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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
*Executive Director*

### Division of Oil, Gas and Mining

JOHN R. BAZA  
*Division Director*

Outgoing  
C0150018  
#4082  
OK

June 28, 2012

Kenneth S. Fleck, Geology and Environmental Affairs Manager  
Energy West Mining Company  
P.O. Box 310  
Huntington, UT. 84528

Subject: 2011 Annual Report Review Completion, Deer Creek Mine, C/015/0018, Task #4082

Dear Mr. Fleck:

The Division staff has completed the review of the 2011 Annual Report. Enclosed is a copy of the review with each reviewer's comments completed on June 28, 2012. Please address the following deficiencies that were identified by Division staff during the review process. Please submit a response by July 23, 2012.

- According to the vegetation monitoring report of the reference areas, a new reference area for the Rilda Canyon pinyon-juniper/ mountain brush vegetation needs to be selected in consultation with the Division. (IC)
- No roof, floor or mid-seam analysis could be found in Attachment A of the annual report. As stated in MRP Part 3, p. 75, "The sample location map and laboratory analyses, including raw data, will be submitted to the Division annually." (PB)

Thank you for your diligence in completing the Annual Report. If you have any questions, please call me at (801) 538-5325.

Sincerely,

Daron R. Haddock  
Coal Program Manager

DRH/sqs  
Enclosure  
cc: Price Field Office  
O:\015018.DER\WG4082\ReviewCompletionLetter.doc



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# Annual Report

This Annual Report shows information the Division has for your mine. Submit the completed document and any additional information identified in the Appendices to the Division by **March 30, 2012**. During a complete inspection an inspector will check and verify the information.

## GENERAL INFORMATION

Company Name

Mine Name

Permit Number

Permit expiration Date

Operator Name

Phone Number

Mailing Address

Email

City

State

Zip Code

## DOG M File Location or Annual Report Location

Excess Spoil Piles

Required

Not Required

Refuse Piles

Required

Not Required

Impoundments

Required

Not Required

Other:

## OPERATOR COMMENTS

Energy West Mining submits that refuse (or waste rock site) reports on a quarterly basis. However to keep information intact, that data will be included with the 2011 Annual Report.

## REVIEWER COMMENTS



Met Requirements



Did Not meet Requirements

Reviewed by Ken Hoffman June 21, 2012. Water monitoring results were submitted quarterly as required. Impoundment inspection records for March 24, June 24, September 24 & 27, and December 27 were submitted and review with no hazards were observed at the Mine Site, Waste Rock site, or Rilda Pond. The waste rock and Elk Canyon/Original Site inspection records for March 24, June 24 & 27, September 24 & 27, and December 27 were submitted with no issues observed.

## COMMITMENTS AND CONDITIONS

The Permittee is responsible for ensuring annual technical commitments in the Mining and Reclamation Plan and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If additional written response is required, it should be filed as an attachment to this report.

**Title: RAPTORS**

**Objective:** To document the location and activity of nests that could be affected by mining.

**Frequency:** annually

**Status:** Ongoing

**Reports:** Submit annually in annual report.

**Citation:** MRP, Section 322, Subsection Terrestrial Species.

Operator Comments

Refer to "Confidential" packet submittal with this annual report.

Reviewer Comments  Met Requirements  Did Not Meet Requirements

Reviewed by Ingrid Campbell (6/18/2012): One active and six tended golden eagle nests were identified within the pacificorp mine permit areas. The active nest (#80) is not located on or near active subsidence zones or surface facilities. Five of the tended nests (# 81, 1210, 1211, 1475 and new nest 11-678) are not located on or near active subsidence zones or surface facilities. Tended nest 1205 is located over old mine workings that are no longer subsiding. No nests will be impacted from mining activities.

**Title: SUBSIDENCE MONITORING REPORT**

**Objective:** To Determine the effects of subsidence

**Frequency:** Annually

**Status:** Ongoing

**Reports:** Submit in annual report

**Citation:** MRP, Volume 3, Appendix X

Operator Comments

Subsidence reported in a separate binder called " 2011 Annual Subsidence Report "

Reviewer Comments  Met Requirements  Did Not Meet Requirements

Reviewed by James Owen, June 2012. An updated subsidence report was included with the annual report. The report included a detailed narrative as well as history of surveyed areas. Maps depicting subsidence study areas are included as well as subsidence contour and correlation maps. Subsidence profiles were provided with yearly comparisons. All subsidence-related requirements have been met.

