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United States Department of the Interior

OFFICE OF SURFACE MINING

Reclamation and Enforcement

P.O. Box 46667

Denver, Colorado 80201-6667

November 26, 2007

IN REPLY REFER TO:

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

*Incoming OK
OSM General*

Dear Mr. Baza,

We have completed our review of your June 29, 2007, informally proposed amendments to Administrative Rule R645-300-131. The amendment proposes an addition relating to permit application reviews. Specifically, the provision would require DOGM to provide a written justification and decision in the event that additional information is required to complete the review of a permit application, change or renewal.

OSM finds no substantial problems with the proposed addition but offers the following suggestion. The phrase "as allowed in specific sections of the R645 Rules" appears unnecessary. R645-300-131.100 allows DOGM to require modification of applications. The proposed addition specifies that DOGM will provide written justification as to why the additional information is needed to satisfy the requirements of the R645 Rules. Presumably, specific rules will be cited in this written justification and only R645 Rules will apply. Omitting the phrase identified above may require slight modification of the remaining subsection. A suggestion would be "If after review of the application for a permit, permit change, or permit renewal, ~~the Division requires additional information, as allowed in specific sections of the R645 Rules, is required,~~ the Division will issue a written finding providing justification as to why the additional information is necessary to satisfy the requirements of the R645 Rules and issue a written decision requiring the submission of the information."

We find the proposed change to Administrative Rule R645-300-131 to be no less effective than Federal regulations published under the Surface Mining Control and Reclamation Act (SMCRA) and 30 CFR §700+. Please note that formal approval of this amendment will be subject to Solicitor review and public comment procedures. We are including, for your review, a copy of OSM's guidelines for submitting State program amendments. This document explains the format and content guidelines for amendment submittals. We are requesting that you follow these guidelines with your formal proposals to ensure an efficient and expeditious approval process.

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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DIV. OF OIL, GAS & MINING

**OSM Western Region Guidelines for
State Submittal of Program Amendments**

Please submit formal and informal amendments to the OSM Western Region electronically as Word files and send a paper copy as well.

To expedite OSM's processing of formal submittals, we encourage informal submittal of amendments for preliminary review and comment before formal submittal. Please include the following with proposed formal and informal amendment submittals to OSM:

1. A section-by-section comparison in a side-by-side format of the proposed amendment and the Federal regulations, or the equivalent, including citation(s) of the corresponding Federal statute or regulation, if any, and an explanation of the differences;
2. The entire section or subsection of the rule, statute, policy statement or other document being amended;
3. An identification of any conditions of State program approval or required amendments, if any, that the proposed amendment is intended to satisfy;
4. An explanation of the rationale for the changes, any technical justification for the changes, and their legal effect;
5. A precise identification of the existing approved language being deleted and the new language being added, e.g., underlining new language and/or striking out language to be deleted;
6. An identification of the status of the submittal as either formal or informal (formal and informal submittals should not be combined in the same submittal); and
7. In any formal proposed amendment, a legal opinion from the Attorney General's office or DOGM chief legal officer stating that the proposed amendments do not conflict with any other provisions of the existing State laws or regulations.