

0142



December 17, 2004

Utah Coal Program
 Division of Oil, Gas and Mining
 1594 West North Temple, Suite 1210
 P.O. Box 145801
 Salt Lake City, Utah 84114-5801

Incoming
12/17/2004
AK

Subject: Response to Deficiencies in the Deer Creek Mine, Volume 11 Replacement, PacifiCorp, Deer Creek Mine, C015/018, Task ID 2032, Emery County, Utah

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits responses to the deficiencies of the Deer Creek Mine, Volume 11 North Rilda Canyon Portal Facilities amendment (refer to attached chronology related North Rilda amendment process). PacifiCorp appreciates the cooperation of the Division's technical staff to correct the identified deficiencies.

Energy West received the Technical Analysis document on October 19, 2004. This document found the amendment application contained deficiencies to the Utah R645 Coal Regulations. Attached with this document are the permittee's responses to the deficiencies accompanied with amended volumes to the permit. Six (6) copies are attached as required along with the required C1/C2 forms for the correct placement of the amended text into the MRP.

If you have any questions or concerns regarding this document, please contact myself at (435) 687-4720 or Dennis Oakley at (435) 687-4825.

Sincerely,

Charles A. Semborski
 Charles A. Semborski
 Manger Permitting/Geology

File in: *C015-0018-2004 Incoming*
 Refer to:
 Confidential
 Shelf
 Expandable
 Date: *12/17/2004* For additional information *Binder 1, 2, 3*

Enclosure: Response to Technical Analysis Deficiencies
 C1/C2 Forms

Cc: Doug Johnson (EWMC, w/o encl.)
 File

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DIV. OF OIL, GAS & MINING

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CHRONOLOGY OF NORTH RILDA CANYON PORTAL FACILITIES

- + July 1997, PacifiCorp received approval to expand its mining operations to include the North Rilda Area.

- + PacifiCorp acquired the Mill Fork Lease and entered into a COAL MINING LEASE AND AGREEMENT with the State of Utah on April 1, 1999. The coal tract as described in the lease contains approximately 5,562.82 acres, more or less. With the leasing of the Mill Fork Tract in 1999, PacifiCorp controls through ownership and leasing certain fee coal lands together with assigned federal coal leases nearly 30,000 acres of contiguous minable property located in Emery County, Utah. PacifiCorp submitted an application to include the Mill Fork Lease within the Deer Creek Mine permit in November 2001. The application was approved on March 5, 2003. This expansion involved increasing the acreage of the Deer Creek permit by 5,562.82 acres. Because of the geographic location, the proposed new area of expansion is referred to as the "Mill Fork Permit Area", refer to Volume 12.

- + Mine plans were developed based on results of the coal exploration programs to access to the Mill Fork lease through a set of main entries developed in the Hiawatha seam driven in a westerly direction along the southern most lease boundary.

- + PacifiCorp evaluated long term options to improve overall underground transportation and economic considerations.
 - Options investigated included:
 - Acquisition of Crandall Canyon Mine
 - New portal facilities in Mill Fork Canyon
 - New portal facilities in Rilda Canyon
 - In-seam horizontal drilling was conducted to evaluate potential location of portal facilities.
 - As a result of extensive investigation, PacifiCorp selected Rilda Canyon as the best option based on the following:
 - Environmental Considerations
 - Facilities are located in an area previously disturbed by mining
 - Surface facilities are designed to accommodate men and materials only. Coal mined from the Hiawatha (lower) and Blind Canyon (upper) seams will continue to be shipped through the existing Deer Creek mine workings to the portal in Deer Creek Canyon. From this point, the coal will be transported to the Huntington Power Plant coal storage area via the existing overland beltline. Only surplus production beyond the Huntington Plant needs will be trucked on the highway from the plant.
 - Engineering Considerations
 - Facilities designed to minimize surface disturbance (only 13.1 acres of which 4.4 acres have been previously disturbed [roads and historical mining])

- Utilization of existing infrastructures (roads, powerline)

+ PacifiCorp submitted an application (Volume 11) on November 4, 2003 for a 10.2-acre facilities pad in Rilda Canyon for miners and materials access. The facilities were proposed in an area disturbed by previous mining operations. This application was withdrawn, largely because of anticipated problems in getting permits to place 1,500 feet of Rilda Creek into a large diameter culvert.

+ On September 2, 2004, the PacifiCorp submitted a revised application for the facilities pad area in a new location, approximately ½ mile farther up the canyon, near the intersection of the Right and Left forks of Rilda Canyon. Relocation of the facilities will not require culverting of the Rilda Creek.

The proposed North Rilda Portal Facilities consisted of two separate areas. The main facilities will consist of 9 acres, with an additional 3.13 acres (outside the current permit boundary) for soil and subsoil storage down the canyon, a total disturbed area of 12.13 acres. This will bring the total disturbed area for Rilda Canyon, including the Left Fork fan area, to 14.46 acres and total disturbed area for the Deer Creek Mine to 96.47 acres: the total permit area remains unchanged at 22,769.06 acres.

