



GARY R. HERBERT
Governor

SPENCER J. COX
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

Mitchell Leverette
mleveret@blm.gov

Harry Payne
hpayne@osmre.gov

Dear Mr. Leverette and Mr. Payne:

As part of your review of the Department of Interior Coal Programs and interaction between the BLM and OSMRE we would like to see OSM more involved in the leasing NEPA. In the past few years, the OSM Western Region has been requiring supplemental EAs to cover issues they felt were missing from brand new NEPA decisions made by the BLM and Forest Service in the State of Utah. I would suggest that OSM coordinate better with the BLM and Forest Service during their lengthy NEPA process and get any additional analyses included as part of the leasing NEPA. To wait until we have a complete permit and do a supplemental EA is not efficient in the least; it is taking up to 10 years to get NEPA done for a lease, and then the entire process begins again when a complete permit is forwarded to OSM. We don't think it would be wise to ignore the issues that are in the supplemental EAs, just more efficient to address them during the leasing NEPA process. The Denver Office has been doing a good job of processing supplemental EAs in a timely manner, but the entire time frame can be avoided by including the issues in the original NEPA.

We would also like to point out that at times it seems we are duplicating efforts between the State and Federal government. This is particularly true when dealing with effects of mining on Federal surface. Often there are conflicting technical opinions on such things as seed mixes, reference areas, and mitigation requirements for wildlife or subsidence impacts or standards for reclamation success. Many times during our agency consultations we are asked to include special permit stipulations that have previously been identified as lease stipulations. Other times a permit stipulation may be required, even though the issue has been addressed in the mine plan. This seems to be redundant and unnecessary.

We have a cooperative agreement signed by the Governor of Utah and the Secretary of Interior which states at 30 CFR 944.30 (I)B: The purposes of this Agreement are to (a) foster Federal-State cooperation in the regulation of surface coal mining and reclamation operations and activities and coal exploration operations not subject to 43 CFR part 3480; (b) minimize intergovernmental overlap and duplication; and (c) provide uniform and effective application of the Program on all lands in Utah in accordance with SMCRA, the Program, and this Agreement.



Page 2

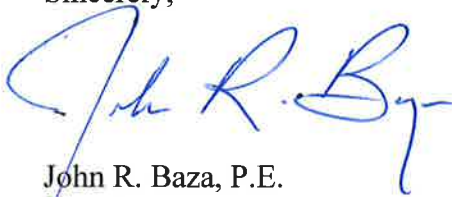
June 15, 2017

Subject: Coal Files Letter

The State needs to be trusted to do its job. With good coordination and communication, most of the duplicative efforts can be avoided. It should also be noted that OSM should not be relying on federal guidelines in oversight with the states. Guidelines are not rules, and only rules and statutes hold up under legal review.

The Division of Oil, Gas and Mining appreciates the opportunity to comment. If you have questions or need further information, please contact Dana Dean at 801.538.5320 or danadean@utah.gov or Daron Haddock at 801.538.5325 or daronhaddock@utah.gov.

Sincerely,

A handwritten signature in blue ink that reads "John R. Baza". The signature is fluid and cursive, with the first name "John" being the most prominent.

John R. Baza, P.E.
Director