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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
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### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

September 10, 2008

Ray Peterson, Director  
Emery County Public Lands  
P.O. Box 1298  
Castle Dale, Utah 84513

Subject: Public Outreach for the Evaluation of the Utah Coal Regulatory Program (Division of Oil, Gas and Mining & Federal Office of Surface Mining), Outgoing File

Dear Mr. Peterson:

Thank you for your response to the Utah Division of Oil, Gas and Mining (OGM) and the Federal Office of Surface Mining's (OSM) November 2, 2007 request for outreach topics. OSM and OGM (Evaluation Team) are currently selecting topics for Evaluation Year 2009 and have considered your suggestions. OSM's Directive "REG-8" requires that oversight and topic selections review OGM's performance to ensure successful mine site reclamation, prevention of off site impacts and providing customer service to the public.

Item a. in your e-mail suggests evaluating mitigation of subsidence damage to springs (i.e. The Pines). The team has agreed to include this suggestion as a 2009 topic. The topic would review water replacement and mitigation of subsidence-related material damage to land or structures.

Item b. suggests evaluating protection of water resources for multiple users. Water replacement rules refer specifically to replacement of water rights and state appropriated water. Other Coal Rules require mitigation for subsidence related impacts to renewable resource lands. Renewable resource lands by definition means "areas for the recharge of aquifers, agricultural, and grazing lands." Protection may not be required but mitigation for any resource damage due to subsidence is required. This suggestion could be incorporated into the above topic, mitigation of subsidence damage.

Item c. suggests evaluating the Cumulative Hydrologic Investigation during permit approval process and actual hydrologic consequences. You also ask if the CHIA relies too heavily on permit applications for information or does DOGM conduct an independent review. As you know from our numerous water meetings, water-related rules review, and other hydrologic issues involving Emery County through the years, the Division has to rely on information provided by coal operators for its Cumulative Hydrologic Impact Assessment. During the permit review process, Division hydrologists can and do require additional information and data from coal



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operators if it is needed to assist in their assessment. However, no mechanisms exist for the Division to require that coal mines pay for independent reporting to the Division.

Again, thank you for your response to our request for outreach topics. If you need additional clarification or wish to discuss these matters further, please don't hesitate to contact me at (801) 538-5320.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dana Dean', with a long horizontal line extending to the right.

Dana Dean, P.E.  
Associate Director, Mining

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cc: Howard Strand, OSM  
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