+ The Division responded with the Administrative Completeness Review on October 11, 2004 and followed up with the Technical Analysis document on October 19, 2004. The Division determined the application incomplete during there review and required Energy West to supply more detailed information.

+ During permit review meetings held on November 1-2, 2004, regulatory agencies requested that PacifiCorp review the current application and relocate the soil storage piles within the permit boundary utilizing areas previously disturbed by historic mining.

+ On December 6, 2004, to simplify revisions to Volume 11: Deer Creek Mine North Rilda Portal Facilities, PacifiCorp requested that the September 2, 2004 amendment be withdrawn from public record.

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Regulations

R6450301-122, The Permittee needs to provide explicit citations for referenced published materials, including but not limited to: Southeastern Utah Association of Governments, 1977; Mundorff, 1972; Price and Waddell, 1973; Theis (1957, p. 3), and Vaughn Hansen Associates, 1979.

Response:

Reference section in the Hydrologic Section has been revised to include all cited references.

R645-300-124.330, Relocate the report “Archeological Sample Survey And Cultural Resource Evaluations Of The East Mountain Locality In Emery County, Utah” to the Confidential File.

Response:

Archeological information has been submitted to the Division to be filed in PacifiCorp’s confidential file.

R645-301-114, A cover page should precede the letters of consent found in Volume 11 – Appendix Volume Engineering Appendix B to indicate that they apply the existing fan portal only.

Response:

Volume 11 Appendix Volume - Engineering Section: Appendix B Correspondence Letters, cover sheet has been revised to include reference to the Left Fork Facilities.

R645-301-121.200, • Remove the tab “Volume 11 Appendix Volume Biology (Section 300) Appendix E” or provide the document. • Reorganize the pages in one of the “Plant communities of the new North Rilda Canyon portal facilities area 2004” reports. • Either provide the Collins map with the riparian area or clarify the map to reflect Collins statement. • Clarify why there are only two community types planned for disturbance. • Clarify that the USGS macroinvertebrate data may supplement the surveys conducted during and after 2004. • Either remove the Terry Nelson and Pam Jewkes 2004 report from Volume 11 or show how the report is relevant to the North Rilda Canyon area. • Soils chapter map units “bulleted” on page 3 of the application are incorrect. Refer to the soils map in Appendix B for correct designation of “Colluvial, Toeslopes, Bench” and “Rilda Canyon Road.”.

Response:

*Biological Section and Appendices have been completely revised.
Soils Section - “bulleted” map units have been revised.*

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R645-301-121.200, A discrepancy exists between the acreage figures provided with the application and those in the MRP. Volume 1, Chapter 1 Appendix E, p. iii indicates total permit acres are 18,8894.24 [sic] and the application indicates in Supplemental Volume Appendix G that there are 22,769.06 acres in the permit. However, this application does not increase permit area.

Response:

Permit acreage misunderstanding has been rectified. PacifiCorp submitted and received approval for a separate Legal & Financial Supplemental Volume. As part of the amendment process, Legal & Financial information in Volume 1 should have been removed. Apparently this did not take place and during the review the out-of-date information was cited. PacifiCorp and the Division cooperated to correct the misunderstanding.

R645-301-121.200, 743.120, The runoff collection tank or basin is described as 5,000 gallons in some places, as 10,000 gallons in others. The Permittee needs to clarify the size and design of this tank or basin.

Response:

Volume 11 Hydrologic Section has been revised to be consistent with the Engineering Section. The Engineering Section includes a description of the runoff collection tank.

R645-301-121.200, PacifiCorp must be consistent about the reclamation plan for the County Road. In Volume 11 Appendix Volume in the Reclamation Hydrology Section 4.1 General, PacifiCorp states, that County Road 306 will remain as is after reclamation. Note: some of the culverts will be modified. While in Section R645-301-553.100 of the MRP, PacifiCorp states that the County Road will be returned to designs specified by Emery County.

Response:

Volume 11 Appendix Volume - Hydrologic: Appendix B has been revised to state that the Emery County Road #306 will be returned to its original location to designs specified by the County.

R645-301-121.200, PacifiCorp must reference the location of all backfilling and grading maps and cross sections in the engineering section of the MRP. For example the reclamation map for the main facilities area, Map 700-4, is not reference in the engineering section of the MRP.

Response:

Volume 11 Engineering Section has been completely revised to include references to the appropriate backfilling and grading and cross sections maps.

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R645-301-221, Volume 11 should refer the reader to the location in the MRP where prime farmland determination letters are found and should include the NRCS decision for the proposed disturbance immediately below the left and right forks of Rilda Canyon.

