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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

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

November 16, 2009

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

Subject: 2008 Annual Report Review, Des Bee Dove Mine, C/015/0017 and Deer Creek Mine, C/015/0018, Task ID # 3295 Outgoing File

Dear Mr. Fleck:

The Division staff has completed the 2008 Annual Report Review. Enclosed is a copy of the review for Des Bee Dove Mine, C/015/0017 and Deer Creek Mine, C/015/0018, completed on November 12, 2009.

Thank you for your diligence in completing the Annual Reports. If you have any questions, please call me at (801) 538-5325.

Sincerely,

Daron Haddock
Permit Supervisor

sqs
Enclosure
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UTAH DNR OIL, GAS & MINING

This Annual Report shows information the Division has for your mine. Please review the information to see if it is current. If the information needs to be updated please do so in this document. At the end of each section the operator is asked to verify if the information is correct. Please answer these questions and make all comments on this document. Submit the completed document and any additional information identified in the Appendicies to the Division by April 30, 2009. During a complete inspection an inspector will check and verify the information. To enter text, click in the cell and type your response. You can use the tab key to move from one field to the next. To enter an X in a box, click next to the box, right click, and select properties, then the checked circle, then hit enter, or hit the unchecked circle if the X is to be removed.

GENERAL INFORMATION

Permittee Name	PacifiCorp
Mine Name	Des Bee Dove Mines
Operator Name (If other then permittee)	Energy West Mining Company
Permit Expiration Date	August 29, 2010
Permit Number	C/015/0017
Authorized Representative Title	Geological and Environmental Affairs Manager
Phone Number	(435) 687-4712
Fax Number	(435) 687-2695
E-mail Address	Ken.fleck@pacificorp.com
Mailing Address	P.O. Box 310 Huntington, Utah 84528
Designated Representative	Ken Fleck
Resident Agent	Ken Fleck
Resident Agent Mailing Address	Same as above
Number of Binders Submitted	

IDENTIFICATION OF OTHER PERMITS

Identify other permits that are required in conjunction with mining and reclamation activities.

Permit Type	ID Number	Description	Expiration Date
MSHA Mine ID(s)	N/A	Record abandoned by MSHA March 27, 1987	
MSHA Impoundment(s)	None		
NPDES/UPDES Permit(s)	UTG040022	Site 001, Sediment Pond site reclaimed January 31, 2006.	April 30, 2008
PSD Permit(s) (Air)	None		

Other

Operator, please update any incorrect information.

CERTIFIED REPORTS

List the certified inspection reports as required by the rules and under the approved plan that must be periodically submitted to the Division. Specify whether the information is included as Appendix A to this report or currently on file with the Division.

Certified Reports:	**Required** Yes	No	**Included** Included	**or**	**DOGM file location** Vol, Chapter, Page
Excess Spoil Piles	☐	☒	☐		
Refuse Piles	☐	☐	☐		
Impoundments	☐	☒	☐		
Other					
	☐	☐	☐		
	☐	☐	☐		

Operator Comments:

Inspector:
Has the operator complied with this section? Yes ☒ No ☐
Inspector Comments:

COMMITMENTS AND CONDITIONS

The Permittee is responsible for ensuring annual technical commitments in the MRP and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If the particular section is blank, no commitment has been identified and no response is required for this report. If additional written response is required, it should be filed under Appendix B to this report.

Admin R645-301-100
Soils R645-301-200
Biology R645-301-300
Landuse, Cultural Resources, Air Quality R645-301- 400
Engineering R645-301-500
Geology R645-301-600

Hydrology R645-301-700
Bonding & Insurance R645-301-800
Other Commitments

*Reminder: If equipment has been abandoned during 2008, an amendment must be submitted that includes a map showing its location, a description of what was abandoned, whether there were any hazardous or toxic materials and any revision to the PHC as necessary.

REPORTING OF OTHER TECHNICAL DATA

List other technical data and information as required under the approved plan, which must be periodically submitted to the Division. Specify whether the information is included as Appendix B to this report or currently on file with the Division.

Operator Comments:
The annual vegetation monitoring report is included in Appendix B

Inspector:
Has the operator complied with this section? Yes ☒ No ☐
Inspector Comments:
This study will require Division specialist for review.

The vegetation reports were reviewed by Ingrid Wieser. Comments on these reports are located in the Deer Creek and Cottonwood/Wilberg annual report forms.

LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

Change in administration or corporate structure can often bring about necessary changes to information found in the mining and reclamation plan. The Division is Requesting that each permittee review and update the legal, financial, compliance and related information in the plan as part of the annual report. Please provide the Department of Commerce, Annual Report of Officers, or other equivalent information as necessary to ensure that the information provided in the plan is current. Provide any other change as necessary regarding land ownership, lease acquisitions, legal results from appeals of violations, or other changes as necessary to update information required in the mining and reclamation plan. Include certified financial statements, audits or worksheets, which may be required to meet bonding requirements. Specify whether the information is currently on file with the Division or included as Appendix C to the report.

Legal / Financial Update	Required Yes	Required No	Included or Included	DOGM File location Vol, Chapter, Page
Department of Commerce, Annual Report Officers	☐	☒	☒	
Other				
	☐	☐	☐	

	☐	☐	☐
	☐	☐	☐

MAPS

Copies of mine maps, current and up-to-date through at least December 31, 2008, are to be provided to the Division as Appendix D to this report in accordance with the requirements of R 645-301-525.240. The map copies shall be made in accordance with 30 CFR 75.1200 as required by MSHA. Mine maps are not considered confidential. (Please provide a CD.)

Confidential information is limited to:

R645-300-124.310. Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of such coal which are potentially toxic in the environment.

R645-300-124.330. Information on the nature and location of archeological resources on public land and Indian land as required under the Archeological Resources Protection Act of 1979 (P. L. 96-95, 93 Stat. 721, 16 U.S.C. 470).

R645-301-322, Fish and Wildlife Information; R645-301-322.100, the scope and level of detail for such information will be determined by the Division in consultation with state and federal agencies with responsibilities for fish and wildlife and will be sufficient to design the protection and enhancement plan required under R645-301-333 and R645-301-322.230, other species or habitats identified through agency consultation as requiring special protection under state or federal law; R645-301-333.300, Include protective measures that will be used during the active mining phase of operation.

The Division will provide procedures, including notice and opportunity to be heard for persons both seeking and opposing disclosure.

Map Number(s)	Map Title/ Description	Confidential Yes	Confidential No
Annual subsidence map	Subsidence Report		
Mine map	Subsidence Report		
Other maps			
	Raptor Nest Location Map	☒	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐

Operator Comments:

Inspector:

Has the operator complied with this section? Yes ☒ No ☐

Inspector Comments:

Raptor nest Location study will require Division's specialist for review.

The Raptor survey was reviewed by Division Biologist Ingrid Wieser. The survey was conducted by DWR in May of 2008 and covered all four Energy West Mine locations. There were two active and eight tended golden Eagle nests identified. Neither of the active nests, Nest 1200 and nest

952 are included on the raptor map, but were analyzed by the Division with the data set provided by DWR. Nest 1200 is located over a relinquished portion of the cottonwood/Wilberg Mine which is no longer monitored for subsidence as of 2004. Nest 952 is located over a relinquished portion of the Des Bee Dove Mine in another area that is no longer monitored for subsidence. The active nests should not be affected by mining related disturbances.

The tended nests (65, 66, 951, 958, 965, 1205, 1210 and 1475) except for 1205 and 1210 are also not shown on the map provided in the 2008 annual report.

- Nests 65 and 66 are located over a half mile out side the Deer Creek Mine permit area. Nest 951 is located over a relinquished portion of the Des Bee Dove Mine that is no longer being monitored for subsidence.
- Nest 958 is located more than a mile from the Trail Mountain Mine permit area.
- Nest 965 is located near the Deer Creek Permit area but over a mile away from any subsidence zones.
- Tended nest 1205, shown on the raptor map is located in an actively monitored subsidence zone (#21). Subsidence area 21 was mined between 2003 and 2006. Most of the subsidence occurred directly after undermining and very little is still occurring. The area where the nest is located only subsided one or two feet. Only one nest has been located in this area and is still being tended so it can be concluded that this territory was not lost due to subsidence.
- Nest 1210 is located within the Deer Creek permit in an area that has not been undermined. This nest will have to be protected if it is located in a subsidence zone in the future.
- Nest 1475 is located within the Deer Creek permit area, outside of the subsidence zone.

No tended nests should be affected by mining activities.

OTHER INFORMATION

Please provide any comments of further information to be included as part of the Annual Report. Any other attachments are to be provided as Appendix E to this report. If information is submitted as a group rather then by individual mine, please identify each of the mine's data in the list below.

Additional attachment to this report? **Yes** ☒ **No** ☐

Annual Raptor Survey Report (confidential folder)
Subsidence Report
Hydrology Report

Operator Comments:

Inspector:
Has the operator complied with this section? Yes ☒ No ☐
Inspector Comments:

The Hydrology reports will need Division's specialists for review.

