Suzanne Steab <suzannesteab@utah.gov>

Deer Creek Permit Clarification

Suzanne Steab <suzannesteab@utah.gov> Tue, Jul 7, 2015 at 9:03 AM
To: Kenneth Fleck <kenneth.fleck@pacificorp.com>
Cc: "Haddock, Daron" <daronhaddock@utah.gov>
Bcc: Rachel Williams <rachelwilliams@utah.gov>, Lisa Reinhart <lreinhart@utah.gov>

Hello Ken,

The Division received an application for the Mill Fork Lease Modification at the Deer Creek Mine on 11/15/13. This application was conditionally approved on 1/10/14. Upon conditional approval, a revised permit was issued, dated January 10, 2014, to include the lease.

A signed copy of the permit was returned to the Division on 1/21/14. However, the Division received notification on 7/14/14 that this application was withdrawn.

Upon withdrawal of this application, the permit dated January 10, 2014 would also be withdrawn.

With the 2014 permit withdrawn, the permit reverts back to the permit dated February 7, 2011 for the Deer Creek Mine. The permit dated February 7, 2011 is the current permit.

The withdrawn and current permits are attached.

Thanks Ken, sorry for any confusion this may have caused.

--
Suzanne Steab, Engineering Technician II
Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801

2 attachments

01102014.pdf
410K

02102011.pdf
467K

ENERGY WEST
MINING COMPANY
A SUBSIDIARY OF PACIFICORP

P. O. Box 310
15 No Main Street
Huntington, UT 84528

July 31, 2014

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

Subject: Energy West Mining Company Mill Fork South Permit Extension

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company (Energy West) hereby, request removal of the amendment to Update Volume 12 and Legal and Financial Volume to Include New Mill Fork Lease Modification Area for the Deer Creek Mine. This amendment was electronically submitted on November 7, 2013. On November 15, the Division completed their initial review.

November 22:	OSM determines that the proposed action constitutes a Mining Plan Modification, and will require secretarial approval.
December 18:	CHIA was completed
December 23:	Division completes their technical analysis
January 10:	Decision document was completed (Task ID #4447) and the conditional permit is issued. Permit package was sent to OSM for concurrence.
July 14:	Energy West informs OSM that they no longer pursuing the permit area extension known as the Mill Fork South Lease Modification.

Based on recent exploration and analysis, the coal resource within the proposed Mill Fork South Lease Modification area are of substandard coal quality and will not be marketable. Based on our internal analysis there is no longer a need to pursue permitting of the proposed area. Energy West requests that Task ID 4447 be removed from the Division's records and return all submitted material to our office in Huntington.

We appreciate the Division's efforts in fast tracking this amendment process throughout the affiliated agencies. Unfortunately, after our final analysis, the resources proved insufficient. Please call me at (435) 687-4712 if you have any questions, or require additional information.

Sincerely,

Kenneth S. Fleck

Kenneth Fleck
Geology and Environmental Affairs Manager

Cc Scott Child – Interwest Mining
File

C0150018
Incoming
Fireproof ✓
#4447

INTERWEST MINING COMPANY
A SUBSIDIARY OF PACIFICORP

1407 W. North Temple, Suite 310
Salt Lake City, UT 84116

HAND DELIVERED

January 21, 2014

RECEIVED
JAN 21 2014
DIV. OF OIL, GAS & MINING

Daron Haddock
Environmental Manager
Division of Oil, Gas & Mining
Utah Department of Natural Resources
1594 West North Temple - Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-145801

RE: Deer Creek Mine Permit C/015/0018, Emery County, Utah

Dear Daron:

On behalf of PacifiCorp, enclosed is a completely endorsed original of the Deer Creek Mine Permit No. C/015/0018 dated January 10, 2014. A completely signed duplicate original has been sent to our Energy West Mining Company offices located in Huntington, Utah.

Should you have any questions or need any additional information, please feel free to contact Ken Fleck or Dennis Oakley of Energy West Mining Company at 435-687-4712 or 435-687-4825 (respectively) or myself at 801-220-4612.

