

e-mailed to  
Fulton 4/1/08pm.



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil Gas and Mining

JOHN R. BAZA  
Division Director

March 31, 2008

James Fulton  
Office of Surface Mining  
P. O. Box 46667  
Denver, CO 80201

Re: Response to February 1, 2008 Letter on "Valid Existing Rights"

Dear Mr. Fulton:

This letter is written in response to the February 1, 2008 letter from Michael Russo of OSM concerning the "valid existing rights" federal rules upheld by the U.S. Court of Appeals, and OSM's further request for a plan for rulemaking at the state level. The proposed timetable of the Utah Division of Oil, Gas & Mining is as follows:

<u>Action</u>	<u>Dates</u>
Staff draft the proposed rules informally	April 1 - June 30, 2008
Advise Board and distribute informally for comment	July 1 - Sept. 30, 2008
Conduct formal rulemaking process with Board	October 1 - Jan. 28, 2009
Effective date of state rule amendments	January 28, 2009 hearing

The Division will strive to meet this timetable, but we recognize that requests for additional time by other parties to analyze or comment could also occur. If there are any questions, please contact Steve Schneider at [steveschneider@utah.gov](mailto:steveschneider@utah.gov) or 801-538-5328.

Sincerely,

A handwritten signature in blue ink that reads "John R. Baza".

John R. Baza  
Director

cc: Mary Ann Wright