

**NOTICE OF INTENTION TO CONDUCT
MINOR COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258**

June, 2009



Energy West Mining Company
(Mine Operator)



Interwest Mining Company
(Managing Agent)

File in:

Confidential

Shelf

Expandable

Refer to Record No. 0018 Date 06152009

In CI 0150018, 2009, Submitting

For additional information Confidential

COPY



P.O. Box 310
15 North Main Street
Huntington, Utah 84528

June 15, 2009

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

RE: NOTICE OF INTENTION TO CONDUCT MINOR COAL EXPLORATION - UTAH STATE COAL LEASE ML-48258; PACIFICORP, ENERGY WEST MINING CO., EMERY COUNTY, UTAH (DOGM TASK# 3089)

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits three (3) copies of the Notice of Intention to Conduct Minor Coal Exploration - Utah State Coal Lease ML-48258.

The six proposed drill holes are located within the current Utah State Coal Lease ML-48258, in Sections 1 and 11, Township 16 South, Range 6 East, Salt Lake Base and Meridian. The drilling will occur on lands in which the surface is administered by the U.S.D.A. Forest Service (USFS) and the subsurface by the State of Utah (see accompanying maps entitled Mill Fork Coal Lease - Coal Exploration - General Location Maps, Aerial Photos, Surface Ownership Map, Coal Ownership Map, Waterline and Pump Location Map).

The proposed holes will be drilled in Joes Valley and Crandall Canyon. All sites will be located at or above the Castlegate Sandstone. Access to these locations will be from Upper Joes Valley and/or Mill Fork staging areas (see Raptor Locations, Helicopter Flight Paths and Staging Areas map). The Joes Valley staging area will be the primary site and the Mill Fork staging area will be considered the secondary staging area to minimize potential impacts to raptors.

Over the past thirteen years, Energy West has successfully utilized helicopter supported drilling in and adjacent to the Mill Fork Lease. Exploration was conducted in steep terrain in Mill Fork Canyon and in Joes Valley in remote areas where road construction was unfeasible.

Energy West has strategically selected the proposed drill hole locations to minimize environmental impacts and to maximize geologic data. As outlined in the Notice of Intention, no site preparation (building roads or drill pads) will be necessary. Energy West goes to great extents to minimize environmental impacts, including selecting minimal impact drilling

C/15/0018, 2009, Incoming

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Notice of Intent to Conduct Minor Coal Exploration - Utah State Coal Lease ML-48258

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techniques, selecting easily reclaimable sites, protecting existing vegetation with a protective cover, selecting drill equipment that can be leveled without excavating the ground, and complete cleanup and reclamation of drill sites.

This Notice of Intention was originally submitted to the Division, SITLA, and the U.S.D.A. Forest Service in November and revised in December of 2008. The original Notice was denied as incomplete on the basis of deficiencies outlined in the December 8, 2008 letter, the December 15, 2008 Technical Memorandum and the April 13, 2009 Technical Analysis. The format of the Notice of Intention has been designed to address the deficiencies outlined in these letters. The deficiency responses are presented as Appendices (yellow page dividers) in the Notice of Intention. These include:

SITLA concurrence

Forest Service concurrence and Special Use Permit (still pending)

Road Use Permit from Forest Service

Water Rights approval letter

MSDS sheets for drilling additive concentrates

Threatened and Endangered Species List for Emery County, Utah

Class I and ClassIII archaeological surveys for all 6 sites - My understanding is that these will be forwarded to SHPO for their concurrence if necessary. The Forest Service archaeologist determined that since there were no archaeological findings at any sites, that SHPO did not need to be notified by them.

As discussed in the conference call of 6/10/09, I am submitting this Notice of Intention without the approved Forest Service Special Use Permit due to the time constraints created by the lengthy consultation process with the U.S. Fish and Wildlife Service which I had hoped would be completed by now. The Forest Service has been working on the Special Use Permit approval since the original revised submittal of this Notice in December, 2008. As soon as the Special Use Permit is approved by USFS, it will be forwarded to the Division.

Due to the time delays already experienced, the logistical difficulties associated with contractor scheduling, and declining water supplies in the drill area, Energy West urges quick consideration and approval of this Notice. Drill project startup is scheduled for July 6, 2009.

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If you require any additional information please call me at (435) 687-4712.

Thank you for your assistance in this matter.

Sincerely,



Ken Fleck

Geology and Environmental Affairs Manager

Enclosures (3 copies)

cc: Scott Child (Interwest) w/encl.

APPLICATION FOR COAL PERMIT PROCESSING

COPY

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: PacifiCorp

Mine: Deer Creek Mine

Permit Number: C/015/0018

Title: Notice of Intention to Conduct Minor Coal Exploration - Utah State Coal Lease ML-48258

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

Application to drill 6 coal exploration holes - Summer 2009

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: _____ 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.

Kenneth Fleck
Print Name

Kenneth S. Fleck
Sign Name, Position, Date

Manager of Environmental Affairs

6/15/09

Subscribed and sworn to before me this 15th day of June, 2009

Chris M Christensen
Notary Public

My commission Expires:

Attest: State of Utah } ss:
County of Emery



For Office Use Only:

Assigned Tracking Number:

Received by Oil, Gas & Mining

RECEIVED

JUN 15 2009

DIV. OF OIL, GAS & MINING

NOTICE OF INTENTION TO CONDUCT MINOR COAL EXPLORATION UTAH STATE COAL LEASE ML-48258

June, 2009

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**NOTICE OF INTENT TO CONDUCT
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R645-200. Coal Exploration: Introduction.

PacifiCorp proposes to drill up to a total of six (6) coal exploration holes within the Mill Fork Coal Lease ML-48258 in the year 2009. For ease of reference, this plan follows the format of the applicable portions of the Utah Division of Oil, Gas, and Mining (hereinafter referred to as "the Division") rules (R645-200 through R645-203) regarding Coal Exploration.

R645-200-100. Scope. (Minor Coal Exploration):

122. Minor Coal Exploration. PacifiCorp intends to drill at least six (6) 3" diameter core holes that will intercept 1 or more coal seams each. The exploration will occur on a designated Utah state coal lease (ML-48258). Less than 250 tons of coal will be removed. PacifiCorp is hereby filing a Notice of Intention to Conduct Minor Coal Exploration under the requirements of R645-201-200.

R-645-200-200. Responsibilities.

210. Responsibility to Comply with Regulations. PacifiCorp will comply with the requirements of R645-200 through R645-303.

220. Responsibility of the Division to Review and Reply. The Division will receive and review this Notice of Intention to Conduct Minor Coal Exploration. The Division will review and reply within 15 days.

230. Responsibility of the Division to Coordinate with Other Agencies. The Division will coordinate review of this Notice with the other appropriate government agencies (SITLA, U.S.D.A. Forest Service, BLM, OSM, etc.). PacifiCorp will provide enough copies of this notice to the Division for distribution to these agencies.

R645-201. Coal Exploration: Requirements for Exploration Approval.

R645-201-100. Responsibilities for Coal Exploration Plan Review.

110. Coal Exploration Plan Review, Responsibility of Division. The lands on which this exploration will be conducted, being a state coal lease issued to PacifiCorp, are not subject to 43 CFR Parts 3480-3487. Therefore, exploration plan review will be the responsibility of the Division.

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120. Requirements of 43 CFR 3480-3487. N.A.

130. Division Responsibility to Coordinate with Other Agencies. This revised Notice of Intention to Conduct Minor Coal Exploration and Drilling Plan will be submitted to the Division as the lead agency for review and approval.

R645-201-200. Notices of Intention to Conduct Minor Coal Exploration.

210. Division Review Requirement. Notices of Intention to Conduct Minor Coal Exploration where 250 tons or less of coal will be removed require Division review prior to conducting exploration. PacifiCorp originally submitted notice to the Division in November of 2008, allowing the Division and other agencies time to review and approve the Notice before exploration activities begin on July 6, 2009.

220. Required Applicant Information. This Notice of Intention to Conduct Minor Coal Exploration is required to include the following pertinent information.

221. Name, Address, and Telephone Number of Applicant:

APPLICANT:

PacifiCorp
One Utah Center
201 South Main, Suite 2100
Salt Lake City, Utah 84140-0021
(801)220-4612

OPERATOR:

Energy West Mining Company
15 North Main Street
Huntington, Utah 84528
(801)687-9821

**NOTICE OF INTENT TO CONDUCT
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222. Name, Address, and Telephone Number of the Applicant's Representatives:

RESPONSIBLE REPRESENTATIVE:

Ken Fleck or Chuck Semborski
Energy West Mining Company
15 North Main Street
P.O. Box 301
Huntington, Utah 84528
(435)687-4712
(435)687-4720

223. Description of Exploration Area. Narrative and map describing the exploration area and indicating where exploration will occur:

PROPOSED EXPLORATION AREA:

The proposed drill holes are located within the current Utah State Coal Lease ML-48258, in Sections 1 and 11, Township 16 South, Range 7 East, Salt Lake Base and Meridian. The drilling will occur on lands in which the surface is administered by the U.S.D.A. Forest Service (USFS) and the subsurface by the State of Utah (see accompanying maps entitled Mill Fork Coal Lease - Coal Exploration - General Location Maps, Aerial Photos, Surface Ownership Map, Coal Ownership Map, Waterline and Pump Location Map).

The proposed holes will be drilled in Joes Valley and Crandall Canyon. All sites will be located at or above the Castlegate Sandstone. Access to these locations will be from Upper Joes Valley and/or Mill Fork staging areas (see Raptor Locations, Helicopter Flight Paths and Staging Areas map). The Joes Valley staging area will be the primary site and the Mill Fork staging area will be considered the secondary staging area to minimize potential impacts to raptors.

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Table 1. Mill Fork Coal Lease Proposed Drilling for 2009:

HOLE NUMBER	LOCATION	ELEVATION (Feet)	DEPTH (Ft)	SURFACE OWNERSHIP	COAL OWNERSHIP
2009-1	516' South, 2,158' East from NW Corner of Sec. 11 T. 16S., R. 7E.	9,980'	2,038'	USFS	State Coal Lease ML-48258
2009-2	1,232' South, 1,364' East of the NW Corner of Sec. 11, T. 16S., R. 7E.	9,970'	2,070'	USFS	State Coal Lease ML-48258
2009-3	2,209' South, 2,273' East of the NW Corner of Sec. 11, T. 16S., R. 7E.	9,940'	2,041'	USFS	State Coal Lease ML-48258
2009-4	2,203' North, 2,477' East of the SW corner of Section 11, T.16S., R. 7 E.	9,890'	1,993'	USFS	State Coal Lease ML-48258
2009-5	1,539' North, 1,970' East of the SW corner of Section 11, T.16S., R. 7 E.	9,840'	1,964'	USFS	State Coal Lease ML-48258
2009-6	850' West, 750' North of the SE corner of Section 1, T.16S., R. 7 E.	9,520'	1,550'	USFS	State Coal Lease ML-48258

224. Period of Intended Exploration:

PROJECT STARTUP DATE:

Helicopter Supported Drill Holes 2009 1-6 July 6, 2009

PROJECT COMPLETION DATE: August 15, 2009

(If PacifiCorp is unable to complete the number of holes proposed for any reason in 2009, future drilling of the approved sites will adhere to the protection measures for raptors detailed in R645-200-230, future raptor surveys and consultation with USFS, USFWS and DOGM).

It is anticipated that all drilling and reclamation activities associated with this project will be completed within 60 days following the date of implementation.

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- 225. Method of Exploration.** Method of exploration to be used, amount of coal to be removed, and practices to be used to protect the area from adverse impacts and reclaim the area in accordance with R645-202:

The method of exploration to be used is helicopter-assisted drilling, in which the primary mode of transportation for drilling equipment and personnel is by helicopter, rather than by road. By using this method, drilling equipment can be transported into remote areas inaccessible by road to conventional drilling rigs, and environmental impact to the surface is minimized. All drills, drilling equipment, and personnel will be transported to the individual drilling sites by helicopter from staging areas located on existing roads (see Raptor Locations, Flight Paths and Staging Areas Map).

Pre-Work Meeting:

A pre-work meeting including the responsible company representatives, contractors, State of Utah Institutional Trust Lands Administration, and the Forest Service will be conducted at the project location prior to commencement of operations.

Drill Methods & Procedures: Three inch maximum diameter holes will be core or rotary drilled the entire length to the approximate depths stated previously in the drill hole location and depth table. Drilling depth will be sufficient to accomplish penetration through both the Blind Canyon and Hiawatha coal seams, and to enter the Star Point Sandstone. The drilling will be done by a drilling contractor(s) experienced in helicopter supported drilling. The drills used are diesel powered rotary drill rigs mounted on 6' x 8' skids. Drilling will utilize water and, as necessary, a biodegradable polymer drilling "mud" such as M-I Swaco Poly-Plus (MSDS included in this report).

The following support equipment will be required:

- 3 pickup trucks: stationed at the staging area
- 1 Flatbed semi-trailer for mobilization/de-mobilization of the drill rig
- 1 Lama helicopter and support truck
- 1 Storage trailer to be stationed at the staging area

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The drill rig components and associated materials, tools and equipment will be transported by truck to the helicopter staging areas indicated on the accompanying map. The tools and materials and personnel necessary for site preparation will be transported to the drill site by helicopter. Site preparation will include removal of dead-fall and brush as necessary. Minor digging, using hand tools, may be necessary at some locations to achieve effective placement of the leveling support materials (wood blocks, etc.). Brattice or other similar material will be placed on the ground beneath the drill rig. The drill rig is made up of several components which will be transported to the site by helicopter in several "lifts". The drill rig components will then be assembled at the drill site, the rig will be leveled and other necessary materials will be flown to the site.

Drill Hole Access and Pad Construction:

No access road or pad construction will be necessary for the proposed project. Drilling equipment and materials will be transported to the drill site by helicopter. Personnel will access the site by vehicle and helicopter via existing roads and on foot. The drill sites are relatively level (30 percent or less slope); therefore, minimal site preparation will be necessary. Vegetation, in the form of trees, grasses, forbs and sparse, low shrubs, will not be removed. However, it may be necessary to remove dead-fall and some "taller" shrubs (mahogany, etc.)/aspen trees for safety reasons. This will be minimized and accomplished using hand tools. The dead-fall will be replaced upon completion of drilling. An area no larger than approximately 40' by 40' will be occupied at the drill site. Leveling of drilling equipment will be accomplished using hand tools and supports (wood blocks, etc.) transported to the site by helicopter. All materials, tools and equipment will be removed immediately upon completion of drilling and reclamation activities.

A 1" diameter high-pressure hose will be laid overland from the pump stations to each drill site. This will be accomplished by hand and/or helicopter. No clearing of vegetation will be necessary for placement of the water hose. Existing openings among the trees will be utilized for water line placement. No vegetation clearing will occur at the water tank/pump sites or the helicopter staging areas. Activities will be confined to the existing roads in Cottonwood Canyon, Mill Fork Canyon and Indian Creek. The necessary road use permit has been obtained from the U.S. Forest Service for activities associated with the respective roads.

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Amount of Coal to be Removed: As previously discussed, a 3" maximum diameter hole will be core or rotary drilled for the entire depth of the hole. The hole will penetrate through both the Blind Canyon and Hiawatha coal seams if possible. The core and/or cuttings will be examined to determine coal seam characteristics. This will result in approximately a maximum of 20 pounds of coal being removed per hole, with a total of about 220 pounds removed for study and analysis.

Practices to Protect from Adverse Impacts and to Reclaim the Area: During drilling, water and drilling fluids will be recirculated to the extent possible. Any returned cuttings and other materials will be captured in a container at the drill site. The cuttings will be transported from the drill site to the staging area by helicopter and then by vehicle to the Deer Creek or Cottonwood Waste Rock sites for disposal. Containment of possible fluid spills will be achieved through the use of brattice ground cover, silt fence, and if necessary, earthen berms. If spills occur, all affected materials will be removed from the site and disposed of at an approved location. If soil is removed during spill containment and clean-up, the site of removal will be recontoured and seeded with the approved seed mixture.

