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State of Utah

DEPARTMENT OF NATURAL RESOURCES

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Division of Oil, Gas and Mining

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Outgoing
C0150017
#3221
K

September 17, 2009

Kenneth S. Fleck, Manager of Geology and Environmental Affairs
Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528

Subject: Approval of Phase I Bond Release of Remaining Reclaimed Areas, Task ID # 3221, PacifiCorp, Des Bee Dove Mine, C/015/0017

Dear: Mr. Fleck:

The Division has processed your application for Phase I bond release at the Remaining Reclaimed Areas (sedimentation pond and pond access road and the remote Beehive and Deseret Portal breakouts in Maple Gulch) of the Des Bee Dove Mine. Bond release is hereby approved. As PacifiCorp has not requested a reduction in the bond, the bond remains at \$1,169,718.00. This Phase I bond release applies to the reclaimed 13.88 acres of the Des Bee Dove Mine sedimentation pond and pond access road in Township 17 South, Range 7 East, Sections 35 and 36, and the 0.02 acres at the two remote reclaimed portals in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13 and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T. 14 S., R. 7 E. The effective date of this release is September 17, 2009.

A copy of the Division's Decision Document, which discusses the findings that support the bond release, is enclosed. The US Office of Surface Mining, Forest Service, Bureau of Land Management and the Utah School and Institutional Trust Lands Administration have concurred with this bond release.

Thank you for your help during this process. If you have any questions, please call Jim Smith at 801-538-5262 or Daron Haddock at 801-538-5325.

Sincerely,


John R. Baza
Director

DRH/sqs

Enclosure (Decision Document)

cc: Travelers Casualty & Surety Company of America
OSM
Price Field Office

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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

Des Bee Dove Mine
Sedimentation Pond and Pond Access Road; Beehive and Deseret Remote Portals
Phase I Bond Release
C/015/0017
Emery County, Utah

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- * USFS Concurrence Letter
- * OSM Concurrence Letter
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TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

DECISION DOCUMENT

**Des Bee Dove Mine Phase I Bond Release for Remaining Reclaimed Areas
[Sediment Pond, Pond Access, and Remote Breakouts]
Emery County, Utah**

ACTION

Grant approval of Phase I bond release.

The Division received PacifiCorp's application for Phase I bond release on August 28, 2008. The Permittee currently has a surety bond in the amount of \$1,169,718.00, which is payable to the Utah Division of Oil, Gas and Mining (DOG M) and the US Office of Surface Mining Reclamation and Enforcement (OSMRE). The Permittee is not requesting a reduction in the bond at this time.

The areas covered by this bond release include the reclaimed Des Bee Dove Mine sedimentation pond and pond access road and two remote portals. Total area is 13.90 acres, 13.88 at the pond and road and approximately 0.01 acres at each of the remote portals. The reclaimed pond area and road are in Sections 35 and 36, T. 17 S., R. 7 E., adjacent to Emery County Road 412 (also known as the Des Bee Dove Crossover Road or the Des Bee Dove Coal Haul Road), which connects the Des Bee Dove Mine site with State Road 57. The first several hundred feet of the pond access road, where it leaves the paved county road, are on U. S. Bureau of Land Management (BLM) administered land. The remainder of the road and the pond are on Utah School and Institutional Trust Land Administration (SITLA) land. The two reclaimed remote portals are on U.S. Forest Service (USFS) administered land, in remote locations with steep terrain in Maple Gulch Canyon, in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13 and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 14 S., R. 7 E.

The Permittee published notification of the application for bond release in the Emery County Progress on August 19, 26, September 2, and 9, 2008. On November 19, 2008, the Division sent a letter inviting parties of interest to participate in a bond release inspection of the site, and the on-site inspection was done on Wednesday December 3, 2008. Dennis Oakley and Guy Davis from PacifiCorp – Energy West Mining Company accompanied three representatives from the US BLM and several Division personnel. A copy of the inspection report is enclosed. SITLA participated in an inspection on August 26, 2009.

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The Division of Oil, Gas and Mining finds that PacifiCorp has completed Phase I reclamation of the Des Bee Dove Mine sedimentation pond, pond access road, and the Beehive and Deseret remote portals in Maple canyon as required by the Utah Coal Mining Rules. In a letter dated December 1, 2008, the BLM stated their concurrence with Phase I bond release. The UFSF, Manti-LaSal Forest sent a concurrence letter on January 7, 2009, and SITLA sent one on September 9, 2009.

BACKGROUND

On August 28, 2008, the Permittee submitted an application to the Division for partial release of the reclamation bond.

The Des Bee Dove Mine is owned by PacifiCorp and is located approximately 35 miles southwest of Price, Utah. Mining at this site began in the late 1880's. Utah Power and Light Company purchased the mine in 1972. PacifiCorp acquired UP&L and operated the mine, through the Energy West Mining Company subsidiary, until 1986. PacifiCorp permanently sealed the portals in 1987.

Reclamation activities occurred as follows:

- 1996, PacifiCorp gave Notice of Intent to reclaim the Des Bee Dove Mine.
- 1998, PacifiCorp transferred the Des Bee Dove Coal Haul Road to Emery County and received Phase III bond release on 93.18 acres.
- November 1999, PacifiCorp completed removal of surface facilitates throughout the mine site and reclamation of the pumphouse area.
- July 2000, PacifiCorp completed final reclamation of the Beehive and Deseret remote portal breakouts in Maple Gulch
- May 2002, PacifiCorp completed reclamation of the Little Dove and Beehive Mine portals and pad areas
- June 2003, PacifiCorp completed reclamation of the Deseret Mine portals and pad area, bathhouse pad, storage yard, and mine access road, and reconstructed the drainage channel through the mine site.
- 2005, PacifiCorp began reclamation of the sedimentation pond and pond access road.
- January 2006, PacifiCorp completed reclamation of the sedimentation pond and access road and reconstruction of the channel through the pond site.
- February 2007, PacifiCorp received Phase I bond release on the reclaimed pumphouse area, Beehive, Deseret, and Little Dove portals and pad areas, bathhouse pad, storage yard, and mine access road. The bond was reduced \$445,330.00.
- April 2007, PacifiCorp received Phase III bond release on 2.52 acres in the pumphouse

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- area that were to be used as a gas-well drill pad; the bond was not reduced.
- August 2008, PacifiCorp applied for Phase I bond release for the reclaimed sedimentation pond, pond access road; and Beehive and Deseret remote portal breakouts.

There are no remaining sediment control structures (ponds, silt fences, straw bales) or diversions to be removed.

CHRONOLOGY FOR PHASE I BOND RELEASE

- August 15, 2008 PacifiCorp, through Energy West Mining Company, sends letters to local governments and property owners notifying them of the proposed bond release: Ms. Dixie Swasey, Emery County Records Office; Mr. Ray Peterson, Emery County Public Lands Council; Emery County Commission; Ms. Mesia Nyman, U.S. Forest Service, Manti-La Sal Forest; Mr. Mike Stiewig, U.S. Bureau of Land Management; Mr. Kevin Carter, Utah School and Institutional Trust Land Administration; and Mr. Eric Larson, Utah Division of Wildlife Resources.
- May 1, 2008 Division receives Phase I bond release application from PacifiCorp for Phase I bond release at the reclaimed sedimentation pond, pond access road; and Beehive and Deseret remote portal breakout in Maple Gulch.
- August 19 and 26,
September 2 and 9,
2008 Phase I bond release published in the Emery County Progress, an Emery County newspaper.
- October 9, 2008 End of public comment period. No comments received.
- November 19, 2008 The Division sent letters of invitation to attend the bond release inspection on December 3, 2008.
- December 3, 2008 Phase I bond release inspection.

In attendance: Dennis Oakley, Energy West Mining Company
Guy Davis, Energy West Mining Company
Sue Wiler, BLM
Mike Robinson, BLM
Connie Lechin, BLM

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Jim Smith, DOGM
Priscilla Burton, DOGM
April Abate, DOGM
Ingrid Wieser, DOGM
Joe Helfrich, DOGM
Pete Hess, DOGM

August 26, 2009 Phase I bond release inspection with Dennis Oakley, Jim Smith, and Kurt Higgins of SITLA.