Response:

Volume 11 Soils Section has been revised to include references to past surveys and the inclusion of the 2004 survey.

R645-301-222, The permit application must include a qualified soil scientist's opinion on the soil identification and description of the soils within the 3.13-acre topsoil and subsoil storage area, since these three acres were inadvertently omitted from the two soil surveys conducted in 2003 and 2004.

Response:

The Rilda Canyon Portal Facilities plan has been revised to relocate the topsoil and subsoil piles within the current permit boundary. Mt Nebo Scientific conducted a soil survey on the revised locations on December 9, 2004. Results of the topsoil and subsoil survey will be included in Volume 11 Appendix Volume - Soil Section: Appendix B when available.

R645-301-231, • The plan must include (on a map or in the narrative) a description of the stockpile height and slope and approximate dimensions and volume as well as methods to be used to quickly establish vegetative cover as well as a method of protecting the stockpile from grazing. • After construction, the an accurate accounting of the volume of topsoil stockpiled as well as any changes to the specified dimensions of the topsoil stockpile must be provided to the Division. • The Division recommends placing the grubbed vegetation on the surface of the stockpile to protect the stockpile from wind and water erosion and discourage livestock access. • In section R645-301-232.500, the plan inaccurately references R645-301-234 as requiring removal and stockpiling of subsoils. The Division has not imposed this requirement upon the Permittee. However, if construction plans require a cut below the depth of two feet, then the plan must include protection of the topsoil in the location of the storage area for the cut soils. Stockpiling construction fill on topsoil is an Experimental Practice and the appropriate regulatory requirements must be addressed. • The application must include a testing plan for evaluating the results of topsoil handling and reclamation procedures related to revegetation.

R645-301-232.200, The soil cover to be salvaged from the AML site must be kept segregated, in a separate stockpile from the undisturbed topsoil salvaged from the site.

R645-301-240, • The plan should indicate the approximate topsoil replacement depth and the replacement area. • The plan should outline reclamation steps to be taken at the topsoil storage site and construction fill stockpile site.

R645-301-244, • The pocks to be constructed may be too exaggerated for the slopes less than 2h:1v. Pocks on the order of 18.

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R645-301-251, The plan must indicate that the Permittee will have a qualified person on site who is familiar with the soil survey to ensure that the topsoil is removed according to plan.

Response:

Volume 11 Soils Section was revised to address the deficiencies cited above including the addition of an experimental practice section to store subsoil/construction fill in Rominger Canyon without removing existing soil resources.

R645-301-321.200, Provide productivity values for each community type within the proposed disturbed area.

Response:

Volume 11 Appendix Volume - Biology: Appendix B is a letter from Natural Resources Conservation Service with the productivity information required.

R645-301-322, -301-333, -301-342, -301-358, the Permittee must address these sections of the R645 Rules.

Response:

R645-301-322: Fish and Wildlife Information of the permit was modified to comply with the regulation requirements. Three new tables were added (300-1, 300-2 and 300-3) to list the Threatened, Endangered and Sensitive species.

R645-301-333: Minimization of impacts to fish and wildlife. A list of methods, devices and procedures to reduce impact is now found in R645-301-330 of the Biology section.

R645-301-342: Fish and Wildlife protection and enhancement. Additional enhancement commitments are now found in R645-301-342 of the Biology section.

R645-301-358: Protection of Fish and Wildlife and Related Environmental Values. The lists discussed in 333 and 342, above, meet the requirements.

R645-301-322, The Permittee needs to include a discussion in the text that correlates the big game species identified in the Wildlife Resources report or any other big game species of concern with the development of the portals and surface facilities located in Rilda Canyon. The discussion also needs to include additional big game species common to the proposed Rilda Canyon development area.

Response:

Additional information was added to the R645-301-322 section of the permit. Threatened, Endangered and Sensitive species were included in tables. These tables include information about Rilda Canyon habitat. Big game maps 300-3 through 300-5, showing mule deer, elk and moose ranges were modified. Mountain Lion, Black Bear, Wolverine and Lynx habitat

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information was added. More recent macroinvertebrate and bat study information was added in Volume 11 Appendix Volume - Biology: Appendix D and F.

R645-301-322.100, • Provide the engineering specs that include frequency ranges for the exhaust and intake fans. • Include a formal and current TES list from the USFWS.

Response:

A sound study of the Rilda Canyon and Millfork Canyon area was conducted. This study was added as Volume 11 Appendix Volume - Biology: Appendix E.

The TES list for Emery County was added to the permit as Volume 11 Appendix Volume - Biology: Appendix C.

R645-301-322.100, R645-301-322.200, • Conduct a bat survey this fall (2004) or next spring (2005) prior to disturbance using the best available methodology. • Conduct spring and fall aquatic baseline surveys. • Conduct spring and fall aquatic post-disturbance survey. • Conduct macroinvertebrate-monitoring surveys every three years in the spring. • Provide information concerning migratory and other sensitive bird species specific to the North Rilda Canyon project area. • Provide the results from the MSO 1997 model and a MSO ground-truthing survey.

