

July 7, 2009

Kent L. Jones
State Engineer
Utah Division of Water Rights
1594 West North Temple Suite 220
PO Box 146300
Salt Lake City, UT 84114-6300

Dear Mr. Jones,

RE: Application Number A78499
Water Right Number 13-3896

On behalf of the board and staff of Dia Art Foundation, I am writing to express my sincere apprehension about Great Salt Lake Minerals's (GSLM) application to expand their evaporation ponds in Great Salt Lake.

Of particular alarm to Dia is the proposed development of 83,000 acres of ponds in the Lake's North Arm because of the proximity to Robert Smithson's internationally renowned public sculpture *Spiral Jetty*, constructed in 1970 at Rozel Point in Box Elder County. Dia acquired *Spiral Jetty* as a gift from the artist's Estate in 1999, and today oversees and advocates for the long-term preservation of the artwork within its surrounding environment.

Spiral Jetty is an iconic example of American "Land Art" that is widely considered a cultural masterpiece of the late twentieth-century. Key to its conception and its acclaim is the total integration of sculpture and site: the work itself comprises basalt rocks and earth gathered locally, which Smithson formed into a massive 1500-foot coil that unfurls into the Lake. Additionally, the specific geology and topology of the setting, particularly its remoteness, the pinkish tint of the water, and the crystalline structure of the salt, were fundamental to Smithson's formulation of the work.

Equally important to Smithson was the notion that *Spiral Jetty's* character would vary with the change in water level and weather. As photographs of the artwork reveal, the experience of the sculpture constantly evolves, and no two visits are ever the same.

For this reason, Dia's primary concern to GSLM's proposal is the depletion of lake levels. Loss of shoreline, exposure of mudflats, and corresponding dust storms could cause significant

negative impact to the *Spiral Jetty* and its surrounding natural environment. Not only would a permanent "draught" environment be potentially problematic to the original conception of the artwork, but the possibility of actual degradation to the sculpture from the buildup of natural materials, and potential increase of off-road vehicles at the site, could permanently destroy this internationally significant artwork. Of additional concern to Dia are the destruction of waterfowl and shorebird habitats; the deterioration of wetlands preserves; and the overall potential negative ecological impacts of GSLM's proposal to the unique and fragile Great Salt Lake ecosystem.

Each year thousands of visitors are drawn from state, national, and international locations to see *Spiral Jetty* and experience the austere beauty of rural Utah. As custodians of *Spiral Jetty*, Dia strives to preserve the unique experience of journeying to this remote site, where culture and nature conjoin in a manner rarely seen in the Western world.

Dia strenuously urges the State of Utah and the Army Corps of Engineers to consider the historic and cultural significance of *Spiral Jetty* when considering the threats GSLM's expansion plans may pose to this extraordinary aesthetic encounter. Should you have any questions regarding Dia's position, please feel free to contact directly at 212.293.5505 or pvergne@diaart.org, and thank you for consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "Philippe Vergne". The signature is stylized and fluid, with a long horizontal stroke at the end.

Philippe Vergne
Director