



0041 U. S. DEPT. OF THE INTERIOR  
 RECEIVED OFFICE OF SURFACE MINING  
 MAY 21 2007 Mine Site Evaluation  
 State Program



DIV. OF OIL, GAS & MINING

*Henry Austin*  
*5/15/07*  
*Copy to [unclear]*

|  |  |   |                                     |
|--|--|---|-------------------------------------|
| 1. Permittee/Person<br><b>ENERGY WEST MINING COMPANY</b> |  | 9. Permit Number<br><b>UT-015-018</b>                       | 10. Permit Type<br><b>PP</b>        |
| 2. Address<br><b>P.O. BOX 310</b>                        |  | 11. Field Visit Date<br><b>05/07/2007</b><br>mm - dd - yyyy | 12. Purpose<br><b>OBI</b>           |
| 3. City<br><b>Huntington</b>                             | 4. State<br><b>UT</b>                    | 13. SRA Present<br><b>Y</b>                                 | 14. Permit Status<br><b>IN</b>      |
| 5. Zip Code<br><b>84528</b>                              | 6. Phone Number<br><b>(435) 687-2000</b> | 15. Site Status<br><b>MC</b>                                | 16. Facility Type<br><b>B</b>       |
| 7. Operator Name, if Different than Permittee            |  | 17. OSM Office #<br><b>140</b>                              | 18. CCID #                          |
| 8. Mine Name<br><b>DEER CREEK MINE</b>                   |  | 19. Land Code<br><b>F</b>                                   | 20. M.S.H.A ID #<br><b>42-00121</b> |
|  |  | 21. State Abrev.<br><b>UT</b>                               | 22. County Name<br><b>EMERY</b>     |
|  |  | 23. AVS Permittee Entity ID Number                          | 24. State Office                    |

|   |  |   |
|---|--|---|
| 25. Hours                                       | 26. Signature Block  | 27. Reviewing Official:                         |
| <input type="checkbox"/> 0.0 a. Permit Review   | <i>Henry Austin</i><br>Signature<br><b>HENRY AUSTIN ID # 116</b> | <i>J. Fulton</i><br>Signature:                  |
| <input type="checkbox"/> 2.0 b. Site Visit Time | Printed Name:  | Review Date: <b>5 /15/ 07</b><br>mm - dd - yyyy |
| <input type="checkbox"/> 7.0 c. Travel Time     | Date: <b>05/15/2007</b>  | Is Supplemental MSE Page Used Y/N <b>Y</b>      |
| <input type="checkbox"/> 1.0 d. Report Writing  |  |   |

Permit Type — Item 10 IP = Interim Program, PP = Permanent Program, NP = No Permit

Purpose Type Codes Item 12  
 Oxx... Oversight RFX... Reclamation Fees CCR... Citizen Complaint Referral (non site visit)  
 Axx... Assistance Fxx... Federal Actions CC... Citizen Complaint (initial site visit)  
 CCF... Citizen Complaint Follow-up

Joint Inspection — Item 13 A joint inspection is when a state inspector accompanies an OSM inspector any time during the review of the mine site.

Permit Status — Item 14  
 A... Active: Coal mining and reclamation activities occurring or permitted but not yet disturbed.  
 IN... Inactive (Permanent Program Permit): Phase II completed or Temporary Cessation of Operations. (Interim Program Permit) Coal mining completed and reclamation activities initiated.  
 BR... Bond Release: Reclamation completed and State Regulatory Authority (RA) has released all of the bond (Phase III Release.)  
 AB... Abandoned: All surface and underground coal mining activities have ceased and operator has left the site without completing reclamation as defined in 30 CFR 840.11(g)  
 AB1... Bond Forfeiture: Bond forfeiture officially in process or completed, and reclamation in progress or not yet commenced.  
 AB2... Partially Reclaimed Forfeiture: Forfeited site where all bonds have been used to reclaim site, but site not reclaimed to Program standards.  
 AB3... Reclaimed Forfeiture: Forfeited site that has been reclaimed to Program standards.  
 NA... Not Applicable: When site is unpermitted.