The Hydrology reports were received 15 June, 2009 and reviewed on November 12, 2009 by James D. Smith. The Permittee submits required hydrologic data quarterly for the PacifiCorp mines and the data are summarized in the Annual Report; however, the Des Bee Dove Mine Mines have been reclaimed and there is no water monitoring. – JDS

O:\AnnualReport\2008 Annual Reports\Operator Annual Reports\Inactive Mines\Des-Bee-Dove C0150017.doc

APPENDIX A

Certified Reports

Excess Spoil Piles
Refuse Piles
Impoundments

As required under R645-301-514

CONTENTS

APPENDIX B

Reporting of Technical Data

Including monitoring data, reports, maps, and other information
As required under the approved plan or as required by the Division

In accordance with the requirement of R645-310-130 and R645-301-140

CONTENTS

APPENDIX C

Legal Financial, Compliance and Related Information

Annual Report of Officers
As submitted to the Utah Department of Commerce

Other change in ownership and control information
As required under R645-301-110

CONTENTS

APPENDIX D

Mine Maps

As required under R645-302-525-270

CONTENTS

APPENDIX E

Other Information

In accordance with the requirements of R645-301 and R645-302

CONTENTS

This Annual Report shows information the Division has for your mine. Please review the information to see if it is current. If the information needs to be updated please do so in this document. At the end of each section the operator is asked to verify if the information is correct. Please answer these questions and make all comments on this document. Submit the completed document and any additional information identified in the Appendicies to the Division by April 30, 2009. During a complete inspection an inspector will check and verify the information. To enter text, click in the cell and type your response. You can use the tab key to move from one field to the next. To enter an X in a box, click next to the box, right click, and select properties, then the checked circle, then hit enter, or hit the unchecked circle if the X is to be removed.

GENERAL INFORMATION

Permittee Name	PacifiCorp
Mine Name	**Deer Creek Mine**
Operator Name (If other then permittee)	
Permit Expiration Date	February 7, 2011
Permit Number	C/015/0018
Authorized Representative Title	Geological and Environmental Affairs Manager
Phone Number	(435) 687-4712
Fax Number	(435) 687-2695
E-mail Address	Ken.fleck@pacificorp.com
Mailing Address	P.O. Box 310 Huntington, Utah 84528
Designated Representative	Ken Fleck
Resident Agent	Ken Fleck
Resident Agent Mailing Address	Same as above
Number of Binders Submitted	2

Operator, please update any incorrect information.

IDENTIFICATION OF OTHER PERMITS

Identify other permits that are required in conjunction with mining and reclamation activities.

Permit Type	ID Number	Description	Expiration Date
MSHA Mine ID(s)	42-01221	Deer Creek Mine	None
MSHA Impoundment(s)			
NPDES/UPDES Permit(s)	UT0023604	Outfalls 001 and 002, consisting of mine and sediment pond discharges	11/30/2012
PSD Permit(s) (Air)	DAQE-AN239003-02	Issued 6/14/02 Deer Creek Mine Tipple	None
	DAQE-694-91	Issued 12/5/91, Waste Rock Site	None

Other

Operator, please update any incorrect information.

CERTIFIED REPORTS

List the certified inspection reports as required by the rules and under the approved plan that must be periodically submitted to the Division. Specify whether the information is included as Appendix A to this report or currently on file with the Division.

Certified Reports:	**Required** Yes	No	**Included** Included	**or**	**DOGM file location** Vol, Chapter, Page
Excess Spoil Piles	☐	☒	☐		
Refuse Piles	☒	☐	☒		
Impoundments	☒	☐	☒		
Other					
	☐	☐	☐		
	☐	☐	☐		

Operator Comments:

Inspector:
Has the operator complied with this section? Yes ☐ No ☐
Inspector Comments:

COMMITMENTS AND CONDITIONS

The Permittee is responsible for ensuring annual technical commitments in the MRP and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If the particular section is blank, no commitment has been identified and no response is required for this report. If additional written response is required, it should be filed under Appendix B to this report.

Title: TRAILHEAD CONSTRUCTION
Objective: Construct a new trailhead and parking pad at the east end of the facilities site.
Frequency: Once.
Status: Pending Rilda portal construction in 2005.
Reports: Annual report.
Citation: MRP, Sec. 526.116.2, p. 34.

Operator: Has this commitment been acted on this year?
Yes ☒ No ☐ Not required this year. ☐ If yes, comment;
Operator Comments:
Trail was completed during the 3rd quarter of 2008.

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:
The trail head was inspected by the Division on August 11, 2009. No issues were identified, the trail was well maintained.

