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TELEFAX

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
PRICE FIELD OFFICE
125 SOUTH 600 WEST, PRICE UTAH 84501

OUR PHONE NUMBER: (435)636-3600
OUR TELEFAX NUMBER: (435)636-3657

TO: Attention: Jerriann & Pam Grubaugh-Littig

Branch/Office:

Company/Agency:

Destination Fax Number:

FROM: Brad Higdon

SUBJECT: Lila Canyon mine FOIA request

DATE AND TIME:

NUMBER OF PAGES, INCLUDING THIS COVER SHEET: 8

COMMENTS:

RECEIVED
DEC 16 2005
DIV. OF OIL, GAS & MINING

Dec 3
to Mark M

southern utah wilderness alliance

NOV 2001 RECEIVED BLM Price, Utah

November 2, 2001

Dick Manus
USDI - Bureau of Land Management
Price Field Office
125 South 600 West
P.O. Box 7004
Price, Utah 84501

(435)636-3657

VIA FACSIMILE AND MAIL

Re: [redacted]

Dear Mr. Manus,

As you know, the Southern Utah Wilderness (SUWA) filed a FOIA request with your office on October 8, 2001. By letter dated October 16, 2001, for reasons described in such letter and incorporated herein, SUWA withdrew that request. SUWA, however, has reason to believe that additional documents exist that pertain to the Lila Canyon Coal Mine Project UT-070-99-22. Therefore, SUWA requests, pursuant to FOIA, 5 U.S.C. 552 (1982), and the regulations of the Department of the Interior, 43 C.F.R. Part 2, Subpart B, that you supply us with copies of the following regarding the Lila Canyon Coal Mine Project UT-070-99-22. This request is not meant to duplicate the documents that I have already copied.

(1) Any studies contained in the above file, or that refer or relate to such studies, including surveys, notes, maps, and correspondence between the BLM and any other government, business, personal, or other entity, for vegetation and wildlife (including Mexican Spotted Owls, raptors, Rocky Mountain Bighorn Sheep, amphibians, reptiles, fish, and any other species), performed (or that will be performed) by the BLM, any other agency, and/or UtahAmerican Energy or its consultants, in the past and for the above described proposed Lila Canyon Mine project. While at your office, as described in my October 16, 2001 letter, Mr.

1471 South 1100 East
Salt Lake City, Utah 84105
Phone: 801-486-3161
Fax: 801-486-4233
Email: suwa@suwa.org

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Mark Mackiewicz indicated that additional documentation pertaining to the above existed;

(2) Any and all documents, including maps, surveys, and correspondence, pertaining to the decision to remove Range Creek from further analysis in the above described project.

(3) Any and all documents that Mr. Mark Mackiewicz removed from the Lila Canyon file in my presence on October 9, 2001. Although Mr. Mackiewicz claimed that these documents were not part of the file, I noticed that each document contained language pertaining to the Lila Canyon Coal mine issue, including notes that contained reference to my name.

Obviously, to the extent that any of the requested documents contain proprietary information we would expect your office to produce a properly redacted copy.

We ask that BLM waive all fees and charges connected with this request, as authorized by both FOIA, 5 U.S.C. 552(a)(4)(A) and Departmental regulations, 43 C.F.R. 2.21(a)(1)-(2). A fee waiver is justified because the requested information is likely to contribute significantly to public understanding of the operations and activities of the government, and is not primarily in SUWA's commercial interest. SUWA is a non-profit, 20,000 member environmental organization dedicated to the preservation of Utah's wild lands.

SUWA is recognized to have expertise in matters of public land law. We are frequently solicited for comment on such issues by local and national media. We have been requested numerous times by the United States House of Representatives and Senate to testify on matters of land management. We are frequently asked to speak at conferences across the country on the issue of land management. The land management agencies have recognized our expertise, by soliciting our comments on various projects, asking us to serve on planning teams, and asking us to speak to agency staff at training seminars. We have offices in Washington, D.C., Salt Lake City, Moab, and Monticello, with four attorneys trained in matters of public land law.

The documents requested involve issues and actions on public lands and SUWA seeks this information to explain BLM actions. The information will hopefully provide answers on issues where BLM staff were either unable to provide answers, or provided conflicting information.

This information will further SUWA's professional staff's understanding of the operation of the BLM on a variety of public land issues, will assist us in our effort to oversee the activities of the BLM on public lands, and to seek better future management of public lands. The information will also be disbursed to the 20,000 SUWA members through our newsletter. We are also making it available to the general public by providing it to various members of the media. This information is critical to SUWA's role overseeing the activities that take place on public land.

