



# United States Department of the Interior

OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
Western Region Office  
1999 Broadway, Suite 3320  
Denver, CO 80202-3050



August 16, 2016

Jeremy Nichols  
Climate and Energy Program Director  
WildEarth Guardians  
1536 Wynkoop, Suite 310  
Denver, CO 80202

RE: WildEarth Guardians Request for Evaluation of the Utah State Regulatory Program

Dear Mr. Nichols,

The Office of Surface Mining Reclamation and Enforcement (OSMRE) has completed the verification process and reached a determination regarding your December 21, 2015, 30 C.F.R. Part 733 request (733 request). Your December 2015 letter requested action pursuant to 30 C.F.R. Part 733 of the Federal regulations with respect to the Utah surface coal mining regulatory program (the Utah program). Specifically, WildEarth Guardians (WEG) requested a State program evaluation to ensure that the Utah Division of Oil, Gas and Mining (DOGGM) is effectively administering an aspect of the Utah program. Prior to initiating a State program evaluation, the Federal regulations at 30 C.F.R. § 733.12(a)(2) require OSMRE to complete the verification process.

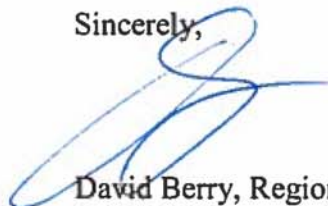
As discussed in the enclosed determination, the verification process entails an initial examination to determine, among other things, the accuracy of the allegations, whether the allegations relate to an existing requirement within the approved program, and whether the weight of the evidence sufficiently supports the need to conduct an evaluation pursuant to 30 C.F.R. § 733.12. The enclosed document provides OSMRE's analysis and determination for the allegations raised by WEG.

After a review of WEG's allegations, information provided by DOGM, and other information available to OSMRE, we have concluded that the allegations set forth in WEG's 733 request do not warrant further evaluation under 30 C.F.R. Part 733 procedures.

Please note that OSMRE will provide a separate determination regarding DOGM's response to the Ten-Day Notices that resulted from WEG's citizen complaint.

If you have any questions related to this matter, please contact me at (303) 293-5001.

Sincerely,



David Berry, Regional Director  
OSMRE Western Region

Enclosure: OSMRE Analysis and Determination of the December 2015 WildEarth Guardians  
30 C.F.R. Part 733 Request

C: Alan Boehms, Manager, Denver Field Branch  
Office of the Solicitor, Rocky Mountain Region