Soils R645-301-200

Title: REVEGETATION
Objective: Revegetate previously disturbed areas to nondisturbed standards.
Frequency: Annual.
Status: Pending Rilda portal construction in 2005 and reclamation.
Reports: Annual report.
Citation: MRP, Sec. 330, p. 16, #1 of list.

Operator: Has this commitment been acted on this year?
Yes ☒ No ☐ Not required this year. ☐ If yes, comment;
Operator Comments:
Sediment pond construction was completed the first part of the 4th quarter; which completed the Stage 1 construction activities at the Rilda Facilities. The completion of construction included seeding previously disturbed areas. At reclamation, all previously disturbed areas will be revegetated to non-disturbed standards.

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:

All areas have been reseeded and hydromulched. Vegetation is successfully controlling erosion and noxious weeds are being controlled by Energy West.

Title: RILDA SOIL SALVAGE PLAN
Objective: The Permittee will have a qualified person (familiar with the soil survey and salvage plan) on site to monitor the soil salvage operations (Section R645-301-231.100).
Frequency: During any construction.
Status: Ongoing.
Reports: As-built volumes of salvaged soil.
Citation: Vol. 11. Section R645-301-231.100.

Operator: Has this commitment been acted on this year?
Yes ☐ No ☐ Not required this year. ☒ If yes, comment;
Operator Comments:

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:

Title: RILDA TOPSOIL PILE CONSTRUCTION
Objective: After construction, the stockpile will be surveyed and the volume of topsoil stockpiled will be documented.
Frequency: After construction.
Status: Ongoing.
Reports: As-built of topsoil stockpile.
Citation: Vol. 11. R645-301-232.

Operator: Has this commitment been acted on this year?
Yes ☒ No ☐ Not required this year. ☐ If yes, comment;

Operator Comments:
As-built volumes have been reported to the Division (Priscilla Burton). Volume 11 is currently being amended to reflect as-built condition of the Rilda Canyon Facility. Volumes reported are as follows: Topsoil – 2,148 cy, Substitute Topsoil – 2,137 cy.

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:

Title: SUBSOIL TESTING
Objective: Regraded subsoil will be sampled on 500 ft intervals to a depth of four ft (three or four samples for the 2,000 linear ft in the facilities area). The samples will be analyzed on site for pH and EC. Problem areas will be further sampled and sent to a laboratory for analysis.
Frequency: Final regrading.
Status: Ongoing .
Reports: Laboratory analysis to be provided to the Division.
Citation: Vol. 11. Section R645-301-231.300.

Operator: Has this commitment been acted on this year?
Yes ☐ No ☐ Not required this year. ☒ If yes, comment;
Operator Comments:

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:

Title: TOPSOIL HANDLING TESTING PLAN
Objective: Three composite samples will be taken from the facilities area and sediment pond. Samples will be analyzed for parameters to be compared with baseline information and to determine the need for amendments, including fertilizer
Frequency: Final Reclamation
Status: Ongoing.
Reports: Annual.
Citation: Vol. 11. Section R645-301-242.

Operator: Has this commitment been acted on this year?
Yes ☐ No ☐ Not required this year. ☒ If yes, comment;
Operator Comments:

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:

Title: BULK DENSITY TESTING
Objective: The experimental practice will provide an indication of the degree of compaction related to the loading of the in place soil through measurements of the bulk density of the in-place soil before and after burial. Bulk density of the Rominger Mine soils will occur to a depth of 6 ft. (or lithic contact) prior to and after disturbance.
Frequency: Prior to subsoil pile construction and again during reclamation, using a split spoon.
Status: once before construction and once again during reclamation
Reports: Analysis to be provided to the Division. A [bulk] change greater than 10% from an undisturbed state will require that the Permittee increase the gouging depth by one foot.
Citation: Vol. 11. Chapter 2 R645-301-242 and R645-302-216 and Experimental Practice pgs.36 and 40.

Operator: Has this commitment been acted on this year?
Yes ☐ No ☒ Not required this year. ☐ If yes, comment;
Operator Comments:
Bulk density testing was completed at the topsoil storage site prior to placement of topsoil. Current plans have temporarily postponed the storage of soil at the Rominger Mine site. If storage is planned in the future, bulk density testing will be completed at that time.

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:

Title: POLYACRYLAMIDE APPLICATION
Objective: Reduce erosion from 1.6 acres undisturbed soil on 60 degree slopes buried by subsoil and unearthed at reclamation. Fill removal will be done by small earth moving equipment and/or by hand labor to minimize disturbance of the topsoil. The soil will be re-exposed in 5-10 foot horizontal zones that can and worked by hand from the adjacent pad fill level. (After the pad fill has been removed, the backfilled culvert will serve as the primary access way for machinery and materials associated with the remaining reclamation efforts.) Slopes steeper than 50% will be treated with an anionic polyacrylamide (PAM) during seeding to increase cohesion and infiltration of water without disrupting soil structure. Bareroot or containerized plant stock will be pre-treated with PAM and used as enhancement plantings on the re-exposed, steep slopes.
Frequency: Final Reclamation
Status: during reclamation
Reports: During reclamation.
Citation: Vol. 11. Chapter 2 Section R645-302-216 and Experimental Practice Plan pg.40.