SUMMARY OF FINDINGS:

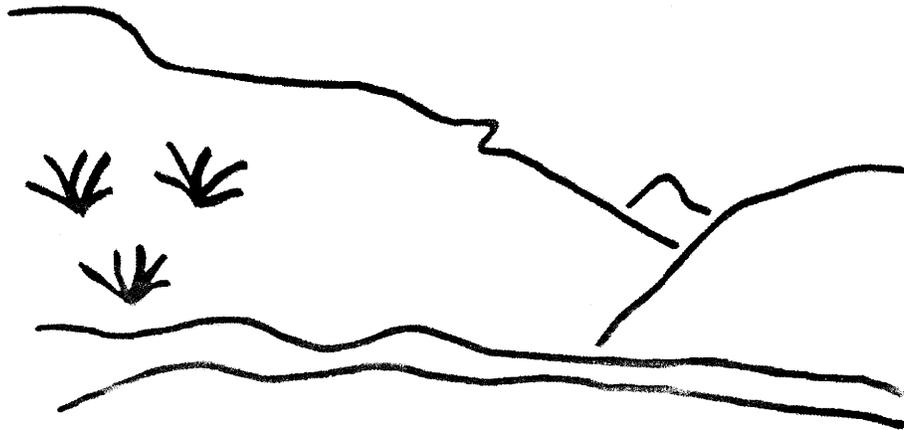
A review of the mine site and technical evaluation of the supporting data was provided in the May 1, 2008 bond release request. The Phase I bond release is for the Des Bee Dove Mine sedimentation pond, pond access road; and Beehive and Deseret remote portal breakout in Maple Gulch. The Phase I bond release was advertised for four consecutive weeks. No comments were received during the public comment period. A bond release inspection was conducted in December 2008. Some minor issues were identified in the inspection report, which PacifiCorp addressed in a submittal dated February 23, 2009: the Permittee will follow-up on this response by updating the MRP with as-built drawings and maps. An additional inspection was done August 26, 2009. The Division received letters of concurrence from BLM on February 2, 2009, the USFS Manti-La Sal National Forest on March 5, 2009, OSMRE on May 28, 2009, and SITLA on September 3, 2009.

Gouging on the backfilled soils created areas for capturing precipitation runoff and providing moisture for vegetation. RUSLE modeling done for the reclamation of the main mine site areas indicated the roughening alone should provide conditions equivalent to adjacent undisturbed areas and be adequate to prevent erosion and off-site sedimentation. Because of the smaller size and gentler slopes of the sedimentation pond and pond access road area, the results of previous RUSLE modeling have been applied.

PHASE I BOND RELEASE RECOMMENDATION

Grant approval of Phase I bond release. PacifiCorp has demonstrated that sediment is being controlled over the reclaimed 13.90 acres of the reclaimed Des Bee Dove Mine sedimentation pond, pond access road; and Beehive and Deseret remote portal breakouts.

State of Utah



Utah Oil Gas and Mining

Coal Regulatory Program

PacifiCorp
Energy West Mining Company
Des-Bee-Dove Mine
C/015/0017
September 21, 2009

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TECHNICAL ANALYSIS DESCRIPTION

This TA addresses bond releases on the main mine facilities of the Des-Bee-Dove Mine (Pumphouse Area and Phases 1 and 2) and the Sedimentation Pond, Pond Access Road, and Remote Breakout Portals in Maple Gulch (Phase 3). The Pumphouse and Phases 1 and 2 are located in the E½, S. 26 and the W½, S. 25 T. 17 S., R. 7 E., SLBM. Phase 3 is in S. 35 and 36, T. 17 S., R. 7 E. The remote portals are in SW¼SW¼ S. 13 and SW¼ SE¼ S 14, T. 14 S., R 7E.

In 2007, the Division approved Phase I bond release on 29.5 acres of reclaimed disturbance:

- Phase 1 Area: Little Dove and Beehive Mines
- Phase 2 Area: Bathhouse and tipple areas, and
- Pumphouse Area: Pumphouse near the turnaround.

The portion of the bond covering these three areas was reduced by \$667,994 (60%), from \$1,113,324 to \$445,330, and the total bond reduced from \$1,837,712 to \$1,169,718.

The portion of the bond covering the Phase 3 area is \$133,054. The Permittee has not requested reduction of the Phase 3 Area bond, so after Phase I Bond Release on the Phase 3 Area the total bond will remain at \$1,169,718.

There was no money in the bond specifically marked to reclaim the Remote Portal Breakouts. These portals were breakouts from within the mine and did not involve any significant surface disturbance (approximately 0.02 acre total).

The Division has approved Phase III Bond Release on two areas of the Des Bee Dove Mine permit. The Permittee did not reduce the bond amount following either of these bond releases.

- In 1998, the Division approved transfer of the Des Bee Dove Coal Haul Road to Emery County and the Permittee received Phase III bond release on 93.18 acres. The Permittee did not reduce the bond: \$591,334 apportioned for reclamation of this road is still in the bond.
- In 2007, PacifiCorp received Phase III bond release on 2.52 acres in the Pumphouse Area that were to be used as a gas-well drill pad; the bond amount was not reduced and remained at \$1,169,718.

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RECLAMATION PLAN

GENERAL REQUIREMENTS

Regulatory Reference: PL 95-87 Sec. 515 and 516; 30 CFR Sec. 784.13, 784.14, 784.15, 784.16, 784.17, 784.18, 784.19, 784.20, 784.21, 784.22, 784.23, 784.24, 784.25, 784.26; R645-301-231, -301-233, -301-322, -301-323, -301-331, -301-333, -301-341, -301-342, -301-411, -301-412, -301-422, -301-512, -301-513, -301-521, -301-522, -301-525, -301-526, -301-527, -301-528, -301-529, -301-531, -301-533, -301-534, -301-536, -301-537, -301-542, -301-623, -301-624, -301-625, -301-626, -301-631, -301-632, -301-731, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-732, -301-733, -301-746, -301-764, -301-830.

Analysis:

The Permittee has met the general requirements for Phase I bond release on the following areas.

- Phase 1 Area: Little Dove and Beehive Mines.
- Phase 2 Area: Bathhouse, and tipple areas.
- Pumphouse Area: Pumphouse near the turnaround
- Phase 3 Area: The Sedimentation Pond, Pond Access Road
- The Remote Portal Breakouts.

Chronology

- 1996: PacifiCorp submitted notice of intent to reclaim all areas.
- 1998: PacifiCorp transferred the Des Bee Dove Coal Haul Road to Emery County and received Phase III bond release on 93.18 acres, but PacifiCorp did not reduce the bond amount.
- 1998: Pumphouse Area consisting of 1.6 acres was reclaimed.
- 1999: PacifiCorp completed removal of surface facilitates throughout the mine site.
- 2000: PacifiCorp completed reclamation of the Beehive and Deseret Remote Portal Breakouts in Maple Gulch.
- 2002: PacifiCorp completed reclamation of the Little Dove and Beehive Mine portals and pad areas (Phase 1).
- 2003: PacifiCorp completed reclamation of the Deseret Mine portals and pad area, bathhouse pad, storage yard, and mine access road, and reconstructed the drainage channel through the mine site (Phase 2).
- 2005: PacifiCorp began reclamation of the Sedimentation Pond and Pond Access Road.
- 2006: PacifiCorp completed reclamation of the sedimentation pond and access road and reconstruction of the channel through the pond site (Phase 3)..
- 2007: PacifiCorp received Phase III bond release on 2.52 acres in the pumphouse area that were to be used as a gas-well drill pad; the bond remained at \$1,169,718.

