

**State of Utah****Department of
Natural Resources**

MICHAEL R. STYLER
Executive Director

**Division of
Oil, Gas & Mining**

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

November 14, 2006

Chuck Semborski, Environmental Supervisor
Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528

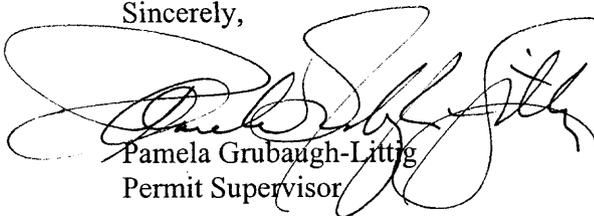
Subject: Post Mining Land Use Change, PacifiCorp, Des-Bee-Dove Mine,
C/015/0017, Task ID #2606, Outgoing File

Dear Mr. Semborski:

The recent amendment to change the post mining land use for all 154 acres within the permit area has been reviewed by the Division. The information provided meets the requirements of the Regulations to support a post mining land use change to industrial/ commercial for **18.42 acres of federal and 7.01 acres of state land within the 36.22 acre disturbed area** to commercial/industrial use only. The term "post mining land use" only applies land disturbed by mining. Therefore, prior to approval, please use a C1C2 form to amend the application to indicate the acres of disturbed federal and state land to receive the post mining land use change. As soon as the revised acreage information is received, the above-referenced amendment will be approved. This issue is further outlined on the attached list of deficiencies.

If you have any questions, please call me at (801) 538-5268 or Jim Smith [JDS] at (801) 538-5262 or Priscilla Burton [PWB] at (435) 613-1146, Ext. 207.

Sincerely,



Pamela Grubaugh-Littig
Permit Supervisor

PWB/sd
Enclosure

cc: Jim Kohler, BLM
Alice Carlton, USFS
Price Field Office

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LIST OF DEFICIENCIES

Task ID #2606

November 8, 2006

R645-301-120.200, The submittal contains an aerial photo-map, a legal description of the permit area, copies of the state and federal APDs, a copy of the state's approval of the APD, and letters and other information from Emery County and agencies that manage surface and mineral interests in and adjacent to the permit area. (A copy of the BLM's approval of the APD is not included). The Permittee must clarify if this information is to be placed in the MRP. [JDS]

R645-301-413.300 and R645-301-413.310, This application describes a post mining land use change for the entire 154 permit area as described in the Legal Financial Volume, however the 40 acres of fee land are not included in either state or federal mineral leases. Therefore, the 18.42 acres of federal and 7.01 acres of state land is recommended for a change in post mining land use to industrial/commercial, as there is a reasonable likelihood of achieving this post mining land use. •There was no information included with the application to show a route across the drainage, past the former operations pads for commercial use of the site (i.e. the proposed change to pageant route) or to otherwise support the likelihood of achieving an industrial/commercial use of the 10.8 acres of privately held ground. •A recreational use was alluded to in meetings (OHV use) but there was no information in the application to substantiate that recreational use on the privately held ground. Also, the USFS landowner letter does not describe OHV access across federal land for OHV riders to reach the privately held ground. •Therefore, prior to approval, the application must indicate only the acres of disturbed federal and state land to receive the post mining land use change. [PWB]