Site Status Codes — Item 15  
 ND... No Disturbance: No coal mining and reclamation operations have been started.  
 EX... Coal Exploration: Coal exploration operations have started and where coal mining operations have not begun.  
 AP... Active Coal Producing: Coal surface mining activities are occurring.  
 AN... Active Non-Producing: Active non-producing facility such as tipple or preparation plant.  
 NM... No Mining: The Permit Status is active, site is not in Temporary Cessation, no surface coal mining activity, and site not regraded.  
 MC... Mining Complete: No mining activity on site, site regraded and awaiting phase bond release.  
 TC... Temporary Cessation: The RA has granted cessation of mining pursuant to 30 CFR 816/817.131(b).  
 P1... Phase I Release: At least Phase I bond release granted for entire permitted area. For interim permits, partial bond release.  
 P2... Phase II Release: At least Phase II bond release for the entire permitted area.  
 P3... Phase III Release: Reclamation completed and the RA has released all bond.  
 NS... Non-Site Visit: Status of site not determined.  
 FP... Forfeiture Pending: The RA is pursuing actions to revoke the permit, collect the performance bond(s), and/or reclamation of forfeited site is in progress.  
 FR... Forfeited and Reclaimed: Forfeiture reclamation completed.  
 FO... Abandoned Site: Abandoned site that is permitted but there is no bond.  
 WC... Wildcat: Coal mining and reclamation operations have or are taking place and the activity is not covered by the required permits from the RA.

Facility Type Codes — Item 16  
 A... Surface D... Ancillary (Haulroad, Conveyor, and/or Rails) H... Exploration Permits L... Remining site permitted under 30 CFR 785.25  
 B... Underground E... Refuse and/or Impoundment I... Notice of Intent to Explore  
 C... Preparation Plant F... Loading Facility and/or Tipple J... Exempt 16 and 2/3  
 G... Stockpiles G... Stockpiles K... Government Financed Construction Exemption

**Small Business Regulatory Enforcement Fairness Act (SBREFA)**  
**Your Comments Are Important**

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you are a small business (a business with 500 or fewer employees including those of affiliates) and wish to comment on the enforcement or compliance activities of OSM, call 1-888-REG-FAIR (1-888-734-3247).

# U. S. DEPT. OF THE INTERIOR OFFICE OF SURFACE MINING

## Mine Site Evaluation

State Program

Permittee/  
Person ENERGY WEST MINING

Permit  
Number UT-015-018

Field Visit  
Date 05/07/2007

Continuation Page

### 28. Performance Standard Categories

Codes: 1=Compliance, 2=Noncompliance, 3=Not Planned, 4=Not Started, 5=Noncompliance Identified Elsewhere, 6=Previously Cited

|   |  |   |
|---|--|---|