In order to minimize impacts to wildlife, particularly raptors, all non-essential helicopter flight paths will be 1,000 feet above terrain whenever possible between landing zones or drill sites.

Fire Suppression Equipment:

All gasoline and diesel powered equipment will be equipped with effective mufflers or spark arresters which meet applicable Forest Service specifications. Fire suppression equipment will be available to all personnel working at the project site. Equipment will include at least one hand tool per crew member consisting of shovels and pulaskis and one properly rated fire extinguisher per vehicle and/or combustion engine.

Fuel and/or lubricating oil containers not stored in a truck will be placed on brattice cloth or other acceptable ground cover at a site located away from drainage channels and surrounded by brattice, earthen berm or other acceptable containment structure. If spills occur, clean-up will be conducted as stated above.

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Access by personnel associated with the drilling project will be via vehicle or helicopter to Mill Fork Canyon and Indian Creek and by foot to the drill site. Therefore, no additional access facilities will be constructed.

Following completion of drilling and cementing of the hole, the drill rig and all associated equipment and materials will be removed by helicopter to the helicopter staging areas and transported from the area by vehicle. The water hose, tanks and pumping station and all associated materials and equipment will be removed. All trash and extraneous materials will be removed from the US Forest Service property and disposed of at an approved location. The sites will be reclaimed by: 1) Removing all trash, cuttings, and contaminated soil. 2) Recontouring site to original contour, and 3) Re-seeding with the approved seed mix, and scattering deadfall over the site.

R645-202. Coal Exploration: Compliance Duties.

R645-202-100. Required Documents.

“Each person who conducts coal exploration which substantially disturbs the natural land surface will, while in the exploration area, have available a copy of the Notice of Intention to Conduct Minor Coal Exploration...for review by an authorized representative of the Division upon request.”

Road Use Permits:

The Forest Service will be notified 48 hours in advance that heavy equipment will be moved onto National Forest System lands and that surface disturbing activities will commence.

Mill Fork Canyon (U.S. Forest Development Road #245): Prior to drilling, Energy West has obtained a road use permit from the U.S. Forest Service for the helicopter staging area located along U.S. Forest Service Road #245 in Section 21, Township 16 South, Range 7 East.

Cottonwood Creek (U.S. Forest Development Road #040): Prior to drilling, Energy West has obtained a road use permit from the U.S. Forest Service for the helicopter staging area at the head of Cottonwood Canyon (Flat Canyon), and for use of U.S. Forest Service Road #040 in Sections 22, 27, 35, Township 16 South, Range 6 East and Sections 2,3, 10, 11, 14, 23, 24 and 25, Township 17 South, Range 6 East.

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Indian Creek (U.S. Forest Development Road #017): Prior to drilling, Energy West will has obtained a road use permit from the U.S. Forest Service for the helicopter staging area located along the east side of U.S. Forest Service Road #221 in Section 15, Township 16 South, Range 6 East.

Special Use Permit:

As required by the U.S. Forest Service, PacifiCorp has applied for a Special-Use Application (Form 2700-3) for the proposed exploration. Each drill site will occupy approximately 0.04 acre for a total area of use of approximately 0.24 acres.

Archeological Information:

The proposed locations in Joes Valley are located on the western flank of East Mountain. The location in Crandall Canyon is on a ridge top above the Castlegate Sandstone on the south side of the canyon. As detailed in the previous section, no earthwork or excavation is necessary utilizing helicopter supported drilling techniques.

As required by the U.S.D.A. Forest Service, PacifiCorp contracted EarthTouch, LLC. (Scott Billat) to conduct a Class I file search as well as a Class III pedestrian survey of the proposed 2009 drilling activities. Based on a drill site visits with Mr. Billat, no known archaeological sites are situated at the proposed drill locations 2009-1 through 2009-6. Findings of the file search and field review have been transmitted to the Forest Service by EarthTouch, LLC.. In addition, a copy of the reports stamped "confidential" are included with this Notice of Intent.

In the unlikely event that cultural or paleontological resources are discovered during operations, all operations which may result in disturbance to the resources will cease and the Forest Service will be notified as soon as possible of the discovery.

PacifiCorp will make sufficient copies of all coal exploration permit documents, including the Notice of Intent, the Forest Service drilling stipulations, and all applicable road use, special use, and other permit documents at each drill site, and in each field vehicle used during the exploration program, for the duration of the program.

R645-202-200. Performance Standards.

June, 2009

PacifiCorp

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- 210. Requirements of the State Program.** All coal exploration and reclamation operations which substantially disturb the natural land surface will be conducted in accordance with the coal exploration requirements of the State Program, and any conditions on approval for exploration and reclamation imposed by the Division.

PacifiCorp will comply with all coal exploration requirements of the State Program, and any conditions on approval of the exploration plan.

- 220. Inspection and Enforcement.** Any person who conducts any coal exploration in violation of the State Program will be subject to the provisions of 40-10-20 of the Act and the applicable inspection and enforcement provisions of the R645 Rules.

PacifiCorp will comply with all coal exploration requirements of the State Program, and any conditions on approval of the exploration plan. PacifiCorp welcomes inspection of its exploration operations at any time during exploration.

- 230. Operational Standards.**

- 231. Non-Disturbance of Habitats.** Habitats of unique or unusually high value for fish, wildlife, and other related environmental values and critical habitats of endangered or threatened species identified pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 et. seq.) will not be disturbed during coal exploration. A copy of the Threatened and Endangered Species list created by the Utah Division of Wildlife Resources (February 2009) is included as an appendix to this Notice.

The vegetation in the area (refer to Deer Creek MRP, Volume 12, Biology chapter, pages 3-1 through 3-5 and also Map MFS1821D in the Maps Section) consists of a Cottonwood/Aspen/Fir/Dogwood community in the bottom of the canyons and Spruce-Fir Coniferous Forest inter-mixed with aspen communities on the south side slopes and dense Spruce-Fir Coniferous Forest on the north slopes. The primary land uses associated with the area are wildlife habitat, livestock grazing and recreation. The area is presently classified for the following wildlife uses by the Utah Division of Wildlife Resources (DWR):

Mule Deer	High Priority Summer Range
Elk	Critical Winter Range and High Priority Summer Range

**NOTICE OF INTENT TO CONDUCT
MINOR COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258**

The proposed drilling is not expected to have a detrimental impact on any of these species, their habitat or other land uses associated with the area.

Surveys for Threatened, Endangered and Sensitive (TES) plant and animal species have been conducted in connection with various projects in this area of Rilda Canyon (Surface Facilities, Permit Extension and Powerline) and the Mill Fork coal leasing process (refer to Deer Creek MRP, Volume 12, Biology chapter for all information concerning TES species within the Mill Fork area). Results of these surveys have been provided to the various regulatory agencies in the applications for the projects. No TES plants and animals have been found in the area of the proposed drill holes.

Energy West, in cooperation with the Division of Wildlife Resources, conducts annual raptor surveys in and adjacent to mine permit boundaries, including the Mill Fork State Lease ML-48258 (refer to Raptor Location and Status - 2009 Survey Data results located in the Minor Exploration Coal Exploration confidential envelope). Raptor activity in Mill Fork Area was evaluated during May 2009. Based on the previous surveys, the proposed 2009 drill sites located in Joes Valley and the flight lines from the primary staging area in Joes Valley and Mill Fork, all exploration activities are outside ½ mile protective buffer zones except for 2009-6. Status of the 2009 raptor activity has been evaluated. Nests within the ½ mile radius of the drill site are inactive in 2009.

PacifiCorp proposes to commence helicopter supported drilling operations on July 9, 2009. To reduce potential raptor impacts, PacifiCorp will comply to the following:

- all non-essential flights will be conducted at 1000 feet above ground level.
- Joes Valley staging area will be considered the primary site.
- Mill Fork staging area will be located along FDR #245 and will be considered the secondary site and will be used based on the 2009 raptor survey results.
- drill activity for holes located within the ½ mile buffer zone of active nests will be scheduled after July 15 or after the juvenile(s) have fledged. Prior to mobilization to holes within ½ buffer zone, Energy West will monitor nests activity and transmit the data within 24 hours of the survey to USFS (Tom Lloyd), USFWS (Diana Whittington) and DOGM (Jim Smith).

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In recent years the surface management agency (Forest Service) has expressed concern related to potential impacts to the Northern Goshawk (management indicator specie for the Manti -La Sal National Forest). As stated in the: State of Utah School and Institutional Trust Lands Administration (SITLA) Access Road on East Mountain Final Environmental Impact Statement prepared by the Forest Service (page 76), *Goshawk nest sites are usually located in dense, mature forests with relatively large trees, near water, and on benches of relatively little slope. On page 78 the Final Environmental Impact Statement states that, "In order to reduce potential direct impacts to the goshawk, known goshawk territories will be monitored prior to implementation of project activity. If a territory is active, no project related activity would occur within a 30-acre buffer around the active nest between March 1 and September 30. In addition, no construction, drilling activity or commercial traffic will be allowed within 0.5 mile of an active goshawk nest between March 1 and August 15, unless a Forest Service biologist determines that the activity would not likely lead to nest abandonment or reduce survival potential for fledglings.*

In past drilling activities associated with the Mill Fork lease, Forest Service biologists have identified two goshawk territories. Proposed drilling activities and associated flightlines for 2009 have been situated to eliminate potential impacts to the goshawk territories.

- 232. Road Construction and Use.** All roads or other transportation facilities used for coal exploration will comply with the applicable provisions of R645-301-358...R645-301-762.

PacifiCorp will use only existing roads for this project. No new roads will be constructed.

- 233. Topsoil Removal and Storage.** Topsoil will be separately removed, stored, and redistributed on areas disturbed by coal exploration activities as necessary to assure successful revegetation or as required by the Division.

The method of drilling used by PacifiCorp for these holes assures that topsoil is not disturbed except where small excavations are made necessary for leveling the rig and associated components. Brattice cloth ground cover is used under the rig to protect the topsoil and surface vegetation; therefore the topsoil is not disturbed.

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UTAH STATE COAL LEASE ML-48258**

- 234. Diversions of Overland Flows.** Diversions of overland flows and ephemeral, perennial, or intermittent streams will be made in accordance with R-645-301-742.3.

PacifiCorp will obtain the necessary permissions and water rights actions to take water for drilling from local drainages in the vicinity of the proposed drill holes. Water for the Crandall Canyon drill holes will be pumped/gravity fed directly from the un-named drainages located near the drill holes. No disturbance is made to the stream course.

The amount of water required for the project is estimated at 40,000 gallons per hole. Therefore, the maximum total quantity of water to be used is estimated at approximately 240,000 gallons (0.74 acre feet). A *Temporary Exchange Application* has been filed and approved by the State of Utah, Division of Water Rights prior to commencement of operations, and is included as an appendix to this Notice.

- 235. Minimizing Disturbance to Hydrologic Balance.** Coal exploration will be conducted in a manner which minimizes disturbance to the prevailing hydrologic balance in accordance with R645-301-356.300 and R645-301-763. The Division may specify additional measures which will be adopted by any person engaged in coal exploration.

During exploration, surface disturbance will consist only that which is necessary to level the rig and associated structures. No drill pad will be constructed, so there will be no additional runoff during precipitation events. No impoundments to contain runoff will be necessary. Overall impact on the hydrologic balance will be minimal, if any.

- 236. Acid- or Toxic Forming Materials.** Acid- or toxic-forming materials will be handled and disposed of in accordance with R645-301-731.110, 731.300, and 553.260.

Past drilling experience on East Mountain has shown that no acid- or toxic-materials have ever been produced, or are likely to be produced in future drilling. MSDS sheets for drill fluid concentrates to be used are attached to this application.

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240. Reclamation Standards.

241. Excavations. If excavations, artificially flat areas, or embankments are created during exploration, these areas will be returned to the approximate original contour promptly after such features are needed for coal exploration.

The only excavations that will be made will be small shovel cuts made for leveling the rig and associated equipment. These will be promptly filled in to original contour as soon as the drilling equipment is removed from each site.

242. Re-Vegetation. All areas disturbed by coal exploration activities will be revegetated in a manner that encourages prompt revegetation and recovery of a diverse, effective, and permanent vegetative cover. Revegetation will be accomplished in accordance with the following :

242.1 Re-Seeding. All areas disturbed by coal exploration activities will be seeded or planted to the same seasonal variety native to the areas disturbed. If the land use of the exploration area is intensive agriculture, planting of the crops normally grown will meet the requirements of R645-202-242.100.

All drilling areas will be promptly re-seeded upon completion of each hole, removal of equipment, and recontouring of the site, if necessary, with a seed mix approved by the surface management agency and the Division.

The following is the seed mix specified from previous years approved drilling permits, and will be used unless changes are indicated by the agencies.

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<u>Species</u>	<u>lbs/acre (PLS)</u>
Basic Mix	
Columbia needle grass - <i>Stipa columbiana</i>	4.5
Slender wheatgrass - <i>Elymus trachycaulus</i>	4.5
Sandbergs bluegrass - <i>Poa secunda</i>	0.75
Pacific aster - <i>Aster chilensis</i>	0.2
Supplement*	
Sulfur flower - <i>Eriogonun umbellatum</i>	2.0
Rocky Mountain penstemon - <i>Penstemon strictus</i>	0.75

* *Seed should be purchased in individual seed packets, not as mixture.*

The seed mixture will be hand broadcast and the area will be hand raked following seeding to cover the seed. Following seeding, any dead-fall that was removed from the drill site will be replaced.

242.2 Soil Surface Stability. The vegetative cover will be capable of stabilizing the soil surface from erosion.

Since the soil and vegetative cover will not be removed, and the vegetation will spring back up as soon as the drilling equipment is removed, this requirement will be met.

No crops are raised in the project area. Crop replacement will not be necessary.

243. Reclamation of Boreholes. Each exploration hole, borehole, well, or other exposed opening created during exploration will be reclaimed in accordance with R645-301-529, R645-301-551, R645-301-631, R645-301-738, and R645-301-765.

No mine openings or exploration openings will be created, therefore R645-301-529 and R645-301-551 do not apply in this case. None of these

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holes will be turned into water monitoring wells, due to the lack of measurable groundwater in the area and the remote locations of the holes. Therefore, R645-301-738 and R645-301-765 do not apply.

Groundwater is not anticipated to be encountered; therefore, the proposed holes will not be retained as water monitoring wells. However, if groundwater is present, it will be reported to the appropriate agencies (SITLA, USFS, DOGM) and a determination will be made regarding the transfer and possible modification of the drill hole to a monitoring well.

Upon completion of down-hole procedures, each drill hole will be completely sealed with cement and bentonite from the bottom of the hole to ground level. The cement slurry mixture used to plug and seal the hole will be mixed in compliance with standard cement mixing tables (e.g. Halliburton). Enough cement will be mixed and pumped into the hole to completely seal the coal horizon. The remainder of the hole will be filled with a bentonite slurry to within 5' of the surface and a cement surface plug will fill the top 5'. A brass monument marker will be placed in the top of the cement surface plug with the hole number and year. The Bureau of Land Management Price Field Office will be contacted prior to completion to verify the abandonment procedures. Any variance from this procedure will be approved in advance by SITLA and DOGM.