- 2007: The Division approved a Phase I bond release of \$667,994 for Phases 1 and 2, leaving a total bond of \$1,169,718.
- 2008: PacifiCorp applied for Phase I bond release for the Remaining Reclaimed Areas: the sedimentation pond, pond access road; and Beehive and Deseret remote portal breakouts. The bond amount is to remain at \$1,169,718. [09212009].

Findings:

The information provided in the bond release application is considered adequate to meet the minimum requirements of the regulations [09212009].

APPROXIMATE ORIGINAL CONTOUR RESTORATION

Regulatory Reference: 30 CFR Sec. 784.15, 785.16, 817.102, 817.107, 817.133; R645-301-234, -301-412, -301-413, -301-512, -301-531, -301-533, -301-553, -301-536, -301-542, -301-731, -301-732, -301-733, -301-764.

Analysis:

The Permittee has met the requirements for restoring the Phase 1, Phase 2, and Phase 3 areas, the pumphouse area, and the Remote Portal Breakouts in Maple Gulch to the approximate original contours (AOC). The requirements to achieve approximate original contour restoration are couched in the requirements for backfilling and grading, hydrology, postmining land use and revegetation.

Final Surface Configuration

The R645-Rules require that the disturbed areas be restored to the approximate original contours with limited exemptions. Restoration to AOC means that the final surface configuration shall closely resemble the general surface configuration of the land before mining. To meet the AOC requirements the land does not have to be restored to pre-mining elevations. Rather the land must blend into the surrounding area, with slopes that are similar in length and steepness to the adjacent topography. Since the area was disturbed before the passage of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), there are no pre-disturbed topographic maps. Therefore, the Permittee has no reference as to the pre-disturbed topography of the area. Therefore, the Division main concern is that the mine site blend into the surrounding undisturbed areas.

Phase 1 Area

The Permittee showed the Phase 1 area on Map 3, Des-Bee-Dove Mines Phase 1 Reclamation Plan View & Cross Sections. The Permittee restored the slopes in the area to either 1.25:1V or 2H: 1V depending on the topography. See page 9 of the engineering section of Appendix XIV for additional design specification. The Division noticed during reclamation that the reclaimed slopes are similar to slopes in the surrounding undisturbed areas.

Phase 2 Area

The Permittee showed the Phase 2 area on Map 1, Des-Bee-Dove Mines Area of Bond Release Phases 1 & 2 & pumphouse area at a scale of 1 inch equals 100 feet. The cross sections are shown on Map 2, Des-Bee-Dove Mines Phase 2 Reclamation Cross Sections. The Permittee restored the slopes in the area to either 1.25:1V or 2H: 1V depending on the topography. See pages 13- 19 of the engineering section of Appendix XV for additional design specification.

Pumphouse Area

The Permittee showed the pumphouse area on Drawing 1 of the bond release package. The Division found that the Permittee restored the site to AOC. The pumphouse area is relatively flat. Many of the areas surrounding the pumphouse site were disturbed pre-SMCRA and reclaimed by AML. The pumphouse area blends into the surrounding landscape as shown on the as-built drawing in the Phase I bond submittal.

Phase 3 Area

Drawing 500-5A of the Des Bee Dove Sediment Pond and Remote Portals bond release submittal shows the elevation contours of the final reclamation topography for the Sedimentation Pond area, and Sheets 1 thru 3 of Drawing 500-2 show cross sections thru the Sedimentation Pond. Sheets 1 thru 5 of Drawing 500-3 show the Final Surface Configuration along the Access Road. These illustrate how the reclaimed areas blend with the surrounding areas and have slopes similar in length and steepness to the adjacent topography. [09212009].

Remote Breakout Portals

These portals were breakouts from within the mine and did not involve any significant surface disturbance (approximately 0.02 acre total). The Permittee backfilled the portals using soils and other materials taken from the areas adjacent to the portals. To the extent the availability of materials allowed, the Permittee restored the natural slope over the breakout portals. The Beehive breakout will remain as a slight depression and sandstone outcrop because of the configuration of the site, but similar, natural outcrop exposures are common to the area (Appendix IX). [09212009]

Eliminate All Spoil Piles

No spoil was generated during the construction or mining operations for the Des-Bee-Dove Mine.

Eliminate All Highwalls

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R645-301-553.120 requires that all highwalls be eliminated except as provided for in R645-301-553.500 through R645-301-553.540. The exception applies to previously and continuously mined areas where there is insufficient fill material to reclaim the highwalls.

Phase 1 Area

The portals in the Phase 1 area were developed for the Beehive Mine and the Little Dove Mine. The locations of the portals are shown on several maps including CD1660B, Des-Bee-Dove Surface Facilities Map Highwall Survey and Drawing CD1817C, Des-Bee-Dove Mines Phase 1 Reclamation Plan View & Cross Sections.

The Beehive Mine portals were constructed in 1974 and therefore the portals are pre-SMCRA. Drawing CS1817C shows that there were two portals associated with the Beehive Mine and one vertical shaft used for return air. On page 13 in the engineering section of Appendix XIV, the Permittee states that the intake entries to the Beehive Mine were directly below a sandstone channel and that no excavation was needed. The return entry used a short vertical shaft to access the coal seam.

Sheet 3 of the bond release package shows a cross section for the reclaimed Beehive Mine portals. The Permittee placed seals 25 feet inside the mine and then backfilled to the surface. Since the portals were constructed in a natural cliff, there was no excavation above the portal height. Therefore, the highwalls were reclaimed when the portals were backfilled.

Photographs of the site before reclamation are in Appendix XVI Appendix A. Photo #11 shows the portal locations for the Beehive Mine. The portals were constructed at or near the base of a cliff; therefore no highwalls were associated with the portals. The return shaft was constructed on a slope. During interim reclamation, the Permittee reclaimed the shaft area.

Little Dove Mine portals were constructed in April 1977 and therefore are pre-SMCRA. On page 13 of the engineering section of Appendix XIV, the Permittee states "Development of the Little Dove Mine included several cuts along the contour along with highwalls for the individual portals." The Permittee later states "Due to restricted site configuration, reconstruction of the drainages will dictate the actual extents of the fills. Slopes constructed will not exceed 1.25H: 1V."

Sheet 3 of the bond release package shows cross sections for the area where the reclaimed Little Dove Mine portals are located. Cross Sections 1+00, 2+00 and 3+00 show the areas where the portals are located. The as-built drawings show that the Permittee reclaimed most of the highwalls. The Permittee reclaimed the highwalls using a combination of rock fills that did not exceed 1.25V: 1H slope and fill slopes that did not exceed 2H: 1V slopes.

Because the Little Dove Mine site was constructed pre-SMCRA, there are no accurate premining topographic maps of the area. Without the maps, the Permittee and Division were unable to determine if there was sufficient fill material to totally reclaim the highwalls. Photo

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#10 in Appendix XVI Appendix A shows portal location before final reclamation. The portals were constructed along cutslopes that were used to access the area.

R645-301-553.600, allows highwall remnants to remain at previously mined or continuously mined site if there is insufficient fill material. In addition to insufficient fill material, the Division allows highwall remnants to remain if highwall reclamation would conflict with another regulation, such as establishing drainages.

During reclamation, the Permittee and the Division continually re-evaluated the project. Both parties determined that the highwalls at the Little Dove Mine could not be eliminated because:

- There was insufficient fill at the site to reclaim the highwalls and maintain a safety factor of 1.3. The slope stability report in Appendix XIV, Appendix C, states that slopes constructed from fill must not exceed 2H: 1V slope. The Permittee could have placed more material against the highwall but the slopes would not have the minimum safety factor of 1.3.
- The drainages were redesigned during reclamation to take advantage of natural drainage patterns that had been buried and to ensure long-term stability of the drainages. Placing additional fill material along the Little Dove portals would have prevented the drainages from being restored.

The Permittee reestablished the cattle trail for access to East Mountain by implementing partial reclamation in certain areas of the access road dugways, as well as along the mine site access roads. The trail is small enough to blend into the surrounding area.

