



southern
utah
wilderness
alliance

HAND DELIVERED

June 14, 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: Response to DOGM June 12, 2006 Letter to SUWA GRAMA Request
Horse Canyon Mine, Lila Canyon Extension C/007/013

Dear Mary Ann:

Thank you for your letter dated June 12 responding to Southern Utah Wilderness Alliance's (SUWA) GRAMA request for records related to the proposed Horse Canyon Mine, Lila Canyon Extension C/007/013. I appreciate that - after you told me both over the telephone and via e-mail that the recent Lila Canyon related records SUWA was interested in reviewing did not exist and thus were not missing from the Lila Canyon files - your staff was able to locate approximately 3000 pages of responsive records. See electronic mail from Mary Ann Wright, DOGM to Stephen Bloch, SUWA (May 23, 2006) (attached hereto); Letter from Stephen Bloch, SUWA to Mary Ann Wright, DOGM (May 22, 2006). I look forward to thoroughly reviewing these recently located records.

Regarding your request that SUWA "pay the cost of document preparation, \$617.96" for the responsive records and your assertion that "[t]he information provided in response to SUWA's request was compiled for SUWA's own purposes . . .," SUWA questions why it should be asked to pay DOGM for staff time required to locate records that DOGM has previously placed in the Public Information Center (PIC) free of charge for public review. Indeed, many if not all of these types of records have been placed in the PIC's Lila Canyon file over the past several years, and thus were available for review and inspection by the general public. That DOGM failed to do the same for the recently located records produced in response to SUWA's GRAMA request is entirely owing to an internal DOGM breakdown and SUWA should not have to pay for these internal failures.

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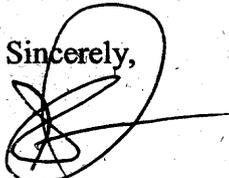
425 East 100 South
Salt Lake City, Utah 84111
Phone: 801-486-3161
Fax: 801-486-4233
Website: www.suwa.org

Southern Utah Wilderness Alliance – GRAMA related
Horse Canyon Mine, Lila Canyon Extension C/007/013
June 14, 2006

Thus, SUWA respectfully asks that you reconsider your request for to SUWA pay the cost of document preparation.¹

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

Sincerely,



Stephen Bloch
Staff Attorney

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

¹ In addition, SUWA's GRAMA request explicitly requested that DOGM contact SUWA if a fee waiver for research and copying fees was not granted: "[I]f a waiver is not granted, please inform the undersigned of the cost of disclosing the above-described records if such fees are likely to exceed \$15.00." (emphasis added). I was not contacted by DOGM regarding research fees before receiving DOGM's June 12th letter requesting that SUWA pay \$617.96 in research fees. On this ground alone, SUWA should not have to pay the requested research fee.

To: "Steve Bloch" <steve@suwa.org>
Cc: "Dana Dean" <DANADEAN@utah.gov>,"John Baza" <JOHNBAZA@utah.gov>,
"Keli Beard" <KELIBEARD@utah.gov>,
"Pam Grubaugh-Littig" <PAMGRUBAUGHLITTIG@utah.gov>,
"Sheila Morrison" <SHEILAMORRISON@utah.gov>,
Subject: request for guidance on 'what is a record?'

Steve -

In response to your letter of May 22, 2006 and per our phone discussion today, I am sending you this link to the Utah AG's office for the guidance which was used to train the OGM Mining personnel in 2004. The training was conducted by an Assistant AG on what to retain as a record for our files.

<http://attorneygeneral.utah.gov/grama/GRAMAHandbook&Appendix2005.pdf>

Also, in direct response to items in your letter:

1. Wayne H. and I met with the Coal Program team assigned to Horse Canyon Mine and confirmed that the discussions with UEI have been primarily verbal (phone, face to face in field, meetings), and that all discussions have been a repeat of the latest deficiency letter which was sent by OGM to UEI last year, 2005.
2. All of the "additional submissions by UEI that are not in the incoming file..." are in fact, as we confirmed with you on the phone, in the files for 2006.
3. It is true that there are few records of "...DOGM internal staff discussions regarding these submissions..." since we do not place verbal interchanges in the files. There are some emails in regard to cultural information.
4. It is true that there is no "...record of correspondence with UEI (presumably some form of deficiency letter) concerning the same." See item number 1.
5. OGM also does not send correspondence to each operator upon receipt of a submission. We receive items from the coal operators almost daily and merely stamp them in and assign a task number for a team to review. And,
6. The OGM PIC does in fact maintain an ongoing index of all incoming, outgoing, and internal records and the date they were received by the Division. Perhaps you did not realize it, but those indices are on the left hand side of each file. The bate-stamped numbers on the documents correspond to the numbers on the index.

Hopefully, these items answer your questions and concerns about 'missing' records. There are none that are missing.