

Control
M. CHASE

Providing a voice for the voiceless

0017

January 22, 2004

Tom Lloyd
Manti LaSai National Forest

Re: Energy West Exploration in Rilda Canyon



Incoming
01/18/00180
Copy Mary Ann,
Dawn, Pam,
Jim

Tom, per our telephone conversation yesterday, I'm sending you the Utah Environmental Congress scoping comments on the proposed project.

- 1) The UEC recommends telling Energy West that the Forest Service can't permit the desired exploration in the timeframe given. Poor planning on their part should not constitute an emergency on the Forest Service's part. My understanding is that they want to do the exploration next week. There is simply no way the Forest Service can do an adequate analysis or public notification in that timeframe.
- 2) You said you called me because you were doing "focused" scoping. Focused scoping is not recognized under NEPA and indeed violates NEPA for failing to include all of the public in the comment period. It also violates the Bush Administration's policy to involve more of the public, upfront, and early on before decisions are made.
- 3) The UEC strongly objects to the exploration being CE'd. It is not a distinct, separate action, rather it is a connected action directly related to Energy West's proposal to build a facility in Rilda Canyon. Therefore, the exploration should go through the NEPA process and an EA should be conducted. It would be even more advisable to include the exploration in the EIS for the facility construction.
- 4) The proposed area is winter range for deer and elk, and is used by Bald eagles during the winter beginning in February. In addition, it is a documented Goshawk nesting area. An analysis of potential impacts to these species should be conducted and it simply can't be done by next week. The analysis should not only look at the exploration but the connected action of the proposed facility, which will require development of an EIS.
- 5) It is my understanding the proposed area is above N. Emery County's Water Works and there is a concern for possible impacts to ground water. Posting an employee on the site during the exploration will do little to protect water flows -- it will simply provide a witness if something goes wrong.
- 6) According to one of the maps you sent, two of the proposed test pit sites appear to be in an IRA. One is the site south and west of the Leroy Mine, and the other is south of the Rominger Mine.

Tom, it is clear to the UEC that this project is directly connected to the proposal to build a facility in Rilda Canyon, and there are multiple resource concerns that require an environmental analysis that includes full NEPA disclosure. After the East Park of Box Canyon debacle, I would think the Forest Service would agree. Tell Energy West they will have to wait. It is ridiculous that they gave you one month's notice and expect you act immediately. If you do, you will be violating the law. I am copying this to our attorney's and will consider legal action if this project proceeds as Energy West has requested. It is impossible for the Forest Service to claim this exploration is not related to the construction of the facility, and therefore full NEPA disclosure is mandated.

Sincerely, Denise Boggs, Executive Director
Utah Environmental Congress

OPTIONAL FORM 99 (7-00)

FAX TRANSMITTAL

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Cc: Alice Carlton, Forest Supervisor
Ray Vaughan, WildLaw Attorney
Joel Ban, WildLaw Southwest Attorney

To: *Chuck Semboriski* From: *P. Buttege*
Dept/Agency: _____ Phone #: _____

1817 S. Main Street |
Ph (801) 466-

Fax: *435-687-2695* Fax #: _____