Response:

A bat survey was conducted in the fall of 2004 and is part of Volume 11 Appendix Volume - Biology: Appendix F.

An addition macroinvertebrate baseline study was conducted in the fall of 2004. It is included in the permit as Volume 11 Appendix Volume - Biology: Appendix D. Commitment for spring and fall baseline surveys are addressed. Five year permit term surveys, during operation, was added.

R645-301-322.200, Provide an overview of habitat and occurrence data for all the TE species in Emery County, the Manti-LaSal National Forest sensitive species, and any other state listed sensitive species.

Response:

Tables 300-1 through 300-3 were added to address the Threatened, Endangered and Sensitive, other species of consideration, and Migratory Birds that are found in Emery County.

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R645-301-322.210, Address the Colorado River cutthroat trout and its habitat. • Include a formal and current TE list from the USFWS.

Response:

Colorado River Cutthroat Trout habitat information is found in Table 300-2.

TE list for Emery County is found in Volume 11 Appendix Volume - Biology: Appendix C.

R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731, The application must include habitat maps for the big game species common to the proposed Rilda Canyon development area. The application must also address the referenced sections of the R645 Rules.

Response:

Habitat maps for Mule Deer, Elk and Moose were added (see map 300-3 thru 300-5 of the Maps Section). Habitat information was included in the text of R645-301-322 for mountain lion and black bear, and a web site listed for wolverine and lynx information.

R645-301-323.100, Provide a vegetation map showing all the “established” reference areas.

Response:

Map 300-2 was added to the permit. It depicts the 3 reference areas that will be used for interim and final reclamation.

R645-301-323.400, R645-301-122, Provide the missing map referenced in the Johnston (1997) vegetation evaluation.

Response:

The 1997 Johnston study was deleted from the permit. Volume 11 Biologic Section includes references to a comprehensive vegetation survey conducted specifically for the Rilda Canyon Portal Facility area (refer to Volume 11 Appendix Volume - Biology: Appendix A.

R645-301-330, Provide an adequate plan for the enhancement, or mitigation of vegetation resources during construction and operations.

Response:

Protection methods and devices, mitigation and enhancement commitments were added to Biology Section: R645-301-330 and 342 of the permit.

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R645-301-330, Provide an adequate plan for the protection of wildlife resources during construction, including weekly water monitoring in Rilda Creek for TSS, and during mine operation.

Response:

Protection methods and devices, mitigation and enhancement commitments were added to Biology Section: R645-301-330 and 342 of the permit.

R645-301-333, • Provide all equations and justifications with supporting documentation leading to the overall sum of water depletions or additions for all mining operations and explorations including dust control in section R645-301-333. • Submit a plan to protect Rilda Creek during construction of the facilities site.

Response:

Windy Gap Analysis related to the Deer Creek Mine is addressed in Volume 12 Engineering Section.

Biology Section: R645-301-330 and 342 list methods, devices and procedures that will protect and mitigate the Rilda Canyon Stream.

R645-301-333, -301-342, -301-358, the Permittee must address these sections of the R645 Rules as related to the reclamation plan for the Rilda Canyon development area.

Response:

Protection methods and devices, mitigation and enhancement commitments for fish and wildlife were added to Biology Section: R645-301-330 and 342 of the permit.

R645-301-342, R645-301-358, Address wildlife concerns during reclamation and postmining phases. Also, provide an adequate plan for the protection of wildlife resources during reclamation, including weekly water monitoring.

Response:

Protection methods and devices, mitigation and enhancement commitments for fish and wildlife were added to Biology Section: R645-301-330 and 342 of the permit.

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R645-301-353.240, • Develop either a separate seed mix for the white fir/aspen community or a more appropriate mix in conjunction with transplants nearest the stream channel. • Replace rabbitbrush and saltbrush with more appropriate shrub species, such as those found in the three primary community types.

Response:

Table 300-9 was added in Biology Section R645-301-341 to address the seed mix for the White fir/Aspen community. Rabbitbrush was removed from the seed mixes, but saltbrush was retained because it was found in the Mt. Nebo vegetation report (refer to Volume 11 Appendix Volume - Biology: Appendix A).

R645-301-356.110, Demonstrate similarity between the reference and disturbed areas for each community type. • Establish a white fir/aspen reference area.

Response:

Similarity Index calculation were added to Biology Section R645-301-321. Table 300-9 was added in Section R645-301-341 to establish a seed mix for the White fir/Aspen community.

R645-301-356.231, Provide the stocking rates and suggested stocking species.

Response:

Stocking rates for tree species were added to Table 300-7 and 300-9 of Biology Section R645-301-341.

