

**Document Information Form**

Mine Number: C/007/0013 OK

File Name: Horse Canyon Mine

To: Incoming

From:

Person James Kohler

Company BLM

Date Received: 5/22/07

Explanation:

James Kohler e-mailed letter  
for information purposes.

cc:



southern  
utah  
wilderness  
alliance

BLM - UT - 950  
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May 16, 2007

Jim Fulton, Chief – Western Field Division  
Office of Surface Mining – Western Regional Coordinating Center  
P.O. Box 46667  
Denver, CO 80201-4667

Jim Kohler – Branch Chief, Solid Minerals  
Bureau of Land Management – Utah State Office  
P.O. Box 45155  
Salt lake City, UT 84145-0155

Re: *Lila Canyon Coal Mine – Emery County, Utah*  
*OSM/BLM Reliance on 2000 Environmental Assessment*

Dear Mr. Fulton and Mr. Kohler,

This letter is in regard to the Office of Surface Mining (OSM) and Bureau of Land Management's (BLM) review of the Utah Division of Oil, Gas and Mining's (DOG M) May 2, 2007 decision to approve Utah American Energy, Inc.'s (UEI) permit application package (PAP) for the Lila Canyon Mine. The Southern Utah Wilderness Alliance (SUWA) has heard from various agency staff that BLM is recommending to OSM that OSM rely on the Assistant Secretary of the Interior's 2001 mining plan approval for the Lila Canyon mine to shortcut OSM's compliance with 30 C.F.R. § 746.13. SUWA has also heard that OSM and BLM may be intending to rely on the 2000 environmental assessment (EA), finding of no significant impact and decision record prepared by BLM and OSM regarding rights of way for the Lila Canyon to comply with 30 C.F.R. § 746.13(b). These decisions would be arbitrary, capricious and not withstand judicial review.

As you know, § 746.13 requires that OSM "prepare and submit to the Secretary a decision document recommending approval, disapproval, or conditional approval of the mining plan to the Secretary. The recommendation shall be based, at a minimum, upon (a) The permit application package, including the resource recovery and protection plan; and (b) Information prepared in compliance with [NEPA]." The PAP recently approved by DOGM is an entirely new document that postdates and replaces earlier versions of the PAP that OSM reviewed and scrutinized. OSM has never reviewed or passed upon this new PAP – but must do so before it recommends approval of the mining plan.

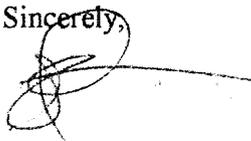
SUWA Letter to OSM and BLM  
Re: Lila Canyon Mine  
May 16, 2007

In addition, the BLM's EA could not and does not consider, analyze, or disclose the impacts to public lands and current resources that are the subject of the new PAP. Importantly, the 2000 EA relied on an earlier version of the PAP – as well as earlier, outdated information regarding the specific location of the proposed rights of way – to analyze potential direct and indirect effects to public resources. Compare PAP at Plate 4-4 with EA at 8-10 (describing nature of upgrade to “existing” Lila Canyon Road).

In short, it is incumbent on OSM to thoroughly review and analyze the new PAP before it makes any recommendation regarding the mining plan; the May 2007 PAP is a different document altogether and requires close scrutiny and analysis by OSM. In addition, BLM and OSM must prepare new NEPA documentation that fully analyzes and discloses the impacts of the currently proposed rights of way as they exist on the ground today. The 2000 EA does not meet NEPA's mandate to fully inform the agencies and the public of the environmental consequences of the proposed action and various alternatives to the proposed action.

Feel free to contact me with any questions regarding this letter: (801) 486-3161 x.3981.

Sincerely,



Stephen Bloch  
Staff Attorney

Cc: Kent Hoffinan, Deputy State Director, BLM