

0103



Handwritten signature
8/15/05

FAX TRANSMITTAL MEMO

DATE: 8-23-05

PLEASE DELIVER TELECOPY TO: PAM GRUBAUGH-LITTLE / WAYNE NEUBERG

LOCATION: DOGUE-SIC

FROM: P. NUREK SEURORSKI

NUMBER OF PAGES, INCLUDING THIS PAGE: _____

COMMENTS: NORTH RIVER POWER PARTIAL FACILITIES AMENDMENT

This facsimile message is confidential. It may contain privileged information or be subject to other confidentiality requirements and exemptions from disclosure under applicable law. It is solely intended for the above-named individual (s). If you are not the intended recipient (s), or the person responsible to deliver this message to the intended recipient (s), you are hereby advised that any dissemination, distribution or copying of the communication is prohibited. If you have received this facsimile in error, please notify the sender immediately by calling (435) 687-4764. (Collect, if necessary.)

Huntington Office:
(435) 687-9821
Fax (435) 687-2695
Purchasing Fax (435) 687-9092

Deer Creek Mine:
(435) 687-2317
Fax (435) 687-2285

RECEIVED
AUG 23 2005

DIV. OF OIL, GAS & MINING



August 22, 2005

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

Subject: Amendment to Deer Creek Mine Permit Volume 11, PacifiCorp, Deer Creek Mine, C/015/018, Emery County, Utah

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits an amendment to Volume 11 of the Deer Creek Mine permit. Volume 11 Rilda Canyon Portal Facilities was approved by the Division on July 27, 2005. Pursuant to our telephone conference call on August 22, 2005⁽¹⁾, in which the governmental agencies involved in the Rilda Canyon permitting process discussed alternatives to alleviate ventilation concerns at the Deer Creek Mine, the Bureau of Land Management (BLM) recommended that Energy West submit an R₂P₂ request to allow the continuation of the Rilda Canyon fan portal rock slope development to intercept the outcrop in Rilda Canyon. Approving the development of a portal from within the mine to the surface is consistent with the stipulations outlined in the Federal Lease U-06039 (Special Stipulation #14). In an e-mail received by the BLM, the Manti LaSal Forest Supervisor agreed to allow Energy West to develop the fan portal breakout as long as no equipment is used on the surface and the public is protected from potential harm, no permanent structures will be constructed until Energy West receives approval from the Assistant Secretary of Land and Minerals at the Department of Interior. During the phone conference, OSM personnel indicated the proposed action is not considered mine plan modification. Thereby, Energy West requests amending Volume 11 to include the development of the fan portal from inside the mine. The requested action will only be for the area affected by the portal development, approximately 30x40 feet (0.028 acres). As outlined in the BLM R₂P₂ request, Energy West will follow the outlined steps:

⁽¹⁾ Phone conference participants:

OSM - Pete Rutledge, Ron Singh
DOGM - Pam Grubbaugh-Littig, Wayne Hedberg, Susan White, Mark Mesch
USFS - Barry Burkhardt
BLM - Jim Kohler, Jeff McKenzie, Stan Perks
InterWest - Carl Pollastro, Scott Child
Energy West - Chuck Somborski

RECEIVED

AUG 23 2005

DIV. OF OIL, GAS & MINING

**Deer Creek Mine Amendment: Part 1
August 22, 2005
Page Two**

- 1) All rock slope development will be from within the mine to the outcrop of the Star Point Sandstone.
- 2) Colluvial material encountered at the outcrop interface will be stored within the mine.
- 3) During the final breakout process, mine personnel will be stationed at the outcrop to warn/prevent unwarranted access and to monitor the area for any unsafe condition(s).
- 4) If any rocks are dislodged as a result of the portal development which impact public safety, Energy West will immediately rectify the situation.
- 5) Warning signs will be installed along Emery County Road #306 warn the public of the portal development process.
- 6) A temporary fence will be erected around the breakout area to prevent unwarranted access.
- 7) Silt fence will be erected downslope of the portal breakout to prevent additional contribution of suspended solids to the receiving stream.
- 8) Warning signs will be installed along the exterior of the fence, including; **NO SMOKING, NO AUTHORIZED PERSONNEL BEYOND THIS POINT, DANGER.**
- 9) No equipment will be used on the surface except for hand tools to remove material to prevent unsafe conditions.
- 10) All slopes, ribs or faces of the opening or unstable areas in the surrounding area will be scaled and secured before completion.
- 11) The exiting brow of the mine opening will be secured and the exit of the mine opening will be posted off with timber and fencing upon completion of the mine development.
- 12) No permanent structures will be constructed until Energy West receives approval from the Assistant Secretary of Land and Minerals at the Department of Interior.