244. Removal of Equipment. All facilities and equipment will be promptly removed from the exploration area when they are no longer needed for exploration, except for those facilities and equipment that the Division determines may remain to:

244.1 Provide additional environmental data;

244.2 Reduce or control the on-site and off-site effects of the exploration activities;

244.3 Facilitate future coal mining and reclamation operations by the person conducting the exploration.

When each drill rig setup is no longer needed for the project, the complete assemblage of equipment will be removed immediately from the area to

**NOTICE OF INTENT TO CONDUCT
MINOR COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258**

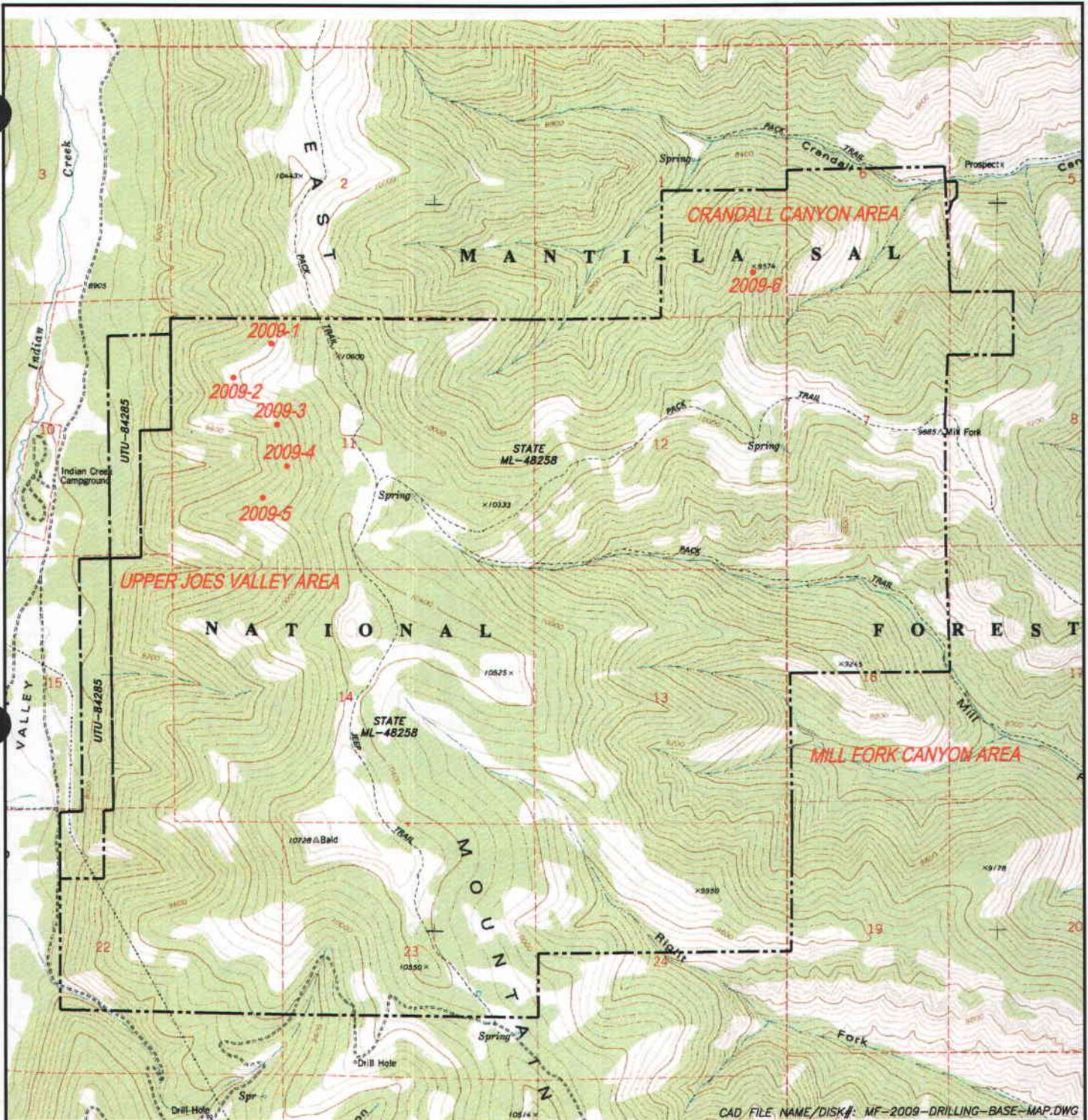
facilitate reclamation work and free this equipment for use elsewhere by the contractor.

PacifiCorp does not anticipate needing this equipment for any further use in the exploration area.

R645-203. Coal Exploration: Public Availability of Information.

R645-203-100. Public Records.

Except as provided in R645-203-200, all information submitted to the Division under R645-200 will be made available for public inspection and copying at the Division.



CAD FILE NAME/DISK#: MF-2009-DRILLING-BASE-MAP.DWG

2009-1 Proposed 2009 Drill Hole

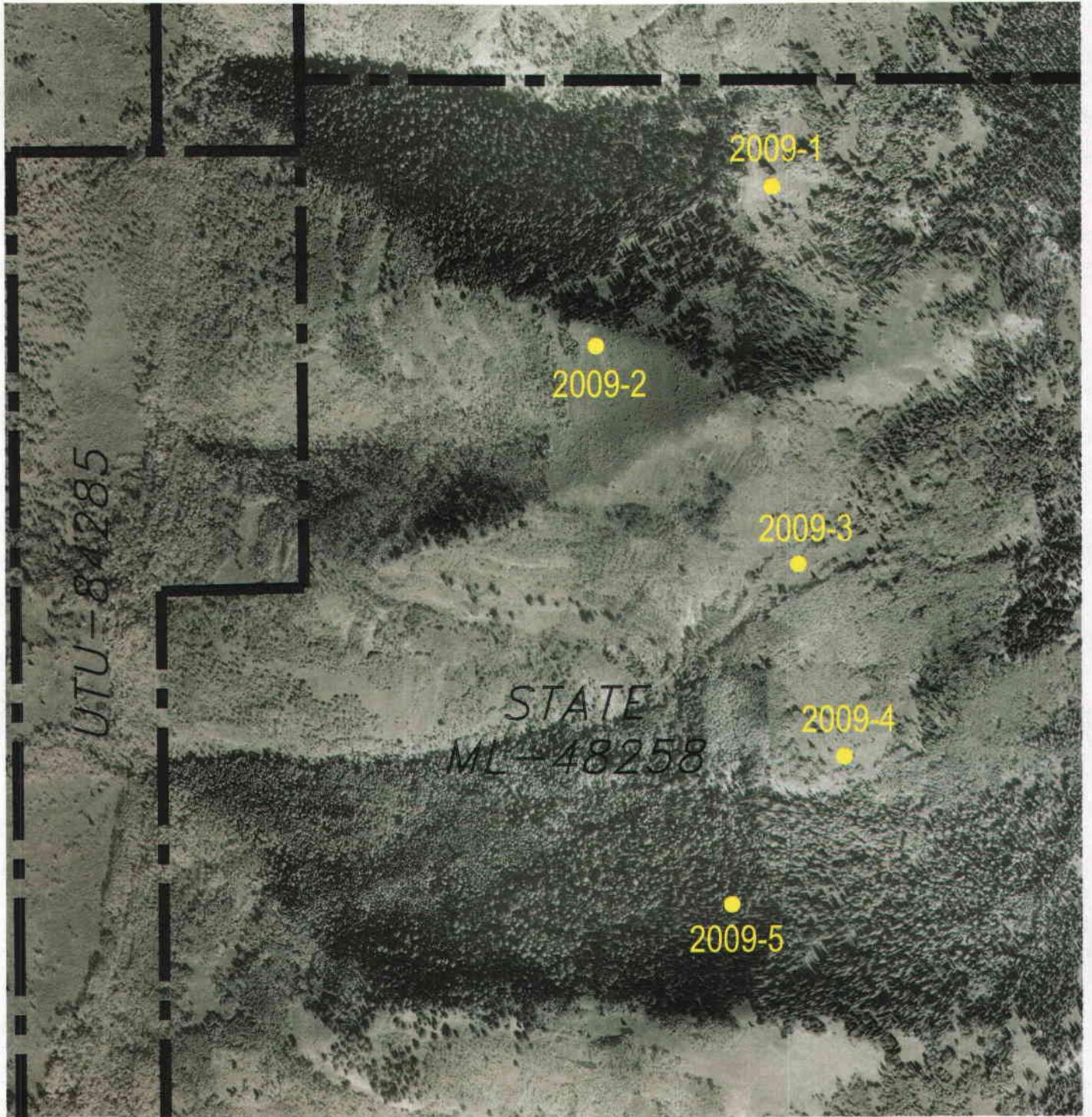


Modified from
Rilda Quadrangle
7.5 Minute Series

**ENERGY WEST
MINING COMPANY**
A SUBSIDIARY OF PACIFICORP

2009 COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258
GENERAL LOCATION MAP

DRAWN BY:	K. LARSEN	
SCALE:	1" = 3000'	DRAWING #:	
DATE:	NOVEMBER 13, 2008	SHEET 1 OF 1	REV. _____



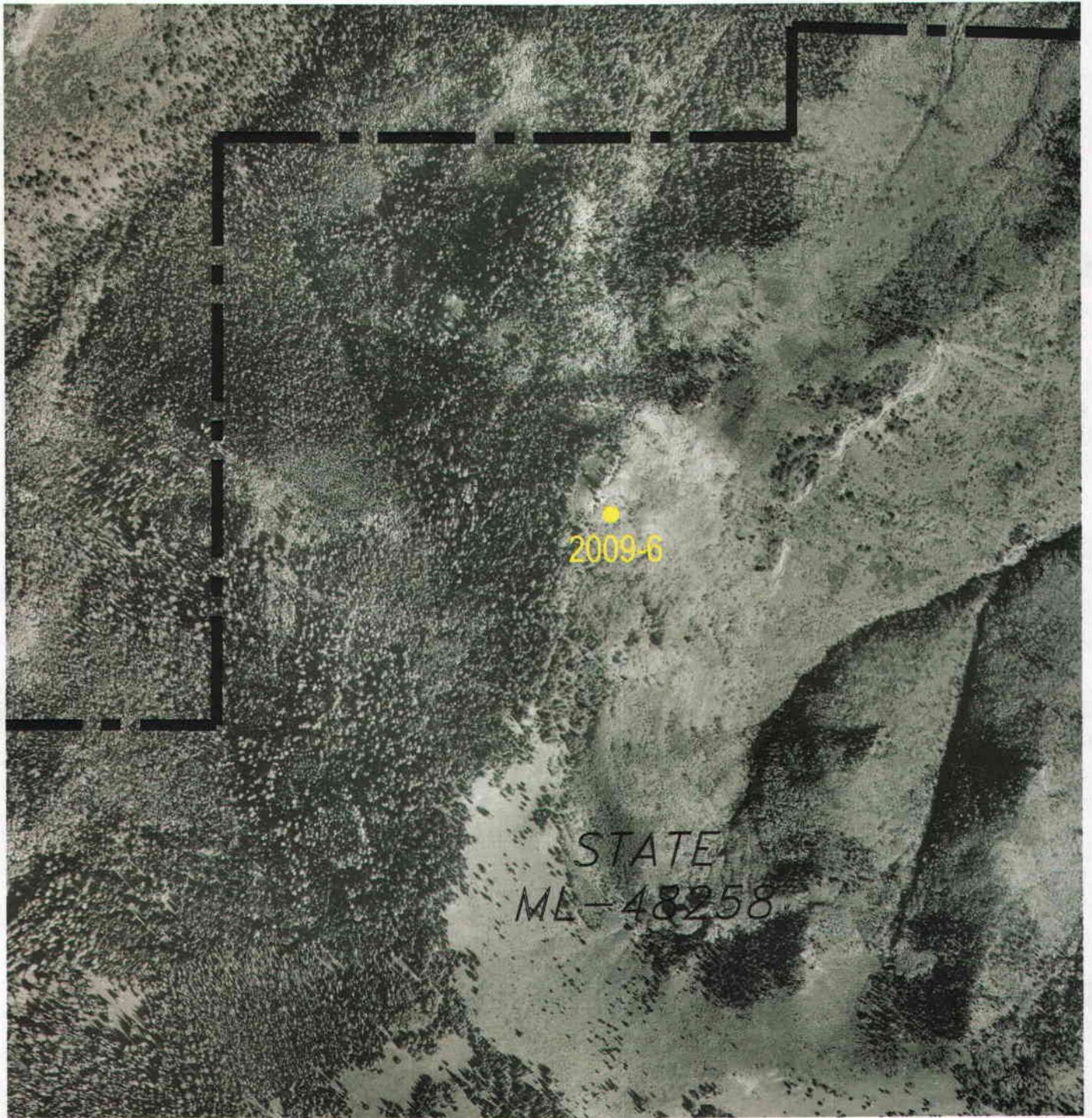
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**ENERGY WEST
MINING COMPANY**
A SUBSIDIARY OF PACIFICORP

2009 COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258
UPPER JOES VALLEY AERIAL PHOTO

DRAWN BY:	K. LARSEN	...	
SCALE:	1" = 1/8 MILE	DRAWING #:	
DATE:	NOVEMBER 13, 2008	SHEET 1 OF 1	REV. ____



CAD FILE NAME/DISK#: 2009 DRILLING BASE MAP.DWG



**ENERGY WEST
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A SUBSIDIARY OF PACIFICORP

*2009 COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258
CRANDALL CANYON AERIAL PHOTO*

DRAWN BY: *K. LARSEN*

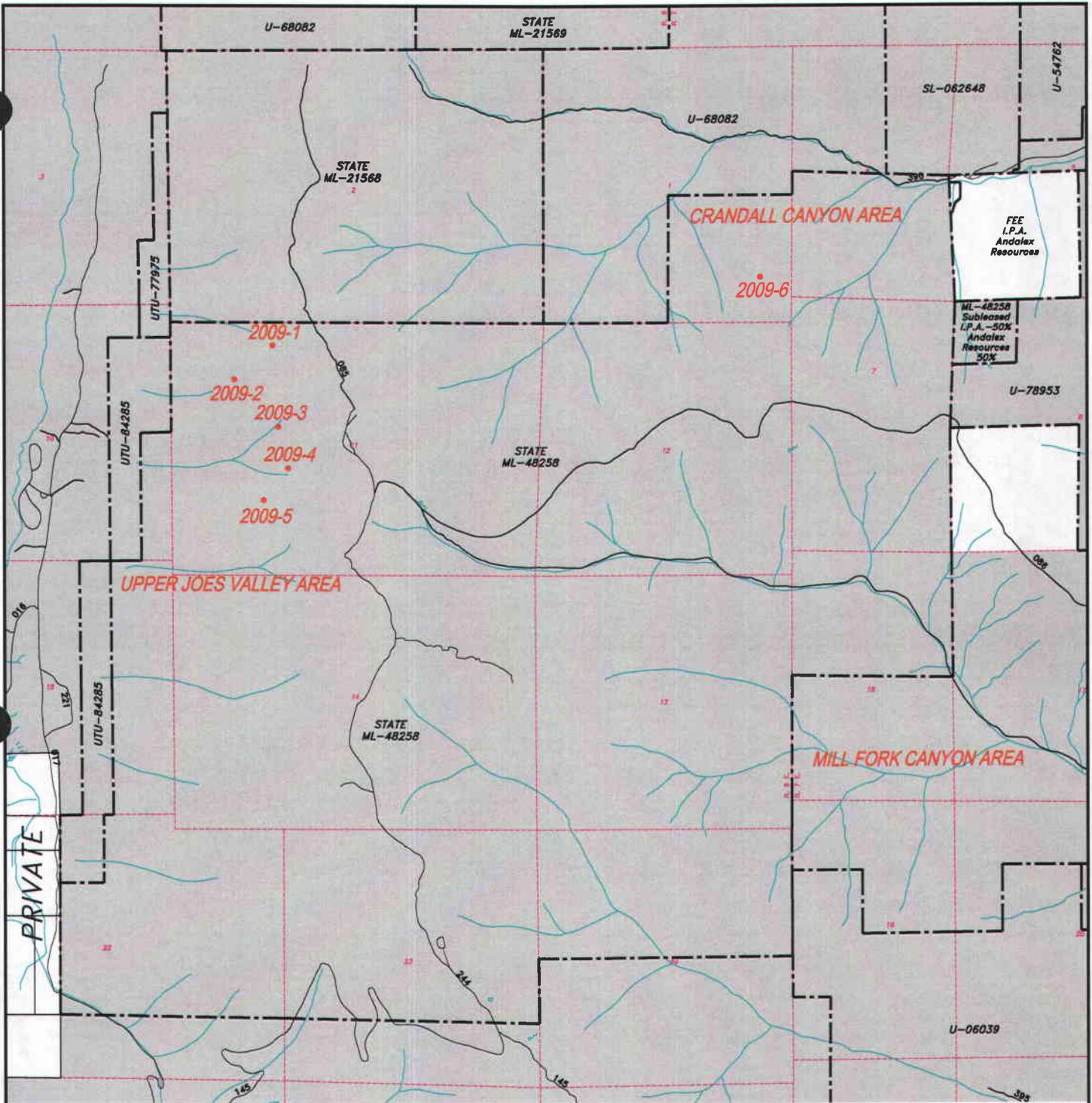
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DATE: *NOVEMBER 13, 2008*