Operator: Has this commitment been acted on this year?
Yes ☐ No ☐ Not required this year. ☒ If yes, comment;
Operator Comments:

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:

Title: **WASTE ROCK SITE SAMPLING**
Objective: Monitor chemical quality of waste at waste rock site
Frequency: Grab samples upon completion of each two foot lifts. Parameters as described.
Status: Ongoing during mining.
Reports: Annual Report
Citation: MRP Volume 10, Chap. VII, p. 7-4 to 7-5.

Operator: Has this commitment been acted on this year?
Yes ☐ No ☐ Not required this year. ☒ If yes, comment.
Operator Comments:

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:

Priscilla Burton reviewed the annual report on June 16, 2009. The 1st Quarter refuse pile report indicates that Waste Rock Disposal Site "Area 2" (meaning Cell 2) was leveled in January 2008. "Area 2" was sampled, but laboratory analyses were not provided. The information on storage capcity was re-evaluated during the 4th quarter (in response to a mid-term review deficiency, see Task 3257) to indicate that the total capacity of Area 1 (or Phase 1) cells 1 and 2 is 468,215 cu yd. and that cell 1 is at 79.5% of capacity and cell 2 is at 36.9% of capacity. The Permittee estimates that 11,667 cu yd of material was brought to the waste rock site in 2008. Laboratory analyses of grab samples taken from cell 2 in January 2008 must be provided in an addendum to the annual report.

Title: **WASTE ROCK SITE RECLAMATION SAMPLING**
Objective: Monitor chemical quality of upper four feet of final waste reclaimed surface at waste rock site
Frequency: Grab samples within four feet of final elevation at a rate of two samples per acre per lift. Parameters as described.
Status: Final reclamation of waste rock cell
Reports: Annual Report
Citation: MRP Volume 10, Chap. VII, p. 7-5

Operator: Has this commitment been acted on this year?
Yes ☐ No ☐ Not required this year. ☒ If yes, comment.
Operator Comments:

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:

Title: DEMONSTRATION OF SELECTED OVERBURDEN AS BEST AVAILABLE MATERIAL IN THE PERMIT AREA FOR USE AS SUBSTITUTE TOPSOIL
Objective: Monitor chemical quality of identified substitute topsoil to show reduction in sodicity
Frequency: Sampling as described
Status: Prior to permit renewal
Reports: Annual Report
Citation: MRP Vol. 2, Part4, Section R645-301-233, pg. 2-3

Operator: Has this commitment been acted on this year?
Yes ☐ No ☐ Not required this year. ☒ If yes, comment.
Operator Comments:

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:

Biology R645-301-300

Title: WILDLIFE
Objective: Adhere to wildlife exclusionary periods.
Frequency: Annual
Status: Ongoing during Rilda portal construction in 2005 and reclamation.
Reports: Annual Report.
Citation: MRP, Sec. 322, p. 10; Sec. 330, p.16, #14 in list; Sec. 342, p. 32, #7 in list.

Operator: Has this commitment been acted on this year?
Yes ☒ No ☐ Not required this year. ☐ If yes, comment.
Operator Comments:
No activity in the left fork except for one access for emergency response to roof fall near the portal. Occurred in January 2008.

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:

Title MACROINVERTEBRATES "AQUATIC".
Objective: Monitor macroinvertebrates in Rilda Creek.
Frequency: Spring/fall two years prior to and spring/fall one year immediately following start of construction. Spring every three years during operations and reclamation.
Status: On going. Spring/fall 2008 was the year following construction. Fall 2011 is the anticipated date for the first of the three-year monitoring surveys.
Reports: Division Annual Report.
Citation: MRP, Sec. 330, p. 26.

Operator: Has this commitment been acted on this year?
Yes ☒ No ☐ Not required this year. ☐ If yes, comment;
Operator Comments:
DWR monitored in spring (June 23, 2008) and private consultant in the fall (October 8, 2008). Construction of the facilities was completed in the 4th quarter of 2008; therefore, the first of the three year monitoring surveys will begin in the fall of 2011.

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:
Macroinvertebrate studies should be submitted to the Division after completion of report. 2008 studies represent the spring/fall studies immediately following *start* of construction. The next study is due in *spring* of 2011.