R645-301-356.232, R645-301-357.310, Discuss related information concerning tree and shrub stocking.

Response:

Stocking rates for tree species were added to Table 300-7 and 300-9 of Biology Section R645-301-341.

R645-301-357.200, Include scheduling plans for measuring productivity during the extended period of responsibility.

Response:

See item #4 of Table 300-6 in Biology Section R645-301-341. Productivity is part of the data that will be gathered for revegetation inventory for bond release.

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R645-301-357.332, Remove the discussion on rodents or provide the Division with a detailed plan for review.

Response:

Added clarifying data to Biology Section R645-301-350. (Control measures must be approved by the Division in consultation with the Utah Division of Wildlife Resources prior to application.)

R645-301-358.510, Describe a raptor protection plan for electrical wire and power pole infrastructure for the facilities area.

Response:

Raptor protection for powerlines are in the added PacifiCorp Guideline found in Volume 11 Appendix Volume - Biology: Appendix H.

R645-301-411.120, Provide a monetary evaluation of the timber proposed for removal within the project area.

Response:

Monetary evaluation is the responsibility of the Forest Service. A dollar amount will be determined by FS prior to facilities construction.

R645-301-411.144, Discuss the results of the Senulis 2004 survey and detail the stipulations of the contractor for that site 42CB3236.

Response:

Archeological site 42CB3236 of the Senulis 2004 Report is located adjacent to State Highway 31 in Huntington Canyon and will not be impacted as a result of the construction of the Rilda Canyon Portal Facilities.

R645-301-422, PacifiCorp must include either a copy of the Division of Air Quality's approval order (DAQE-AN0239003) or equivalent information into the MRP in order for the Division to have enough information to review the air pollution control plan.

Response:

Volume 11 Land Use Section was revised to include the following statement: Air pollution control measures are described in the "Approval Order DAQE-AN0239003-02" issued by the Division of Air Quality. This order has conditions that the operator has to comply with to reduce emissions that may effect the air quality. Because processing is not being done at the North Rilda Canyon portal facilities, the controlled emissions will only include fugitive dust emissions. Those are controlled by typical dust suppressant measures. The Division of Air Quality requires that the Approval Order be in place and complied with by the operator for the

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live of the facilities operation. Periodic inspections by the Division of Air Quality are conducted at the site to verify compliance. This air quality Approval Order is filed at the Energy West Mining offices in Huntington, Utah.

R645-301-521.110 and R645-301-521.140 The Permittee must include mine map that shows all proposed mining in the Hiawatha Seam and the workings of the abandoned mines in and around the North Rilda Portal Facilities site.

Response:

The 5 year Life of Mine Plan map (Plate 3-7 in Volume 5 [approved R2P2 map])for the Hiawatha Seam has been updated to included the proposed mining toward the Mill Fork Lease and portal breakouts in Rilda Canyon . Also on page 1, Volume 11, Engineering Section, text refers to this map.

R645-301-521.120, The Permittee must provide the Division with maps that show the identity and location of all existing structures in and around the North Rilda Canyon Portal Facilities. Those structures include but are not limited to: • the 25 KV transmission line, • the water collection and distribution system and • the USFS trail system.

Response:

Plate 500 -1 in the Maps Section has been amended to include all existing structures listed above including the location of the Deer Creek permit boundary . Volume 11, Appendix Volume-Engineering: Appendix G includes photos of existing structures

R645-301-521.150 and R645-301-521.190, The Permittee must include operational maps at a scale of 1 in equals 100 ft and cross sections on 50ft intervals for the entire disturbed area associated with the North Rilda Portal Facilities.

Response:

All maps associated with the operational and reclamation design has been amend to be illustrated at a scale of 1:100. All cross-sections delineated through the North Rilda Portal Facilities disturbed area are set at 50 foot intervals.

R645-301-521.150 and R645-301-521.190, The Permittee must provide the Division with maps and cross sections that show the pre-disturbed areas at a scale of 1 in equals 100 ft. In addition the cross sections must cover the entire disturbed area on intervals of not less than one every 50 ft. The Division needs the predisturbance, operational and reclamation maps at the same scale so that the Division can overlay the maps.

Response:

Refer to the above deficiency.

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R645-301-521.200 and R645-301-121.200, The Permittee correctly label the Signs and Markers section of the MRP as R645-301-521.200 instead of R645-301-521.190.

Response:

Section R645-301-521.190 has been changed to correspond correctly with the Utah Coal Regulations as R465-301-521-200.

R645-301-524.200 and R645-301-524.220, The Permittee must commit to supply the Division with a blasting plan before any surface blasting activities at the North Rilda Portals Facilities.

Response:

Section R645-301-524.100 through R645-301-524.400 is included in the Engineering Section to show that these regulations will be followed if needed. Energy West is not expecting any surface blasting during the construction of the North Rilda Portal Facilities construction. All slope development will be conducted from inside the mine to the outside.