Sincerely,

Scott M. Child
Manager, Lands & Regulatory Affairs

Enclosure

SMC\EnergyWest\DOGM 2014-02(DeerCreekMinePermit).doc

cc: IMC w/encl. – C. Crane
EWMC w/encl. – R. Poulson, C. Semborski, K. Fleck, D. Oakley

FEDERAL **PERMIT C/015/0018** **January 10, 2014**

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, suite 1210
Salt Lake City, Utah 84114-1210
(801) 538-5340

RECEIVED
JAN 21 2014
DIV. OF OIL, GAS & MINING

This permit, C/015/0018, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

PacifiCorp
1407 West North Temple, Suite 310
Salt Lake City, Utah 84116
(801) 220-2000

for the Deer Creek Mine. A Surety Bond is filed with the Division in the amount of $3,374,000, payable to the State of Utah, Division of Oil, Gas and Mining and the United States Department of Interior, Office of Surface Mining Reclamation and Enforcement (OSM). The Division must receive a copy of this permit signed and dated by the permittee.

Sec. 1 **STATUTES AND REGULATIONS** - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act and the R645 regulations.

Sec. 2 **PERMIT AREA** - The permittee is authorized to conduct coal mining and reclamation operations, on the following lands as described in the approved application, situated in the state of Utah, Emery County:

Township 16 South, Range 6 East, SLB&M Emery County, Utah

Section 1:	SE¼.
Section 10:	E½E½SE¼, S½NE¼NE¼, SE¼NE¼, W½E½SE¼.
Section 11:	All.
Section 12:	All.
Section 13:	All.
Section 14:	All.
Section 15:	E½E½, E½W½E½.
Section 22:	Lots 1, 2, 3, 4, 5, 6, 7, E½NE¼, SW¼NE¼, N½SE¼, SE¼SE¼.
Section 23:	All.
Section 24:	All.
Section 25:	E½SE¼SE¼, W½W½NW¼, W½NW¼SW¼
Section 26:	N½, N½S½.
Section 27:	E½NE¼, NE¼SE¼.

Township 16 South, Range 7 East, SLB&M Emery County, Utah

Section 5:	Beginning at a point S 02° 40'40" E, 145.00 feet from the west 1/4 corner of Section 5, thence East, 235.00 feet; thence South, 330.00 feet; thence S 48° 48' 00" W, 138.00 feet; thence S 20° 00' 00" W, 133.00 feet; thence South, 45.00 feet; thence S 45° 00' 00" W, 78.42 feet; thence N 02° 40' 40" W, 647.03 feet to the point of beginning. Said area contains 2.41 acres, more or less.
Section 6:	Lots 5,6,7,8, S½SE¼.
Section 7:	All.
Section 18:	Lots 1, 2, NE¼.
Section 19:	Lots 2-3, W½SW¼NE¼, SE¼.
Section 20:	E½E½SW¼NW¼, SE¼NW¼, S½NE¼, S½.
Section 21:	S½N½, S½.
Section 22:	SW¼NW¼, SW¼.
Section 27:	SW¼.
Section 28:	W½, N½ NE¼, SE¼.
Section 29:	All.
Section 30:	E½, Lot 4.
Section 32:	All.
Section 33:	All.
Section 34:	W½NE¼SW¼, S½S½, W½NW¼, W½E½NW¼, NW¼SW¼.

Township 17 South, Range 6 East, SLB&M Emery County, Utah

Section 1:	Lots 1, 2, 3, S½NE¼, SE¼NW¼, E½SW¼, SE¼.
Section 12:	E½W½, E½.
Section 13:	E½W½, E½.
Section 24:	E½W½, E½.
Section 25:	N½NE¼, Beginning at the Southeast corner of the NE¼ of the SE¼ of Section 25; thence N 160 rods: thence W 116 rods, more or less, to the center line of Cottonwood Creek; thence in a Southerly direction along the center line of said Cottonwood Creek to a point 84 rods, more or less, W of the beginning; thence E 84 rods, more or less, to the point of beginning. Containing 100 acres, more or less of fee lands.