Phase 2 Area

The portals in the Phase 2 area were developed for the Deseret Mine. On page 14 of the engineering section of Appendix XV, the Permittee states "Dozers will be used to position the fill to eliminate (as practical) the associated highwalls and cuts." The Permittee also references information in Appendix XIV Appendix, Highwall Survey: March 1997.

The Permittee excavated material above the bedrock outcrops that overlay the Deseret portals to create energy dissipation drops. The Permittee also placed large boulders along the highwalls in the drainage flow paths. See hydrology section for more details.

There are no highwall remnants associated with the Deseret Mine. All highwalls were reclaimed during reclamation.

Pumphouse Area

There are no portals in the pumphouse area.

Phase 3 Area

There are no portals or highwalls in the Phase 3 area. The sedimentation pond was built at the base of an escarpment, where the stream exited a narrow gully. The Permittee placed backfill against the base of this natural escarpment, but most of the escarpment remains exposed. [09212009].

Remote Breakout Portals

These portals were breakouts from within the mine and did not involve any significant surface disturbance (approximately 0.02 acre total). They were permanently sealed from inside the mine in 1986. The Permittee backfilled the portals using soils and other materials taken from the areas adjacent to the portals. To the extent the availability of materials allowed, the Permittee restored the natural slope over the breakout portals. The Beehive breakout will remain as a slight depression and sandstone outcrop because of the configuration of the site, but similar, natural outcrop exposures are common to the area (Appendix IX). [09212009]

Restore Drainages and Sediment Control

Phase 2 included reconstruction of the channel from the reclaimed Beehive and Little Dove Mine portal pad area downstream thru the reclaimed Tipple Pad area. Phase 3 included reconstruction of the channel thru the reclaimed Sedimentation Pond area. Along the Access Road, concrete structures were demolished, the concrete buried on-site, and natural drainage channels reestablished (Appendix XVI, R645-301-241). The Division considers that all AOC requirements associated with the restoration of drainages and sediment control are met when all of the reclamation hydrology requirements have been met. [09212009]

Post Mining Land Use

The Division considers that all post-mining land use requirements associated with the AOC requirements are met when all of the reclamation post-mining land use requirements have been met.

Findings:

The information provided in the bond release application is considered adequate to meet the minimum requirements of the regulations.

BACKFILLING AND GRADING

Analysis:

General

The Permittee has met the backfilling and grading requirements needed for Phase I bond release in the Phase 1, Phase 2, Phase 3, and Pumphouse Areas. The general backfilling and grading requirements are:

- Achieve the approximate original contours.
- Eliminate all highwalls, spoil piles, and depressions.
- Achieve a postmining slope that does not exceed either the angle or repose or such lesser slope as is necessary to achieve a minimum long-term static safety factor of 1.3 and to prevent slides.
- Minimize erosion and water pollution both on and off the site.
- Support the approved postmining land use.

Achieve the Approximate Original Contours

The Division addressed the all the AOC issues in the AOC section of the TA.

Eliminate all Highwalls, Spoil Piles and Depressions

The Division discussed how all highwalls were reclaimed in the AOC in the AOC section of the TA. There are no spoil piles in the areas for which the Permittee seeks bond release. The Permittee eliminated all depressions except for small pocks that were implemented to control erosion and provide microhabitats for vegetation.

Slope Stability

Phase 1 Area

The Beehive and Little Dove Mine areas were reclaimed so that all slopes would be stable and are less than the angle of repose. In Appendix C of Appendix XVI contains a slope stability report prepared by RB&G Engineering. The slope designs were as follows:

- Earth filled slopes should not exceed 2H: 1V slopes.
- Rock filled slopes should not exceed 1.25H: 1V slopes.
- The slope stability calculations were done using the assumption that no pore pressure would be present. Therefore, the slopes should have rock fill or drain fill place beneath the earth.

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The engineering report states that slopes constructed to the design specification will have a safety factor of at least 1.3

Some cut slopes were left because:

- There was either not enough fill to reclaim the cutslopes.
- The reclaimed cutslopes would interfere with drainages.
- The reclaimed cutslopes would not meet the safety factor requirements.

Phase 2 Area

The Permittee reclaimed the Deseret Mine area so that all slopes would be stable and are less than the angle of repose. In Appendix XVI Appendix C contains a slope stability report prepared by RB&G Engineering. The slope designs were as follows:

- Earth filled slopes should not exceed 2H: 1V slopes.
- Rock filled slopes should not exceed 1.25H: 1V slopes.
- The slope stability calculations were done using the assumption that no pore pressure would be present. Therefore, the slopes should have rock fill or drain fill place beneath the earth.

The engineering report states that slopes constructed to the design specification will have a safety factor of at least 1.3

Some cut slopes were left because:

- There was either not enough fill to reclaim the cutslopes.
- The reclaimed cutslopes would interfere with drainages.
- The reclaimed cutslopes would not meet the safety factor requirements.

The Permittee needs to include in the narrative information about the coal material that was removed from the site and the modifications to the reclamation plan.

Pumphouse Area

The pumphouse area is relatively flat and none of the slopes approach 2V: 1H.

Phase 3 Area

At the Sedimentation Pond reclamation, reconstructed slopes were to be placed on a 2H:1V slope (Appendix XVI, R645-301-241, Sediment Pond Area). On the Access Road, topsoil and vegetation is sparse. PacifiCorp planned to using existing materials and recontour so as to minimize additional disturbance. Minor cut-slopes were to be reshaped to blend with the topography, but the Permittee planned to leave several major cut-slopes where reduction of the

RECLAMATION PLAN

September 21, 2009

slopes would result in significant damage to vegetation; similar slopes occur naturally in the same areas. [09212009]

Remote Breakout Portals

These portals were breakouts from within the mine and did not involve any significant surface disturbance (approximately 0.02 acre total). The Permittee sealed the entries in 1986 and backfilled the portals in 2000. The remote portal breakouts are on steep slopes, and the backfilling consisted rock and debris taken from the areas adjacent to the portals. The coal seams were covered, soil and native materials were used to establish vegetative cover, and rock and other available materials were placed to blend the portals sites into the surrounding terrain (Appendix IX). [09212009]

Previously Mined Areas

The highwalls were constructed pre-SMCRA. The Division addressed those issues in the AOC section of the TA.

Findings:

The information provided in the bond release application is considered adequate to meet the minimum requirements of the regulations.

MINE OPENINGS

Regulatory Reference: 30 CFR Sec. 817.13, 817.14, 817.15; R645-301-513, -301-529, -301-551, -301-631, -301-748, -301-765, -301-748.

Analysis:

The Permittee met the requirements for closing all portals. They sealed all the portals and backfilled the entrances. The closure plan complied with all MSHA and Division requirements.

Phase 1

On page 12 of the engineering section of Appendix XIV, the Permittee states that they sealed the portals in November 1987 and were backfilled in the fall of 2000. On page 33 of the hydrology section of Appendix XIV, the Permittee states that there are no wells within the Phase 1 area.

Phase 2

On page 20 of the engineering section of Appendix XV, the Permittee states that they sealed the portals in November 1987 and were backfilled in the fall of 2000. On page 33 of the hydrology section of Appendix XV, the Permittee states that there are no wells within the Phase 2 area.

Pumphouse

There are no mine openings at the pumphouse site.

The only shaft associated with the Des-Bee-Dove Mine was the fan entry to the Beehive Mine. The Permittee closed the shaft in 1987 by placing concrete debris and native rock.

Phase 3 Area

There are no portals in the Phase 3 area. [09212009]

Remote Breakout Portals

These portals were breakouts from within the mine and did not involve any significant surface disturbance (approximately 0.02 acre total). The Permittee sealed the portals from inside the mine in 1986, and reclaimed the surface, which included covering the portals, in 2000 (Appendix IX). [09212009]

Findings:

The information provided in the bond release application is considered adequate to meet the minimum requirements of the regulations.

TOPSOIL AND SUBSOIL

Regulatory Reference: 30 CFR Sec. 817.22; R645-301-240.

