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**State of Utah**  
DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

**Division of Oil Gas and Mining**

JOHN R. BAZA  
Division Director

OK  
Outgoing  
8/25/07

August 31, 2007

Denise Dragoo  
Snell and Wilmer  
15 West South Temple, Suite 1200  
Gateway Tower West  
Salt Lake City, Utah 84101

Subject: Coal Hollow Permit – Availability to the Public

Dear Ms. Dragoo:

This is in reply to your July 9, 2007 letter asserting the confidentiality of a coal mine permit application that has been submitted to the state of Utah, Division of Oil, Gas and Mining. Your first assertion is correct in that public notice for availability of public review is provided for under the Coal Act after a complete mining plan is submitted for review. However, this same provision of the Coal Act does not preclude public access to records submitted to the Division before this public notice is made. This provision is intended for giving the official notice to the public that a coal permit application is ready for public review.

A submitted application is classified as a 'record' under GRAMA because it is a document 'received by a governmental entity' where information in the original is 'reproducible by photocopy', and as well, it is not a temporary draft that was prepared for personal use. The Division is not able to classify a coal mine permit application as "protected" under the Utah Coal Mining Act either. Submitted applications, even if they are considered as drafts submitted for review are "otherwise classified as public" based on provisions of the Coal Act and its rules at R645-300-100 (124.100) Public Availability of permit applications. Be assured, though, that the Division will keep those portions of the application protected that are required to be.

In summary, the Division is unable to honor your request to keep the MRP application as a confidential record under either the Coal Act or GRAMA. If you wish to appeal this decision, you may do so by filing a request for Agency Action with the Board of Oil, Gas and Mining.

Sincerely,

Mary Ann Wright  
Associate Director, Mining

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cc: Chris McCourt  
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