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## State wants to keep public, press away from tar sands hearing

Session to be in room too small to allow observers to sit in.

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An administrative judge will consider plans for the nation's first tar sands project in a cramped upstairs conference room at the Utah Department of Environmental Quality next week.

But the interested public, along with local and national media, won't be able to observe the legal wrangling firsthand. Anyone not officially part of the quarrel over the PR Springs project in Uintah County will have to observe via video link in a spacious ground-floor conference room, according to DEQ.

Assistant Attorney General Sandra Allen, acting as the state agency's administrative law judge, will begin on Thursday a two-day hearing on the Division of Water Quality's reasons for approving the tar sands project and an environmental group's formal appeal of that decision.

But already, a controversy has erupted over the DEQ's rare — perhaps unprecedented — process for conducting its fact-finding meeting.

"It's an assault on democracy," said John Weisheit, whose group Living Rivers prompted the proceeding by challenging the water agency's approval.

Weisheit and his lawyer will be in the room with Allen. Also invited are a second assistant attorney general representing regulators who approved a discharge permit for the tar sands project and other key parties. But Weisheit and others wonder why the public is being kept at a distance.

"You have to question why they are afraid to have cameras and the public in the room," offered good-government activist Claire Geddes, calling the hearing arrangement "absolutely bizarre." "The public and press should be allowed to attend all hearings especially when public health and safety are such an important issue."

For its part, the DEQ declared the hearing "closed" because of concerns about disruptions by the public and news media that have said they plan to attend. Tar sands protesters recently demonstrated at the School and Institutional Trust Lands Administration offices, and air-quality activists have waved posters and applauded a public-comment hearing on the Tesoro refinery last month.

“It is not a public meeting, and it doesn’t fall under the authority of the public meetings law because it’s administrative, it’s a legal proceeding,” said DEQ Director Amanda Smith. “It can only be open to the parties.”

The judge needed to be able to focus on the arguments presented by both sides, to weigh the highly technical details, without “also having to manage the public,” according to an email from DEQ. Smith noted that the live-streaming will allow people who are interested to see the discussion real time. Even if they were in the room, they would not have been allowed to ask or make comments, she added.

Attorney Tim Smith, who answers inquiries to the Utah Freedom of Information Hotline, said that the odd arrangement appeared to violate the spirit and the letter of state’s Open and Public Meetings Act.

The law, he said, applies to all government agencies with the goal of keeping the public’s business transparent. And, while it does allow for closing the doors for sensitive issues — such as discussing the character of a public employee or planned real estate purchases — he couldn’t see how that could apply to the tar sands hearing.

“I don’t know if that’s a basis for closing a meeting,” he said, “the presumption that people might be rambunctious.”

Raphael Cordray, a leader of the group Utah Tar Sands Resistance, said people in the environmental community were “outraged and astounded” by the decision to handle the hearing that way.

She said her group had plans to witness the hearing — but not to protest or disrupt it. The proceeding is formal, and her group want to be sure the case is handled thoughtfully and thoroughly.

“We’re treating it with respect because it is an important process,” she said.

Alex Chadwick, a longtime reporter for public broadcasting who is working on a series of radio documentaries on energy, wrote to Smith and asked her to reconsider, arguing that “it would be a disservice to the public to close off access to a public hearing of this nature, and all the more so as energy questions are of increasing concern for all of us.”

Chadwick said Thursday that Smith rejected his request.

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## Congress hears about Utah’s unconventional energy

The Canadian company U.S. Oil Sands Inc. testified before a U.S. House panel on Thursday that it plans to begin pumping oil from state lands in southern Uintah County as early as next year. Cameron M. Todd, the company’s CEO, told the Subcommittee on Energy and Environment that its breakthrough technology using a nontoxic, biodegradable solvent made from citrus peels will enable his company to process about 50,000 barrels of oil a day within 10 years.

Samantha Mary Julian, director of the Utah Energy Development Office, also testified at the congressional hearing and said that companies are already tapping into unconventional fuels in the state.

“Leading technology companies have settled in Utah, permits have been granted and efforts begun,” she said, according to written testimony published on the state’s Web page. “Hundreds of millions of private dollars are being invested and jobs are being created as we speak.”

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