

ok

**State of Utah****Department of
Natural Resources**MICHAEL R. STYLER
*Executive Director***Division of
Oil, Gas & Mining**JOHN R. BAZA
*Division Director*JON M. HUNTSMAN, JR.
*Governor*GARY R. HERBERT
Lieutenant Governor

August 10, 2006

Chuck Semborski, Environmental Supervisor
Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528Subject: Mill Fork West Extension LBA, Task No. 2544, PacifiCorp, Deer Creek
Mine, C0150018

Dear Mr. Semborski:

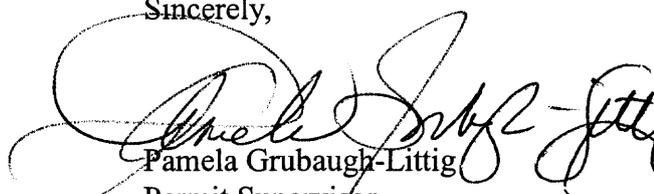
The Division has determined that there are deficiencies that must be addressed before a determination can be made that the requirements of the R645 Coal Mining Rules have been met and approval can be granted. The deficiencies are listed as an attachment to this letter.

Each deficiency identifies its author by that author's initials in parentheses, such that your staff can directly communicate with that individual should any questions arise relative to the preparation of PacifiCorp's response to that particular deficiency.

Please note that there are no deficiencies relative to bond determination or soils.

Please respond to these deficiencies by no later than November 10, 2006.

Sincerely,



Pamela Grubaugh-Littig
Permit Supervisor

sm
Attachments (Deficiency List)
O:\015018.DER\FINAL\WG2544\2544.DEF + JAE.DOC

**Deficiency List
Task No. 2544**

The members of the review team include the following individuals:

Jerriann Ernstsén [JAE]
Wayne Western [WHW]

Jim Smith [JDS]
Priscilla Burton [PWB]

Permit application format and contents

R645-301-121.100, The Permittee must either provide updated information concerning raptor surveys or remove the dated statements on pages 3-8 and 3-9. For page 3-8, the Division recommends ending the sentence with "surveys" then providing a reference to direct the reader to the annual reports for updated information. For page 3-9, the Permittee could just summarize the number of golden eagle nests within the Deer Creek Permit area and how many are within the Mill Fork Permit Area then provide a reference to direct the reader to the annual reports for updated information. • The Permittee must verify the statement on page 3-9 that "none of the nests are within the projected subsidence...". This paragraph is dated. It is not clear that golden eagle nest #78 is not within the subsidence zone. [JAE]

R645-301-121.200, The Division believes that the mention (page iii) of a particular lease is referring to the U-78953, which is located to the east of ML-48258. If the number as written in the MRP is incorrect, the Permittee must either correct the referenced number or present the information more clearly. • The Permittee must clarify the statement on page 3-9 stating that all nests are located in the northeastern area. This statement is dated and should be removed. • The Permittee may want to clarify the statement on page 4-1 that suggests that small game "inhibits" the area. • The Permittee must either explain or provide a legend that describes the color-coding for maps MFS1856B and MFS1836B (Ch. 4). The Permittee should also provide a more obvious line that shows the fault line as reference in the existing legends on maps MFS1836B, MFS1849 (Ch. 3) and MFS1822 (Ch. 3). • The Permittee must either clarify the statement or provide an adequate citation for the statement on page 3-14: "Mine related cliff failure do not.....". This statement should be cited with a scientific research document. [JAE]

Historic and archeological resource information

R645-301-411, The MRP does not meet the R645-301-411 requirements of the regulations pertaining to historic resources because the MRP does not include narrative that 1) reflects that the USFS conducted a survey or 2) summarizes the results for UTU-84285 LBA. The Permittee must update the narrative in Chapter 4 (R645-301-411.140). The Division understands that the MRP will not include a copy of the survey report, but will include a copy of the Significance Determination document in Chapter 4 as an appendix

document. This document provides the SHPO correspondence for this project. [JAE]

Biology

R645-301-322.100, The MRP (Confidential Binder) includes maps MFS1852B and MFS1839D that illustrate known raptor nest locations. The Division considers that these maps should reflect all known nests including the goshawk cluster and golden eagle nests 1205 and 1475 within the permit area. Also, the Permittee may want to ADD the 3-D buffer zones for the golden eagle nests, at least on map MFS1852B. The Division does not suggest removing the 2-D buffer zone, yet. The USFWS and DWR have not provided official recommendations for reviewers to only consider the 3-D buffer zone when analyzing projects. The Permittee may still represent yearly nest activity on similar maps (Confidential) for their annual reports. [JAE]

Engineering

R645-301-522 Coal Recovery, The Permittee must provide the Division a copy of the approved resource recovery and protection plan (R2P2), or a letter from the BLM in which they state that the R2P2 has been approved, or additional information showing the maximum economic recovery will occur on the lease addition. [WHW]

R645-301-512, The Permittee must have all certification of maps done according to the Division of Professional Licensing requirements. Those requirements are that all professional engineers and geologist must place their signature and date across the professional engineer's or geologist's seal. The signature and date must be placed over the seal. The signature and date cannot be electronic but the stamp can be. Maps needing correct certification include but are not limited to: MFU1837D, Coal Ownership, MFU1841D (Blind Canyon Mine Plan), MFU1840D Hiawatha Mine. [The geology maps had dual certifications, so although some certifications were done incorrectly, because each map was properly certified at least once, the Division considers that these maps were properly certified. Other maps that were improperly certified are MFS1821D (Vegetation), MFS1849B (Deer Habitat), MFS1822B (Elk Habitat), MFS1835B (Land Use), MFS1836 (Oil and Gas Leases), MFU1837D, Coal Ownership; however, as those maps are not required to be certified the Division does not consider improper certification to be a deficiency for these maps.] [WHW]

Geology

R645-301-121.200, -623.300 Subsidence Control Plan, The Permittee needs to update projections for the mine workings in the Blind Canyon Seam on Drawings MFS1824D (Blind Canyon Overburden), MFS1826 (Blind Canyon – Hiawatha Interburden), and MFS1827D (Blind Canyon Structure) to match those on Drawing MFU1841D. [JDS]

Hydrology

R645-301-731.210 Groundwater Monitoring; The Permittee needs to monitor flow at UJV 213 (water right 93-1576, change a21560) for an appropriate period of time before, during, and after mining so that a determination can be made either that the mining caused no diminution or interruption of the water supply or that water replacement is required.

[JDS]