If it is found that surface blasting operations is needed, the Division will be contacted and a blasting plan will be submitted and approved prior to any blasting activities.

R645-301-526.116 to R645-301-526.116.2, The Permittee must provide the Division with • a copy of the agreements with Emery County to close County Road 306 at the new trailhead and realign if needed the portion of County Road 306 above the new trailhead • methods to protect the public from mining and reclamation activities that will occur within 100 feet of County Road 306.

Response:

Agreements: Currently, PacifiCorp is working with Emery County Special Services District #1 to development an agreement to suspend a portion of EC#306 that lies within the proposed surface facilities. The suspension agreement will exclude all public use of the road and allow PacifiCorp to remove the road and construct mine surface facilities in its place. At the time of reclamation, PacifiCorp will be responsible for replacing the road to it pre-mining conditions. This agreement will be incorporated into the permit application when obtained.

Additionally, PacifiCorp, with the cooperation with ECSSD#1, has entered into an agreement to realign, reconstruct, and surface EC#306 from SR 31 to the facilities. This agreement is incorporated into the permit application in Volume 11 Appendix Volume - Engineering: Appendix B.

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R645-301-527 and R645-301-533, The Permittee must include detailed designs for the reconstructed section of County Road 306.

Response:

Detailed designs of the reconstructed portion of EC#306 has been place in the permit application in the figures section of R645-301-500: Engineering, Figure R645-301-500c and discussed in the Reclamation Plan (R645-301-540)

R645-301-528.320, The Permittee must include in the coalmine waste handling plan the following: • the maximum amount of coalmine waste that will be at the Rilda Canyon Portal Facilities at any one time • the maximum amount of time that coal mine waste will be temporarily stored at the Rilda Canyon Portal Facilities.

Response:

As per communications with the Division, acceptable text has been included in the coal waste handling plan to insure that the waste material would not be allowed to accumulate within the Rilda Portal facilities. Material will be stored temporarily and hauled to the Deer Creek waste rock site as necessary.

R645-301-533, The Permittee must provide the Division with designs for the temporary sediment storage basin.

The design for the temporary sediment basin outlined in the Hydrology Section was inadvertently left out the permit. The design has been placed in it's proper place in Volume 11 Appendix Volume - Hydrology: Appendix B.

R645-301-533.110, The Permittee must include the supporting calculations for the safety factor analysis used to determine that the sediment pond has a safety factor of 1.3 or greater.

Response:

Volume 11 Engineering Section: R645-301-553.130 Slope Stability Analysis section has been revised to include a discussion related to the safety factor analysis.

R645-301-533.300, The Permittee must show that the sediment pond will be safe during periods of rapid drawdown.

Response:

Requirements of R645-301-533-300 have been met in the permit application. Refer to this section for compliance.

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R645-301-537, What is the likelihood of importation of clay for construction of the sediment pond and how will the material be handled during reclamation?

Response:

Clay will be used to line the sedimentation pond as described in R645-301-533: Impoundments. As described in the reclamation plan, during reclamation backfilling and grading, the clay liner will be buried on-site at least 4 feet below the final reclaimed surface.

R645-301-542, PacifiCorp must submit adequate reclamation maps and cross sections in the MRP. PacifiCorp must provide adequate reclamation maps and cross sections for the subsoil storage area and cross sections for the entire main facilities area. At a minimum PacifiCorp must provide: • a reclamation map(s) that show the disturbed area boundaries for all areas associated North Rilda Portals Facilities including the subsoil storage area, • cross sections for the entire main facilities area and • maps and cross sections for the subsoil storage area.

Response:

Plan view and cross-section maps for the facility area and soil storage areas have been included with the permit application. Pre-disturbance, construction, and reclamation cross-sections are shown on each cross-section map. Maps have been placed in the Maps Section of R645-301-500: Engineering as 500-1 (Pre-disturbance Maps), 500-2 (Construction/Reclamation Sequences), 500-3 (Facilities Maps) w/construction and reclamation cross-sections, 500-4 (Soil Storage Maps) w/construction and reclamation cross-sections, 500-5 (Reclamation Final Contour Maps).

R645-301-553, Samples of the LeRoy Mine coal mine waste could not be found in Volume 11 Appendix – Geology Appendix B or in Appendix - Soils Appendix A. Please provide discussion and analytical reports for samples taken of the LeRoy Mine coal mine waste.