| <p><b>A. Administrative</b></p> <ol style="list-style-type: none"> <li>1. <u>   </u> Mining within Valid Permit</li> <li>2. <u>   </u> Mining within Bonded Area</li> <li>3. <u>   </u> Terms &amp; Conditions of Permit</li> <li>4. <u>   </u> Liability Insurance</li> <li>5. <u>   </u> Ownership and Control</li> <li>6. <u>   </u> Temporary Cessation</li> <li>7. <u>   </u> AML Rec. Fees -- Non-Respondent</li> <li>8. <u>   </u> AML Rec. Fees -- Failure to Pay</li> </ol> <p><b>B. Hydrologic Balance</b></p> <ol style="list-style-type: none"> <li>1. <u>   </u> Drainage Control</li> <li>2. <u>   </u> Inspections &amp; Certifications</li> <li>3. <u>   </u> Siltation Structures</li> <li>4. <u>   </u> Discharge Structures</li> <li>5. <u>   </u> Diversions</li> <li>6. <u>   </u> Effluent Limits</li> <li>7. <u>   </u> Ground Water Monitoring</li> <li>8. <u>   </u> Surface Water Monitoring</li> <li>9. <u>   </u> Drainage -- Acid-Toxic Materials</li> <li>10. <u>   </u> Impoundments</li> <li>11. <u>   </u> Stream Buffer Zones</li> </ol> <p><b>C. Topsoil &amp; Subsoil</b></p> <ol style="list-style-type: none"> <li>1. <u>  1</u> Removal</li> <li>2. <u>  1</u> Substitute Materials</li> <li>3. <u>  1</u> Storage and Protection</li> <li>4. <u>  1</u> Redistribution</li> </ol> | <p><b>D. Backfilling &amp; Grading</b></p> <ol style="list-style-type: none"> <li>1. <u>  1</u> Exposed Openings</li> <li>2. <u>  1</u> Contemporaneous Reclamation</li> <li>3. <u>  1</u> Approximate Original Contour</li> <li>4. <u>  1</u> Highwall Elimination</li> <li>5. <u>  1</u> Steep Slopes (includes downslope)</li> <li>6. <u>  3</u> Handling of Acid &amp; Toxic Materials</li> <li>7. <u>  1</u> Stabilization (rills and gullies)</li> </ol> <p><b>E. Excess Spoil Disposal</b></p> <ol style="list-style-type: none"> <li>1. <u>  3</u> Placement</li> <li>2. <u>  3</u> Drainage Control</li> <li>3. <u>  3</u> Surface Stabilization</li> <li>4. <u>  3</u> Inspections &amp; Certifications</li> </ol> <p><b>F. Coal Mine Waste (Refuse Piles/Impoundments)</b></p> <ol style="list-style-type: none"> <li>1. <u>  3</u> Drainage Control</li> <li>2. <u>  3</u> Surface Stabilization</li> <li>3. <u>  3</u> Placement</li> <li>4. <u>  3</u> Inspections and Certifications</li> <li>5. <u>  3</u> Impounding Structures</li> </ol> <p><b>G. Use Of Explosives</b></p> <ol style="list-style-type: none"> <li>1. <u>  3</u> Blaster Certification</li> <li>2. <u>  3</u> Distance Prohibitions</li> <li>3. <u>  3</u> Blast Survey/Schedule</li> <li>4. <u>  3</u> Warnings &amp; Records</li> <li>5. <u>   </u> Control of Adverse Effects</li> </ol> | <p><b>H. <u>  3</u> Subsidence Control Plan</b></p> <p><b>I. Roads</b></p> <ol style="list-style-type: none"> <li>1. <u>  3</u> Road Construction</li> <li>2. <u>  3</u> Certification</li> <li>3. <u>  3</u> Drainage</li> <li>4. <u>  3</u> Surfacing and Maintenance</li> <li>5. <u>  3</u> Reclamation</li> </ol> <p><b>J. Signs &amp; Markers</b></p> <ol style="list-style-type: none"> <li>1. <u>  3</u> Signs</li> <li>2. <u>  3</u> Markers</li> </ol> <p><b>K. <u>  3</u> Distance Prohibitions</b></p> <p><b>L. Revegetation</b></p> <ol style="list-style-type: none"> <li>1. <u>  1</u> Vegetative Cover</li> <li>2. <u>  1</u> Timing</li> </ol> <p><b>M. <u>  1</u> Postmining Land Use</b></p> <p><b>N. Other</b></p> <p style="text-align: center;">General<br/>Performance<br/>Category</p> <p><b>M</b>    <u>  1</u> 1) Phase I bond release</p> <p style="text-align: center;">_____ 2) _____</p> <p style="text-align: center;">_____ 3) _____</p> |
|---|--|---|

