



southern
utah
wilderness
alliance

RECEIVED
MAY 23 2006
DIV. OF OIL, GAS & MINING
5/23/06

VIA FIRST CLASS MAIL

May 22, 2006

Mary Ann Wright
Utah Division of Oil, Gas and Mining
1594 West North Temple
P.O. Box 145801
Salt Lake City, Utah 84114

Re: Access to Records – Public Information Center
Horse Canyon Mine, Lila Canyon Extension C/007/013

Dear Mary Ann:

I am writing to you about the incomplete nature of the Horse Canyon Mine, Lila Canyon Extension C/007/013 file in the Division of Oil, Gas and Mining's (DOGM) public information center (PIC). Specifically, Southern Utah Wilderness Alliance (SUWA) is concerned that DOGM staff are either not providing complete copies of all incoming, outgoing, and internal records¹ related to the Horse Canyon Mine, Lila Canyon Extension C/007013, to the PIC, or that these records are not being made available in the PIC in a timely fashion. This past Friday afternoon (May 19, 2006), I stopped by the PIC to review the 2006 Horse Canyon Mine, Lila Canyon Extension incoming, outgoing, and internal records and was surprised to see that except for National Historic Preservation Act and Endangered Species Act-related correspondence, there were very few records in the files. For example, with the exception of a March 2006 submission by UtahAmerican Energy, Inc. (UEI), there were no records of additional technical submissions by UEI. SUWA is aware, however, of several additional submissions by UEI that are not in the incoming file, including the following: (on or about) January 3, 2006, January 9, 2006, January 20, 2006, January 30, 2006, and February 14, 2006. There may also be additional submissions that SUWA is unaware of. Further, not only is there no record of these submissions, but there is no record of any DOGM internal staff discussions regarding these submissions nor any record of correspondence with UEI (presumably some form of deficiency letter) concerning the same.

This raises the same concern that SUWA brought forward with Director Baza at the November 2005 informal conference, namely that SUWA and the public need full access to these records to insure that the Division is complying with the letter and spirit of pertinent federal and state laws. DOGM's continued failure to keep these files current is, quite simply,

¹ The term "records" includes, but is not limited to electronic mail, letters, maps, compact discs, and records of informal meetings (either internal meetings between DOGM staff or meetings between DOGM staff and representatives of UEI).

425 East 100 South
Salt Lake City, Utah 84111
Phone: 801-486-3161
Fax: 801-486-4233
Website: www.suwa.org

3981

*Southern Utah Wilderness Alliance – Access to Records
Horse Canyon Mine, Lila Canyon Extension C/007/013
May 22, 2006*

unacceptable. I look forward to hearing from you shortly with an explanation of what records have not been made available in the PIC and when we can expect the Division to make them available. SUWA further requests that the PIC maintain an ongoing index of all incoming, outgoing, and internal records – and the date that they were received by the Division – regarding this case file (C/007/103).

Feel free to contact me with any questions or concerns regarding this letter: 486-3161 x.3981.

Sincerely,

A handwritten signature in black ink, appearing to be "Stephen Bloch", with a long horizontal line extending to the right.

Stephen Bloch
Staff Attorney

cc: John Baza, Director – Division of Oil, Gas and Mining
Steven Alder, Assistant State Attorney General