Analysis:

Redistribution

The requirements for Phase I bond release are outlined in R645-301-880.310. Requirements for Phase I bond release are described in R645-301-880.330. The Rule states "no bond will be fully released under provisions of this section until reclamation requirements of the Act and the permit are fully met." Charles Semborski signed the C1 form, certifying on behalf of PacifiCorp that the information contained in the application is true and correct.

RECLAMATION PLAN

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Reclamation of the pumphouse area is described in Volume 5 - Appendix IV. The information was reviewed under Task AM00A. Small amounts of surface coal waste deposits were buried in the former pumphouse storage tank area. The road was ripped and the road berm served as substitute topsoil. Site photos and maps are provided in Appendix A of R645-301-500, Appendix IV of the MRP.

Reclamation of Phase 1 is described in Appendix XIV. Phase 1 was reviewed under AM01A, AM01B. Reclamation of Phase 2 is described in Appendix XV. Phase 2 was reviewed under tasks AM02D, AM03B, and Task 1786. Both Phase 1 & 2 Des Bee Dove reclamation soils information is found in Appendices A – C of Appendix XIV and on Plate 200-1 of Appendix XV.

Map 1 of the bond release application provides acreages and average replacement substitute topsoil depths for both Phase 1 and 2 Des Bee Dove reclaimed sites. The depth of substitute topsoil cover varied from 1.0 to 2.5 ft.

Des Bee Dove Phases 1 & 2 were reclaimed using “in site” soils that were sampled in 2000 and 2001. The locations of sampling are shown on Drawing CM-103636-DS, corresponding laboratory analysis is found in Appendix A. Plate 200-1 Appendix XV shows locations of trenches that correspond with laboratory analysis found in Appendix C.

In Phase 1, the outslope of the Beehive pad provided the bulk of the substitute topsoil (represented by sample SS8 and Trench 2 and 2A).

Phase 2 substitute topsoil was gathered from the surrounding slopes nearest the work. The sampling locations are identified on Map 200-1, Appendix XV. The lab analyses are found in Appendix XIV. The Appendix XV Changer Order tab describes the use of undisturbed soils along the Beehive access road. This undisturbed soil is represented by site SS9. The undisturbed island represented by sample SS5 was left in tact and provides a source of micro-propagules for the site.

Volume XV Change Order Tab also describes the use of 11, 500 yd³ of substitute soil from the bathhouse pad out-slope. This large source of substitute topsoil for Phase 2 is represented by samples taken at locations shown on Plate 200-1.

The main drainage fill slopes were also derived from adjacent slopes represented by samples on Map 200-1. Samples numbered 5, 8, & 9 on Map 200-1 represent the coal mine waste which was removed during the Valley Fill Excavation (reviewed under AM01A & B). Upon reaching final grade in the main drainage at Station 4+00 and 5+00, the fill was tested for acid/toxic characteristics. Analyses of these samples are found in Attachment E of the Phase 1 bond release application.

Appendix XV Map 200-2 provides the proposed locations of coal mine waste burial in Phase 2. Final coal mine waste burial locations are identified on Map 1 included with the Phase

1 bond release application. All coal mine waste was covered with a minimum of four feet of soil.

Cross sections associated with Map 1 are shown on Map 2 and these cross sections provide a comparison between the as-built configuration and the proposed configuration for Phase 2. This sort of variation was anticipated in the reclamation plan due to the unknown contours beneath the pre-SMCRA operations. In particular during Phase 2:

- A steep slope was created at the 180-degree turn in the Beehive Access Road at Station 16+00.
- Exposed bedrock defines the channel at Stations 16+00, 15+00, and 14+00.
- Coal mine waste was scraped from the steep slopes surrounding the tippel yard to re-expose the cliffs (shown on Drawing #2 at Stations 16 +00 through 11+00).
- Additional substitute topsoil material was gained from deeper cuts on the bathhouse outslope described in the Change Order Tab App XV (shown at -50 to -200 at cross sections 5+00 and 4+00 on Drawing #2).

Phase 3 Area

Topsoil and subsoil were not separated during construction of the pond. Sediment removed during pond cleaning was saved for use during reclamation. These two soils were mixed to form a B horizon at reclamation. Topsoil from a topsoil salvage area (Des Bee Dove Sediment Pond and Remote Portals bond release submittal, Drawing 200-1) was utilized as an A horizon.

Side-cast soils along the Access Road were used to reclaim the road. [09212009]

Remote Breakout Portals

These portals were pre-law breakouts, opened from within the mine. They did not involve any significant surface disturbance (approximately 0.02 acre total). No soil was salvaged when they were constructed. The Permittee sealed the portals from inside the mine in 1986. In 2000, the Permittee used adjacent rock and debris to backfill the portals, and soil and native materials to establish a vegetative cover. The coal seams were covered. Appendix IX of the MRP is the report on the reclamation. [09212009]

Findings:

The information provided in the bond release application is considered adequate to meet the minimum requirements of the regulations.

ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

RECLAMATION PLAN

September 21, 2009

Analysis:

Reclamation

The Permittee reclaimed all of the roads within the Phase 1, Phase 2, and Phase 3 areas. A cattle trail was established through the reclaimed area connecting to a previously established trail that provides access to the top of East Mountain. The roads accessing the Pumphouse area and the Sedimentation Pond were completely reclaimed. Where roads were completely removed, the roadbeds were scarified and ripped before reestablishing the final contours.

Retention

The Permittee established a cattle trail along the parts of the main access road and through the mine site area by utilizing portions of the portal access dugways. Thus, only partial reclamation of these roads (this was comprised of narrowing the road width to approximately six feet) was achieved. This established trail connected to an existing cattle trail above the mine. The Division does not consider the reclaimed cattle trail to be a road because it is not capable of handling automobile or truck traffic.

A full description of the cattle trail is on page 19 of the engineering section of Appendix XV.

Findings:

The Permittee met the requirements for the road systems and other transportation facilities section of the R645-Rules.

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 784.14, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-301-512, -301-513, -301-514, -301-515, -301-532, -301-533, -301-542, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-733, -301-742, -301-743, -301-750, -301-751, -301-760, -301-761.

Analysis:

Hydrologic Reclamation Plan

The reclamation plans for the Phase 1, Phase 2, and Phase 3 areas are detailed in Appendices XIV, XV, and XVI respectively. Reclamation of the Pumphouse Area is in Volume 5 - Appendix IV. The reclamation plan for the Remote Portal Breakouts is in Appendix IX.

Drawing 1 of Appendix XV show the restored natural drainages, which are the only postmining hydrologic features in the Phase 1 and Phase 2 areas. There are no ponds, diversions, wells, or monitoring sites. Drawing 500-5 in the Des Bee Dove Sediment Pond and Remote Portals bond release submittal shows the channels as they have been restored thru the reclaimed

Sedimentation Pond area. Along the Access Road, concrete structures were demolished, the concrete buried on-site, and natural drainage channels reestablished (Appendix XVI, R645-301-241).

The Remote Portals were breakouts from within the mine and did not involve any significant surface disturbance (approximately 0.02 acre total). The Deer Creek fault prevents groundwater from moving into the Des Bee Dove Mines from the adjacent areas of East Mountain, where the Deer Creek and Cottonwood/Wilberg Mines are found, and the Des Bee Dove Mines have been dry throughout their history. No groundwater has been identified in the area of the Maple Gulch breakouts. The portals, located high on a steep slope, intercepted downslope, overland sheet flow from storms and snowmelt; reclamation will restore the areas to overland flow (Appendix IX). [09212009]

The two conditions in the current permit are that water-monitoring data will be submitted in electronic format and that PacifiCorp may not dispose of asphalt within the Manti – La Sal National Forest Boundary. The Permittee meet all those conditions and they did not request any changes to these conditions as part of the bond release requests. The only water monitoring has been at the UPDES permitted discharge from the sedimentation pond. The Phase 3 sedimentation pond and access road removal, completed in February 2006, eliminated this UPDES discharge point and there is no longer any water monitoring at the Des Bee Dove Mines.