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SHEET 1 OF 1

REV. _____



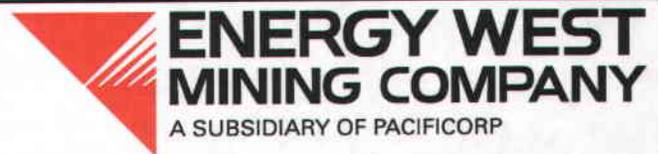
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2009-1 Proposed 2009 Drill Hole

U.S. NATIONAL FOREST

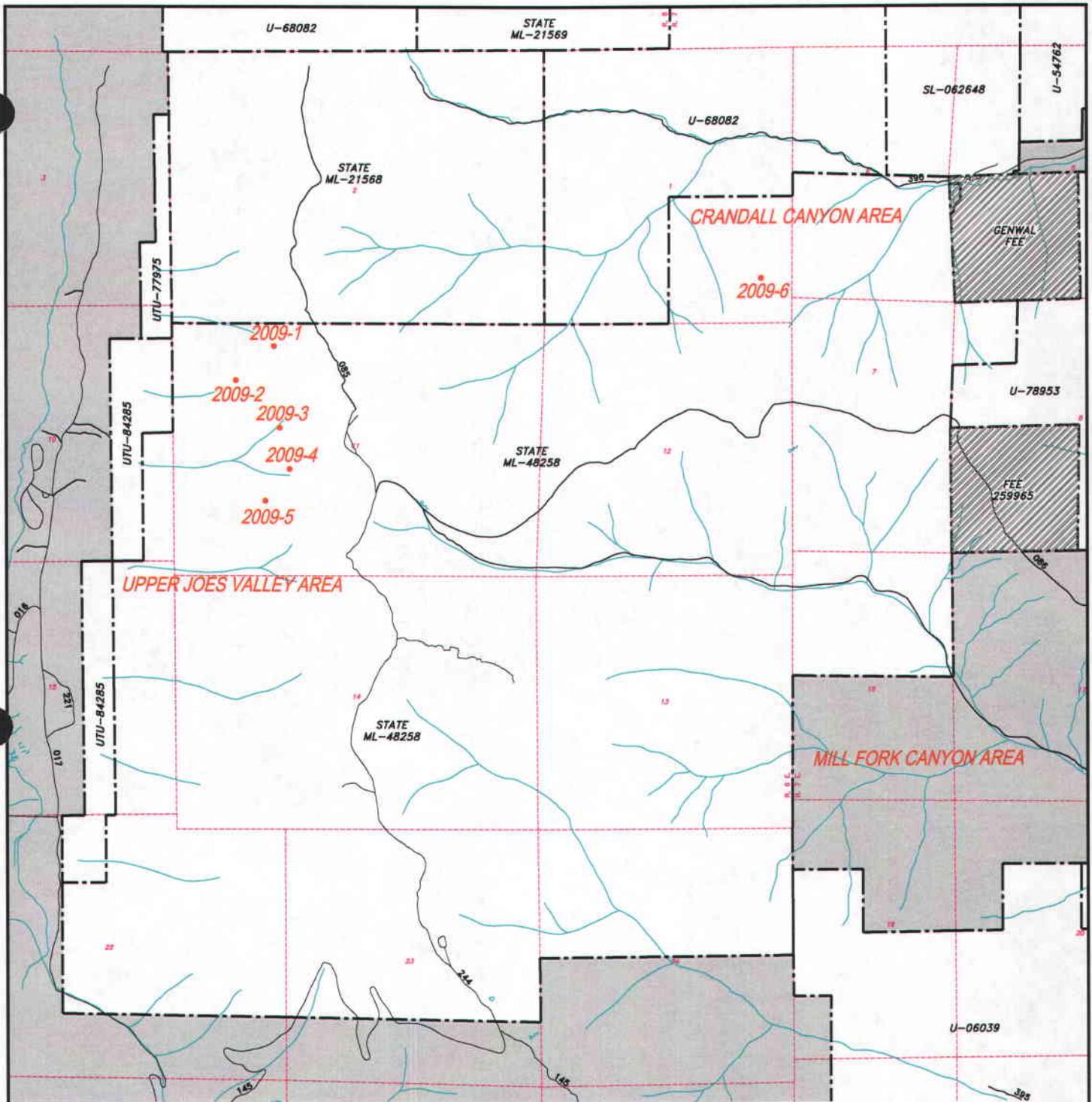


Modified from
Rilda Quadrangle
7.5 Minute Series



2009 COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258
SURFACE OWNERSHIP MAP

DRAWN BY:	K. LARSEN	DRAWING #:
SCALE:	1" = 3000'	SHEET	1 OF 1
DATE:	NOVEMBER 13, 2008	REV.	...



CAD FILE NAME/DISK#: MF-2009-DRILLING-BASE-MAP.DWG

2009-1 Proposed 2009 Drill Hole

UNLEASED FEDERAL COAL
 FEE COAL



Modified from
 Rilda Quadrangle
 7.5 Minute Series

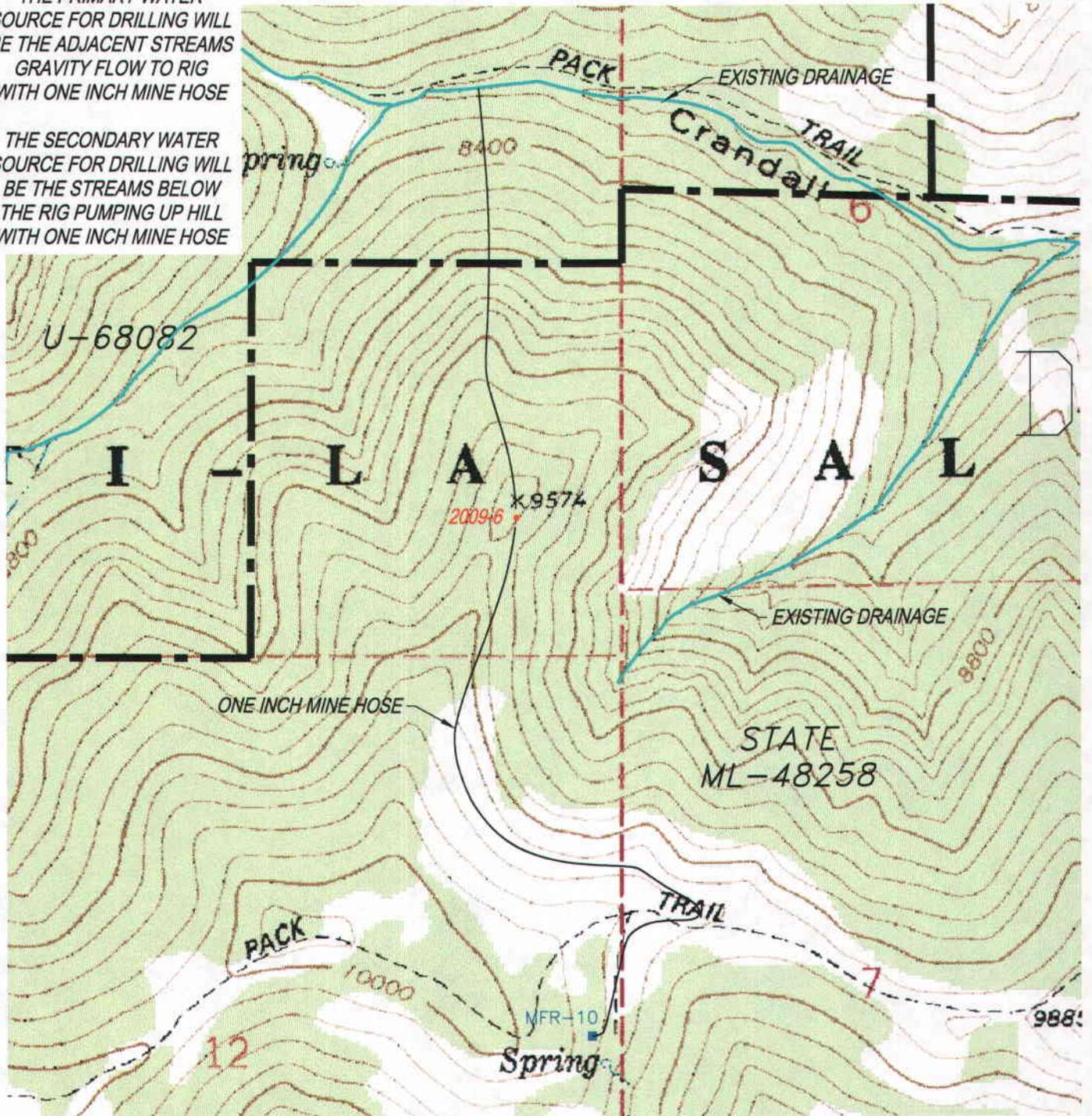
**ENERGY WEST
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2009 COAL EXPLORATION
 UTAH STATE COAL LEASE ML-48258
 COAL OWNERSHIP MAP

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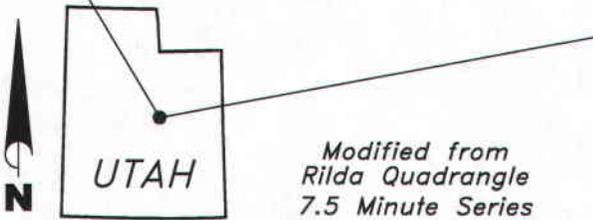
THE PRIMARY WATER SOURCE FOR DRILLING WILL BE THE ADJACENT STREAMS GRAVITY FLOW TO RIG WITH ONE INCH MINE HOSE

THE SECONDARY WATER SOURCE FOR DRILLING WILL BE THE STREAMS BELOW THE RIG PUMPING UP HILL WITH ONE INCH MINE HOSE



CAD FILE NAME/DISK#: MF-2009-DRILLING-BASE-MAP.DWG

2009-1 Proposed 2009 Drill Hole

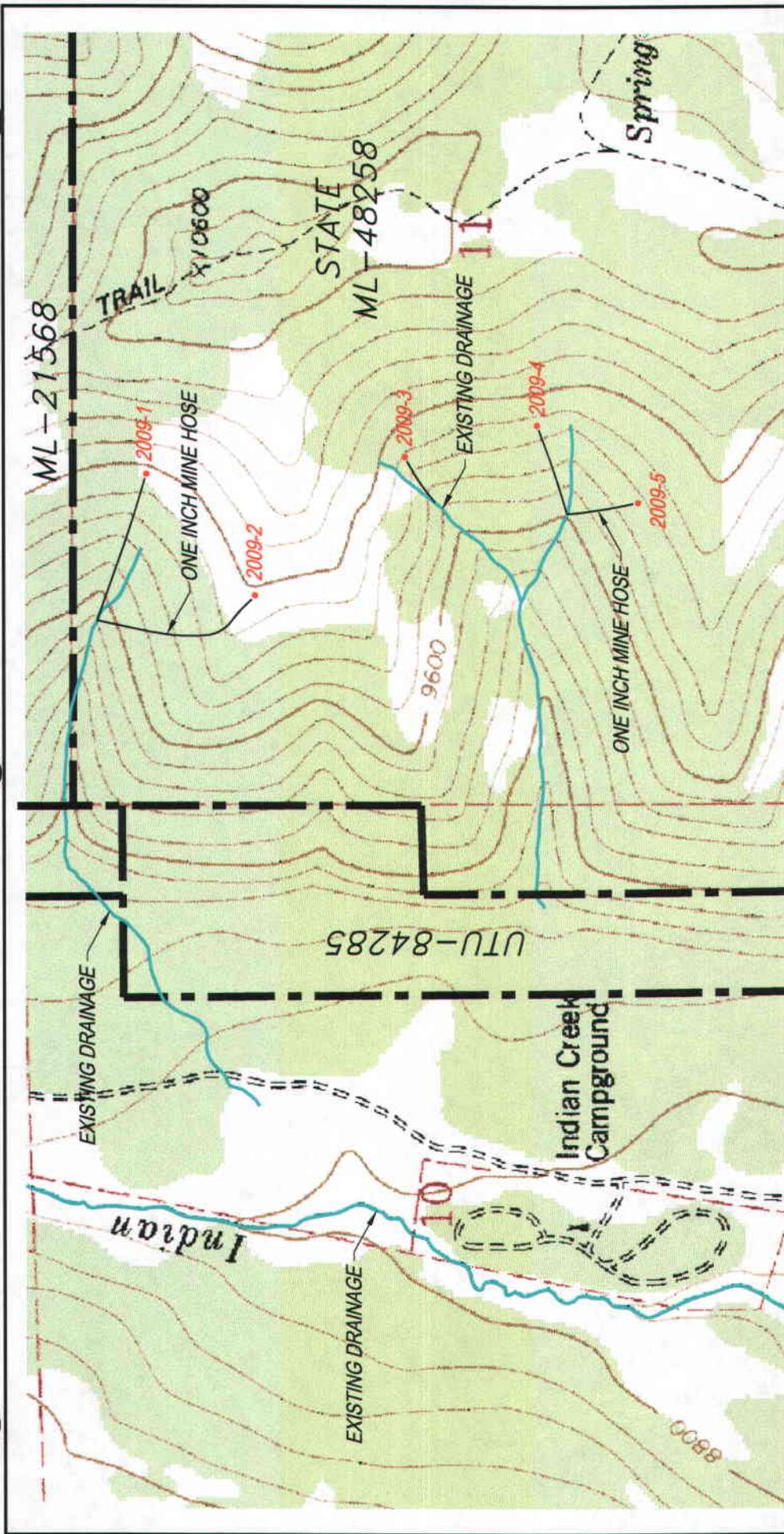


Modified from Rilda Quadrangle 7.5 Minute Series

ENERGY WEST MINING COMPANY
A SUBSIDIARY OF PACIFICORP

2009 COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258
WATERLINE & PUMP LOCATION MAP #1

DRAWN BY:	K. LARSEN	DRAWING #:
SCALE:	1" = 1000'	SHEET	1 OF 1
DATE:	NOVEMBER 14, 2008	REV.	...



CAD FILE NAME/DISK#: MF-2009-DRILLING-BASE-MAP.DWG

ENERGY WEST MINING COMPANY
A SUBSIDIARY OF PACIFICORP

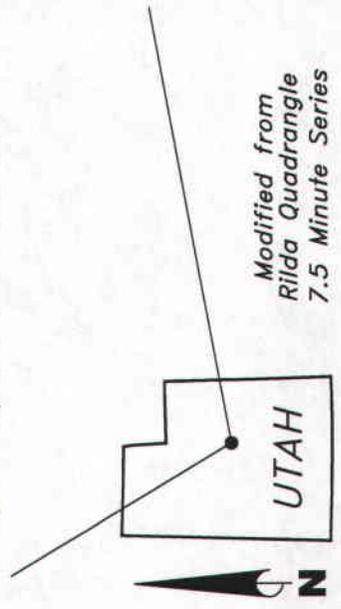
2009 COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258
WATERLINE & PUMP LOCATION MAP #2

DRAWN BY:	K. LARSEN
SCALE:	1" = 1000'
DATE:	NOVEMBER 14, 2008
DRAWING #:
SHEET	1
OF	1
REV.