Township 17 South, Range 7 East, SLB&M Emery County, Utah

Section 1:	Beginning at a point S 0° 22' E, 142.4 feet from the SW corner of NW¼ of Section 1, T17S, R7E, SLB&M; thence, N 49° 53' 23" E, 2395.4 feet; thence, S 40° 10' 42" E, 101.94 feet; thence, S 49° 52' 03" W, 2481.12 feet; thence, N 0° 22' W, 276.25 feet to the point of beginning. 5.6 acres more or less. (Beltline Corridor)
Section 2:	SE¼ (SULA #1382), within the SE¼SE¼SW¼ (BLM ROW - U52401).
Section 3:	Lots 1 - 8, 10 – 12, SW¼, SW¼SE¼, W½W½SE¼SE¼.
Section 4:	All.

Section 5:	All.
Section 6:	All.
Section 7:	Lots 1-4, W½NW¼NE¼, NE¼NW¼NE¼.
Section 9:	E½NW¼, NE¼, NE¼SW¼, N½SE¼.
Section 10:	NE¼, W½W½NW¼, SE¼SW¼NW¼, S½SE¼NW¼, SW¼, SE¼.
Section 11:	N½NW¼, N½SW¼NW¼, SE¼NW¼, W½SW¼, S½SW¼NW¼.
Section 14:	W½NW¼.
Section 15:	NW¼, E½SW¼, E½W½SW¼.
Section 16:	S½S½SW¼, SW¼SW¼SE¼.
Section 17:	NW¼, SW¼, S½S½SE¼.
Section 18:	All.
Section 19:	All.
Section 20:	All.
Section 21:	NW¼, SW¼, W½W½W½NE¼, W½W½NW¼SE¼, S½SE¼.
Section 22:	E½NW¼, E½W½NW¼, E½SW¼, E½NW¼SW¼, SW¼SW¼, W½SE¼.
Section 27:	N½NW¼, NW¼NE¼.
Section 28:	N½NE¼, E½NE¼NW¼.
Section 29:	NW¼NE¼, N½NW¼.
Section 30:	Lots 1, 5, 6, N½NE¼, SW¼NE¼, NW¼SE¼.

Township 17 South, Range 8 East, SLB&M Emery County, Utah

Section 6: Beginning 10 feet South of the NE corner of Section 6, T17S, R8E, SLB&M; thence, S 89° 52' 00" W, 1272.000 feet; thence, S 0° 08' 00" E, 600.000 feet; thence, S 83° 28' 43" E, 302.035 feet; thence, S 72° 54' 35" E, 314.083 feet; thence, S 63° 06' 41" E, 224.508 feet; thence, S 48° 18' 17" E, 268.404 feet; thence, S 20° 06' 29" W, 1066.848 feet; thence, S 39° 24' 03" W, 855.358 feet; thence, S 41° 10' 40" E, 100 feet; thence, N 43° 39' 42" E, 1635.000 feet; thence, N 31° 02' 18" E, 412.959 feet; thence, N 22° 58' 45" E, 1310.908 feet; thence, N 89° 40' 41"W, 740.000 feet; to the point of beginning. 31.92 acres more or less. (Waste Rock Site)

The permittee is authorized to conduct coal mining and reclamation operations on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations.

Sec. 3 **COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.

Sec. 4 **PERMIT TERM** - This permit expires on February 7, 2016.

Sec. 5 **ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Division Director. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R645-303-300.

Sec. 6 **RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the Division, including but not limited to inspectors, and representatives of the Office of Surface Mining Reclamation and Enforcement (OSM), without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:

(a) Have the rights of entry provided for in 30 CFR 840.12, R645-400-220, 30 CFR 842.13 and R645-400-110;
(b) Be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and R645-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.

Sec. 7 **SCOPE OF OPERATIONS** - The permittee shall conduct coal mining and reclamation operations only on those lands specifically designated as within the permit area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.

Sec. 8 **ENVIRONMENTAL IMPACTS** - The permittee shall take all possible steps to minimize any adverse impact to the environment or public health and safety resulting from noncompliance with any term or condition of the permit, including, but not limited to:

(a) Any accelerated or additional monitoring necessary to determine the nature and extent of noncompliance and the results of the noncompliance;
(b) Immediate implementation of measures necessary to comply; and
(c) Warning, as soon as possible after learning of such noncompliance, any person whose health and safety is in imminent danger due to the noncompliance.

