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# State of Utah

DEPARTMENT OF NATURAL RESOURCES

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June 11, 2009

Todd R. Bingham, President  
Utah Mining Association  
136 South Main Street, Suite 709  
Salt Lake City, UT 84101-1672

Subject: Designation of Adjacent Area

Dear Mr. Bingham:

I am writing to document and explain the three options for designating an adjacent area on mine plan maps that were identified in our April 29, 2009 meeting. We appreciate the attendance of yourself, and representatives from the various coal companies operating in the State of Utah. I am pleased with the open and congenial discussion we had, and the cooperation in finding a solution to the question.

As discussed in the meeting, the parties agreed on three possible ways to demarcate the adjacent area on mine plan maps:

- 1) Designate an area including, but not entirely limited to, the underground mine workings (often referred to as the shadow area) as the adjacent area with regard to everything but hydrology. Also mark the area considered in the PHC, as the adjacent area with regard to hydrology. This option will essentially result in two adjacent areas: one for hydrology and one for everything else.

This method has the advantage of being uncluttered and somewhat more certain to include everything, but it will occasionally need to be adjusted to conform to circumstances where a resource that must be identified by the rules such as a cultural site or habitat for a protected species, lies outside of the shadow area.


It also has the disadvantage of possible confusion regarding the extent of necessary investigations within the marked adjacent area. For example, a large generic adjacent area may lead one to believe that high level cultural surveys should be required for the entire designated area, when in reality the adjacent area for cultural resources might be much smaller.



- 2) Designate separate adjacent areas for each resource that requires information for adjacent areas. These resources are: a) fish and wildlife resources, b) cultural resources, c) geology, and d) hydrology. This could result in up to 4 different adjacent areas, but would more clearly represent the boundaries where baseline studies should be conducted.
- 3) Include the adjacent area, unmarked, as has been past practice. This has worked in most cases in the past; however, this method results in less certainty regarding adjacent areas, and as has been experienced in the past, it may occasionally allow Division staff to request higher levels of studies in broader areas than should be required.

Each of these options has its advantages and disadvantages. Each mine operator must analyze the options to decide which method will work the best for their mine. The Division will work with each operator as they submit permit amendments, using any of the above methods, to ensure that adequate, not superfluous, resource information is included for the permit and adjacent areas.

Sincerely,



John R. Baza  
Director

JRB/DD/ss

Enclosure

cc: John Kirkham

Dana Dean

Daron Haddock

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**From:** Suzanne Steab  
**To:** tbingham@utahmining.org  
**CC:** Dana Dean; Daron Haddock; John Baza  
**Date:** 6/11/2009 3:43 PM  
**Subject:** Designation of Adjacent Area  
**Attachments:** AdjacentArea.pdf

Attached is a copy of a Letter with the Subject: Designation of Adjacent Area.  
The original is in the mail.

Thank You.