



STATE OF ALABAMA
SURFACE MINING COMMISSION

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February 10, 2011

Joseph Pizarchik
Director
Office of Surface Mining
1951 Constitution Avenue, N.W.
Washington, DC 20240

Dear Director Pizarchik:

On August 24, 2010, the Alabama Surface Mining Commission signed a Memorandum of Understanding (MOU) to participate as a Cooperating Agency in the development of an Environmental Impact Statement (EIS) to support a proposed stream protection rule. Since that time we have participated diligently in that process, but with increasing concern and reservation.

We and other state cooperating agencies have expressed concerns regarding the piecemeal approach, the lack of adequate time for review and comment, the overall quality of the product, major deficiencies, inconsistencies, and missing reference material evidenced in the draft documents. Federal cooperating agencies have verbally echoed similar concerns during reconciliation conference calls. Almost four years have now passed since our last interaction on the EIS.

I have concluded that it is no longer in the best interest of the Alabama Surface Mining Commission to continue as a cooperating agency. I hereby give notice to you of my decision to terminate the MOU. I request that any references to our participation as a cooperating agency be removed from the proposed EIS and its notice prior to publication in the Federal Register.

Sincerely


Randall C. Johnson
Director