



July 9, 2015

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

Dear Director Pizarchik:

I am writing to you today to request that the Montana Department of Environmental Quality (MDEQ) cease to be considered a cooperating agency on the Stream Protection Rule Environmental Impact Statement (EIS). To clarify the record, on August 30, 2010, I sent John Craynon, Chief of OSMRE's Division of Regulatory Support, an email identifying that MDEQ was very interested in becoming a cooperating agency on the aforementioned EIS. However, due to Montana's public records disclosure laws, MDEQ requested specific modifications be made to the proposed Memorandum of Understanding. MDEQ never received a response to that email/request for modification to the MOU, but MDEQ was subsequently treated as a cooperator, so we actively participated.

The first chapter of the draft EIS (Chapter 2) was shared with MDEQ for comment in September of 2010. Chapter 3 was shared in October of 2010 and Chapter 4 was shared in January of 2011. To the best of my knowledge, January of 2011 was the last time MDEQ or any of the other cooperating agencies had the opportunity to provide comment on the draft EIS. Furthermore, it has been indicated that MDEQ would not be provided an opportunity to view or comment on the revised draft EIS until it is released to the public. Based on MDEQ's limited ability to participate in the process, we would no longer like to be considered a cooperating agency.

Thank you for your time and please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Coleman", written over a horizontal line.

Edward L. Coleman
Chief, Industrial and Energy Minerals Bureau
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