of water than a valley fill f the same size and shape with 60% durable rock.
If the percent of rock is the same for two valley fills, but one has all the durable rock at the toe of the fill instead of through out, it should be both more stable and have slower discharge.
If rock and size are the same, but one has reversed slope terraces and the other doesn't, the first will have slower runoff than the second.

A common public need across the West Virginia is a need for flood control,
Yet the public use provision has never been used to address extra steps for reducing floods
Taking steps to reduce flooding would have a beneficial economic impact, yet the variance for economic use has never been approved for steps to reduce flooding
For example: as the pure economics crayfish farming and the economic need for a crayfish farm in Southern West Virginia would be hard to justify to the satisfaction of regulatory agencies as long as they only consider the price of crayfish in to their calculations. However if they would also consider the benefits that such a farm would contribute to the reduction of losses due to flooding then their calculations would be more accurate and fair to all.

In its interim regulations OSM had a rule against any depressions bigger than a square meter. Following that that time period, the Drainage Handbook became the standard in West Virginia. To this day the Drainage handbook still has a rule against depressions deeper than two tens of a foot. As a consequence of the earlier OSM rule and the current rule there are very few wetlands on mined lands and those that do occur are of very poor quality. Part of the reason that there are so few wetlands is that: 1.) the overall emphasis of the Drainage Handbook is to channel water off the mined site and 2.) there has been a regulatory agency tendency to consider every water retaining structure to be an impoundment so that even sediment ditches are required to be removed after mining. So the thought on the operational side has been why build something constructive, if you're going to have to destroy it later.

As a consequence vernal pools and ephemeral pools are rare.
Wet meadows are rare.
Wet forests are rare.
Absorption terraces are rare.
Zero runoff bench and berm systems are rare.
And I do no know of any crayfish farms on mined land in West Virginia.

All of these would result in more "organic energy" for aquatic organisms in the steams below the mining area.