

General Correspondence OSM



## United States Department of the Interior

OFFICE OF SURFACE MINING  
RECLAMATION AND ENFORCEMENT  
Washington, D.C. 20240



Mr. John R. Baza  
Division Director  
Utah Department of Natural Resources  
Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
Salt Lake City, Utah 84114

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DIV. OF OIL, GAS & MINING  
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Mr. Baza:

We have received your letter dated February 23, 2015, terminating your agency's participation as a cooperating agency for the Stream Protection Rule (SPR) Environmental Impact Statement (EIS). Pursuant to the Terms and Conditions of the Memorandum of Understanding executed on September 17, 2010, your termination was effective March 25, 2015.

In your letter, you raised concerns about the initial development of the Draft EIS. Office of Surface Mining Reclamation and Enforcement (OSMRE) has worked diligently to consider and incorporate your agency's comments and those of other cooperating agencies as it prepared the Draft EIS that was released to the public in July 2015. As you review the Draft EIS, we hope that you recognize your agency's prior, valuable contributions to the document.

Although you have terminated your agency's status as a cooperating agency on the project, OSMRE values your continued participation in the process of developing a Final EIS. As with any entity, you are welcome to take advantage of the public comment period on the proposed SPR, associated Draft EIS, and associated Draft Regulatory Impact Analysis. Please note, in response to requests for an extension of the comment period, the public comment period on the proposed rule, Draft EIS, and draft regulatory impact analysis will now close on October 26, 2015.

In addition to providing comments during the public comment period, your agency is invited to re-engage with OSMRE as a cooperating agency as OSMRE develops a Final EIS. In that capacity, you could share your agency's expertise with OSMRE beyond the close of the public comment period for the Draft EIS. In considering re-engagement, we would like to provide more clarity about your potential involvement in the process moving forward. OSMRE anticipates that cooperating agencies would be called upon to review draft responses to public comments received on the Draft EIS specific to your state or region; update or provide specific data relevant to your state; share any recent, relevant studies or research; and answer specific questions or provide other information about your jurisdiction or your specific area of expertise. When OSMRE makes a request of you, it will provide you with reasonable time to respond consistent with our regulatory obligations.

If you decide to re-engage as a cooperating agency, please sign the concurrence at the end of this letter and return a signed copy to Harry Payne, Chief, Division of Regulatory Support, OSMRE in Washington, DC by October 23, 2015.

By re-engaging as a cooperating agency, your agency will agree to respond timely to requests for assistance from OSMRE. In addition, as provided for in the original Memorandum of Understanding and as set forth in the Department of the Interior National Environmental Policy Act regulations at 43 C.F.R. § 46.225(d), your agency commits to maintain the confidentiality of documents and deliberations, including drafts, that are shared prior to the public release of the Final EIS. In the event that your agency receives a request for public release of Final EIS-related documents, your agency agrees to consult with OSMRE, through OSMRE's Office of Communications before a decision is made to release any documents. This consultation requirement applies to requests for information pursuant to your State Freedom of Information Act/Sunshine laws and must be carried out before any statutorily mandated release of such information. If your agency chooses not to re-engage as a cooperator, the Final EIS will note that, at your request, your cooperating agency status terminated on March 25, 2015.

If you have any questions about the process moving forward, please contact Harry Payne, Chief, Division of Regulatory Support at [hpayne@osmre.gov](mailto:hpayne@osmre.gov) or (202) 208-2895.

Sincerely,



Joseph G. Pizarchik  
Director

As set forth in this letter the Utah Department of Natural Resources, Division of Oil, Gas and Mining accepts OSMRE's invitation to re-engage as a cooperating agency to assist OSMRE in preparing a Final EIS for the Stream Protection Rule.

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John R. Baza, Division Director  
Utah Department of Natural Resources  
Division of Oil, Gas and Mining

Date: \_\_\_\_\_