Response:

*Quality data is found in the EIS Soils Report in Volume 11 Appendix Volume - Soils: Appendix A, EIS Report, Appendix 6.2, Soil Testing Data, Sample ID RIL1003. The EIS Report shows the material as Good to Fair as compared to soil suitability criteria. However, Pacificorp commits in the permit application that buried waste coal will be hauled to the waste rock site or utilized if coal quality allows. This quality data is reference in **R645-301-528 HANDLING AND DISPOSAL OF COAL, OVERBURDEN, EXCESS SPOIL, AND COAL MINE WASTE.***

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R645-301-553.110, The Permittee must include a reclamation plan with enough detail for the Division to evaluate the plan to return the site to the approximate original contours. The Division addresses specific deficiencies such as inadequate maps and cross sections are addressed in other sections of the TA.

Response:
Map deficiencies are discussed in a previous response.

R645-301-553.130, The Permittee must show that the reclaimed slopes will have a minimum safety factor of 1.3 and that the slopes angles will not exceed the angle of repose.

Response:
Volume 11 Engineering Section: R645-301-553.130 Slope Stability Analysis section has been revised to include a discussion related to the safety factor analysis.

R645-301-621, -121.200, On page 6-1 it states "The geology within and adjacent to the permit area is discussed in Sections R645-301-621 through R645-301-627." There is no section labeled 621, although this seems to be a simple formatting omission because geologic information begins under 645-301-620 ENVIRONMENTAL DESCRIPTIONS in the submittal. For clarity, the Permittee needs to include a heading for section R645-301-621.

Response:
Volume 11 Geology Section, page one has been revised to correct reference error.

R645-301-722.200, Spring 80-50 needs to be shown on 700-1 if it is within the area shown on that map, and shown other maps as appropriate.

Response:
Map 700-1 has been revised to include Spring 80-50 (refer to Volume 11 Appendix Volume - Hydrologic Section)

R645-301-728.300, The Permittee needs to clearly and concisely state in the PHC Determination each of the specific findings that are required by the R645 Rules. A new discussion is not required if the information used to arrive at these findings is already discussed in the MRP, neither a further explanation of possible mitigation; merely a definitive statement of each finding as part of the PHC.

Response:
Hydrologic Section - Probable Hydrologic Consequences (PHC) Determination - Hydrologic Balance (surface and groundwater) has been revised address the deficiency cited.

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R645-301-731.200, Reference is made to Volume 9 Appendix A for sample documentation and analytical methods and detection, but the detailed Hydrologic Monitoring Program in Volume 9 Appendix A is out of date (January 2002); the most recent version (March 2003) is in Appendix A of Volume 12.

Response:

PacifiCorp will submit a permit amendment to relocate the most recent revision of Appendix A from Volume 12 to Volume 9 (insert page referencing the location of Appendix A will added to Volume 12).

R645-301-731.200, Reference is made to Volume 9 Appendix A for sample documentation and analytical methods and detection, but the detailed Hydrologic Monitoring Program in Volume 9 Appendix A that gives monitoring locations, the monitoring schedule, and water-quality analysis parameter lists is out of date (January 2002); the most recent version (March 2003) is in Appendix A of Volume 12.

Response:

Refer to response above.

R645-301-731.511, The Permittee needs to specify how requirements 731.511.1 through 731.511.4 will be met. Section R645-301-513 does not indicate that MSHA has approved discharge into the mine.

Response:

Engineering Section R645-301-513 Compliance with MSHA Regulations and MSHA Approvals has been revised to include a reference to MSHA's approval of water disposal within the mine.

R645-301-731.520, The plan does not address handling or disposal of water discharging from the rock slope tunnels during construction and operation of the Rilda Canyon facilities.

Response:

As discussed in the Engineering and Hydrologic sections, construction of the rock slopes will be from in-mine progressing to the surface. If groundwater is intercepted during development of the rock slopes, it will be collected and disposed of through underground water handling system. If groundwater discharge persist after construction, depending upon the location, it will either be handled by underground water system or routed through the surface disturbed water system.

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R645-301-731.611, The discussion on Wellhead/Drinking Water Source Protection and Figure HF-41 need to be updated to include the proposed Rilda Canyon facilities surface disturbance adjacent to the NEWUSSD springs.

Response:

Upon approval of Volume 11, PacifiCorp commits to revising Volume Hydrologic Figure HF-41 to include the Rilda Canyon Portal Facilities surface disturbance adjacent to NEWUSSD spring collection system. As discussed in Volume 11 Hydrologic Section R645-301-728 PHC: PacifiCorp and North Emery Water Special Service District (NEWSSD) are investigating re-location of the Rilda Canyon Springs collection system from their current location to the mouth of the right fork of Rilda Canyon above the portal facilities. The proposed collection system study is shown on Engineering Section Map 500-2. PacifiCorp submitted an investigation plan to the Division outlining hydrologic objectives of the site investigation (refer to Volume 11 Appendix Volume - Hydrology: Appendix D). PacifiCorp has completed the following project phases of the investigation:

1. *Drilling a series of hydrologic monitoring wells,*
2. *Well development and groundwater sampling,*
3. *Aquifer testing.*

Results of the study will be submitted to Division to be included in Appendix D upon completion of the analysis.