THE PRIMARY WATER SOURCE FOR DRILLING WILL BE THE ADJACENT STREAMS GRAVITY FLOW TO RIG WITH ONE INCH MINE HOSE

THE SECONDARY WATER SOURCE FOR DRILLING WILL BE THE STREAMS BELOW THE RIG PUMPING UP HILL WITH ONE INCH MINE HOSE

2009-1 Proposed 2009 Drill Hole



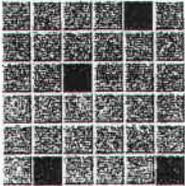
Modified from
Rilda Quadrangle
7.5 Minute Series

**NOTICE OF INTENT TO CONDUCT
MINOR COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258**

**APPENDIX 1
CONCURRENCE LETTER FROM SITLA**

June, 2009

PacifiCorp



State of Utah
School & Institutional
Trust Lands Administration

Jon M. Huntsman, Jr.
Governor

Kevin S. Carter
Director

675 East 500 South, Suite 500
Salt Lake City, UT 84102-2818
801-538-5100
801-355-0922 (Fax)
www.trustlands.com

December 23, 2008

Ken Fleck or Chick Semborski
Energy West Mining Company
15 North Main Street
P.O. Box 301
Huntington, UT 84528

RE: Proposed 2009 Coal Exploration
SITLA Coal Lease ML 48258

Gentlemen:

The Trust Lands Administration is in receipt of your Notice of Intention to Conduct Minor Coal Exploration upon Utah State Coal lease ML 48258, dated November 2008. I understand that you propose to drill and up to six small diameter exploration core holes upon lands described within the northern part of the leasehold to better define the nature and extent of the underground coal reserves.

State coal lease ML 48258 is in good standing with Energy West Mining Company as the designated operator of the leasehold. Your notification described above satisfies the need to notify the Trust Lands Administration and you may proceed with the operations upon first obtaining all necessary surface use permits required by the Manti-La Sal National Forest, as owner of the surface estate, and such Coal Exploration permit as may be required from the Utah Division of Oil, Gas & Mining in accordance with SMCRA and the Utah Coal Regulatory Program.

I note that you have a pending application with the Utah Division of Oil, Gas & Mining for a Coal exploration permit. Please contact Dale Harber at the Manti-La Sal National Forest, in Price, to initiate the necessary surface use permits. Also, please contact Sue Wiler in the BLM Price Field Office at least 48 hours in advance both of the commencement and the plugging of each of the drill Holes. Mrs. Wiler will be the field representative of the Trust Lands Administration in this matter, since the drilling will take place upon a Coal-exchange tract which will revert to federal ownership in the future.

Please note that Surety bond #103908996 with Travelers Casualty and Surety Company of America as Surety in the Principal sum of \$50,000.00 remains on file with the Trust Lands Administration to apply toward reclamation bonding for the proposed 2009 drilling campaign upon the lands within ML 48258.

Please contact me if you have any questions.

Sincerely,

John T. Blake
Trust Land Specialist

CC: James D. Smith (DOGM); Dale Harber (MLSNF); Sue Wiler (BLM)

**NOTICE OF INTENT TO CONDUCT
MINOR COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258**

**APPENDIX 2
CONCURRENCE FROM FOREST SERVICE
(PENDING)**

June, 2009

PacifiCorp

**NOTICE OF INTENT TO CONDUCT
MINOR COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258**

As of 6/12/09, processing of the Special Use Permit and approval letter by the Forest Service was complete, except for U.S. Fish and Wildlife consultation regarding Colorado River water depletion. Fish and Wildlife personnel indicate that completion of the consultation and approval is imminent. As soon as the Manti-LaSal National Forest receives the consultation approval letter, the Special Use Permit will be approved, and forwarded to the Division of Oil, Gas, and Mining, probably on June 22.

June, 2009

PacifiCorp

**NOTICE OF INTENT TO CONDUCT
MINOR COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258**

**APPENDIX 3
FOREST SERVICE ROAD USE PERMIT**

June, 2009

PacifiCorp

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

ROAD USE PERMIT
#0410-03-48
AUTHORITY:

Section 4 and Section 6 of the National Forest Roads and Trails Act
16 U.S.C. 535 and 537

Ken Fleck
Geology and Environmental Affairs Manager
435-687-4712

PacifiCorp
c/o Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528

(the holder), is hereby granted use of the following roads or road segments and related transportation facilities (hereinafter "roads") on the Ferron/Price District Ranger, Manti-LaSal National Forest, for commercial hauling, subject to the terms and conditions of this permit:

- NFSR # 50245 (Mill Fork Canyon) from intersection of State Hwy 31 at MP 0.0 to Trail # 391 trailhead, MP 2.1, a distance of approximately 2.1 miles,
- NFSR # 50248 (Crandall Canyon) from intersection of State Hwy 31 at MP 0.0, to Trail # 390 trailhead, MP 1.4, a distance of approximately 1.4 miles,
- NFSR # 50040 (Cottonwood Canyon) from the end of the county road (end of pavement), MP 3.1, to the intersection with NFSR # 50017 at MP 11.6 a distance of approximately 8.5 miles,
- NFSR # 50017 (Indian Creek) from intersection of NFSR # 50040 to MP 2.0 located in the northwest quarter of section 10, T. 16 S., R. 6 E., a distance of approximately 2.0 miles,

for the purpose of helicopter assisted coal exploration work on the Mill Fork Coal Tract within the National Forest.

Total permitted miles on National Forest System Roads: 14.0

Holder shall submit payment for deferred and recurring maintenance as prescribed below and shall perform recurring maintenance as prescribed below.

APPENDICES

- A – Annual Operating Plan
- B – Commensurate Share Calculation
- C – Maintenance Requirements

TERMS AND CONDITIONS

I. GENERAL TERMS

A. AUTHORITY. This permit is issued pursuant to the National Forest Roads and Trails Act, 16 U.S.C. 535 and 537, and 36 CFR Part 212, Subpart A, as amended, and is subject to their provisions.

B. RESPONSIBLE OFFICIAL. The responsible official is the Ferron/Price District Ranger, 115 West Canyon Road, P.O. Box 310, Ferron Utah, 84523, telephone no. 435-384-2372 or a subordinate officer with delegated authority.

C. **TERM.** This permit shall expire at midnight on October 1, 2012. Expiration of this permit shall not require notice, a decision document, or any environmental analysis or other documentation.

D. **RENEWAL.** This permit is not renewable. Prior to expiration of this permit, the holder may apply for a new permit that would renew the use authorized by this permit. Renewal of the use shall be at the sole discretion of the responsible official.

E. **AMENDMENT.** This permit may be amended in whole or in part by the Forest Service when, at the discretion of the responsible official, this action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable land management plan, or projects and activities implementing a land management plan pursuant to 36 CFR part 215.

F. **COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS.** In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements, including state traffic laws, that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

G. **NON-EXCLUSIVE USE.** The use authorized by this permit is not exclusive. The Forest Service reserves the right to use the roads authorized by this permit and to allow others to use them at any time. The holder shall use the roads authorized by this permit in a manner that will not unreasonably or unnecessarily interfere with their use by others, including the Forest Service. Except for any restrictions that the holder and the Forest Service agree are necessary to protect public safety and road investments, the roads authorized by this permit shall remain open to the public for all lawful purposes.

H. **ASSIGNABILITY.** This permit is not assignable or transferable.

II. **OPERATIONS**

A. **ANNUAL OPERATING PLAN.** The holder shall prepare and annually revise by May 1 an operating plan. The annual operating plan shall be prepared in consultation with the responsible official or the responsible official's designated representative and shall cover all operations authorized by this permit. At a minimum, the annual operating plan shall specify the date the use authorized by this permit will commence, the duration and extent of the use, the products that will be hauled, a traffic control plan per clause II.D, the names of the holder's employees, contractors, and subcontractors who will use the roads authorized by this permit on behalf of the holder, and any other information regarding the authorized use deemed necessary by the responsible official. The annual operating plan shall be submitted by the holder and approved by the responsible official or the responsible official's designated representative prior to commencement of commercial hauling under this permit and shall be attached to this permit as Appendix A. If there is any material change in the information contained in the annual operating plan, the holder shall notify the responsible official promptly in writing of the change.

B. **HOLDER'S REPRESENTATIVE.** The holder shall designate a representative for purposes of administration of this permit and shall notify the responsible official in writing who the holder's representative will be.

C. **USE RECORDS.** Annually, during periods the holder is conducting commercial hauling on the roads covered by this permit, the holder shall provide scale or other records acceptable to the responsible official that document the quantity hauled, calculated in the unit of measure (e.g., thousands of board feet, tons, cubic yards, or vehicle units) used to determine payments in lieu of performance under clause III.D or the holder's investment share under section V.

D. **PUBLIC SAFETY.** When the holder is engaged in commercial hauling adjacent to or on National Forest System roads or National Forest System trails open to public travel, the holder shall provide users with adequate warning of hazardous conditions associated with the holder's operations. A traffic control plan for each commercial hauling project shall be approved by the responsible official in writing before commercial hauling commences. Warning devices shall be appropriate for current conditions and shall be covered or removed when not needed. Flags and other warning devices shall comply with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) and any specifications attached to this permit.

E. TRAFFIC RULES AND USE RESTRICTIONS

1. The holder and its agents, employees, and contractors shall comply with all traffic rules and use restrictions imposed by the Forest Service, including:
 - a. Road closures or use restrictions prompted by weather conditions, a fire hazard, or road construction or maintenance.
 - b. Traffic rules for safe and effective use of roads.
 - c. Regulation of the number of vehicles using a road to prevent traffic congestion.
2. Unless specified in this permit or approved in writing by the responsible official, use of motor vehicles by the holder or its agents, employees, or contractors must be in accordance with the applicable motor vehicle use map (36 CFR 261.13).
3. Temporary traffic control signs, flagging, and warning devices for road construction, operation, or maintenance conducted under this permit shall comply with Part 6 of the MUTCD.
4. The holder shall not conduct loading operations on permitted roads without advance notification and written approval of the responsible official.
5. The holder shall not operate vehicles or equipment with cleats or other tracks that will injure the road surface.
6. Heavy equipment shall not be moved on Forest System Roads on the following days:

4th of July Weekend, 24th of July Weekend, Labor Day Weekend, Columbus Day Weekend, opening weekends of general deer and elk hunts; "Weekend" includes Friday. If the holiday is on Tuesday, weekend restriction extends to include Monday and Tuesday. If the holiday is on Thursday the holiday weekend restriction extends to include Thursday and Friday. If the holiday is on Wednesday, the weekend hauling restriction extends through Wednesday, including the preceding Monday and Tuesday.

If a water truck is required during these periods, it must be preceded by a pilot vehicle when hauling water on the permitted roads.

7. Permitted use is restricted to normal dry season July 1 to October 1. If permitted use is necessary beyond October 1, use shall be restricted to the road surface being in a dry or frozen condition. Graveling segments of the road surface may be required subject to permittee's use during specific road surface conditions.
8. All vehicles and materials shall be washed free of noxious weed and/or noxious weed seed before accessing permitted roads. Material and substance used in, or transported on permitted roads shall be certified weed free.

F. REQUIREMENT TO CARRY A COPY OF THE PERMIT. Drivers of all vehicles operating under this permit shall have a copy of the first sheet of this permit in their vehicle. The copy will be presented, on request, to any Forest Service officer.

G. LOAD MARKING. Unless otherwise approved in writing by the responsible official, when hauling wood products under authority of this permit, a 6" minimum size red letter "P" shall be painted on three or more ends of logs visible from the front and on three or more ends of logs visible from the back of the load.

III. PERFORMANCE AND COST RECOVERY

A. RECONSTRUCTION REQUIRED TO ACCOMMODATE USE. The holder shall perform any road reconstruction required to accommodate the holder's use under this permit, or deposit funds sufficient to cover the cost of the reconstruction, before the holder's use commences.

B. COMMENSURATE SHARE

1. The holder shall perform maintenance, or deposit funds sufficient to cover the cost of maintenance, commensurate with the holder's use of the roads authorized by this permit (the holder's commensurate share), measured, e.g., in thousand board feet, cubic yards, or vehicle units. The holder shall be entirely responsible for maintenance that is necessitated by the holder's use, i.e., maintenance which would not be necessary if the holder's use did not occur. The holder shall be proportionately responsible with other users of the roads authorized by this permit for maintenance not necessitated by traffic, i.e., maintenance that is necessary due to natural causes such as rain, wind, rock fall, and growth of brush. Maintenance that could be required or for which payment could be required by this clause includes, at a minimum, work addressed in section IV of this permit.

2. The initial calculation of the holder's commensurate share, including the maintenance made necessary by the authorized use and the cost of the maintenance, is shown in Appendix B. The annual value of the holder's commensurate share for the use authorized by this permit is \$370 for deferred maintenance (surface replacement) and \$554 for recurring maintenance, provided that the rate shall be revised upward or downward on the anniversary date of this permit, based on estimated costs and anticipated use of the roads authorized under this permit. If the value of the holder's commensurate share exceeds the cost of maintenance that is performed on the roads authorized by this permit, the difference between the value of the holder's commensurate share and the cost of the maintenance performed shall be deposited in cash, as provided in clause III.D.

C. PERFORMANCE BOND FOR ROAD MAINTENANCE. As a further guarantee of the holder's commensurate share obligation, the responsible official may require the holder to furnish a surety bond or other security.

1. As a further guarantee of compliance with the holder's commensurate share obligation, the holder shall deliver and maintain a surety bond or other acceptable security, such as cash deposited and maintained in a federal depository or negotiable securities of the United States, in the amount of \$76,400. The responsible official may periodically evaluate the adequacy of the bond or other security and increase or decrease the amount as appropriate. If the bond or other security becomes unsatisfactory to the responsible official, the holder shall within 30 days of demand furnish a new bond or other security issued by a surety that is solvent and satisfactory to the responsible official. If the holder fails to meet any of the requirements secured under this clause, money deposited pursuant to this clause shall be retained by the United States to the extent necessary to satisfy the obligations secured under this clause, without prejudice to any other rights and remedies of the United States.

2. The bond shall be released or other security returned 30 days after (a) the responsible official certifies that the obligations covered by the bond or other security are met and (b) the holder establishes to the satisfaction of the responsible official that all claims for labor and material for the secured obligations have been paid or released.

D. PAYMENT IN LIEU OF PERFORMANCE. An initial payment in lieu of performance of recurring and deferred maintenance in the amount of \$924 shall be made before use commences under this permit. Thereafter, payments in lieu of performance shall be made annually in the amount of [to be re-assessed] calculated using the rate of payment for the holder's commensurate share in clause III.B. Payments shall be based on monthly use records submitted per clause II.C. Payments shall be sent to USDA Forest Service, P.O. Box 894183, Los Angeles, CA 90189-4183. In lieu of an advance payment, the holder may deliver and maintain a surety bond or other acceptable security, such as cash deposited and maintained in a federal depository or negotiable securities of the United States, in the amount of \$924. If the holder fails to meet the payment obligation secured under this clause, money deposited pursuant to this clause shall be retained by the United States to the extent necessary to satisfy the obligation, without prejudice to any other rights and remedies of the United States. The surety bond shall be released or other security returned 30 days after the responsible official certifies that the obligation covered by the bond or other security is met.

IV. REQUIREMENTS FOR CONDUCTING MAINTENANCE

A. **IN GENERAL.** When maintenance is performed, it shall be conducted in accordance with the following requirements and the requirements in Appendix C:

1. The holder shall perform maintenance on the roads authorized by this permit that is necessary to protect and repair the roadbed, road surface, and associated transportation facilities.
2. The holder shall resurface the roads authorized by this permit to the extent loss of surfacing is caused by the use authorized by this permit.
3. If other commercial haulers are operating on the roads authorized by this permit, the holder and those commercial haulers shall enter into an agreement for performance of maintenance on these roads. If conflicts arise regarding responsibility for the maintenance, commercial hauling on these roads shall cease until the conflicts are resolved.

B. SNOW REMOVAL. Snow removal shall be conducted in a manner that protects roads, ensures safe and efficient transportation of materials, and prevents erosion damage to roads, streams, and adjacent lands.

Snow removal must be authorized by the responsible official prior to implementation.

The holder shall:

1. Remove snow from the entire width of the road surface, including turnouts and ditch lines. Through-cuts will be allowed only after snow depths exceed the height of the cab or across flat ground. Disposal shall always be to the outside or downhill side of the road.
2. Remove snow slides, earth slides, fallen timber, and boulders that obstruct the road surface.
3. Remove snow, ice, and debris from ditches and culverts so that the drainage system will function efficiently at all times.
4. Deposit all debris, except snow and ice, removed from the road surface and ditches at locations approved by the responsible official and away from stream channels.
5. Leave at least 4 inches of snow to protect the road.
6. Restore any damage resulting from snow removal in a timely manner.
7. Ensure that snow plowing is conducted in accordance with the traffic control plan required under clause II.D.

