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Jasonville, IN 47438-7056  
July 7, 2015

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

Dear Director Pizarchik:

On August 25, 2010, the Indiana Department of Natural Resources signed a Memorandum of Understanding with the Office of Surface Mining to participate as a Cooperating Agency in the development of an Environmental Impact Statement for a proposed stream protection rule. Nine other states also signed on as cooperating agencies.

As you are aware, OSM began sharing draft chapters with the states in the fall of 2010 and early 2011. In each case, comment periods were exceedingly short and while "reconciliation meetings" were supposed to be held on each of the chapters, only one such meeting was held. Following OSM's receipt of state comments on the third chapter in January of 2011, no additional outreach to the cooperating agency states has occurred.

In November 2010 cooperating agency states wrote a letter to OSM expressing concerns with the EIS process. OSM responded with renewed commitments regarding continued participation with the states. However, not long after that commitment OSM terminated states involvement without explanation. In July 2013 another letter was sent by the states to OSM in an effort to re-engage in the process. OSM did not respond to that letter, and OSM has provided no further opportunities for participation.

I attended the briefing OSM held for cooperating states in Baltimore and I remain disappointed in the process. By OSM's own admission the draft EIS has changed significantly from what was initially shared with the states. In the MOU, OSM pledged to provide the Cooperator the opportunity to review drafts to allow a determination that comments provided by Indiana were accurately represented. This clearly has not happened. Indiana actively participated when given the chance. However, OSM's unwillingness to share revised and new draft chapters of the EIS has precluded us from doing so and has undermined our status as a cooperating agency as well as the meaningfulness of our participation. As such, I have determined that it is no longer in the interest of the Indiana Department of Natural Resources to continue as a cooperating agency. Pursuant to Section B of the MOU, IDNR hereby provides notice that it is terminating the MOU, effective thirty (30) days from the date of this letter. I also insist that any reference to our participation as a cooperating agency be removed from the proposed EIS and any published notices in the Federal Register.

Should you have any questions or need further clarification, please do not hesitate to contact me.

Sincerely,

Steven J. Weinzapfel  
Director  
Division of Reclamation

SJW/tam  
Cc: Jasonville File