Sec. 9 **DISPOSAL OF POLLUTANTS** - The permittee shall dispose of solids, sludge, filter backwash or pollutants in the course of treatment or control of waters or emissions to the air in the manner required by the approved Utah State Program and the Federal Lands Program which prevents violation of any applicable state or federal law.

Sec. 10 **CONDUCT OF OPERATIONS** - The permittee shall conduct its operations:

(a) In accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and
(b) Utilizing methods specified as conditions of the permit by the Division in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 11 **EXISTING STRUCTURES** - As applicable, the permittee will comply with R645-301 and R645-302 for compliance, modification, or abandonment of existing structures.

Sec. 12 **RECLAMATION FEE PAYMENTS** - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.

Sec. 13 **AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

Sec. 14 **COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.

Sec. 15 **PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit area in accordance with the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 16 **CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division of Oil, Gas, and Mining. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by the Division within the time frame specified by the Division.

Sec. 17 **APPEALS** - The permittee shall have the right to appeal as provided for under R645-300-200.

Sec. 18 **SPECIAL CONDITIONS** - There are special conditions associated with this permitting action as described in attachment A.

The above conditions (Secs. 1-18) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them.

These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

THE STATE OF UTAH

By: John R. Baza

Date: 1/10/14

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

Cindy Crane

Authorized Representative of Permittee

Date: 1-17-14

Attachment A

SPECIAL CONDITIONS

1. If during entry development, sustained quantities of groundwater are encountered which are greater than 5 gpm from a single source in an individual entry, and which continue after operational activities progress beyond the area of groundwater production, PacifiCorp must monitor these flows for quality and quantity under the approved baseline parameters. PacifiCorp will notify the Division within 24 hours prior to initiation of monitoring.

2. PacifiCorp will submit water quality data for the Deer Creek Mine in an electronic format through the Electronic Data Input web site, http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi.

3. Mining within the boundary of the 1,180 acre Lease Modification area known as Mill Fork Modification can only proceed after Federal Mine Plan Approval is granted and concurrence is received from OSM

C/015/018 Fire proof
cc: Incoming folder
#3651

INTERWEST MINING COMPANY
A SUBSIDIARY OF PACIFICORP

1407 W. North Temple, Suite 310
Salt Lake City, UT 84116

HAND DELIVERED

February 10, 2011

Daron Haddock
Environmental Manager
Division of Oil, Gas & Mining
Utah Department of Natural Resources
1594 West North Temple - Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-145801

RE: Deer Creek Mine Permit C/015/0018, Emery County, Utah

Dear Daron:

On behalf of PacifiCorp, enclosed is a completely endorsed original of the Deer Creek Mine Permit No. C/015/0018 dated February 7, 2011. A completely signed duplicate original has been sent to our Energy West Mining Company offices located in Huntington, Utah.

Should you have any questions or need any additional information, please feel free to contact Ken Fleck or Dennis Oakley of Energy West Mining Company at 435-687-4712 or 435-687-4825 (respectively) or myself at 801-220-4612.

Sincerely,

Scott M. Child
Manager, Lands & Regulatory Affairs

Enclosure

SMC\EnergyWest\DOGM 2011-01(DeerCreekMinePermit).doc

cc: IMC w/o encl. – C. Crane
EWMC w/encl. – E. Snow, K. Fleck, D. Oakley

RECEIVED
FEB 10 2011
DIV. OF OIL, GAS & MINING

FEDERAL **PERMIT C/015/0018** **February 7, 2011**

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
1594 West North Temple, suite 1210
Salt Lake City, Utah 84114-1210
(801) 538-5340

This permit, C/015/0018, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

PacifiCorp
1407 West North Temple, Suite 310
Salt Lake City, Utah 84116
(801) 220-2000

for the Deer Creek Mine. A Surety Bond is filed with the Division in the amount of $4,113,000, payable to the State of Utah, Division of Oil, Gas and Mining and the United States Department of Interior, Office of Surface Mining Reclamation and Enforcement (OSM). The Division must receive a copy of this permit signed and dated by the permittee.