### Performance Standard Categories 30 CFR Counterpart

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|--|--|
| <p><b>A. Administrative.....(816/817.11-17)</b></p> <ol style="list-style-type: none"> <li>1. Valid Permit.....773.11</li> <li>2. Mining within Bonded Area.....773.11</li> <li>3. Terms &amp; Conditions of Permit.....773.17</li> <li>4. Liability Insurance.....800.60</li> <li>5. Ownership and Control.....778.13</li> <li>6. Temporary Cessation.....842.11(e) &amp; 816/817.131</li> <li>7. AML Rec. Fees -- Non-Respondant.....870.15(b)</li> <li>8. AML Rec. Fees -- Failure to Pay.....870.15(a)</li> </ol> <p><b>B. Hydrologic Balance.....(816/817.41-57)</b></p> <ol style="list-style-type: none"> <li>1. Drainage Control.....45</li> <li>2. Inspections &amp; Certifications.....49(a)(10)</li> <li>3. Siltation Structures.....46</li> <li>4. Discharge Structures .....47</li> <li>5. Diversions.....43</li> <li>6. Effluent Limits.....42</li> <li>7. Ground Water Monitoring.....41(c)</li> <li>8. Surface Water Monitoring.....41(e)</li> <li>9. Drainage--Acid - Toxic Materials.....41(f)</li> <li>10. Impoundments.....49</li> <li>11. Stream Buffer Zones.....57</li> </ol> <p><b>C. Topsoil &amp; Subsoil.....(816/817.22)</b></p> <ol style="list-style-type: none"> <li>1. Removal.....22(a)</li> <li>2. Substitute Materials.....22(c)</li> <li>3. Storage and Protection.....22(c)</li> <li>4. Redistribution.....22(d)</li> </ol> <p><b>D. Backfilling &amp; Grading.....(816/817.95-107)</b></p> <ol style="list-style-type: none"> <li>1. Exposed Openings.....816/817.13, 14, 15, &amp; 823.11 &amp; 21</li> <li>2. Contemporaneous Reclamation.....100</li> <li>3. Approximate Original Contour.....102(a)(1)</li> <li>4. Highwall Elimination.....102(a)(2)</li> <li>5. Steep Slopes (includes downslope).....107</li> <li>6. Handling of Acid &amp; Toxic Materials.....102(c)</li> <li>7. Stabilization (rills and gullies).....95(b)</li> </ol> | <p><b>E. Excess Spoil Disposal.....(816/817.71-74)</b></p> <ol style="list-style-type: none"> <li>1. Placement.....71(e)</li> <li>2. Drainage Control .....71(f)</li> <li>3. Surface Stabilization.....71(g)</li> <li>4. Inspections &amp; Certifications.....71(h)</li> </ol> <p><b>F. Coal Mine Waste (Refuse Piles/Impoundments) .....(816/817.81-84)</b></p> <ol style="list-style-type: none"> <li>1. Drainage Control .....83(a)</li> <li>2. Surface Stabilization.....83(b)</li> <li>3. Placement.....83(c)</li> <li>4. Inspections and Certifications.....83(d)</li> <li>5. Impounding Structures.....84</li> </ol> <p><b>G. Use of Explosives.....(816/817.61-68)</b></p> <ol style="list-style-type: none"> <li>1. Blaster Certification.....61(c)</li> <li>2. Distance Prohibitions.....61(d)</li> <li>3. Blast Survey/Schedule.....62-64</li> <li>4. Warnings &amp; Records .....66 &amp; 68</li> <li>5. Control of Adverse Effects.....67</li> </ol> <p><b>H. Subsidence Control Plan.....(817.121-122)</b></p> <p><b>I. Roads.....(816/817.150-151)</b></p> <ol style="list-style-type: none"> <li>1. Road Construction.....150(c)</li> <li>2. Certification.....151(a)</li> <li>3. Drainage.....150(b)-151(d)</li> <li>4. Surfacing and Maintenance.....150(e)-151(d)</li> <li>5. Reclamation.....150(f)</li> </ol> <p><b>J. Signs &amp; Markers .....(816/817.11)</b></p> <ol style="list-style-type: none"> <li>1. Signs.....11(a),(b),&amp;(c)</li> <li>2. Markers.....11(a),(b),(d),(e),&amp;(f)</li> </ol> <p><b>K. Distance Prohibitions.....(761.11)</b></p> <p><b>L. Revegetation.....(816/817.111-116)</b></p> <ol style="list-style-type: none"> <li>1. Vegetative Cover.....111 &amp; 116</li> <li>2. Timing.....113</li> </ol> <p><b>M. Postmining Land Use.....(816/817.133)</b></p> |
|--|--|

May 15, 2007

Energy West Mining Co. (EWM)  
P.O. Box 310  
Huntington, UT 84528

Deer Creek Mine, 9<sup>th</sup> East Breakouts  
Phase I bond release inspection  
May 7, 2007

Participants:

Angela Wadman, Bureau of Land Management  
Tom Lloyd, U.S. Forest Service  
Jim Smith & Wayne Western, Utah Division of Oil, Gas and Mining (OGM)  
Dennis Oakley & Guy Davis, EWM  
Henry Austin, Office of Surface Mining (OSM)

I participated in a Phase I bond release inspection of the Deer Creek Mine, 9<sup>th</sup> East Portals, located in the Right Fork of Grimes Wash north and east of the Cottonwood Mine facility. We began the inspection at the EWM offices in Huntington, where Mr. Western and Mr. Davis briefed us on the reclamation history of the portals, Mr. Western explained the Phased bond release process, and we reviewed photos of the reclaimed area. The bond release application does not seek any reduction of the bond amount applicable to these portals. Mr. Western provided OSM with a portion of the bond release application prior to the inspection.

Ground conditions were dry throughout the areas inspected and there were no signs of recent surface water runoff. We walked to the reclaimed portal areas and made general observations. Two pre-law wagon mine portals which were not used post SMCRA, and 3 pre-law ventilation portals that were used post SMCRA were reclaimed in this area. The 3 post SMCRA portals were permanently sealed in 1990 (double block seals), and final reclamation backfilling was completed on all 5 portals in 1999 according to MSHA requirements (backfilled 25 feet in from the surface). Reclamation was completed in accordance with the approved mine plan.

All the backfilling observed was stable, and was well blended into adjacent undisturbed areas. Vegetation established on the reclaimed areas appears more diverse and robust than surrounding undisturbed areas. Surface water runoff does not appear to be a problem here due to surface roughness and vegetative cover. This area was approved as an alternative sediment control area prior to final reclamation. After the inspection, I discussed surface water runoff modeling of the proposed release area with Mr. Smith and Mr. Western. This concluded the inspection.

Please address any questions concerning this inspection report to Henry Austin, Senior Reclamation Specialist, at [haustin@osmre.gov](mailto:haustin@osmre.gov) or to (303) 844-1400 x1466.