As outlined in the approved plan (Volume 11), Energy West has documented all pertinent aspects related to development of the North Rilda Canyon Portal Facilities. The following outlines the proposed action:

Soils: The proposed action, development of the fan portal from within the mine, is consistent with the engineering plans outlined in the permit. Exception to the plan is soil stripping prior to development of the portals. As discussed earlier, development of the fan portal from within the mine will involve an area approximately 30 x 40 feet, or 0.028 acres. During development of the fan portal, all material extracted will be stored within the mine. The exact location of the Star Point Sandstone and colluvial interface is unknown, thereby estimating the subsoil quantity is not possible. Energy West will take all precautions necessary to minimize disruption to the surface topography. The amount of topsoil stored

RECEIVED

AUG 23 2005

DIV. OF OIL, GAS & MINING

within the mine, assuming a two foot salvage depth, would be approximately 89 yd³. Depending on the conditions of the rock interface, if Energy West is unable to segregate the soil, final reclamation of this area will not be compromised. Energy West commits to removing the extracted soil material temporarily stored in the mine and placing it in the approved soil storage area as outlined in Soils Section upon approval from the Assistant Secretary of Land and Minerals at the Department of Interior.

- Biology:** As outlined above, Energy West will completely fence the area to prevent interference with wildlife resources.
- Land Use:** Development of the fan portal is consistent with the plans outlined in Volume 11.
- Engineering:** The proposed action, development of the fan portal from within the mine, is consistent with the engineering plans outlined in the permit. One decline slope will be constructed from the underground workings of the 1st Right Submains, (approximate start location of # 43 crosscut in # 3 entry) to access the surface at Rilda Canyon for the installation of a mine fan. The slope will be developed at approximately 15 percent down dip from the Hiawatha coal seam. The approximate starting elevation is 7,740 feet and the ending elevation is approximately 7,705 feet. The slope will be driven approximately ten (10) feet in height and twenty (20) feet in width. The approximate length of the slope will be 363 feet. All spoil material excavated during development of the slope will be stored within the mine.
- Hydrology:** Development of the fan portal will create a small depression at the surface approximately 30 x 40 feet. Energy West will install a temporary silt fence along the toe of the slope of the portal breakout to prevent additional contribution of suspended solids to the receiving stream. No other routing of surface or groundwater will occur until Energy West receives approval from the Assistant Secretary of Land and Minerals at the Department of Interior.
- Bonding:** PacifiCorp has secured a bond for the entire proposed facility, which includes development of the fan portal.

Seven (7) redline copies Soils Section pages 18-19 are included with this submittal along with the required C1/C2 forms. 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
Manager Geology/Permitting

Enclosure: C1/C2 Forms

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

F:\environmental\PERMITTING\Down Creek Mine\Rilda Canyon Portal Project\DOGM Form Package\Cover Letter\Aug2005.wpd

RECEIVED

AUG 23 2005

DIV. OF OIL, GAS & MINING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: PacifiCorp

Mine: Deer Creek Mine

Permit Number: C/015/018

Title: Amendment to Volume 11 Rilda Canyon Portal Facilities, PacifiCorp, Deer Creek Mine, C/015/018, Emery County, Utah

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

Revised text in response to BLM R2P2 Request

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: _____ 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

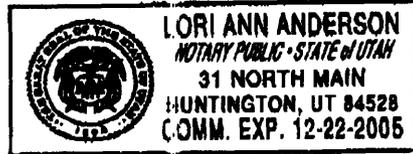
Charles A. Semborski Geology/Permitting Supervisor 8-23-05
Sign Name, Position, Date

Subscribed and sworn to before me this 23 day of August, 2005

Lori Ann Anderson
Notary Public

My commission Expires: 12/22, 2005

Attest: State of Utah) ss:
County of Emery



RECEIVED
AUG 23 2005
DIV. OF OIL, GAS & MINING

For Office Use Only:	Assigned Tracking Number:	Received by Oil, Gas & Mining RECEIVED AUG 23 2005 DIV. OF OIL, GAS & MINING
-----------------------------	----------------------------------	--

Form DOGM- C1 (Revised March 12, 2002)

RECEIVED
AUG 23 2005
DIV. OF OIL, GAS & MINING

APPLICATION FOR COAL PERMIT PROCESSING

Detailed Schedule Of Changes to the Mining And Reclamation Plan

Permittee: PacifiCorp

Mine: Deer Creek Mine

Permit Number: C/015/018

Title: Amendment to Volume 11 North Rilda Canyon Portal Facilities, PacifiCorp, Deer Creek Mine, C015/018

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

** TEXT SECTION **

Volume 11 North Rilda Canyon Portal Facilities, R645-301-200 Soils Section, Replace Pages 18 and 19

- Grid of checkboxes for Add, Replace, and Remove actions.

Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.

