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DIVISION OF
OIL, GAS AND MINING

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Oct. 15, 2002 GK

Dear Assoc. Dir. Wright:

Lila Canyon

In issuing its opinion, the Board overturned an earlier decision by the Utah Division of Oil, Gas and Mining to approve the permit for UtahAmerican Energy, Inc. Undaunted, the company responded by submitting a second permit application affecting the same site—without even bothering to complete the necessary analysis that had been blatantly absent from the earlier application.

In May, the Division granted SUWA's request for an informal conference to discuss our concerns with the new application. At the all-day meeting, UtahAmerican Energy was given an opportunity to refute deficiencies in the application noted by SUWA. Despite their defensive arguments, it was obvious to us that UtahAmerican Energy did nothing new in terms of gathering the baseline information necessary to protect public resources. Instead, the company essentially changed the date of the permit application materials and added a few decorative phrases. Perhaps company officials didn't take the Board's order seriously. Or maybe they thought they could impress the Division's staff with determined yet hollow speeches by industry representatives and their hired environmental consultant. We have a hunch that the idea of politically steam-rolling through the Division's process crossed their minds too.

Whatever the company's reasoning, it failed to snow the Division staff this time around. SUWA's appeal of the initial permit approval (and the Board's subsequent decision against it) gave the Division ample warning that it should not use taxpayer dollars to do a company's work, and that it needs to follow its legal mandate to protect public resources. We send our praises to the Division staff for learning this lesson and standing up for public resources. Indeed, keeping a backbone and upholding the law in this political atmosphere is commendable. Apparently, the Division has quit playing games with the company; now let's hope they will continue to address the public's concerns.

I am writing because I read this report on Lila Canyon.

I agree with those who ask the Division not to consider future applications until the Utah American Energy Company

has collected adequate biological and hydrological data for the entire permit area, and I respectfully and urgently request the same.

I have also read that this wonderful area is proposed for wilderness designation, making it inappropriate for mining development.

Thank you for your help,

J. Capozzelli
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