



Interwest Mining Company
Huntington Office
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15 North Main Street
Huntington, UT 84528

April 26, 2017

Submitted by hard copy and electronically

Dana Dean – Associate Director, Mining
Utah Division of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Subj: Request to Vacate NOV #21195 (04/10/17); Request for Informal Hearing – Regulatory Action Against PacifiCorp’s Deer Creek Mine, PacifiCorp/Interwest, Deer Creek Mine, C/015/0018, Emery County, Utah.

Dear Ms. Dean,

PacifiCorp, by and through its wholly-owned subsidiary, Interwest Mining Company, as manager of its mining assets, hereby respectfully requests that the recently issued Notice of Violation (NOV #21195), issued by the Coal Regulatory Program to PacifiCorp’s Deer Creek Mine, be vacated. The notice of violation received is detailed below:

- 1) Failure to comply with the terms and conditions of the Mining and Reclamation Plan. The permittee did not conduct annual raptor survey. Failure to provide adequate protection measures to protected wildlife species.

NOV #21195 - cited R645-301-322, R645-301-333, and R645-300-142 as the provisions of the Act that were violated.

Volume 11, Page 18, Section 645-301-330, Protection and Enhancement, #9, Annual Raptor Survey, as the permit item being violated.

The citation was issued after review of the Annual Report for 2016, which did not contain a raptor survey.

Background:

Interwest was contacted by the environmental consulting company contracted by PacifiCorp that had conducted previous annual raptor surveys on February 24, 2016, asking if Interwest would be conducting a survey. At that time, Interwest’s Deer Creek Mine had not been actively mining for over one year, had no surface construction

plans, and had no surface drilling plans. Interwest concluded that there were no known nests within ½ mile of the Deer Creek Rilda Canyon portals, the only active site within PacifiCorp's permit areas (see list below), and that a survey would be superfluous until the time when any of those activities were to be resumed. Interwest informed the contractor that they would be notified if Interwest was going to have a raptor survey done, and declined the contractors offer of services at that time. Interwest did not contact the Division.

PacifiCorp's Permit Areas Status:

Cottonwood Mine – Inactive, demolition complete, final reclamation earthwork pending plan approval.

Deer Creek Mine, Deer Creek Canyon – Inactive, portals sealed, power deactivated, demolition pending final closure at Rilda Canyon portals.

Deer Creek Mine, Rilda Canyon – Limited activities, final mine closure pending environmental reviews.

Request:

Interwest respectfully requests that the Division vacate the referenced NOV, for the following reasons.

1. PacifiCorp / Interwest Mining did not conduct any active mining, construction, or remote exploratory drilling activities during 2016 that could have affected raptors.
2. There were no known raptor nests within ½ mile of any active operations done by PacifiCorp / Interwest Mining during 2016.
3. There has been no demonstrable environmental harm.
4. In keeping with a long history of conducting annual raptor surveys (35 years since 1981) in the East Mountain area, Interwest has already begun the raptor surveys for 2017.

Prior to the issuance of this NOV, Pacificorp / Interwest Mining has begun raptor survey activities for 2017 in anticipation of reclamation and construction activities in the Deer Creek and Cottonwood Mine areas, in accordance with the above – mentioned regulatory and permit requirements.

PacifiCorp / Interwest Mining requests an informal hearing to discuss this issue.

Please feel free to contact me if you have any questions or need any further information regarding this request. My direct number is (435) 687-4712. This document has been transmitted to you both electronically and by hard copy.

Sincerely,



Kenneth Fleck
Geology and Environmental Affairs Manager

Attachments

Cc Karl Houskeeper (UDOGM)
Lisa Reinhart (UDOGM)
Daron Haddock (UDOM)
Scott Child (IMC)
File



Citation for Non-Compliance Utah Coal Regulatory Program

1594 West North Temple, Salt Lake City, UT 84114
Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: 21195

Permit Number: C0150018

Date Issued: 04/10/2017

NOTICE OF VIOLATION

CESSATION ORDER (CO)

FAILURE TO ABATE CO

Permittee Name: PACIFICORP

Inspector Number and ID: 69 LREINHAR

Mine Name: DEER CREEK MINE

Date and Time of Inspection: 04/07/2017 8:00 am

Certified Return Receipt Number: 9590940216186053129 239

Date and Time of Service:

Nature of condition, practice, or violation:

Failure to comply with the terms and conditions of the Mining and Reclamation Plan. The Permittee did not conduct annual raptor survey. Failure to provide adequate protection measures to protected wildlife species.

Provisions of Act, regulations, or permit violated:

R645-301-322, R645-301-333 and R645-300-142.

Volume 11, Page 18, Section 645-301-330, Protection and Enhancement, #9, Annual raptor survey.

This order requires Cessation of ALL mining activities. (Check box if appropriate.)

Condition, practice, or violation is creating an imminent danger to health or safety of the public.

Permittee is/has been conducting mining activities without a Permit.

Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

Permittee has failed to abate Violation(s) included in Notice of Violation or Cessation Order within time for abatement originally fixed or subsequently extended.

This order requires Cessation of PORTION(S) of mining activities.

Mining activities to be ceased immediately: Yes No

Abatement Times (if applicable).

Action(s) required: Yes No

The terms and conditions of the MRP must be followed. Since the 2016 raptor survey was not completed, it can not be replaced. The operator must conduct a 2017 raptor survey to determine what, if any, protection measures are required for any occupied nests within a one-half mile buffer of surface disturbance or mining activities that could agitate or harm a protected species.

Kenneth Fleck

(Print) Permittee Representative

LISA REINHART

(Print) DOGM Representative

Kenneth S. Fleck APRIL 17, 2017

Permittee Representative's Signature - Date

Lisa Reinhart 4/10/17

DOGM Representative's Signature - Date

SEE REVERSE SIDE Of This Form For Instructions And Additional Information