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Incoming
c/015/2008

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Date: 1/21/2009 11:35 AM
Subject: Rilda Permit Commitments

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Jim/Joe:

I recently sent an email informing you of the completion of the Rilda stream mitigation measures. With this item completed, all wildlife mitigation commitments in the current permit (Volume 11, Biology Section) that could be accomplished, have been accomplished. Commitments are as follows:

1 Leroy Mine Area; Buried Coal Removal and Landscape Enhancement - Completed in 2006, buried coal was either transported to the Huntington power plant or the Deer Creek waste rock site for permanent disposal. Approximately 1000 cy of coal was transported to the Huntington Power Plant for utilization and 2000 cy of waste was transported to the Deer Creek Waste Rock Site for disposal. Leroy Mine area within the Rilda Portal facilities disturbed area has been completely reclaimed other than where the sedimentation pond is located. As-built drawings are forthcoming.

2 Abandoned Mine Areas Outside of the Proposed Disturbance - Completed in 2006, the Leroy Mine access road and other coal spills outside the disturbed area of the Rilda Portal facilities have been completely reclaimed. Documentation of the restoration project will be included in the Biology Section as this section is amended.

3 Meetinghouse Canyon (Elk Springs Area) Wildlife Enhancement/Aspen Regeneration - Energy West developed a scope of work for the timber harvest program to remove beetle infested timber and reduce conifer encroachment. Eight contractors attended the pre-bid meeting in the late spring of 2007. However, all contractors indicated that the stipulations and bonding requirements by the County Forester were excessive and didn't allow a return on their investment. Not one bid for the work was received. This mitigation measure will be eliminated as the Biology Section is amended.

4 Habitat Protection on East Mountain Private Land - PacifiCorp stands by this commitment to maintain ownership and control of East Mountain properties throughout the life of the Rilda Canyon facilities. Our private lands in the East Mountain area will be managed as they always have been; for multiple use. Uses which would impair wildlife habitat, such as seasonal livestock grazing or recreation, will be limited.

5 Historic Raptor Database Development and Evaluation - Energy West attempted to gather interest with DWR to develop a database. A stipend was suggested to be provided by UMA which would provide funding to an intern to compile all raptor data for southeastern Utah. No successful conclusion was ever made of this issue. This mitigation will be eliminated as the Biology Section is amended.

6 Company News Letter - Energy West sends a newsletter to its employees every month. Once per year, an article is included in the newsletter to increase awareness of the potential impacts associated with wildlife (including raptors) and mine traffic.

7 Rilda Creek Riparian Habitat Restoration - General objectives have changed from stream rehabilitation to erosion and sediment control. Because the stream is not a high priority system, government agencies (USFS and DWR) showed little interest in restoring the perennial portion of the creek. Hydromulching, tackifying, and reseeding of the road embankments were completed in November 2008.

8 Mitigation Database Development - There is no mechanism available for the USFWS to accept funding from private industry to create and manage this database. This mitigation item will be eliminated as the Biology Section is amended.

9 Noxious weed program - Once per year, every year, Energy West patrols its mine properties for noxious weeds. The entire length of Rilda Canyon is included in this patrol. Noxious weeds are eradicated as they

are discovered.

If you have any questions, concerns, or suggestions, please don't hesitate to call me so we discuss any issues you may have. I am currently amending Volume 11, so a prompt response would be greatly appreciated.

Best Regards,

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Even if you're on the right track, you'll get run over if you just sit there.

- Will Rogers -