The holder shall not:

8. Undercut constructed slopes or remove gravel or other surfacing material from the road surface.
9. Leave snow berms on the road surface. Berms on the shoulder of the road shall be removed or drainage holes shall be opened and maintained. Drainage holes shall be spaced as necessary to obtain satisfactory surface drainage without discharge on erodible fills.
Outlets - Outlets for surface runoff shall be placed in all snow through-cuts at points where water can flow off the road surface at the following intervals:

Road grades of 8% or less - 500 feet center to center minimum
Road grades greater than 8% - 300 feet center to center minimum

10. Use equipment with cleats or other tracks to plow snow without prior written approval of the responsible official.
11. Equipment - The equipment should be in sound operating condition, be equipped with angle blade or adequate grousers or traction tires, and be operated by a fully qualified operator.
12. Sanding of hazardous areas shall be with sand. Coal dust, chemicals, or salt are not to be used.

13. Cattleguards - Crawler tractors will not be operated across cattleguards.
14. Culvert Cleaning - Culvert heads and outlets shall be cleaned of snow-pack by hand.
15. Tree Damage - Snow should not be pushed, blown, or stacked on trees along the roadside. Care will be taken to avoid scarring trees with equipment.
16. The road may be used while a snow floor remains intact or under frozen conditions. All travel must cease when temperatures allow the road to thaw and rutting of the road surface is occurring. This closure will be in effect until the surface dries or refreezes.
17. Inspections: Intermittent inspections may be made during snow removal operations. Final inspection will be made to check for full compliance and damages.

V. RIGHTS AND LIABILITIES

A. LEGAL EFFECT OF THE PERMIT. This permit, which is revocable and terminable, is a federal license. This permit does not constitute a contract or lease for purposes of the Contract Disputes Act, 41 U.S.C. 601. This permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

B. VALID OUTSTANDING RIGHTS. This permit is subject to all valid outstanding rights.

C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS. The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.

D. RISK OF LOSS. The holder assumes all risk of loss associated with use of the roads authorized by this permit, including but not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and acts of God.

E. DAMAGE TO UNITED STATES PROPERTY. The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States. Damage includes but is not limited to fire suppression costs, damage to government improvements covered by this permit, and all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. For purposes of this clause, "hazardous material" shall mean any hazardous substance, pollutant, contaminant, hazardous waste, oil, and/or petroleum product, as those terms are defined under any federal, state, or local law or regulation.

1. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, while conducting commercial hauling under this permit. If the environment or any government property covered by this permit becomes damaged during the holder's use under this permit, the holder shall immediately repair the damage or replace the damaged items to the satisfaction of the responsible official and at no expense to the United States.
2. The holder shall be liable for all injury, loss, or damage, including fire suppression, or other costs in connection with rehabilitation or restoration of natural resources associated with the use authorized by this permit. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other costs. Such costs may be deducted from a performance bond required under clause III.C.
3. The holder shall be liable for damage caused by use of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees to all roads and trails of the United States to the same extent as provided under clause V.E.1.

F. HEALTH, SAFETY, AND ENVIRONMENTAL PROTECTION. The holder shall promptly abate as completely as possible and in compliance with all applicable laws and regulations any activity or condition arising out of or relating to use of the roads authorized by this permit that causes or threatens to cause a hazard to public health or the safety of the holder's employees or agents or harm to the environment (including areas of vegetation or timber, fish or other wildlife populations, their habitats, or any other natural resources). The holder shall immediately notify the responsible official of all traffic accidents and any other serious accidents that occur in connection with the authorized use. The responsibility to protect the health and safety of all persons affected by use of the roads authorized by this permit is solely that of the holder. The Forest Service has no duty under the terms of this permit to inspect the roads authorized by this permit or authorized activities of the holder for hazardous conditions or compliance with health and safety standards.

G. COMPLIANCE WITH ENVIRONMENTAL LAWS. The holder shall in connection with use of the roads authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 *et seq.*, the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 *et seq.*, the Oil Pollution Act, as amended, 33 U.S.C. 2701 *et seq.*, the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9601 *et seq.*, the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 *et seq.*, the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 *et seq.*, and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f *et seq.*

H. INDEMNIFICATION OF THE UNITED STATES. The holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder or the holder's employees, contractors, or subcontractors in connection with use of the roads authorized by this permit. This indemnification provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assigns, agents, employees, or contractors in connection with use of the roads authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable, and including but not limited to those environmental laws listed in clause V.G. of this permit; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous substance, pollutant, contaminant, oil in any form, or petroleum product into the environment. The responsible official may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification.

I. INSURANCE

1. The holder or the holder's employees, contractors, or subcontractors shall have in force automobile insurance covering losses associated with the use authorized by this permit in at least the amount of \$100,000 for injury or death to one person, \$300,000 for injury or death to two or more persons, and \$50,000 for property damage. Minimum amounts of coverage and other insurance requirements are subject to change at the sole discretion of the responsible official on the anniversary date of this permit.

2. Any insurance policies obtained by the holder pursuant to this clause shall name the United States as an additional insured, and the additional insured provision shall provide for insurance coverage for the United States as required under clause V.I. The policies also shall specify that the insurance company shall give 30 days prior written notice to the responsible official of cancellation of or any modification to the policies.

3. The holder shall furnish proof of insurance, such as a certificate of insurance, to the responsible official prior to issuance of this permit and each year thereafter that this permit is in effect. The Forest Service reserves the right to review and approve the insurance policy prior to issuance. The holder shall send an authenticated copy of any insurance policy obtained pursuant to clause V.I. to the responsible official immediately upon issuance of the policy. The certificate of insurance, the authenticated copy of the insurance policy, and written notice of cancellation or modification of insurance should be sent to Ferron/Price Ranger District, 599 West Price River Drive, Price Utah, 84501, Attn: Elaine Alexander, telephone (435)-636-3567.

VI. REVOCATION, SUSPENSION, AND TERMINATION

A. REVOCATION AND SUSPENSION. The responsible official may revoke or suspend this permit in whole or in part for:

- 1. Noncompliance with federal, state, or local law.
- 2. Noncompliance with the terms of this permit.
- 3. Abandonment or other failure of the holder to exercise the privileges granted.

Prior to revocation or suspension, other than immediate suspension under clause VI.B, the responsible official shall give the holder written notice of the grounds for revocation or suspension and a reasonable time, typically not to exceed 90 days, to cure any noncompliance. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

B. IMMEDIATE SUSPENSION. The responsible official may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision shall be in writing.

C. TERMINATION. This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the responsible official, such as expiration of the permit by its terms on a specified date or with the consent of the holder. Termination of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

VII. MISCELLANEOUS PROVISIONS

A. MEMBERS OF CONGRESS. No member of or delegate to Congress or Resident Commissioner shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.

B. CURRENT ADDRESSES. The holder and the responsible official shall keep each other informed of current mailing addresses, including those necessary for payment of the holder's commensurate or investment share.

C. SUPERIOR CLAUSES. If there is a conflict between any of the preceding printed clauses and any of the following clauses, the preceding printed clauses shall control.

THIS PERMIT IS ACCEPTED SUBJECT TO ALL ITS TERMS AND CONDITIONS.

BEFORE ANY PERMIT IS ISSUED TO AN ENTITY, DOCUMENTATION MUST BE PROVIDED TO THE RESPONSIBLE OFFICIAL OF THE AUTHORITY OF THE SIGNATORY FOR THE ENTITY TO BIND IT TO THE TERMS AND CONDITIONS OF THE PERMIT.

ACCEPTED:

HOLDER NAME, PRECEDED BY NAME AND TITLE OF PERSON SIGNING ON BEHALF OF HOLDER, IF HOLDER IS AN ENTITY	SIGNATURE	DATE
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APPROVED:

NAME AND TITLE OF RESPONSIBLE OFFICIAL	SIGNATURE	DATE
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According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0016. The time required to complete this information collection is estimated to average [fill in burden hour estimate] hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a discrimination complaint write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (800) 975-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

APPENDIX A – YEARLY OPERATION PLAN
2009 Exploration Drilling Program

Road Use Permit Application – Manti – LaSal National Forest

Energy West Mining Company
P.O. Box 310
Huntington, Utah 84528

Responsible Official:
Ken Fleck
Geology and Environmental Affairs Manager
435-687-4712

Contractor Companies:

Lancaster Drilling Company
Ron Lancaster
21338 H Road
Delta, CO 81416
970-874-6849

Skydance Helicopters, Inc.
Jeff Cane
101 Wass Way
Minden, NV 89423
775-782-4047

2009 Exploration Drilling Program Introduction:

The purpose of this Road Use Permit Application is to allow Energy West Mining Company to operate sufficient mobile transport equipment including pickup trucks with trailers and a dump truck to support a helicopter-assisted drilling program in Mill Fork and Crandall Canyons in the spring and summer of 2009. The Manti-LaSal National Forest already has a copy of the drill plan application (Notice of Intention to Conduct Minor Coal Exploration). A Special Use Permit has been applied for for 2009.

Drilling equipment will be brought in on trailers to a staging area in Joes Valley and Mill Fork Canyons to be lifted to the remote off-road drill sites above Joes Valley and Crandall Canyons. Once the initial mobilization of drill equipment up to the drill sites is completed, crew transport to and from the staging area once per day will be the only road activity until the program is completed, an estimated 30 days. At the completion of the project, the drills and support equipment will be dis-assembled and transported by helicopter back down to the staging area to be loaded on trailers to be transported off Forest lands.

The main staging area for this drilling project is located about 2 miles up the Mill Fork road at the old turnoff to the Beaver Creek #4 mine loadout. There is sufficient room at this site for equipment loading not to interfere with traffic. Mill Fork is a dead-end road; very little traffic has been observed through this area in past years drilling programs. The Mill Fork road is a former coal haul road that is graveled and will not rut when wet. During drilling operations, large yellow warning signs indicating helicopter drilling

operations will be posted several hundred feet on both sides of the staging area. A secondary staging area will be in Joes Valley, in the NE¼ of Section 15, T16S, R6E, along Forest Road #017.

The other road segments in this application, the Cottonwood Canyon, Indian Canyon, and Crandall Canyon roads, are alternate access routes to staging areas that might be needed in emergency circumstances or if the Mill Fork staging area cannot be used for some reason, including weather or helicopter operation factors.

Operation Plan:

Start-Up Date: (Tentative) June 1

FDR 245	Mill Fork Canyon Road	2 Miles
FDR 248	Crandall Canyon Road	1.5 Miles
FDR 040	Cottonwood Creek Road	8 Miles
FDR 017	Indian Creek Road	2 Miles

Plan is to use the Mill Fork Canyon road FDR 245 for initial access and mobilization of drilling equipment. The other roads designated are for secondary or contingency landing and staging areas.

Estimated Project Duration – 30 days

Day 1 – Mobilize Rig #1 - Stage from old mine loadout turnaround (staging area or LZ) on FDR 245

2 Pickup trucks with trailers (Drilling Contractor)	1 trip each
1 Dump truck	1 trip
1 Pickup truck with trailer (Helicopter Contractor)	1 trip
2 Pickup trucks (Energy West, Contractors)	2 trips each

Day 2 – Mobilize Rig #2 - Stage from old mine loadout turnaround on FDR 245

2 Pickup trucks with trailers (Drilling Contractor)	1 trip each
1 Dump truck	1 trip
1 Pickup truck with trailer (Helicopter Contractor)	1 trip
2 Pickup trucks (Energy West, Contractors)	2 trips each

Day 3 – Transport water hose from old mine loadout turnaround on FDR 245

1 Pickup truck with trailer (Drilling Contractor)	1 trip
1 Dump truck	1 trip
1 Pickup truck with trailer (Helicopter Contractor)	1 trip

2 Pickup trucks (Energy West, Contractors) 2 trips each

Day 4 – 27 – Use staging area for crew transport:

1 Pickup truck (Drilling Contractor) 1 trip
1 Pickup truck (Helicopter Contractor) 1 trip
1 Pickup truck (Energy West) 1 trip

Day 28 –De-Mobilize Rig #1 - Stage from old mine loadout turnaround (staging area or LZ) on FDR 245

2 Pickup trucks with trailers (Drilling Contractor) 2 trips each
1 Dump truck 1 trip
1 Pickup truck with trailer (Helicopter Contractor) 1 trip
2 Pickup trucks (Energy West, Contractors) 2 trips each

Day 29 –De-Mobilize Rig #2 - Stage from old mine loadout turnaround (staging area or LZ) on FDR 245

2 Pickup trucks with trailers (Drilling Contractor) 2 trips each
1 Dump truck 1 trip
1 Pickup truck with trailer (Helicopter Contractor) 1 trip
2 Pickup trucks (Energy West, Contractors) 2 trips each

Day 30 – Transport water hose from old mine loadout turnaround on FDR 245

1 Pickup truck with trailer (Drilling Contractor) 2 trips
1 Dump truck 1 trip
1 Pickup truck with trailer (Helicopter Contractor) 1 trip
2 Pickup trucks (Energy West, Contractors) 2 trips each

Total # of trips (2-mile round trip on FDR 245):

Pickup with trailer (Drilling Contractor) 15 trips
Dump truck 6 trips
Pickup with trailer (Helicopter Contractor) 6 trips
Pickup for crew transport (Drilling Contractor) 36 trips
Pickup for helicopter crew transport (Helicopter) 24 trips
Pickup for Energy West crew transport 36 trips

Total Estimated Number of Trips 123

**APPENDIX B
Commensurate Share Calculation**

Recurring Maintenance:

Holder shall perform recurring maintenance on permitted road # 50245 as described in appendix C – attached.

Estimated cost of one maintenance cycle of permitted road # 50245:

RECURRING MAINTENANCE GRAVEL ROAD W CULVERTS Davis Bacon Wage Rates (155 horsepower grader) 2007 cost guide		<u>Gravel w/ Ditch</u> cost/mile
Energy West for 50245		
Scarification	Grader & Operator @ 4 hours/mile, typically use 1.3hr/mile $1.3 \times (63.91 + 40.90 + 20.42 + 21.10) =$	190
Blade	Grader, Operator, Laborer and Truck @ 4 hours/mile $4 \times (63.91 + 40.90 + 20.42 + 21.10) =$	585
Pull Ditches	Grader, Operator, Laborer and Truck @ 2 hours/mile $3 \times (63.91 + 40.90 + 20.42 + 21.10) =$	439
Clean Culverts	laborer @ 3hrs/mile $3 \times (20.42) =$	61
\$ Cost per Mile	GRAVEL ROAD W CULVERTS	\$1,276
Agg w/ ditch	miles on permit # 50245	2.0 \$2,552
	Mobilization	\$255
	Total	\$2,807

Cost basis is Forest Service 2007 Cost Guide for contracted equipment & labor rates applied to the time per maintenance cycle for the project roads. Does not include costs for work described in APPENDIX C, Recurring Maintenance – items A, D, E, F and G.

APPENDIX B (continued)

Holder shall deposit funds sufficient to cover the cost of deferred maintenance and recurring maintenance on permitted roads #50040, #50017 according to the following cost valuation.