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Section 12:	All.
Section 13:	All.
Section 14:	All.
Section 15:	E½E½, E½W½E½.
Section 22:	Lots 1, 2, 3, 4, 5, 6, 7, E½NE¼, SW¼NE¼, N½SE¼.
Section 23:	N½, N½S½.
Section 24:	N½.
Section 25:	E½SE¼SE¼, S½SE¼NE¼SE¼.

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Section 20:	All.
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The permittee is authorized to conduct coal mining and reclamation operations on the foregoing described property subject to the conditions of all applicable conditions, laws and regulations.

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or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R645-303-300.

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(a) Have the rights of entry provided for in 30 CFR 840.12, R645-400-220, 30 CFR 842.13 and R645-400-110;

(b) Be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-100 and R645-400-200 when the inspection is in response to an alleged violation reported to the Division by the private person.

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(a) In accordance with the terms of the permit to prevent significant, imminent environmental harm to the health and safety of the public; and

(b) Utilizing methods specified as conditions of the permit by the Division in approving alternative methods of compliance with the performance standards of the Act, the approved Utah State Program and the Federal Lands Program.

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Sec. 12 **RECLAMATION FEE PAYMENTS** - The operator shall pay all reclamation fees required by 30 CFR Part 870 for coal produced under the permit, for sale, transfer or use.

Sec. 13 **AUTHORIZED AGENT** - The permittee shall provide the names, addresses and telephone numbers of persons responsible for operations under the permit to whom notices and orders are to be delivered.

Sec. 14 **COMPLIANCE WITH OTHER LAWS** - The permittee shall comply with the provisions of the Water Pollution Control Act (33 USC 1151 et seq,) and the Clean Air Act (42 USC 7401 et seq), UCA 26-11-1 et seq, and UCA 26-13-1 et seq.

Sec. 15 **PERMIT RENEWAL** - Upon expiration, this permit may be renewed for areas within the boundaries of the existing permit area in accordance with the Act, the approved Utah State Program and the Federal Lands Program.

Sec. 16 **CULTURAL RESOURCES** - If during the course of mining operations, previously unidentified cultural resources are discovered, the permittee shall ensure that the site(s) is not disturbed and shall notify the Division of Oil, Gas, and Mining. The Division, after coordination with OSM, shall inform the permittee of necessary actions required. The permittee shall implement the mitigation measures required by the Division within the time frame specified by the Division.

Sec. 17 **APPEALS** - The permittee shall have the right to appeal as provided for under R645-300-200.

Sec. 18 **SPECIAL CONDITIONS** - There are special conditions associated with this permitting action as described in attachment A.

The above conditions (Secs. 1-18) are also imposed upon the permittee's agents and employees. The failure or refusal of any of these persons to comply with these conditions shall be deemed a failure of the permittee to comply with the terms of this permit and the lease. The permittee shall require his agents, contractors and subcontractors involved in activities concerning this permit to include these conditions in the contracts between and among them.

These conditions may be revised or amended, in writing, by the mutual consent of the Division and the permittee at any time to adjust to changed conditions or to correct an oversight. The Division may amend these conditions at any time without the consent of the permittee in order to make them consistent with any federal or state statutes and any regulations.

THE STATE OF UTAH

By: John R. Baza

Date: 2/3/11

I certify that I have read, understand and accept the requirements of this permit and any special conditions attached.

Cindy A. Crane

Authorized Representative of Permittee

Date: 2/10/11

Attachment A

SPECIAL CONDITIONS

1. If during entry development, sustained quantities of groundwater are encountered which are greater than 5 gpm from a single source in an individual entry, and which continue after operational activities progress beyond the area of groundwater production, PacifiCorp must monitor these flows for quality and quantity under the approved baseline parameters. PacifiCorp will notify the Division within 24 hours prior to initiation of monitoring.

2. PacifiCorp will submit water quality data for the Deer Creek Mine in an electronic format through the Electronic Data Input web site, http://linux1.ogm.utah.gov/cgi-bin/appx-ogm.cgi.