Title: FISH "AQUATIC".
Objective: DWR will monitor fish in Rilda Creek as part of annual surveys.
Frequency: Spring/fall two years prior to and spring/fall one year immediately following start of construction. Spring every three years during operations and reclamation.
Status: On going. Spring/fall 2006 is the anticipated date for the year following construction. Spring 2009 is the anticipated date for the first of the three-year monitoring surveys.
Reports: Division Annual Report.
Citation: MRP, Sec. 330, p. 26.

Operator: Has this commitment been acted on this year?
Yes ☒ No ☐ Not required this year. ☐ If yes, comment;
Operator Comments:
See above Operator Comment.

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:
Aquatic studies should be submitted to the Division after completion of report. 2008 studies represent the spring/fall studies immediately following *start* of construction. The next study is due in *spring* of 2011.

Title: RAPTORS.
Objective: Over-flight surveys.
Frequency: Yearly.
Status: On going for life of mine.
Reports: Upon request.
Citation: MRP, Sec. 322, Subsec. Terrestrial Species.

Operator: Has this commitment been acted on this year?
Yes ☒ No ☐ Not required this year. ☐ If yes, comment;
Operator Comments:
Raptor survey report included in confidential file.

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments: Report included in submission of the 2008 Annual Report to the Division. Information needs to be reviewed by the assigned Division Biologist to determine compliance with this commitment.

The Raptor survey was reviewed by Division Biologist Ingrid Wieser. The survey was conducted by DWR in May of 2008 and covered all four Energy West Mine locations. There were two active and eight tended golden Eagle nests identified. Neither of the active nests, Nest 1200 and nest 952 are included on the raptor map, but were analyzed by the Division with the data set provided by DWR. Nest 1200 is located over a relinquished portion of the cottonwood/Wilberg Mine which is no longer monitored for subsidence as of 2004. Nest 952 is located over a relinquished portion of the Des Bee Dove Mine in another area that is no longer monitored for subsidence. The active nests should not be affected by mining related disturbances.

The tended nests (65, 66, 951, 958, 965, 1205, 1210 and 1475) except for 1205 and 1210 are also not shown on the map provided in the 2008 annual report.

- Nests 65 and 66 are located over a half mile out side the Deer Creek Mine permit area. Nest 951 is located over a relinquished portion of the Des Bee Dove Mine that is no longer being monitored for subsidence.
- Nest 958 is located more than a mile from the Trail Mountain Mine permit area.
- Nest 965 is located near the Deer Creek Permit area but over a mile away from any subsidence zones.
- Tended nest 1205, shown on the raptor map is located in an actively monitored subsidence zone (#21). Subsidence area 21 was mined between 2003 and 2006. Most of the subsidence occurred directly after undermining and very little is still occurring. The area where the nest is located only subsided one or two feet. Only one nest has been located in this area and is still being tended so it can be concluded that this territory was not lost due to subsidence.
- Nest 1210 is located within the Deer Creek permit in an area that has not been undermined. This nest will have to be protected if it is located in a subsidence zone in the future.
- Nest 1475 is located within the Deer Creek permit area, outside of the subsidence zone.

No tended nests should be affected by mining activities.

Title: BATS.
Objective: Install a "stay-out" sign near a large cavern.
Frequency: Once.
Status: Prior to Rilda portal construction in 2005.
Reports: Not required.
Citation: MRP, Sec. 330, p. 16, #15 in list.

Operator: Has this commitment been acted on this year?

Yes ☐ No ☐ Not required this year. ☒ If yes, comment;
Operator Comments:
No subsoil has been stored at the Rominger Mine to date.

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:

Title: RILDA CREEK.
Objective: Enhance riparian corridor along the Rilda Creek.
Frequency: As necessary.
Status: Initiate 180 days after Rilda portal construction begins in 2005.
Reports: Not required.
Citation: MRP, Sec. 330, Tab. 300-5.

Operator: Has this commitment been acted on this year?
Yes ☒ No ☐ Not required this year. ☐ If yes, comment;
Operator Comments:
Disturbed road embankments along EC#306 were roughed, reseeded, and hydromulched/tackified in November/December 2008. This erosion control work along with paving the Rilda road has satisfied the concerns of the Forest Services and DWR for riparian enhancement.

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:
Road embankments were inspected by the Division on August 11, 2009. Vegetation was stabilizing slope and preventing erosion. Various noxious weeds will be controlled by the company.

Title: RAT MIDDEN.
Objective: Install a fence around a rat midden in Rilda Canyon.
Frequency: Once with annual repairs.
Status: Prior to Rilda portal construction in 2005.
Reports: Annual Report.
Citation: MRP, Sec. 322.

