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MAR 21 2002

DIVISION OF  
OIL, GAS AND MINING

March 15, 2002

Mary Ann Wright  
Associate Director of Mining  
State of Utah  
Department of Natural Resources  
Division of Oil, Gas, & Mining – Coal Program  
1595 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, UT 84114-5801

RE: New Permit Application, Lila Canyon Extension, UtahAmerican Energy, Inc., Horse Canyon Mine, C/007/013-PM02B

Dear Ms. Wright:

The Southern Utah Wilderness Alliance (“SUWA”) recently noticed that UtahAmerican Energy, Inc. (“UAE”) has submitted another application for the Lila Canyon Mine. It should be mentioned that titling the mine as the “Lila Canyon Extension” to the Horse Canyon Mine is still misleading to the public, as it creates the impression that it is a small extension. We also recently obtained a copy of letters written UAE, conveying the determination by the Division of Oil, Gas and Mining (the “Division”) of the “administrative completeness” of UAE’s new permit application. The Division’s February 25, 2002, letter advises UAE that this review determined only that “the application contains all information necessary to initiate processing and public review.” The letter indicated the “technical review” was, accordingly underway.

It is our understanding that the determination does not mean that the Division has found that all data required by law has been submitted. In the case of the processing of the previous application for “significant revision” to the Horse Canyon Mine permit, for example, the Division requested additional information from the applicant six or more times during its technical review, and each request was made after the determination of administrative completeness. Thus, the Division obviously contemplates requesting and receiving additional information during its review for technical completeness and correctness, i.e. during the technical review process that is only initiated upon the finding of administrative completeness.

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In any event, however we would like to be part of the "processing and public review" and technical review processes. In fact, the Division invited us in the December 4, 2001, hearing on the "significant revision" permit to do just that. The Division said that interested parties could, in essence, sit in with the Division as the Division performed its review, give the Division any input they wanted to make and generally be part of the communication process involved in performing the technical review. (See e.g. transcript of hearing, dated December 4, 2001 at 142, 145-46, 151-52, 174). While we do not read the Division's rules as did the Division in its argument, we nevertheless would appreciate the opportunity to participate in the process as the Division has described it. We would like the opportunity to bring our general concerns and additional information to the attention of the Division so that it could fully address these concerns in the technical review process.

We are in the process of reviewing the application the Division has just determined to be "administratively complete" and we plan to file questions and comments on that determination and on the application when our review is complete, on or before April 22, which is thirty days following the final public notice on March 21. We further request the informal conference mentioned in the public notice, and would be prepared for such conference scheduled sometime after April 22. Finally, we request the opportunity to fully participate in the decision-making process, and to freely input other information, as described by the Division in the earlier proceedings.

Also we would appreciate it if you could add Mr. Churchill, Ms. Weinberg, and me as affected persons to your mailing list on C/007/013-PM02B so that we could be more promptly informed of developments in the permitting process.

We look forward to working with you in the future on this matter.

Sincerely,

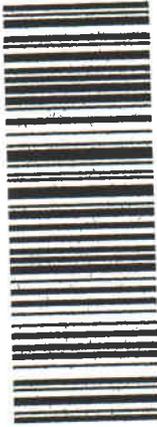
  
W. Herbert McHarg

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