Road ID	Deferred Surface replacement for permitted use	Unit Costs	\$/CY	\$ Process	Unit \$/CY	CY/ESAL-Mi	ESALS	Miles	\$/CY	Cost
50040, 50245, 50017	Aggregate w/o MgCl		23.89	1.13	25.02	0.0150	50.30	12.10	9.13	\$228
50017	Native w/o MgCl		2.00	4.80	6.80	0.1500	50.30	0.40	3.02	\$21
	*ESAL factor				0.08					
	Mobilization cost		1310.00		100.77					\$101
	Admin (20%)		262.00		20.15					\$20
	sub-total				120.92					

Total Assessed Deferred Maintenance \$ **\$370**

Road ID	Recurring Maintenance for permitted use	Maintenance Cycle	ESALS	Miles	\$/MC-Mi	Sub Total \$	Permittee to provide recurring maintenance
50245	MC ESAL: Aggregate w/o/MgCl	2603.40	50.30	2.00	\$1,129	\$1,129	\$185
50040		2603.40	50.30	8.50	\$1,129	\$42	\$98
50017		2603.40	50.30	1.60	\$1,354	\$31	
	Maintenance Cycle	3	Cattleguard mtnce		\$425		
	Sub Total \$						
50017	MC ESAL: Native w/o MgCl	867.00	50.30	0.40	\$1,354	\$92	\$33
	MgCl Application					\$0	\$72
	Mobilization	1200				\$92	\$33
	OH: (15%)	1	Cattleguard mtnce		425.20	\$72	\$554
	Sub Total \$						
	Total Assessed Recurring Maintenance \$						

* Estimated permittee usage vs other use

(END APPENDIX B)

APPENDIX C Maintenance Requirements

Provide maintenance as appropriate to ensure safe travel and ensure all culverts have a minimum cover depth of 12-inches. Process the fill material over culverts to provide smooth transition along existing road profile.

Recurring Maintenance:

Work in lieu of payment for recurring maintenance shall be performed as outlined below.

Road maintenance is defined as the performance of work on the entire road facility commensurate with permittee's use. This work consists of restoration and preservation of surface, shoulders, roadsides, structures, drainage, sight distance, and such traffic control devices as are necessary for prevention of excessive erosion damage to the facility and adjacent lands.

I. Description. Maintenance work to be done currently during the periods of use by the permittee shall include:

- A. Removal of slides and boulders, which obstruct safe sight distance.
- B. Adequate blading and shaping of roadway surfaces, ditches, and grade dips to maintain the original cross-sections.
- C. Removal of earth and debris from ditches and culverts so that the drainage systems will function efficiently at all times.
- D. Prevention of excessive dusting of road surface materials.
- E. Repair of damages to fences, cattleguards, culverts, and other roadway structures including traffic regulatory and directional signs.
- F. Restoration of eroded fills and repair and protection of shoulder berms, berm outlets, stabilized waterways, vegetated slopes, and other erosion control features.
- G. Replacement of roadway and/or surfacing material worn out and lost through use of the roadway.

II. Performance. All items of maintenance work shall be done currently as necessary to insure safe, efficient transportation and to protect roads, streams, and adjacent lands from excessive damage. Work shall be done in accordance with the following minimum standards of performance.

- A. Removal of Material. Earth, rocks, trees, brush, and debris removed from roadways and ditches shall not be deposited in stream channels or upon slope stabilization and erosion control features.
- B. During roadway blading and shaping operations, banks shall not be undercut nor shall gravel or other selected surfacing material be bladed off the roadway surface. The original crown or slope of the road shall be preserved. Mud, debris, and oversize material shall be deposited outside the roadway by hand or by careful blading, and these materials shall not be mixed with the road surfacing material.
- C. Ditches, culverts, drop inlets, trash racks, downspouts, and splatter structures shall be kept clear of earth, slash, and other debris to that drainage systems will function efficiently during, and immediately following, periods of road use by permittee. This includes correcting and eliminating causes of erosion or plugging of the structure, and actual repair of the structure and riprap if damaged.
- D. Fugitive dust shall be controlled to prevent hazardous driving conditions or loss of road surface or binder material.
- E. Permittee shall promptly repair all damages, caused by the permittee's operations, to the road surface or to any structures in or adjacent to the roadways. To transport any overweight loads (those that exceed HS-20

loading) will require five (5) days notice prior to transporting on Forest Roads. An inspection of drainage and other structures (bridges, etc.) will be made to determine if the structure can safely accommodate the load.

F. Any washing or settling of roadway fills shall be corrected promptly to prevent additional soil erosion or roadway damage. Shoulder berms, berm outlets, and stabilized waterways shall be protected during road maintenance operations and, if damaged, such structures shall be promptly restored to their original condition, including repair and reseeding of vegetation established to control slope erosion. No earth, rocks, or other debris shall be deposited upon any roadside slope stabilization structure or feature.

(END APPENDIX C)

Enclosed is information on performance bonds.

As per RUP Section III. **PERFORMANCE AND COST RECOVERY, D. PERFORMANCE BOND FOR ROAD MAINTENANCE**, a performance bond is required for securing performance and fulfillment of your obligations under this road use permit. The performance bond must be accepted prior to the issuance of this permit. Performance bonds may be in any one of the following forms:

1. Corporate Surety Bond. A corporate surety is a business entity, licensed under various insurance laws, which has legal power under its charter to act for others. The surety must appear on Treasury Circular 570 for it to be an acceptable Forest Service bond.
2. Cash. Certified, official or cashier's check, bank draft, U.S. Postal Service money order, or currency.
3. Irrevocable Letter of Credit. An irrevocable authorization, issued by a financial institution on behalf of the principal, which allows the Forest Service to withdraw funds of a stated amount, within a specified time, in accordance with the terms stated within it.
4. Assignment/Savings Account or Certificate of Deposit. An irrevocable agreement between a special-use authorization holder and the Forest Service, which assigns the Forest Service, all rights, title, and interest in the principal's savings account or certificate of deposit with a financial institution.

Each form of bond has unique requirements for processing and collection. Once you decide upon the type of performance bond you will be securing, please contact Elaine Alexander at (435)636-3567. The applicable information for your type of bond will be provided to you upon request.

**NOTICE OF INTENT TO CONDUCT
MINOR COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258**

**APPENDIX 4
WATER RIGHTS APPROVAL**

June, 2009

PacifiCorp



JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER KENT L. JONES
Executive Director *State Engineer/Division Director*

ORDER OF THE STATE ENGINEER
For Temporary Change Application Number 93-243 (t35356)

Temporary Change Application Number 93-243 (t35356) in the names of Huntington Cleveland Irrigation Company and Energy West Mining Company was filed on March 11, 2009, to change the point of diversion, place of use, the nature of use and storage of 0.74 acre-feet (af) of water as evidenced by Water Right Number 93-243. Heretofore, the water has been diverted from a surface source located North 1740 feet and East 160 feet from the S $\frac{1}{4}$ Corner of Section 9, T17S, R8E, SLB&M. The water has been used for the irrigation of 20,506.96 acres (sole supply of 9,000.00 acres) from April 1 to November 1, and the stockwatering requirements of one head of livestock (in cattle or horses or equivalent species) from January 1 to December 31. The water was used in all or portion(s) of Sections 32, 33 & 34, T15S, R10E, SLB&M; Sections 13, 24, 25 & 36, T16S, R9E, SLB&M; Sections 3, 4, 5, 7, 8, 9, 10, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 & 36, T16S, R10E, SLB&M; Sections 20, 21, 28, 29, 31 & 32 T16S, R11E, SLB&M; Sections 9, 10, 11, 12, 13, 14, 15, 25 & 26 T17S, R8E, SLB&M; Sections 1, 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25 & 26, T17S, R9E, SLB&M; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 28 & 29, T17S, R10E, SLB&M; Sections 5, 6 & 7, T17S, R11E, SLB&M.

Hereafter, it is proposed to divert 0.74 acre-foot of water from surface source located North 50 feet and East 100 feet from the SW Corner of Section 12, T16S, R6E, SLB&M. The water is to be used for coal exploration drilling. The place of use of the water is being changed to all or portion(s) of Sections 1 & 11, T16S, R6E, SLB&M.

Notice of this temporary change application was not published in a newspaper. It is the opinion of the State Engineer that it meets the criteria of Section 73-3-3 of the Utah Code for the approval of temporary change applications.

It is the opinion of the State Engineer that this change application can be approved without adversely affecting existing rights. The applicants are put on notice that diligence must be shown in pursuing the development of this application which can be demonstrated by the completion of the project as proposed in the change application.

It is, therefore, **ORDERED** and Temporary Change Application Number 93-243 (t35356) is hereby **APPROVED** subject to prior rights.

This temporary change application shall expire one year from the date hereof.

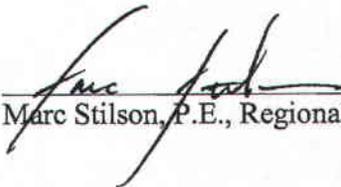
It is the applicants' responsibility to maintain a current address with this office and to update ownership of their water right. Please notify this office immediately of any change of address or for assistance in updating ownership.

ORDER OF THE STATE ENGINEER
Temporary Change Application Number
93-243 (t35356)
Page 2

Your contact with this office, should you need it, is with the Southeastern Regional Office. The telephone number is 435-613-3750.

This Order is subject to the provisions of Administrative Rule R655-6-17 of the Division of Water Rights and to Sections 63G-4-302, 63G-4-402, and 73-3-14 of the Utah Code which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Order. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Order, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 17 day of March, 2009.



Marc Stilson, P.E., Regional Engineer

Mailed a copy of the foregoing Order this 17 day of March, 2009 to:

Huntington Cleveland Irrigation Company
PO Box 327
Huntington UT 84528

PacifiCorp-Energy West Mining Co
PO Box 310
Huntington, UT 84528

**NOTICE OF INTENT TO CONDUCT
MINOR COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258**

**APPENDIX 5
MSDS SHEETS FOR PLATINUM PAC AND POLY
PLUS**

June, 2009

PacifiCorp

MATERIAL SAFETY DATA SHEET

MSDS NO. 12391

Trade Name: PLATINUM PAC*

Revision Date: 11/30/2004

1. CHEMICAL PRODUCT AND COMPANY IDENTIFICATION

Trade Name: PLATINUM PAC*
Chemical Family: Polysaccharide
Product Use: Oil well drilling fluid additive.
Emergency Telephone (24 hr.): 281-561-1600

JOHN M.HOWA & SONS, INC.
651 N.CARBONVILLE ROAD
PRICE, UTAH 84501
(435) 637-2012

Supplied by: M-I HDD MINING & WATERWELL
A Business Unit of M-I L.L.C.
P.O. Box 42842
Houston, TX 77242
www.drilling-fluids.com

Telephone Number: 281-561-1512
Contact Person: Joanne Galvan, Product Safety Specialist

Revision Number: 0

HMIS Rating

Health: 1 Flammability: 1 Physical Hazard: 0 PPE: E

HMIS Key: 4=Severe, 3=Serious, 2=Moderate, 1=Slight, 0=Minimal Hazard. *Chronic effects - See Section 11. See Section 8 for Personal Protective Equipment recommendations.

2. HAZARDS IDENTIFICATION

Emergency Overview: Caution! May cause mechanical irritation of eyes, skin and respiratory tract. Long term inhalation of particulates may cause lung damage.

Canadian Classification:

UN PIN No: Not regulated

WHMIS Class: Not a controlled product.

Physical State: Powder, dust. Odor: Odorless Color: White to Light Yellow

Potential Health Effects:

Acute Effects

Eye Contact: May cause mechanical irritation
Skin Contact: May cause mechanical irritation.
Inhalation: May cause mechanical irritation.
Ingestion: May cause gastric distress, nausea and vomiting if ingested.

Carcinogenicity & Chronic Effects:

See Section 11 - Toxicological Information.

Routes of Exposure:

Eyes. Dermal (skin) contact. Inhalation.

JOHN M.HOWA & SONS, INC.
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PRICE, UTAH 84501
(435) 637-2012

MATERIAL SAFETY DATA SHEET

Trade Name: PLATINUM PAC*

Revision Date: 1 1/30/2004

Page 2/5

MSDS NO. 12391

Target Organs/Medical
Conditions Aggravated by
Overexposure:

Eyes. Skin. Respiratory System.

3. COMPOSITION/INFORMATION ON INGREDIENTS

Ingredient	CAS No.	Wt. %	Comments:
Carboxymethylcellulose sodium salt	9004-32-4	100	No comments.

4. FIRST AID MEASURES

Eye Contact: Promptly wash eyes with lots of water while lifting eye lids. Continue to rinse for at least 15 minutes. Get medical attention if any discomfort continues.

Skin Contact: Wash skin thoroughly with soap and water. Remove contaminated clothing and launder before reuse. Get medical attention if any discomfort continues.

Inhalation: Move person to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention.

Ingestion: Dilute with 2 - 3 glasses of water or milk, if conscious. Never give anything by mouth to an unconscious person. If signs of irritation or toxicity occur seek medical attention.

General Notes: Persons seeking medical attention should carry a copy of this MSDS with them.

5. FIRE FIGHTING MEASURES

Flammable Properties

Flash Point: F (C): NA

Flammable Limits in Air - Lower (%): ND

Flammable Limits in Air - Upper (%): ND

Autoignition Temperature: F (C): ND

Flammability Class: NA

Other Flammable Properties: Particulate may accumulate static electricity. Dusts at sufficient concentrations can form explosive mixtures with air.

Extinguishing Media: Use extinguishing media appropriate for surrounding fire.

Protection Of Fire-Fighters:

Special Fire-Fighting Procedures: Do not enter fire area without proper personal protective equipment, including NIOSH/MSHA approved self-contained breathing apparatus. Evacuate area and fight fire from a safe distance. Water spray may be used to keep fire-exposed containers cool. Keep water run off out of sewers and waterways.

Hazardous Combustion Products: Oxides of: Carbon.

6. ACCIDENTAL RELEASE MEASURES

Personal Precautions: Use personal protective equipment identified in Section 8.

Spill Procedures: Evacuate surrounding area, if necessary. Wet product may create a slipping hazard. Contain spilled material. Avoid the generation of dust. Sweep, vacuum, or shovel and place into closable container for disposal.

Environmental Precautions: Do not allow to enter sewer or surface and subsurface waters. Waste must be disposed of in accordance with federal, state and local laws.

MATERIAL SAFETY DATA SHEET

Trade Name: PLATINUM PAC*

MSDS NO. 12391

Revision Date: 11/30/2004

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7. HANDLING AND STORAGE

- Handling:** Put on appropriate personal protective equipment. Avoid contact with skin and eyes. Avoid generating or breathing dust. Product is slippery if wet. Use only with adequate ventilation. Wash thoroughly after handling.
- Storage:** Store in dry, well-ventilated area. Keep container closed. Store away from incompatibles. Follow safe warehousing practices regarding palletizing, banding, shrink-wrapping and/or stacking.

8. EXPOSURE CONTROLS/PERSONAL PROTECTION

Exposure Limits (TLV & PEL - 8H TWA):

Ingredient	CAS No.	Wt. %	ACGIH TLV	OSHA PEL	Other	Notes
Carboxymethylcellulose sodium salt	9004-32-4	100	NA	NA	NA	(1)

Notes

(1) Control as an ACGIH particulate not otherwise specified (PNOS): 10 mg/m³ (Inhalable); 3 mg/m³ (Respirable) and an OSHA particulate not otherwise regulated (PNOR): 15 mg/m³ (Total); 5 mg/m³ (Respirable).

Engineering Controls: Use appropriate engineering controls such as, exhaust ventilation and process enclosure, to ensure air contamination and keep workers exposure below the applicable limits.

Personal Protection Equipment

- Eye/Face Protection:** Dust resistant safety goggles.
- Skin Protection:** Not normally necessary. If needed to minimize irritation: Wear appropriate clothing to prevent repeated or prolonged skin contact. Wear chemical resistant gloves such as: Nitrile. Neoprene.
- Respiratory Protection:** If exposed to particulates/aerosols:
Use at least a NIOSH-approved N95 half-mask disposable particulate respirator. In work environments containing oil mist/aerosol use at least a NIOSH-approved P95 half-mask disposable or reusable particulate respirator.
If exposed to organic vapors:
Use a NIOSH/MSHA-approved organic vapor respirator. CCROV: CCR with organic vapor cartridge.
A NIOSH/MSHA approved respirator with ammonia/methylamine cartridges should be used to protect against ammonia or amine inhalation exposure.
- Refer to Exposure Limits table (Section 8) for component specific respiratory protection recommendations.

General Hygiene Considerations: Work clothes should be washed separately at the end of each work day. Disposable clothing should be discarded, if contaminated with product.