**Title: ROOF, FLOOR, AND MID-SEAM MATERIAL IN ACTIVE SECTIONS TO BE SAMPLED ANNUALLY.**

**Objective:** Transport and dispose of waste rock in a controlled manner.

**Frequency:** Annually in active sections

**Status:** Ongoing during mining

**Reports:** Annual report

**Citation:** MRP, Part 3, Estimated Waste Rock Volumes, R645-301-536, page 75

Operator Comments

Reported in Attachment A.

Reviewer Comments  Met Requirements  Did Not Meet Requirements

Priscilla Burton 6/28/2012. No roof, floor or mid-seam analysis could be found in Attachment A of the annual report. As stated in MRP Part 3, p. 75, "The sample location map and laboratory analyses, including raw data, will be submitted to the Division annually."

**Title: WASTE ROCK SITE OPERATIONAL SAMPLING**

**Objective:** Monitor chemical quality of waste at waste rock site.

**Frequency:** Grab samples upon completion of each two foot lift. Parameters as described.

**Status:** Ongoing during mining.

**Reports:** Annual Report

**Citation:** MRP, Volume 10, Chapter 7, page 7-4 to 7-5

Operator Comments

Reported in Attachment A.

Reviewer Comments  Met Requirements  Did Not Meet Requirements

Priscilla Burton 6/28/2012. Certified Waste Rock inspections indicate that 12,150.06 cu yds of material were hauled to the site in 2011. No analysis could be found in Attachment A of the annual report. Elevations from the first through fourth quarter indicate that the lift was not compacted and completed. It is likely that no analyses were included with the 2011 Annual Report, because sampling is conducted only at lift completion.

**Title: DEMONSTRATION OF SELECTED OVERBURDEN AS BEST AVAILABLE MATERIAL IN THE PERMIT AREA FOR USE AS SUBSTITUTE TOPSOIL.**

**Objective:** Monitor chemical quality of identified substitute topsoil to show reduction in sodicity.

**Frequency:** Sampling will occur once within each permit term until such time as the soils are found acceptable for substitute topsoil use. The last sample, collected in 2010, did not show suitability. The current permit term is 2011-2016.

**Status:** To be conducted once in current permit term (2011-Feb 2016).

**Reports:** Annual Report

**Citation:** MRP, Volume 2, Part 4, section R645-301-233, page 2-3

Operator Comments

Not performed in 2011.

Reviewer Comments  Met Requirements  Did Not Meet Requirements

Priscilla Burton 6/28/2012. There is ample time to sample before the end of the permit term.

## FUTURE COMMITMENTS AND CONDITIONS

The following commitments are not required for the current annual report year, but will be required by the permittee in the future as indicated by the "status" field. These commitments are included for information only, and do not currently require action. If you feel that the commitment is no longer relevant or needs to be revised, please contact the Division.

**Title: WILDLIFE**

**Objective:** Adhere to wildlife exclusionary periods.

**Frequency:** Ongoing

**Status:** Ongoing during Rilda portal reclamation

**Reports:** Not required

**Citation:** MRP, Section 322, page 10; Section 330, page 16 #14; Section 342, page 32, #7

**Title: SUBSOIL TESTING**

**Objective:** Regraded subsoil will be sampled on 500 ft intervals to a depth of four feet (three or four samples for the 2,000 linear feet in the facilities area). The samples will be analyzed on site for pH and EC. Problem areas will be further sampled and sent to a laboratory of analysis.

**Frequency:** At final regrading

**Status:** Ongoing at reclamation

**Reports:** Laboratory analysis to be provided to the Division

**Citation:** MRP, Volume 11, Section R645-301-231.300

**Title: TOPSOIL HANDLING TESTING PLAN**

**Objective:** Three composite samples will be taken from the facilities area and sediment pond. Samples will be analyzed for parameters to be compared with baseline information and to determine the need for amendments, including fertilizer.