Findings:

Hydrologic information in the submittal meets the requirements of the Coal Mining Rules.

MAPS, PLANS, AND CROSS SECTIONS OF RECLAMATION OPERATIONS

Regulatory Reference: 30 CFR Sec. 784.23; R645-301-323, -301-512, -301-521, -301-542, -301-632, -301-731.

Analysis:

Affected Area Boundary Maps

The affected (permit) boundaries will not change because of Phase I bond release. Therefore, the Permittee does not have to provide updated maps.

Bonded Area Map

The disturbed areas are shown Drawing 3 of the bond release package.

RECLAMATION PLAN

September 21, 2009

Reclamation Backfilling and Grading Maps

The Permittee met the requirements for showing the as-built reclamation and grading maps.

The Permittee states that Reclamation of Phase 1, Phase 2, Phase 3, and Pumphouse Area was completed according to the plans and modifications as outlined in the MRP. In an addendum received February 8, 2006 and in the Des Bee Dove Sediment Pond and Remote Portals bond release submittal, the Permittee certifies that all applicable reclamation activities have been accomplished in accordance with the requirements of the Act, the regulatory program, and the approved reclamation plan.

Phase 1 Area

The Permittee showed the as-built topography and cross sections on Drawing #3 of the bond release package of the Phase 1 area.

Phase 2 Area

The Permittee showed the as-built topography and cross sections on Drawing #1 and Drawing #2 of the bond release package of the Phase 1 area.

Pumphouse Area

The Permittee showed the as-built topography on Drawing #1 of the pumphouse area.

Phase 3 Area

Drawing 500-1 in the Des Bee Dove Sediment Pond and Remote Portals bond release submittal shows the pre-reclamation topography, tables with the reclamation mass-balance information, and the location of the cross sections that are on Drawing on Drawing 500-2A and -2B. Drawing 500-3 shows pre-reclamation cross sections along the road; the road was reclaimed according to typical cross sections that are also shown on these drawings. [09212009]

Remote Portal Breakouts

These portals were breakouts from within the mine and did not involve any significant surface disturbance (approximately 0.02 acre total). [09212009]

Final Surface Configuration Maps

The Permittee met the requirements for showing the as-built reclamation and grading maps.

RECLAMATION PLAN

Drawing 1, an as-built map, shows the drainages, which have been restored to approximate natural conditions, in the Phase 1, Phase 2, and pumphouse reclaimed areas. These are the only postmining hydrologic features in the Phase 1 and Phase 2 areas. Drawing 2 shows pre-reclamation, proposed final reclamation, and as-built final reclamation cross-sections that include the main restored channel. Drawing 3 shows pre-reclamation and final reclamation topography and cross sections for the Phase 1 area.

No ponds, diversions, wells or monitoring sites remain.

Phase 1 Area

The Permittee showed the as-built topography and cross sections on Drawing #3 of the bond release package of the Phase 1 area.

Phase 2 Area

The Permittee showed the as-built topography and cross sections on Drawing #1 and Drawing #2 of the bond release package of the Phase 1 area.

Pumphouse Area

The Permittee showed the as-built topography on Drawing #1 of the pumphouse area.

Phase 3 Area

Drawing 500-5A of the Des Bee Dove Sediment Pond and Remote Portals bond release submittal shows the elevation contours of the final reclamation topography for the Sedimentation Pond area, and Sheets 1 thru 3 of Drawing 500-2 show cross sections thru the Sedimentation Pond. Sheets 1 thru 5 of Drawing 500-3 show the Final Surface Configuration along the Access Road. [09212009]

Remote Portal Breakouts

These portals were breakouts from within the mine and did not involve any significant surface disturbance (approximately 0.02 acre total). There are no maps, but Appendix IX contains photographs and cross sections showing the final reclamation. [09212009]

Reclamation Monitoring and Sampling Location Maps

There are no ponds, diversions, wells, or monitoring sites in the areas covered by this bond release application, or anywhere on or adjacent to the Des Bee Dove Mines permit area.

RECLAMATION PLAN

September 21, 2009

Reclamation Surface And Subsurface Manmade Features Maps

The Permittee met the requirement of showing surface and subsurface manmade features. The only surface or subsurface manmade feature at the Phase 1, Phase 2 or pumphouse area is the cattle trail. The cattle trail is shown on Drawing #1 of the bond release package.

Certification Requirements.

The Permittee met the requirements for map certification by having all drawings of the bond release package certified. [09212009]

Findings:

The information provided in the bond release application is considered adequate to meet the minimum requirements of the regulations.

BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

Analysis:

Determination of Bond Amount

The Division reviewed the Permittee's request for Phase I bond release. The information is summarized in the table below. The Permittee did not request bond reduction for the Phase I bond release at Phase 3 Area and the Remote Portal Breakouts, so the bond remains at \$1,169,718. There was no money in the bond specifically marked to reclaim the Remote Portal Breakouts, which were breakouts from the within mine that did not involve any significant surface disturbance (approximately 0.02 acre total). [09212009]

Area	Acres	Bond Amount	Percent Bond Release	Bond Release	Bond Remaining
Phase 1 Area: Little Dove and Beehive Mines	4.6				
Phase 2 Area: Bathhouse and tipple area.	23.3				
Pumphouse Area:	1.6				

RECLAMATION PLAN

Pumphouse near the turnaround.					
Subtotal	29.5	\$1,113,324	60%	\$ 667,994	\$ 445,330
Phase 3	9.0	\$ 133,054	0%	\$ 0	\$ 133,054
County Road Granted Phase III Bond Release 1998	NA	\$ 591,334	0%	\$ 0	\$ 591,334
Total	38.5	\$1,837,712		\$ 667,994	\$1,169,718

Findings:

The information provided in the bond release application is considered adequate to meet the minimum requirements of the regulations.

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Emery,)

I, Richard Shaw, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and that the first publication was on the 19th day of August, 2008 and that the last publication of such notice was in the issue of such newspaper dated the 9th day of September, 2008.



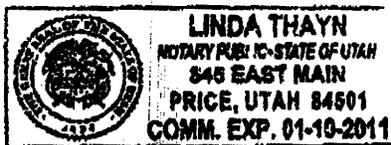
Richard Shaw - Publisher

Subscribed and sworn to before me this 9th day of September, 2008.



Notary Public My commission expires January 10, 2011 Residing at Price, Utah

Publication fee, \$ 429.12



**PACIFIC CORP
DES BEE DOVE MINE
C/015/0017
PHASE I BOND RELEASE
ENERGY WEST MINING COMPANY
P.O. BOX 310
HUNTINGTON, UTAH 84528**

Pacific Corp. by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator has filed an application for Phase I bond release for the reclamation areas of the Des Bee Dove Mine (Permit Number G/015/0017, approved 6/4/2007). These areas include the Sediment Pond area and the Remote Portal Breakouts (Remote Portal Breakout and Desert Portal Breakout). The purpose of this action is to commence responsibility release procedures for these areas.



The Sediment Pond area is located in SE1/4 of Section 35 and the E1/4NW1/4, NW1/4NW1/4 of Section 36, Township 17 South, Range 7 East, 31 PM. The Remote Portals are located in the SW1/4SW1/4 of Section 13, and SW1/4SE1/4 of Section 14, Township 17 South, Range 7 East, 31 PM. The general location of each area is identified on the attached location map. The total acreage proposed for release is approximately 13.9 acres. Reclamation of the 13.88 acre Sediment Pond area was completed in January 2006. Reclamation of the two 0.01 acre Remote Portals was completed in July 2000. All reclamation activities were conducted as outlined in the approved reclamation plan and in accordance with the requirements of the State regulatory program.

Currently, a surety bond is filed with the Division of Oil, Gas and Mining in the amount of \$1,169,718.00 and is payable to the State of Utah, Division of Oil, Gas and Mining (DOGGM), and the Office of Surface Mining Reclamation and Enforcement (OSM). No release of surety bond is being requested at this time.