If this request for fee waiver is denied for any reason, please contact me before any costs are incurred.

Thank you for your prompt attention to this request. If you have any questions about the documents we have requested or the requested fee waiver, please do not hesitate to contact me at our Monticello office.

Sincerely,

W. Herbert McHarg
P.O. Box 401
Monticello, Utah 84535
(435)587-3636
Fax (435)587-2193

southern utah wilderness alliance

October 16, 2001

Mark Mackiewicz
USDI - Bureau of Land Management
Price Field Office
125 South 600 West
P.O. Box 7004
Price, Utah 84501
(435)636-3657

VIA FACSIMILE AND MAIL

Re: LILA CANYON FILE COPIES

Dear Mr. Mackiewicz,

As per our conversation yesterday, this letter is intended to rescind our October 8, 2001 Freedom of Information (FOIA) request pertaining to the proposed Lila Canyon coal mine project.

On October 9, 2001, I traveled to your office and met with you to discuss the various requests, express my intent to gather all the documents included in, or that relate to the Lila Canyon file, and to make copies of the file in order to expedite the process. After removing certain documents, you provided me with folders that you represented contained the complete file pertaining to the Lila Canyon project. I proceeded to copy portions of these folders with the understanding that I would take such documents with me upon leaving your offices. Mr. Manus, however, instructed you to inform me that he had to review the copies that I made for compliance with FOIA.

Based on your representations that it will take the full twenty days to process the FOIA request, even though I have already made copies from the folders you provided me, I will rescind the FOIA, and simply ask that you send to me the copies that I made in your office. Although I believe that SUWA is entitled to a fee waiver, I will provide you with a check, under protest, to cover the cost of the copies that I made. Please send them to me today at the address below.

Sincerely,

W. Herbert McHarg
P.O. Box 401
Monticello, Utah 84535

1471 South 1100 East
Salt Lake City, Utah 84105
Phone: 801-486-3161
Fax: 801-486-4233
Email: suwa@suwa.org

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southern utah wilderness alliance

October 8, 2001

OCT 2001
Received
BLM
Price, Utah

Dick Manus
USDI - Bureau of Land Management
Price Field Office
125 South 600 West
P.O. Box 7004
Price, Utah 84501

(435)636-3657

VIA FACSIMILE AND MAIL

Re: [redacted]

Dear Mr. Manus,

The Southern Utah Wilderness (SUWA) hereby requests, pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. 552 (1982), and the regulations of the Department of the Interior, 43 C.F.R. Part 2, Subpart B, that you supply us with copies of the following regarding the Lila Canyon Coal Mine Project UT-070-99-22:

(1) All documents contained in the file, or that refer or relate to such documents, including but not limited to notes, surveys, reports, maps, photographs, and correspondence, electronic files or mail, contracts, and agreements between the BLM and Emery County or any other government, business, personal or other entity, for (i) the southwestern portion of the "Lila Canyon road" (from US 191/6 to the proposed Lila Canyon Coal Mine site) that is claimed as part of the Emery County road system as "Lila Canyon road 126," and (ii) for the route that starts near the Horse Canyon Mine and extends south following the Book Cliffs escarpment;

(2) Any and all construction and/or maintenance records and/or maintenance

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schedules for the "road" identified in (1)(i)-(ii) above;

(3) Any and all traffic counts, surveys, reports, and/or studies performed for the "road" identified in (1)(i)-(ii) above;

(4) Any documents contained in the file, or that refer or relate to such documents pertaining to the proposed right of way considered in environmental assessment UT-066-98-53 for the Pacificorp dba Utah Power 69 KV transmission line and Canyon Fuel Company LLC Associated Link Canyon breakout and substation, including all documents that refer to Canyon Fuel Company's involvement in such right of way;

(5) Any studies contained in the above file, or that refer or relate to such studies, including surveys, notes, maps, and correspondence between the BLM and any other government, business, personal, or other entity, for vegetation and wildlife (including Mexican Spotted Owls, raptors, Rocky Mountain Bighorn Sheep, amphibians, reptiles, fish, and any other species), performed (or that will be performed) by the BLM, any other agency, and/or UtahAmerican Energy or its consultants, in the past and for the above described proposed Lila Canyon Mine project;

(6) Any and all documents, including maps, surveys, and correspondence, pertaining to the decision to remove Range Creek from further analysis in the above described project.

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