



southern
utah
wilderness
alliance

THIS IS A GRAMA REQUEST

May 30, 2006

Stacy Berry
Division of Oil, Gas and Mining
P.O. Box 145801
Salt Lake City, Utah 84114-5801

*Incoming
C/007/013*

Re: *GRAMA request for records concerning Horse Canyon Mine, Lila Canyon Extension C/007/013*

Dear Ms. Berry:

Pursuant to the Government Records Access and Management Act (GRAMA), Utah Code Ann. § 63-2-101 *et seq.*, Southern Utah Wilderness Alliance (SUWA) requests the records¹ identified below. This GRAMA request pertains to records prepared from November 9, 2005 to the present.

1. Any and all correspondence (including, but not limited to, e-mails and hand-written notes) and any records relating to correspondence, (including, but not limited to, e-mails, telephone calls, and hand-written notes), prepared by Division of Oil, Gas and Mining (DOGM) staff regarding the Horse Canyon Mine, Lila Canyon Extension C/007/013. This would include internal DOGM correspondence (i.e., intra-Division correspondence), as well as external correspondence (i.e., e-mails between DOGM and UtahAmerican Energy, Inc.).
2. Day planners **and/or** other time management organizers of all DOGM staff members currently working on the Horse Canyon Mine, Lila Canyon Extension C/007/013, or who worked on the Horse Canyon Mine, Lila Canyon Extension C/007/013 between November 9, 2005 and the present.

¹ Please note the term "record" is defined in Utah Code § 63-2-103(19) as "all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, electronic data, or other documentary materials regardless of physical form or characteristics, which is prepared, owned, received, or retained by a governmental entity or political subdivision" and are reproducible. Based on this definition, documentary material such as day planners and/or other time management organizers are intended to be included as a record under § 63-2-103(19). While this request is not intended to include records in violation of Utah Code § 63-2-302(2)(D) as constituting a clear unwarranted invasion of personal privacy, SUWA expects that DOGM will make every effort to comply with the letter and spirit of GRAMA's goal of transparency in state agency decision making processes and release all qualifying records.

RECEIVED

MAY 31 2006

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

This request is made on behalf of SUWA, a Utah-based non-profit organization with thousands of members in Utah and elsewhere throughout the United States. SUWA's overarching goal is to protect Utah's remaining wildlands - lands owned by the American public and administered on our behalf by the Bureau of Land Management (BLM) and various state agencies such as DOGM. SUWA staff and members have a long-standing interest in the management of public lands, including public lands in Utah impacted or threatened by coal mining.

Release of the records described in this request will primarily benefit the public and substantially contribute to its understanding of the government's policies and activities concerning management of coal mine permits, as well as policies and activities concerning environmental protection and areas eligible for inclusion in the National Register of Historic Places. SUWA makes information concerning management of state and federal lands available to their members and members of the public through publications, public meetings, electronic and printed action alerts, press releases, phone calls, administrative appeals, and litigation, among other means.

SUWA has participated in public involvement opportunities on numerous BLM and DOGM proposed actions in Utah, and in appeals relating to coal mining. SUWA has made information public about threats to historic, archaeological or cultural lands and other BLM lands across the nation through the presentation of public comment, the preparation of action alerts, press releases, their newsletters, the filing of administrative appeals, and the production of reports. For example, in 2002, SUWA published a report entitled "Preserving Prehistory, Wilderness: a Sanctuary for Utah's Ancient Treasures," which discussed some of the most pressing current threats to cultural and historic properties. In addition, SUWA has been at the forefront of National Historic Preservation Act litigation and works closely with various state and federal agencies, as well as Indian tribes and other non-profit organizations on these issues. SUWA will make the information obtained from this request available to their members and other groups, including but not limited to the National Trust for Historic Preservation. SUWA may also make available to the media newsworthy summaries of the requested documents, as well as newsworthy documents themselves. Finally, release of the information may empower SUWA or other organizations or citizens to present comment on proposed agency or state or county actions concerning coal mining in Utah.

Release of the information will empower members of SUWA and members of the public to engage in public advocacy efforts to protect and conserve BLM wildlands, and will enable SUWA, its members, and the public to more effectively evaluate the need for appeal and litigation. SUWA is a not-for-profit corporation and does not seek these documents for commercial use.

Accordingly, SUWA requests that all copy and research fees be waived pursuant to Utah Code § 63-2-203(4)(a). A fee waiver is justified because the information requested is likely to contribute significantly to public understanding of the operations of the government, and is not primarily in SUWA's commercial interest, as described above. We fully expect that such a waiver will be granted. However, if a waiver is not

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granted, please inform the undersigned of the cost of disclosing the above-described records if such fees are likely to exceed \$15.00.

In the event that your office intends to withhold any records or portions thereof, state law requires that we receive an index of such documents, identifying each document and explaining the alleged legal grounds for withholding. See Utah Code § 63-2-205(2).

Thank you for your prompt attention to this request. As provided by Utah Code § 63-2-204, I look forward to your response within ten working days. Please feel free to call me at (801) 486-3161 with any questions or concerns.

Sincerely,



Stephen Bloch
Staff Attorney
(801) 486-3161 x.3981

Cc: Mary Ann Wright – Associate Director, DOGM