A copy of the Phase I application may be examined at the office of the Division of Oil, Gas and Mining, 1994 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801. Written comments, objections, or requests for an informal conference may be submitted to the Salt Lake City address.

Said comments must be submitted thirty (30) days from the date of the last publication of this notice.

This notice is being published to comply with the Surface Mining Control and Reclamation Act of 1977, and State and Federal regulations promulgated pursuant to said Act.

Published in the Emery County Progress August 19, 26, September 2 and 9, 2008.

RECEIVED

SEP 22 2009

DIV. OF OIL, GAS & MINING



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

Inspection Report

Permit Number:	C0150017
Inspection Type:	BOND RELEASE
Inspection Date:	Wednesday, December 03, 2008
Start Date/Time:	12/3/2008 11:30:00 AM
End Date/Time:	12/3/2008 1:00:00 PM
Last Inspection:	

Inspector: Jim Smith, Environmental Scientist III

Weather: Cold and clear

InspectionID Report Number: 1886

Accepted by:

Representatives Present During the Inspection:	
Company	Guy Davis Environmental Scientist
Company	Dennis Oakley Environmental Engineer
BLM	Sue Wiler
BLM	Mike Robinson
BLM	Connie Leschin
OGM	April Abate Hydrologist
OGM	Ingrid Wieser Range Scientist
OGM	Pete Hess Environmental Scientist III
OGM	Jim Smith Environmental Scientist III
OGM	Joe Helfrich Environmental Scientist III
OGM	Priscilla Burton Environmental Scientist III

Permittee: **PACIFICORP**

Operator: **ENERGY WEST MINING CO**

Site: **DES BEE DOVE MINE**

Address: **PO BOX 310, HUNTINGTON UT 84528**

County: **EMERY**

Permit Type: **PERMANENT COAL PROGRAM**

Permit Status: **RECLAIMED**

Current Acreages

134.31	Total Permitted
36.02	Total Disturbed
	Phase I
	Phase II
	Phase III

Mineral Ownership

- Federal
- State
- County
- Fee
- Other

Types of Operations

- Underground
- Surface
- Loadout
- Processing
- Reprocessing

Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

This was a Phase I bond release inspection. The Permittee published notification of the application for bond release in the Emery County Progress on August 19, 26, September 2, and 9, 2008. An invitation letter was sent to parties of interest on November 19, 2008, and the on-site inspection was done on Wednesday December 3, 2008. The Phase I bond release area consisted of the access road to the sediment pond created in the 1980s and later reclaimed in January 2006. The remote Deseret and Beehive portals in Maple Gulch were also included in the Permittee's bond release submittal, but these remote sites were not visited as part of this inspection

Inspector's Signature

Date Wednesday, January 14, 2009

Jim Smith, Environmental Scientist III

1594 West North Temple, Suite 1210, Salt Lake City, UT 84114-5801

Telephone (801) 538-5340 • facsimile (801) 359-3940 • TTY (801) 538-7458 • www.ogm.utah.gov

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas and Mining.

REVIEW OF PERMIT, PERFORMANCE STANDARDS PERMIT CONDITION REQUIREMENTS

1. Substantiate the elements on this inspection by checking the appropriate performance standard.
 - a. For COMPLETE inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check Not Applicable.
 - b. For PARTIAL inspections check only the elements evaluated.
2. Document any noncompliance situation by reference the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Division Orders, and amendments.

	Evaluated	Not Applicable	Comment	Enforcement
1. Permits, Change, Transfer, Renewal, Sale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Signs and Markers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Topsoil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.a Hydrologic Balance: Diversions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.b Hydrologic Balance: Sediment Ponds and Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.c Hydrologic Balance: Other Sediment Control Measures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.d Hydrologic Balance: Water Monitoring	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.e Hydrologic Balance: Effluent Limitations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Explosives	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Disposal of Excess Spoil, Fills, Benches	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Coal Mine Waste, Refuse Piles, Impoundments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Noncoal Waste	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Protection of Fish, Wildlife and Related Environmental Issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Contemporaneous Reclamation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Revegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Subsidence Control	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Cessation of Operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.a Roads: Construction, Maintenance, Surfacing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16.b Roads: Drainage Controls	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Other Transportation Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Support Facilities, Utility Installations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. AVS Check	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Air Quality Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Bonding and Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

1. Permits, Change, Transfer, Renewal, Sale

The post mining land use for the disturbed area was changed and approved in February of 2007. The Land use now includes grazing, wildlife habitat, recreation and industrial/commercial uses.

3. Topsoil

The small area held by the BLM located just off the road was pocked with topsoil. Minimal vegetation growth was noted in this area. The former access road followed an ephemeral drainage channel. Pocking was noted along the banks of the drainage and appeared to be filling in with sediment within the individual pocks. Vegetation appears to have started to take hold along the former access road.

4.a Hydrologic Balance: Diversions

The main channel has been restored and appears to be functioning. No flow was observed in the channel at the time of the inspection, but it had appeared to have been flowing recently.

4.b Hydrologic Balance: Sediment Ponds and Impoundments

All impoundments, including the sedimentation pond, have been removed.

4.d Hydrologic Balance: Water Monitoring

There is no water monitoring at this site.

4.e Hydrologic Balance: Effluent Limitations

The sedimentation pond has been removed and there is no water monitoring at this site.

16.a Roads: Construction, Maintenance, Surfacing

The sedimentation pond access road has been completely removed.



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

Inspection Report

Representatives Present During the Inspection:	
Company	Dennis Oakley Environmental Engineer
OGM	Jim Smith Environmental Scientist III
State	Kurt Higgins

Permit Number:	C0150017
Inspection Type:	BOND RELEASE
Inspection Date:	Wednesday, August 26, 2009
Start Date/Time:	8/26/2009 10:00:00 AM
End Date/Time:	8/26/2008 12:00:00 PM
Last Inspection:	

Inspector: Jim Smith, Environmental Scientist III

Weather: Sunny, clear, and warm

InspectionID Report Number: 2140

Accepted by: jhelfric
9/21/2009

Permitee: **PACIFICORP**
 Operator: **ENERGY WEST MINING CO**
 Site: **DES BEE DOVE MINE**
 Address: **PO BOX 310, HUNTINGTON UT 84528**
 County: **EMERY**
 Permit Type: **PERMANENT COAL PROGRAM**
 Permit Status: **RECLAIMED**

Current Acreages	
134.31	Total Permitted
36.02	Total Disturbed
43.40	Phase I
	Phase II
2.52	Phase III

- Mineral Ownership
- Federal
 - State
 - County
 - Fee
 - Other

- Types of Operations
- Underground
 - Surface
 - Loadout
 - Processing
 - Reprocessing

Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

This was a Phase I Bond Release inspection of the pond and pond access road reclamation, with Kurt Higgins of SITLA. The Division failed to notify SITLA of the December 2008 bond release inspection, so this second inspection was scheduled.

Inspector's Signature

Jim Smith, Environmental Scientist III
Inspector ID Number: 43

Date Monday, September 21, 2009

Note: This inspection report does not constitute an affidavit of compliance with the regulatory program of the Division of Oil, Gas and Mining.
1594 West North Temple, Suite 1210, PO Box 145801, Salt Lake City, UT 84114-5801
telephone (801) 538-5340 • facsimile (801) 359-3940 • TTY (801) 538-7458 • www.ogm.utah.gov

Permit Number: C0150017
 Inspection Type: BOND RELEASE
 Inspection Date: Wednesday, August 26, 2009

REVIEW OF PERMIT, PERFORMANCE STANDARDS, PERMIT CONDITION REQUIREMENTS

1. Substantiate the elements on this inspection by checking the appropriate performance standard.
 - a. For COMPLETE inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check Not Applicable.
 - b. For PARTIAL inspections check only the elements evaluated.
2. Document any noncompliance situation by reference the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Divison Orders, and amendments.