Operator: Has this commitment been acted on this year?
Yes ☐ No ☐ Not required this year. ☒ If yes, comment;
Operator Comments:

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:

Title: MITIGATION.
Objective: Several projects to enhance and mitigate potential impacts associated with Rilda portal facilities.
Frequency: Annual.
Status: Pending approval or Rilda portal construction in 2005.
Reports: Annual Report.
Citation: MRP, Sec. 330, Tab. 300-5.

Operator: Has this commitment been acted on this year?
Yes ☒ No ☐ Not required this year. ☐ If yes, comment;
Operator Comments:
Energy West has completed the buried coal removal at Leroy Mine, reclaimed access road to Leroy Mine portal bench, PacifiCorp maintains ownership and control of East Mountain property for habitat protection, riparian enhancement along Rilda Creek, continues to monitor for noxious weeds and provides information in company news letter. Amending Volume 11 to remove a portion of the mitigation projects (see 2007 annual report). Proposed deletions of projects include aspen regeneration on East Mountain, Raptor database development, and mitigation database development.

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments: Amending Volume 11 to remove portions of the commitments needs to be monitored and approved under the permit amendment process to ensure that the intentions of this commitment are met. The assigned Division Biologist to the Deer Creek Mine needs to evaluate this request.

Mr. Dennis Oakley will be submitting an amendment to the Division to remove applicable commitments. The Division will review the commitments at that time.

Landuse, Cultural Resources, Air Quality R645-301- 400

Engineering R645-301-500

Title: SPECIAL MONITORING - CASTLEGATE CLIFF ESCARPMENT
Objective: Monitor Cliff Escarpments
Frequency: Daily measuring during mining.
Status: Ongoing.
Reports: Annual.
Citation: Volume 11 p 28.

Operator: Has this commitment been acted on this year?
Yes ☐ No ☐ Not required this year. ☒ If yes, comment;
Operator Comments:
No longer mining in this area.

Inspector:
Has the operator complied with this commitment? Yes ☒ No ☐
Inspector Comments:

Geology R645-301-600

Hydrology R645-301-700

Bonding & Insurance R645-301-800

Other Commitments	

*Reminder: If equipment has been abandoned during 2008, an amendment must be submitted that includes a map showing its location, a description of what was abandoned, whether there were any hazardous or toxic materials and any revision to the PHC as necessary.

REPORTING OF OTHER TECHNICAL DATA

List other technical data and information as required under the approved plan, which must be periodically submitted to the Division. Specify whether the information is included as Appendix B to this report or currently on file with the Division.

Operator Comments:
The annual vegetation monitoring report is included in Appendix B.

Inspector:
Has the operator complied with this section? Yes ☒ No ☐
Inspector Comments: The annual vegetation monitoring report is included in Appendix B. This report needs to be reviewed by the assigned Division Biologist.

The reports were reviewed by Division biologist Ingrid Wieser.
9th east portal reclamation Year 1 of Phase III bond release
Vegetation was monitored by Mt. Nebo Scientific on the 9th East Portal Areas and the Pinyon Juniper Reference area for Year One of phase III bond release in 2008. The total living cover at the Reclaimed 9th East portal area was estimated at

47.5%, mostly comprised of shrubs. Woody species density was about 4,154 plants per acre and the productivity was 407.84 pounds per acre. This data was compared to the reference area, at which total living cover was estimated at 33%, density was 1106 plants per acre and production was 302 pounds per acre. In summary, the reclaimed area parameters were found to all be greater than the reference area suggesting that the reclamation was successful and bond release should be granted after one more year of monitoring. Diversity measurements and color photographs were also taken of both the reclaimed area and the reference area.

Miller Canyon Reclamation Year ! of Phase III bond release

Vegetation was monitored by Mt. Nebo Scientific on the three Miller Canyon Portals and the reference area in 2008. The total living cover of the reclaimed areas was estimated at 39.17%, comprised mostly of grasses. Woody species density was estimated at 3293 plants per acre. The total living cover at the reference area was estimated at 33.75% which consisted mostly of grasses. Density of the reference area was not reported. Overall, the vegetation monitoring has shown that the site has met the vegetation success standards for year one of two sampling. Similarity and diversity parameters were also measured and photographs were taken of the sites.

LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

Change in administration or corporate structure can often bring about necessary changes to information found in the mining and reclamation plan. The Division is Requesting that each Permittee review and update the legal, financial, compliance and related information in the plan as part of the annual report. Please provide the Department of Commerce, Annual Report of Officers, or other equivalent information as necessary to ensure that the information provided in the plan is current. Provide any other change as necessary regarding land ownership, lease acquisitions, legal results from appeals of violations, or other changes as necessary to update information required in the mining and reclamation plan. Include certified financial statements, audits or worksheets, which may be required to meet bonding requirements. Specify whether the information is currently on file with the Division or included as Appendix C to the report.

Legal / Financial Update	**Required** Yes	No	**Included** Included	**or**	**DOGM File location** Vol, Chapter, Page
Department of Commerce, Annual Report Officers	☐	☒	☒		
Other					
	☐	☐	☐		
	☐	☐	☐		
	☐	☐	☐		

Operator Comments:

Officer and director list was updated in September 2008. See Legal and Financial Volume, Appendix A.

Inspector:

Has the operator complied with this section? Yes ☒ No ☐

Inspector Comments:

MAPS

Copies of mine maps, current and up-to-date through at least December 31, 2008, are to be provided to the Division as Appendix D to this report in accordance with the requirements of R 645-301-525.240. The map copies shall be made in accordance with 30 CFR 75.1200 as required by MSHA. Mine maps are not considered confidential. (Please provide a CD.)

Confidential information is limited to:

R645-300-124.310. Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of such coal which are potentially toxic in the environment.

R645-300-124.330. Information on the nature and location of archeological resources on public land and Indian land as required under the Archeological Resources Protection Act of 1979 (P. L. 96-95, 93 Stat. 721, 16 U.S.C. 470).

R645-301-322, Fish and Wildlife Information; R645-301-322.100, the scope and level of detail for such information will be determined by the Division in consultation with state and federal agencies with responsibilities for fish and wildlife and will be sufficient to design the protection and enhancement plan required under R645-301-333 and R645-301-322.230, other species or habitats identified through agency consultation as requiring special protection under state or federal law; R645-301-333.300, Include protective measures that will be used during the active mining phase of operation.

The Division will provide procedures, including notice and opportunity to be heard for persons both seeking and opposing disclosure.

Map Number(s)	Map Title/ Description	Confidential Yes	Confidential No
Annual subsidence map	See separate Subsidence Report with this submittal		
Mine map	Production Map – Hiawatha Seam, production Map – Blind Canyon Seam (Refer to Appendix D)		
Other maps			
	Raptor Nest Location Map (Refer to Confidential folder)	☒	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐
		☐	☐

Operator Comments:

Inspector:
Has the operator complied with this section? Yes ☒ No ☐
Inspector Comments:

OTHER INFORMATION

Please provide any comments of further information to be included as part of the Annual Report. Any other attachments are to be provided as Appendix E to this report. If information is submitted as a group rather then by individual mine, please identify each of the mine's data in the list below.

Additional attachment to this report? **Yes** ☒ **No** ☐

Annual Raptor Survey Report (confidential folder submitted separately).
Subsidence Report (Reported for Cottonwood/Wilberg, Des Bee Dove, Deer Creek, and Trail Mountain mines).
Hydrology Report (Reported for Cottonwood/Wilberg, Des Bee Dove, Deer Creek, and Trail Mountain mines).

Operator Comments:

Inspector:
Has the operator complied with this section? Yes ☒ No ☐
Inspector Comments: Annual Raptor report needs to be reviewed by the assigned Division Biologist. The Hydrology report was not received with the initial submission, but is supposed to be received at a later date. Upon receipt of the report it needs to be reviewed by the assigned Division Hydrologist.

The Hydrology reports were received 16 June, 2009 and reviewed on November 12, 2009 by James D. Smith. The Permittee submits required hydrologic data quarterly. The Annual Report contains a summary of the 2008 data and compares it to data from previous years. The Permittee has met the requirements of the Utah Coal Mining Rules and has complied with the hydrology plan in the respective MRPs and all conditions to the permits as regards hydrology. – JDS

The subsidence report is put together in a very professional approach. Graphs, charts and maps clearly define any movement and any link to mining activities and the extent of subsidence.

APPENDIX A

Certified Reports

Excess Spoil Piles
Refuse Piles
Impoundments

As required under R645-301-514

CONTENTS

APPENDIX B

Reporting of Technical Data

Including monitoring data, reports, maps, and other information
As required under the approved plan or as required by the Division

In accordance with the requirement of R645-310-130 and R645-301-140

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APPENDIX C

Legal Financial, Compliance and Related Information

Annual Report of Officers
As submitted to the Utah Department of Commerce

Other change in ownership and control information
As required under R645-301-110

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APPENDIX D

Mine Maps

As required under R645-302-525-270

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APPENDIX E

Other Information

In accordance with the requirements of R645-301 and R645-302

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