



RAILROAD COMMISSION OF TEXAS
SURFACE MINING AND RECLAMATION DIVISION

DIRECTIVE ID:

EN-PS-385(c)

REVISION NO.:

1

EFFECTIVE DATE:

November 19, 2015

ADVISORY NOTICE

SUBJECT: **Small Depressions**

APPROVAL:

TITLE: Director

I. Purpose

Small depressions as contemplated in 16 TAC §12.385(c), may be constructed as part of backfilling and grading operations, if the Commission approves them. This Advisory Notice provides guidance regarding criteria considered in defining a small depression. The documentation required for Commission approval of small depressions is also described.

II. Regulation Reference

Title 16, Texas Administrative Code, Chapter 12, Section 385(c), Small Depressions

III. Small Depression Design Features

The following features differentiate a small depression from a developed water resource (impoundment) or a "diminutive depression" feature that would not require Commission approval. Small depressions requiring Commission approval have the following attributes:

- A. Consist of a low-lying area surrounded by higher ground that does not have a defined natural or constructed outlet channel, and
- B. Only contain water seasonally and rely primarily on evaporation and seepage for drainage, and
- C. Shall not impound water to a depth greater than three (3) feet, and
- D. A prevalence of plant species in the depression area that are hydrophytic in nature. (U.S. Army Corp of Engineers, 1987), and
- E. The area delineated by a prevalence of hydrophytic vegetation is greater than 1000 square feet. A feature with hydrophytic vegetation delineating an area less than 1000 square feet is not considered a small depression.

IV. Performance Standards and Permit Documentation

- A. To be approved, small depressions must:
1. be compatible with the approved postmine land use,
 2. not restrict normal access (to other reclaimed areas),
 3. not be an inappropriate substitute for lower grades on the reclaimed lands, and
 4. minimize erosion, conserve soil moisture, or promote vegetation.
- B. Commission approval for small depressions shall be sought after the fourth year of the extended responsibility period, where applicable, and at least six months prior to submission of a Phase III bond release application. The timing for submission of small depressions for Commission approval will ensure that the reclaimed landscape is reasonably stable with respect to any further depression feature development and will also allow adequate time for Commission review and action on the request prior to consideration of a Phase III bond release application.

Information to be submitted to document small depressions as meeting the criteria for Commission approval will consist of:

1. a topographic map with postmine contours showing the location of the small depression(s). The map shall also show and delineate the extended responsibility area(s).
2. a statement documenting that the small depression(s) possess design features identified in Section III and meets the criteria for approval identified in Section IV. A.
3. documentation of landowner consultation if the small depression(s) is located on leased land or land where the surface is not wholly-owned by the permittee.

V. Literature Cited

United States Army Corp of Engineers, *Wetlands Delineation Manual*, Vicksburg, MS., 1987, p. 13.