9. PHYSICAL AND CHEMICAL PROPERTIES

- Color:** White to Light Yellow
- Odor:** Odorless
- Physical State:** Powder, dust.
- pH:** 6.0 - 8.5 (1% solution)
- Specific Gravity (H₂O = 1):** 0.3 - 0.5
- Solubility (Water):** Soluble.
- Flash Point: F (C):** NA
- Melting/Freezing Point:** ND
- Boiling Point:** ND

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MATERIAL SAFETY DATA SHEET

Trade Name: PLATINUM PAC*

Revision Date: 11/30/2004

MSDS NO. 12391

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Vapor Pressure: NA
Vapor Density (Air=1): NA
Evaporation Rate: NA
Odor Threshold(s): ND

10. STABILITY AND REACTIVITY

Chemical Stability: Stable
Conditions to Avoid: Keep away from heat, sparks and flame.
Materials to Avoid: Oxidizers.
Hazardous Decomposition Products: For thermal decomposition products, see Section 5.
Hazardous Polymerization: Will not occur

11. TOXICOLOGICAL INFORMATION

Component Toxicological Data: Any adverse component toxicological effects are listed below. If no effects are listed, no such data were found.

Ingredient	CAS No.	Acute Data
Carboxymethylcellulose sodium salt	9004-32-4	Oral LD50: 27000 mg/kg (rat); Dermal LD50: >2000 mg/kg (rabbit); LC50: >5800 mg/m ³ /4H (rat)

Ingredient	Component Toxicological Summary
Carboxymethylcellulose sodium salt	Rats fed diets containing 2.5, 5 and 10% of this component for 3 months demonstrated some kidney effects. Effects were believed to be related to high sodium content of diet. (Food Chem. Toxicol.)

Product Toxicological Information:

Long term inhalation of particulate can cause irritation, inflammation and/or permanent injury to the lungs. Illnesses such as pneumoconiosis ("dusty lung"), pulmonary fibrosis, chronic bronchitis, emphysema and bronchial asthma may develop.

12. ECOLOGICAL INFORMATION

Product Ecotoxicity Data: Contact M-I Environmental Affairs Department for available product ecotoxicity data.

Biodegradation: ND
Bioaccumulation: ND
Octanol/Water Partition Coefficient: ND

13. DISPOSAL CONSIDERATIONS

Waste Classification: This product does not meet the criteria of a hazardous waste if discarded in its purchased form.

Waste Management: Under U.S. Environmental Protection Agency (EPA) Resource Conservation and Recovery Act (RCRA), it is the responsibility of the user to determine at the time of disposal, whether the product meets RCRA criteria for the hazardous waste. This is because product uses, transformations, mixtures, processes, etc., may render the resulting materials hazardous. Empty containers retain residues. All labeled precautions must be observed.

Disposal Method: Recover and reclaim or recycle, if practical. Should this product become a waste, dispose of in a permitted industrial landfill. Ensure that the containers are empty by the RCRA criteria prior to disposal in a permitted industrial landfill.

MATERIAL SAFETY DATA SHEET

Trade Name: PLATINUM PAC*

Revision Date: 11/30/2004

MSDS NO. 12391

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14. TRANSPORT INFORMATION

U.S. DOT Shipping Description:	Not regulated for transportation by DOT, TDG, IMDG, ICAO/IATA.
Canada TDG Shipping Description:	Not regulated.
UN PIN No:	Not regulated
IMDG Shipping Description:	Not regulated.
ICAO/IATA Shipping Description:	Not regulated.

15. REGULATORY INFORMATION

U.S. Federal and State Regulations

SARA 311/312 Hazard Categories: Not a SARA 311/312 hazard.

SARA 302/304, 313; CERCLA RQ, Note: If no components are listed below, this product is not subject to the referenced California Proposition 65: SARA and CERCLA regulations and is not known to contain a Proposition 65 listed chemical at a level that is expected to pose a significant risk under anticipated use conditions.

International Chemical Inventories

Australia AICS - Components are listed or exempt from listing.
Canada DSL - Components are listed or exempt from listing.
China Inventory - Components are listed or exempt from listing.
European Union EINECS - Components are listed or exempt from listing.
Japan METI ENCS - Components are listed or exempt from listing.
Korea TCCL ECL - Components are listed or exempt from listing.
Philippine PICCS - Components are listed or exempt from listing.
U.S. TSCA - Components are listed or exempt from listing.
U.S. TSCA - No components are subject to TSCA 12(b) export notification requirements.

Canadian Classification:

Controlled Products Regulations Statement: This product has been classified in accordance with the hazard criteria of the CPR and the MSDS contains all the information required by the CPR.

WHMIS Class: Not a controlled product.

16. OTHER INFORMATION

The following sections have been revised: New issue

NA - Not Applicable, ND - Not Determined.

*A mark of M-I L.L.C.

Disclaimer:

MSDS furnished independent of product sale. While every effort has been made to accurately describe this product, some of the data are obtained from sources beyond our direct supervision. We can not make any assertions as to its reliability or completeness; therefore, user may rely on it only at user's risk. We have made no effort to censor or conceal deleterious aspects of this product. Since we cannot anticipate or control the conditions under which this information and product may be used, we make no guarantee that the precautions we have suggested will be adequate for all individuals and/or situations. It is the obligation of each user of this product to comply with the requirements of all applicable laws regarding use and disposal of this product. Additional information will be furnished upon request to assist the user; however, no warranty, either expressed or implied, nor liability of any nature with respect to this product or to the data herein is made or incurred hereunder.

JOHN M. HOWA & SONS, INC.
651 N. CARBONVILLE ROAD
PRICE, UTAH 84501
(435) 637-2012



SAFETY DATA SHEET

POLY-PLUS (LIQUID)

1. IDENTIFICATION OF THE SUBSTANCE/PREPARATION AND COMPANY/UNDERTAKING

PRODUCT NAME: POLY-PLUS (LIQUID)

APPLICATIONS: Flocculant

SUPPLIER: M-I Drilling Fluids UK Ltd,
Pocra Quay,
Footdee,
Aberdeen. AB11 5DQ
Tel: 44 (0)1224 - 584336
Fax: 44 (0)1224 - 576119

EMERGENCY TELEPHONES: 001 281 561 1600 (USA)

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(435) 637-2012

2. COMPOSITION/INFORMATION ON INGREDIENTS

NAME	EINECS Nr.:	CLASSIFICATION	CONTENT
DISTILLATES (PETROLEUM), HYDROTREATED LIGHT;	265-149-8	Xn R-65.66	20-30 %
64742-47-8			

The Full Text for all R-Phrases are Displayed in Section 16

COMPOSITION COMMENTS: This product is classified as an irritant according to the EU Directives.

3. HAZARDS IDENTIFICATION

Irritating to skin.

4. FIRST AID MEASURES

INHALATION: Move the exposed person to fresh air at once. Keep the affected person warm and at rest. Get prompt medical attention.

INGESTION: DO NOT induce vomiting. Get medical attention immediately. Rinse mouth thoroughly with water and give large amounts of milk or water to people not unconscious.

SKIN: Wash off promptly and flush contaminated skin with water. Promptly remove clothing if soaked through and flush skin with water. Get medical attention if irritation persists after washing.

EYES: Promptly wash eyes with plenty of water while lifting the eye lids. Get medical attention promptly if symptoms occur after washing. Continue to rinse for at least 15 minutes.

5. FIRE FIGHTING MEASURES

EXTINGUISHING MEDIA: Water spray. Powder, foam or CO2.

SPECIAL FIRE FIGHTING PROCEDURES: Use water to keep fire exposed containers cool and disperse vapours. Use supplied air respirator if substance is involved in a fire.

HAZARDOUS COMBUSTION PRODUCTS: Fire or high temperatures create: Oxides of: Carbon. Nitrogen.

6. ACCIDENTAL RELEASE MEASURES

SPILL CLEANUP METHODS: Absorb in vermiculite, dry sand or earth and place into containers. Flush clean with lots of water. Be aware of potential for surfaces to become slippery. Do not let washing down water contaminate ponds or waterways.

7. HANDLING AND STORAGE

USAGE PRECAUTIONS: Avoid spilling, skin and eye contact. Ventilate well, avoid breathing vapours. Use approved respirator if air contamination is above accepted level.

STORAGE PRECAUTIONS: Keep in cool, dry, ventilated storage and closed containers. Keep in original container.

8. EXPOSURE CONTROLS AND PERSONAL PROTECTION

INGREDIENT NAME:	CAS No.:	STD	LT EXP 8 Hrs	ST EXP 15 Min
DISTILLATES (PETROLEUM), HYDROTREATED LIGHT; KEROSENE - UNSPECIFIED	64742-47-8	OES	5 mg/m3	10 mg/m3

PROTECTIVE EQUIPMENT:



VENTILATION: No specific ventilation requirements noted, but forced ventilation may still be required if air contamination exceeds acceptable level.

RESPIRATORS: Wear mask supplied with: Gas cartridge (organic substances).

PROTECTIVE GLOVES: Use protective gloves made of: Impermeable material. Rubber, neoprene or PVC.

EYE PROTECTION: Wear approved, tight fitting safety glasses where splashing is probable.

OTHER PROTECTION: Wear appropriate clothing to prevent any possibility of liquid contact and repeated or prolonged vapour contact. Provide eyewash station.

9. PHYSICAL AND CHEMICAL PROPERTIES

APPEARANCE: Liquid. Viscous.

COLOUR:	White. Milky.		
ODOUR/TASTE:	Hydrocarbon. Ammonia.		
DENSITY/SPECIFIC GRAVITY (g/ml):	1 - 1.1	Temperature (°C):	
VAPOUR PRESSURE:	0.002 mmHg	Temperature (°C):	20
pH-VALUE, CONC. SOLUTION:	6 - 8		
SOLUBILITY DESCRIPTION:	Disperses.		
SOLUBILITY VALUE (g/100g H₂O 20°C):	5		
FLASH POINT (°C):	> 100	Method:	
AUTO IGNITION TEMP. (°C):	> 200		

10. STABILITY AND REACTIVITY

STABILITY:	Normally stable.
CONDITIONS TO AVOID:	Avoid extremes of temperature.
HAZARDOUS POLYMERIZATION:	Will not polymerize.
MATERIALS TO AVOID:	Strong oxidizing agents.
HAZARDOUS DECOMP. PRODUCTS:	Fire or high temperatures create: Oxides of: Carbon. Nitrogen.

11. TOXICOLOGICAL INFORMATION

TOXIC DOSE - LD 50:	> 5000 mg/kg (oral rat)
INHALATION:	Gas or vapour may irritate respiratory system.
INGESTION:	May cause discomfort if swallowed.
SKIN:	Irritating to skin. Acts as a defatting agent on skin. May cause cracking of skin, and eczema.
EYES:	Spray and vapour in the eyes may cause irritation and smarting.

12. ECOLOGICAL INFORMATION

Ecotoxicological data	Acute toxicity. LC50 fish > 100 mg/l Calculated
	Biodegradability. OECD-test. > 60% Mineral Oil
	Biodegradability. OECD-test. < 5% Polymer

13. DISPOSAL CONSIDERATIONS

DISPOSAL METHODS:

Recover and reclaim or recycle, if practical. Dispose of in accordance with Local Authority requirements. This material and its container must be disposed of as hazardous waste.

14. TRANSPORT INFORMATION

ROAD TRANSPORT NOTES: Not Classified
RAIL TRANSPORT NOTES: Not Classified.
SEA TRANSPORT NOTES: Not Classified.
AIR TRANSPORT NOTES: Not Classified.

15. REGULATORY INFORMATION**LABEL FOR SUPPLY:**

RISK PHRASES: R-38 Irritating to skin.
SAFETY PHRASES: S-26 In case of contact with eyes, rinse immediately with plenty of water and seek medical advice.
 S-28 After contact with skin, wash immediately with water and soap.
 S-23 Do not breathe gas/fumes/vapour/spray.
EU DIRECTIVES: System of specific information relating to Dangerous Preparations. 91\155.

16. OTHER INFORMATION

USER NOTES: HMIS Health - 1 HMIS Flammability - 1 HMIS Physical Hazard - 1 J - Splash Goggles, Gloves, Synthetic Apron, Dust and Vapor Respirator.
INFORMATION SOURCES: Sax's Dangerous Properties of Industrial Materials, 9th ed., Lewis, R.J. Sr., (ed.), VNR, New York, New York, (1997). Material Safety Data Sheet, Misc. manufacturers.
ISSUED BY: Sarah Glover
REVISION DATE: 05-11-03
REV. No./REPL. SDS GENERATED: 4
PRINTING DATE: 2003-11-05
R-PHRASES (Full Text): R-65 Harmful: may cause lung damage if swallowed. R-66 Repeated exposure may cause skin dryness or cracking.
DISCLAIMER: MSDS furnished independent of product sale. While every effort has been made to accurately describe this product, some of the data are obtained from sources beyond our direct supervision. We cannot make any assertions as to its reliability or completeness; therefore, user may rely on it only at user's risk. We have made no effort to censor or conceal deleterious aspects of this product. Since we cannot anticipate or control the conditions under which this Information and product may be used, we make no guarantee that the precautions we have suggested will be

adequate for all individuals and/or situations. It is the obligation of each user of this product to comply with the requirements of all applicable laws regarding use and disposal of this product. Additional information will be furnished upon request to assist the user; however, no warranty, either expressed or implied, nor liability of any nature with respect to this product or to the data herein is made or incurred hereunder.

**NOTICE OF INTENT TO CONDUCT
MINOR COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258**

**APPENDIX 6
CURRENT THREATENED AND ENDANGERED
SPECIES LIST
DIVISION OF WILDLIFE RESOURCES**

June, 2009

PacifiCorp

Davis CountyCommon Name

Yellow-billed Cuckoo

Scientific Name*Coccyzus americanus*Status

C

Duchesne CountyCommon Name

Ute Ladies'-tresses

Shrubby Reed-mustard

Barneby Ridge-cress

Pariette Cactus

Uinta Basin Hookless Cactus

Yellow-billed Cuckoo

Black-footed Ferret

Gray Wolf

Brown (Grizzly) Bear

Scientific Name*Spiranthes diluvialis**Glaucocarpum suffrutescens**Lepidium barnebyanum**Sclerocactus brevispinus**Sclerocactus glaucus**Coccyzus americanus**Mustela nigripes**Canis lupus**Ursus arctos*Status

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E Experimental

E Extirpated

T Extirpated

Emery CountyCommon Name

Jones Cycladenia

Maguire Daisy

Last Chance Townsendia

Barneby Reed-mustard

San Rafael Cactus

Winkler Pincushion Cactus

Wright Fishhook Cactus

Humpback Chub

Bonytail

Colorado Pikeminnow

Razorback Sucker

Yellow-billed Cuckoo

Mexican Spotted Owl

Black-footed Ferret

Canada Lynx

Scientific Name*Cycladenia humilis var jonesii**Erigeron maguirei**Townsendia aprica**Schoenocrambe barnebyi**Pediocactus despainii**Pediocactus winkleri**Sclerocactus wrightiae**Gila cypha**Gila elegans**Ptychocheilus lucius**Xyrauchen texanus**Coccyzus americanus**Strix occidentalis lucida**Mustela nigripes**Lynx canadensis*Status

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Garfield CountyCommon Name

Maguire Daisy

Ute Ladies'-tresses

Jones Cycladenia

Autumn Buttercup

Humpback Chub

Bonytail

Colorado Pikeminnow

Razorback Sucker

Yellow-billed Cuckoo

Mexican Spotted Owl

Utah Prairie-dog

Brown (Grizzly) Bear

Scientific Name*Erigeron maguirei**Spiranthes diluvialis**Cycladenia humilis var jonesii**Ranunculus aestivalis**Gila cypha**Gila elegans**Ptychocheilus lucius**Xyrauchen texanus**Coccyzus americanus**Strix occidentalis lucida**Cynomys parvidens**Ursus arctos*Status

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**NOTICE OF INTENT TO CONDUCT
MINOR COAL EXPLORATION
UTAH STATE COAL LEASE ML-48258**

**APPENDIX 7
ARCHAEOLOGICAL SURVEYS -
2009-1 THROUGH 5
2009-6
IN CONFIDENTIAL ENVELOPE**

June, 2009

PacifiCorp