



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

P.O. Box 46667

Denver, Colorado 80201-6667

December 31, 2007

John R. Baza
 Division of Oil, Gas and Mining
 1594 West North Temple
 P.O. Box 145801
 Salt Lake City, Utah, 84114-5801

*James
 General of
 OSM*

JAN 04 2008

Dear Mr. Baza,

We have completed our review of your December 6, 2007, informally proposed amendments to Administrative Rules R645-100-200; R645-301-535.210; R645-301-535.223; R645-301-731.610; R645-301-742.320; R645-301-742.321; R645-301-742.323; R645-301-742.324; R645-301-742.331; and R645-301-742.412. The amendments propose to revise the definition of "Intermittent Stream" and add language regarding ephemeral streams throughout Utah's Administrative Rules. Specifically, the proposed changes would delete the definition of "intermittent stream" as one which drains a watershed of at least one square mile, and add ephemeral streams which drain watersheds of at least one square mile to every rule where the term "intermittent stream" is used.

OSM finds no substantial problems with the proposed changes. The changes appear to clarify the distinction between and adopt more hydrologically accurate definitions of the terms "intermittent" and "ephemeral" streams. Deleting the definition of intermittent stream as a stream or reach of stream that drains a watershed of at least one square mile would necessitate amendments to every regulation where reference is made to intermittent streams to include those drainages which flow only in response to surface runoff in watersheds of at least one square mile. It appears as though you are proposing amendments to every Administrative Rule pertaining to intermittent streams which would make the provisions inclusive of all watercourses where the effects of coal mining activities would be regulated under the Surface Mining Control and Reclamation Act (SMCRA) and 30 CFR Parts 700+ as "intermittent streams." While proposed terminology would vary from that under Federal regulations, we find no change in the effectiveness of the Utah Administrative Rules.

We find the proposed changes to Administrative Rule R645-100-200; R645-301-535.210; R645-301-535.223; R645-301-731.610; R645-301-742.320; R645-301-742.321; R645-301-742.323; R645-301-742.324; R645-301-742.331; and R645-301-742.412 to be no less effective than Federal regulations published under SMCRA and 30 CFR Parts 700+. Please note that formal approval of this amendment will be subject to Solicitor review and public comment procedures.

Please contact me at (303)844-1400, extension 1424, if you have any questions.

Sincerely,

James F. Fulton

James F. Fulton, Chief
 Denver Field Division

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