**Frequency:** Final Reclamation

**Status:** Ongoing

**Reports:** Analysis to be provided to the Division

**Citation:** MRP, Volume 11, Section R645-301-242

**Title: WASTE ROCK SITE RECLAMATION SAMPLING**

**Objective:** Monitor chemical quality of upper four feet of final waste reclaimed surface at waste rock site.

**Frequency:** Grab samples within four feet of final elevation at a rate of two samples per acre per lift. Parameters as described.

**Status:** At final reclamation of waste rock cell.

**Reports:** Annual report

**Citation:** MRP, Volume 10, Chapter 7, page 7-5

**Title: SOIL SAMPLING ON FINAL GRADED SURFACE**

**Objective:** Monitor chemical quality of reclaimed substitute topsoil.

**Frequency:** Grab samples for pH and SAR as described.

**Status:** At final reclamation of mine facilities

**Reports:** Annual Report

**Citation:** MRP, Volume 2, Part 4, section 645-301-233.

**Title: MACROINVERTEBRATE MONITORING**

**Objective:** Monitor the macroinvertebrates in Rilda Creek

**Frequency:** Spring/fall two years prior to and spring/fall one year immediately following start of construction.

Spring every three years during operations and reclamation.

**Status:** Construction complete in fall 2008. Spring and Fall 2009 surveys complete. Spring 2012 is the anticipated date for the first of the three-year monitoring surveys.

**Reports:** Annual Report

**Citation:** MRP, Section 330, page 26.

**Title: FISH SURVEYS**

**Objective:** DWR will monitor fish in Rilda Creek as part of annual surveys.

**Frequency:** Spring/fall two years prior to and spring/fall one year immediately following start of construction.

Spring every three years during operations and reclamation.

**Status:** Construction complete in Fall 2008. Spring and Fall 2009 surveys complete. Spring 2012 is the anticipated date for the first of the three-year surveys.

**Reports:** Annual Report

**Citation:** MRP, Section 330, page 26

**OPERATOR COMMENTS (OPTIONAL)**

**REVIEWER COMMENTS**

## REPORTING OF OTHER TECHNICAL DATA

Please list other technical data or information that was not included in the form above, but is required under the approved plan, which must be periodically submitted to the Division.

Please list attachments:

Attachment A - Refuse Pile Sampling Reports, Pond Reports  
Attachment B - Vegetation Monitoring Report  
Attachment C - Update of mine workings to 12/31/2011  
Confidential Attachment - Raptor Monitoring  
Subsidence Volume - Subsidence Monitoring Report  
Hydrology Volume - Hydrology Monitoring Report

### Reviewer Comments

Raptor Report reviewed by Ingrid Campbell (6/18/2012): One active and six tended golden eagle nests were identified within the pacificorp mine permit areas. The active nest (#80) is not located on or near active subsidence zones or surface facilities. Five of the tended nests (# 81, 1210, 1211, 1475 and new nest 11-678) are not located on or near active subsidence zones or surface facilities. Tended nest 1205 is located over old mine workings that are no longer subsiding. No nests will be impacted from mining activities.

Vegetation Monitoring Report reviewed by Ingrid Campbell (6/18/2012): The reference areas for the Energy West mines were monitored in 2011 by Dr. Patrick Collins of Mt. Nebo Scientific. Total cover, cover by plant species, species frequency and lifeform composition information was collected to determine whether or not the reference areas continue to be viable for future success standards. Dr. Collins concluded that most of the reference areas had respectable values of native plant communities. One reference area in Rilda Canyon (the pinyon-juniper/ mountain brush reference area) was covered by material from construction activities for soil storage piles. Consequently, the area should not be considered as a reference area. A new reference area for the Rilda Canyon pinyon-juniper/ mountain brush vegetation needs to be selected in consultation with the Division.

# MAPS

Copies of mine maps, current and up-to-date through at least December 31, 2011, are to be provided to the Division as an attachment to this report in accordance with the requirements of R645-301-525.240. The map copies shall be made in accordance with 30 CFR 75.1200 as required by MSHA. Mine maps are not considered confidential.

Map Name	Map Number	Included		Confidential	
		Yes	No	Yes	No
Deer Creek Mining - Hiawatha Seam	None	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deer Creek Mining - Blind Canyon Seam	None	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reviewer Comments  Met Requirements  Did Not Meet Requirements

Reviewed by James Owen, June 2012. The Maps that have been submitted meet requirements.