	Evaluated	Not Applicable	Comment	Enforcement
1. Permits, Change, Transfer, Renewal, Sale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Signs and Markers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Topsoil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.a Hydrologic Balance: Diversions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.b Hydrologic Balance: Sediment Ponds and Impoundments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.c Hydrologic Balance: Other Sediment Control Measures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.d Hydrologic Balance: Water Monitoring	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.e Hydrologic Balance: Effluent Limitations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Explosives	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Disposal of Excess Spoil, Fills, Benches	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Coal Mine Waste, Refuse Piles, Impoundments	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Noncoal Waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Protection of Fish, Wildlife and Related Environmental Issues	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Contemporaneous Reclamation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Revegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Subsidence Control	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Cessation of Operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.a Roads: Construction, Maintenance, Surfacing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.b Roads: Drainage Controls	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Other Transportation Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Support Facilities, Utility Installations	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. AVS Check	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Air Quality Permit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21. Bonding and Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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Inspection Continuation Sheet

Page 3 of 3

12. Backfilling And Grading

The survey marker at the boundary of BLM and SITLA lands was located. The reclaimed pond and a portion of the reclaimed road on SITLA land were field checked for backfilling and grading

13. Revegetation

Sage, rabbit brush, fourwing, ephedra, and grasses are growing, but there is also a lot of halogeton.

0002

c/o 15/017 Incoming
cc: Jim



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Green River District-Price Field Office

125 South 600 West

Price, UT 84501

(435) 636-3600 Fax: (435) 636-3657

<http://www.blm.gov/ut/st/en/fo/price.html>



JAN 29 2009

IN RELY REFER TO:
3474 (LLUTG02000)

Daron Haddock
P.O. Box 145801
Salt Lake City, Utah
84114-5801

Dear Mr. Haddock

Subject: Phase I Bond Release Inspection

Energy West Company, a subsidiary of PacifiCorp, has completed Phase I of the approved reclamation plan for the DesBeeDove sedimentation pond and the Beehive remote portals. The remote Beehive portals were flown by Wayne Western on the 24th of June 2008. The pictures were sufficient enough for the Bureau of Land Management's concurrence.

After the Phase I Bond Release Inspections that took place on the 24th of June and the 3rd of December 2008, the BLM concurs with the reclamation that has taken place.

If you have any questions concerning this matter, please contact Sue Wiler at (435)636-3651.

Sincerely,

Michael Stiewig
Field Manager

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FEB 02 2009

DIV. OF OIL, GAS & MINING

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C/015/017 Incoming
cc: Jim



United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

Supervisor's Office
599 West Price River Drive
Price, UT 84501
Phone # (435) 637-2817
Fax # (435) 637-4940

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MAR 05 2009

DIV. OF OIL, GAS & MINING

File Code: 2820-4

Date: March 3, 2009

Daron R. Haddock
Permit Supervisor
Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, UT 84114-5801

Subject: Phase I Bond Release of Remaining Reclaimed Areas, PacifiCorp, Des-Bee-Dove Mine, C/015/0017, Task ID #3043, Outgoing File

Dear Daron:

My staff has reviewed the additional reclamation work completed at the Des-Bee-Dove Mine which has not yet undergone Phase I bond release. The portions on the reclamation on National Forest System lands are the Beehive and Deseret portal breakouts in Maple Gulch. My staff has reviewed the reclamation and recommends concurrence with the bond release. This letter documents my concurrence with the Phase I bond release of the remaining reclaimed areas.

Please contact Dale Harber at 435-636-3548 if you have any questions.

Sincerely,

for PAMELA E. BROWN
Forest Supervisor



0010

C/015/017 Incoming
CC: Jim



United States Department of the Interior

#3221
K

OFFICE OF SURFACE MINING
Reclamation and Enforcement
P. O. Box 46667
Denver, Colorado 80201-6667

IN REPLY REFER TO:

28 MAY 2009

John R. Baza, P.E., Director
Department of Natural Resources
Division of Oil, Gas, and Mining
1594 West North Temple
Suite 1210, PO Box 145801
Salt Lake City, UT 84114-5801

RE: Des Bee Dove, Utah Permit No. C/015/0017, Phase I Bond Release Application

Dear Mr. Baza:

This letter acknowledges the Office of Surface Mining's (OSM) receipt and review of the above Phase I Bond Release application. OSM received the Division of Oil, Gas and Mining's (DOGM) request for concurrence dated April 29, 2009, and its May 28, 2009 Draft Decision Document (decision). OSM's Denver Field Division (DFD) agrees with the findings in the decision and hereby provides OSM concurrence for this bond release action in accordance with 30 CFR 740.15 (d) (3), and 30 CFR 944.30, Article IX, of the State-Federal Cooperative Agreement.

PacifiCorp submitted an application for Phase I Bond Release on August 28th, 2008. The areas covered by this bond release include the reclaimed Des Bee Dove sedimentation pond, and pond access road, and two remote portals (Beehive and Deseret) in Maple Gulch Canyon. The application requested bond release for approximately 13.9 acres of land; however, no reduction in the amount of bond being held is requested (the bond is to remain at \$1,169,718.00).

Public and landowner notification of the bond release application were provided to OSM by DOGM. The bond release inspection notification, DOGM's inspection findings for the bond release inspection and related correspondence are documented in the decision document. DOGM sent an invitation letter informing interested parties of the bond release inspection on November 19, 2008. Inadvertently, OSM was not notified of or invited to the inspection and therefore did not participate. Three attendees from the BLM and two representatives of the permittee accompanied six DOGM staff conducting the bond release inspection. DOGM received concurrence letters from the BLM on February 2, 2009 and from the USFS on March 5, 2009.

OSM has reviewed DOGM's draft Decision Document and bond release inspection report, as well as other pertinent documentation including the public notice, the applicant's August 28, 2008 request and application for bond release, the list of administrative and bond release requirements, and aerial photographs of the site.

The DOGM inspection report documents the approved post mining land use, topsoil placement, the reclaimed access road corridor, vegetation beginning to take hold, diversions appearing



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DIV. OF OIL, GAS & MINING

functional, and sedimentation pond reclamation. The DOGM finds, in its Decision Document, that PacifiCorp has completed Phase I reclamation for these areas as required by the Utah Coal Mining Rules. OSM concurs with the findings in DOGM's Phase I bond release decision.

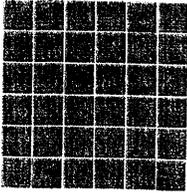
Thank you and your staff for coordinating this Federal lands bond release through the DFD. Please direct any questions concerning this action to Christine Belka, Environmental Protection Specialist, at cbelka@osmre.gov or (303) 293-5020.

Sincerely,



James F. Fulton, Chief
Denver Field Division

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State of Utah
School & Institutional
Trust Lands Administration

675 East 500 South, Suite 500
Salt Lake City, UT 84102-2818
801-538-5100
801-355-0922 (Fax)
www.trustlands.com

Jon M. Huntsman, Jr.
Governor

Kevin S. Carter
Director

C/015/017 Incoming

#3221

R

cc: Jim

September 3, 2009

Division of Oil, Gas and Mining
James D. Smith, Permit Supervisor
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84111-5801

RE: Special Use Lease Agreement # 1195
Des Bee Dove Mine Phase I Bond Release

Dear Mr. Smith:

Trust Lands Administration is in receipt of your letter concerning the Phase 1 Bond Release of Remaining Reclaimed Areas, PacifiCorp, Des Bee Dove Mine, C/015/0017, Task ID #3221, Outgoing File. Trust Lands Administration is the owner of Section 36, Township 17 South, Range 7 East, SLB&M. Special Use Lease Agreement No. 1195 is currently issued to PacifiCorp, DBA Rocky Mountain Power, for a mine sediment and surface water control pond located within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36.

Following a recent site visit, Trust Lands Administration concurs with the decision by the Division of Oil, Gas and Mining for the Phase 1 bond release. Please keep me informed as to the final release of the bonding requirements by The Division of Oil, Gas and Mining. The lease will remain in full force and affect until that time.

If you have any questions or need additional information, please contact me.

Sincerely,

Kurt M. Higgins
Trust Land Resource Specialist

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