Received by Oil, Gas & Mining

RECEIVED

AUG 23 2005

DIV. OF OIL, GAS & MINING

**DEER CREEK MINE
C/015/018**

**VOLUME 11
NORTH RILDA PORTAL FACILITIES**

R645-301-200 SOILS

PAGE 18 & 19

**SEVEN REDLINE
COPIES INCLUDED**

**RECEIVED
AUG 23 2005
DIV. OF OIL, GAS & MINING**

North Rilda
Rilda Canyon Portal Facilities

Soils

PacifiCorp

R645-301-232.500 Subsoil Segregation

After removing and storing the topsoil, the underlying strata of soil will be removed, segregated, and stockpiled separately. There is an estimated 97,300 cubic yards of subsoil that will be utilized for reclamation (refer to Engineering chapter, R645-301-553: Backfilling and Grading for cut/fill construction estimates). Subsoil storage is located approximately 0.5 miles below the portal facilities in Rominger Canyon. Refer to Maps 200-1, 200-2, Engineering Section 500-3, 500-4 sheets 3 of 5 and 4 of 5, to review the soil storage locations. Approximately 3.0 acres will be disturbed for subsoil storage including access to the site. A portion (approximately 1.4 acres) of this location was previously disturbed by historic coal mining activities and reclaimed by AML during reclamation of the Rominger and Leroy mines in 1988. Portals were not backfilled during the AML project. Concrete block stoppings were installed to prevent access to the mines. As discussed above, brush and boulders will be cleared from the site before storing soil. Boulders larger than 1.0 foot in diameter will be segregated and stockpiled and utilized for reclamation. A colorful marker fabric will be installed over the entire site to identify the predisturbed surface.

R645-301-232.600 Timing

To alleviate ventilation concerns at the Deer Creek Mine, the Bureau of Land Management (BLM) during a telephone conference on August 23, 2005, recommended that Energy West submit an R₂P₂ request to allow the continuation of the Rilda Canyon fan portal rock slope development to intercept the outcrop in Rilda Canyon. Approving the development of a portal from within the mine to the surface is consistent with the stipulations outlined in the Federal Lease U-06039 (Special Stipulation #14). In an email received by the BLM, the Manti LaSal Forest Supervisor agreed to allow Energy West to develop the fan portal breakout as long as no equipment is used on the surface and the public is protected from potential harm, no permanent structures will be constructed until Energy West receives approval from the Assistant Secretary of Land and Minerals at the Department of Interior. During the phone conference, OSM personnel indicated the proposed action is not considered mine plan modification.

The area affected by the portal development, approximately 30x40 feet (0.028 acres). As outlined in the BLM R₂P₂ request, Energy West will follow the outlined steps:

- 1) All rock slope development will be from within the mine to the outcrop of the Star Point Sandstone.
- 2) Colluvial material encountered at the outcrop interface will be stored within the mine.

North Rilda
Rilda Canyon Portal Facilities

Soils

PacifiCorp

- 3) During the final breakout process, mine personnel will be stationed at the outcrop to warn/prevent unwarranted access and to monitor the area for any unsafe condition(s).
- 4) If any rocks are dislodged as a result of the portal development which impact public safety, Energy West will immediately rectify the situation.
- 5) Warning signs will be installed along Emery County Road #306 warn the public of the portal development process.
- 6) A temporary fence will be erected around the breakout area to prevent unwarranted access.
- 7) Silt fence will be erected downslope of the portal breakout to prevent additional contribution of suspended solids to the receiving stream.
- 8) Warning signs will be installed along the exterior of the fence, including: NO SMOKING, NO AUTHORIZED PERSONNEL BEYOND THIS POINT, DANGER.
- 9) No equipment will be used on the surface except for hand tools to remove material to prevent unsafe conditions.
- 10) All slopes, ribs or faces of the opening or unstable areas in the surrounding area will be scaled and secured before completion.
- 11) The exiting brow of the mine opening will be secured and the exit of the mine opening will be posted off with timber and fencing upon completion of the mine development.
- 12) No permanent structures will be constructed until Energy West receives approval from the Assistant Secretary of Land and Minerals at the Department of Interior
- 13.

Development of the fan portal from within the mine is consistent with the engineering plans outlined in the permit. Exception to the plan is soil stripping prior to development of the portals. As discussed earlier, development of the fan portal from within the mine will involve an area approximately 30 x 40 feet, or 0.028 acres. During development of the fan portal, all material extracted will be stored within the mine. The exact location of the Star Point Sandstone and colluvial interface is unknown, thereby estimating the subsoil quantity is not possible. Energy West will take all precautions necessary to minimize disruption to the surface topography. The amount of topsoil stored within the mine, assuming a two foot salvage depth, would be approximately 89 yd³. Depending on the conditions of the rock interface, if Energy West is unable to segregate the soil, final reclamation of this area will not be compromised. Energy West commits to removing the extracted soil material temporarily stored in the mine and placing it in the approved soil storage area as outlined in Soils Section upon approval from the Assistant Secretary of Land and Minerals at the Department of Interior.