R645-301-732.210, 733.200, The Permittee needs to revise page 43 of Volume 11 Appendix Volume -Hydrology Appendix B: Drainage and Sediment Control Plan so it is clear there will be no permanent impoundment or sedimentation pond at the Rilda Canyon facilities.

Response:

Appendix B has been revised to clarify that no permanent impoundment or sedimentation are planned for Rilda Canyon.

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R645-301-742, The general concept of the water collection and sediment control system is described in the plan, but the Permittee needs to clarify some information, especially in sections R645-301-530, 731.512.7, and 728 (the PHC): • Is this system to use tanks or “basins”, which can indicate ponds? • If tanks, will they be buried or above the surface? • Will runoff need to be pumped or will it flow directly into the tank or basin? • Is there a separate 10,000-gallon tank before the collection basin for washdown and gray water? • Will all of the water pumped into the mine eventually be discharged at the Deer Creek Mine portals, or will there be separate systems for mine discharge and surface water pumped underground? • Will water pumped underground be used for mine operations?

Response:

Volume 11 Hydrologic Section has been revised to be consistent with the Engineering Section. The Engineering Section includes a description of the runoff collection tank (refer to R645-301-521.180). As stated in the individual sections, water pumped from the surface to the abandoned mine will flow downdip to the east away from any potential public water source in Rilda Canyon.

R645-301-830.120, PacifiCorp must include the detailed reclamation plans upon which the bond calculations are based on in the MRP.

Response:

As stated in the Bonding Section: The Deer Creek Coal Mine currently has a bond in place that reflects the probable difficulty of reclamation, giving consideration to such factors as topography, geology, hydrology, and revegetation potential for the entire affected area. The bond was based on a detailed estimated cost, with supporting calculations for the estimates. The amount of the bond is sufficient to assure the completion of the reclamation plan if the work has to be performed by the DOGM in the event of forfeiture. Information about the bond is presented in R645-301-800: Bonding in Volume 2 of the Deer Creek Mine MRP.

When the application for the Rilda Canyon Portal Facilities is approved, PacifiCorp commits revising the bond will be updated to reflect the added facilities.

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R645-302-320, • The application should reference site-specific investigations of the alluvium. • The April 2004 Geotechnical investigation is missing from Volume 11 – Engineering Appendix F. • Include the missing attachments DRW # DS1633D [HM10] and # DU 1687E [HM-11] that are referenced on the first page of the 1998 ground stability analysis of Volume 11 – Appendix Volume- Engineering Appendix A.

Response:

The 2004 Geotechnical Investigation Report has been included in Appendix F.

Appendix Volume - Engineering: Appendix A index tab sheet has been revised to reflect the location of maps HM-10 and HM-11.

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: PacifiCorp

Mine: Deer Creek Mine

Permit Number: C/015/018

Title: Replacement of the Volume 11, PacifiCorp, Deer Creek Mine, C015/018

Description, Include reason for application and timing required to implement:

Permit change to include new surface facilities in Rilda Canyon, replace Volume 11 binders.

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- Yes No 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: 13.1 increase decrease.
- Yes No 2. Is the application submitted as a result of a Division Order? DO# _____
- Yes No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- Yes No 4. Does the application include operations in hydrologic basins other than as currently approved?
- Yes No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes No 6. Does the application require or include public notice publication?
- Yes No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- Yes No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- Yes No 9. Is the application submitted as a result of a Violation? NOV # _____
- Yes No 10. Is the application submitted as a result of other laws or regulations or policies?
Explain: _____
- Yes No 11. Does the application affect the surface landowner or change the post mining land use?
- Yes No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- Yes No 13. Does the application require or include collection and reporting of any baseline information?
- Yes No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- Yes No 15. Does the application require or include soil removal, storage or placement?
- Yes No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- Yes No 17. Does the application require or include construction, modification, or removal of surface facilities?
- Yes No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- Yes No 19. Does the application require or include certified designs, maps or calculation?
- Yes No 20. Does the application require or include subsidence control or monitoring?
- Yes No 21. Have reclamation costs for bonding been provided?
- Yes No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- Yes No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Charles A. Semborski
Print Name

Charles A. Semborski Geology/Permitting Supervisor 12/17/04
Sign Name, Position, Date

Subscribed and sworn to before me this 17th day of December, 2004

Lori Ann Anderson
Notary Public

My commission Expires: 12/22, 2005
Attest: State of Utah } } ss:
County of Emery



For Office Use Only: 	Assigned Tracking Number: 	Received by Oil, Gas & Mining <div style="text-align: center; font-size: 1.2em; font-weight: bold;">RECEIVED</div> <div style="text-align: center; font-size: 1.5em; font-weight: bold;">DEC 21 2004</div> <div style="text-align: center;">DIV. OF OIL, GAS & MINING</div>
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