



December 8, 2000

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

Attn: Pam Grubaugh-Littig

Subject: Response to Deficiencies in the Cottonwood Fan Portal Phase I Bond Release Application, PacifiCorp, Cottonwood Mine, C015/019-BR00D, Emery County, Utah

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits responses to the deficiencies of the Cottonwood Fan Portal Phase I Bond Release Application. The application was submitted June 30, 2000. PacifiCorp received the deficiencies in the document dated September 27, 2000 with a due date of December 25, 2000.

The attached document attempts to answer the deficiencies in the order they were received. The Division's findings will be first listed by regulation and explanation. PacifiCorp will follow by a response in *italics*.

Accompanying this letter are four (4) copies of deficiency responses. Also accompanying this submittal are amendments to the Cottonwood Fan Portal Reclamation Plan, March 1998 as required by the August 31, 2000 Technical Analysis. Redline/strikeout copies of the amended portions are included as well as the C1/C2 form for their placement into the reclamation plan. If you have any questions or concerns regarding this document, please contact myself at (435) 687-4720 or Dennis Oakley at (435) 687-4825.

Sincerely,

Charles A. Semborski
Permitting/Geology Supervisor

**Enclosure: Response to Technical Analysis Deficiencies
C1/C2 Forms for Amended Parts of Reclamation Plan
Redline/Strikeout Versions of Amended Parts
Clean Copies of Amended Parts**

**Cc: Carl Pollastro
Dennis Oakley
DOGM Price Field Office**

File: Cottonwood 2000
Cottonwood Fan Portal Phase I Response to Deficiencies

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**DIVISION OF
OIL, GAS AND MINING**

Huntington Office:
(435) 687-9821
Fax (435) 687-2695
Purchasing Fax (435) 687-9092

Deer Creek Mine:
(435) 687-2317
Fax (435) 687-2285

Trail Mountain Mine:
(435) 748-2140
Fax (435) 748-5125

The following responses to deficiencies are formatted as found in the technical analysis document. They are broken down into logical section headings similar to the R645 regulations. In each section, the regulation number along with the associated deficiency is followed by the permittee's italicized response.

Reclamation Plan

General Requirements

R645-301-880.120, The permittee did not state the correct legal description in the draft public notice for the proposed bond release area. On Plate 5-5 the permittee shows the corner section for Section 25 and the boundaries for the Cottonwood Fan Portal facilities. That facility is in the NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 25 not just the NE $\frac{1}{4}$ as stated in the newspaper advertisement. The permittee should describe the area to the nearest quarter-quarter section.

The Division is correct in pointing out that the area of interest lies in both the NE $\frac{1}{4}$ and SE $\frac{1}{4}$. The newspaper public notice has been corrected to describe this location. Refer to the amended public notice attached to this document.

R645-301-880.120, The permittee must state in the newspaper notice the amount of bond release they are seeking. In the cover letter the permittee states that they want \$ 52,682.40 in the bond released.

The permittee found that the above amount reflected the 1993 costs (\$87,804.00) for reclaiming the Cottonwood Fan Portal area. Using an escalation factor of 2.01%, the 1998 dollar amount (the time the reclamation was completed) is \$ 96,990.00. A 60% release of bond would amount to \$58,194.00.

The permittee will display this amount in the newspaper public notice. Refer to the amended public notice attached to this document.

Approximate Original Contour Restoration

R645-301-542.300, The permittee must give the Division accurate cross sections for the Cottonwood Fan Portal access road. Those cross sections must show that the cut slopes have been reclaimed.

Upon review of the approved access road cross-sections and field conditions in this area, the permittee found that the final reclamation lines (Plate 5-7, Cottonwood Fan Portal Reclamation Plan, March 1998) on stations 3+32, 3+82, and 4+32 should have been revised prior to approval. It is Energy West's opinion that slope stability may not have been achieved on these slopes using the approved fill and gradient of the said area. The berms to the right of the centerline shown on Plate 5-7 should also have been utilized. Field conditions of the mentioned stations revealed uncut, nearly vertical rock outcropping where fill would not be needed. Plate 5-7 of the reclamation plan has been revised to reflect the concerns of slope stability, cut and fill quantities, field conditions, and material utilization. The revised Plate 5-7 is included with this submittal. Refer to the C1/C2 form for placement

into the Cottonwood Fan Portal Reclamation Plan. The as-built drawing of Plate 5-7 is also included with this submittal. Please replace the amended as-built drawing into the Phase I submittal. Inconsistencies were found concerning the surveyed cross-sections as explained in the TA (pg. 9). The amended as-built drawing reflects actual field conditions.

Backfilling and Grading

R645-301-553.300, The permittee must show that all coal seams, acid- or toxic-forming materials, and combustible materials exposed during the explorations have been properly covered. If the permittee claims that no exposed coal seams exist in the Cottonwood Fan Portal area then they must show that the exposed material is noncombustible and non acid- or toxic-forming.

The Backfill and Grading section has been revised to include the following:

R645-301-553.300: Exposed Coal Seams, Acid Toxic Forming Materials

During the excavation process, the Hiawatha coal seam was exposed at the Cottonwood Fan Portal to determine seam characteristics and to gain engineering data for foundation analysis (referred to as Terrace 1). Backfill and grading during the reclamation process completely covered the exposed coal seam. Above the Hiawatha coal seam, several carbonaceous sequences were also exposed. PacifiCorp conducted sampling to determine if the exposed carbonaceous layers were either acid or toxic forming materials. Results of the sampling indicate that the two sites sampled, refer to Map 5-5 soils sites CFP0200 and CFP0400, are not consider acid or toxic forming based upon the criteria outlined by the Division (refer to R645-301-200 Soils: Appendix D). In addition, PacifiCorp analyzed the samples to determine if the combustible nature of the material. Results of the testing indicate that the BTU's of the two samples range from 3800 to 4900 and would not be considered combustible.

The amended section is included with this submittal. Refer to the C1/C2 form for placement into the Cottonwood Fan Portal Reclamation Plan.

Topsoil and Subsoil

R645-301-142 and 143, and R645-301-120, The Phase 1 bond release application package needs to include applicable amended MRP sections explaining activities as they actually occurred during reclamation of the Cottonwood Fan portal site. Amended sections need to explain variations to the approved MRP and justify why the approved procedures were changed during actual reclamation for the following: (1) Leaving an access trail to the Old Johnson Mine historical portals. (2) Using a 1,000 cubic yards in access of the approved volume of subsoil and topsoil. (3) Inappropriately using soils as fill up to 10 feet in thickness. (4) Using both the subsoil and topsoil interchangeably rather than sequentially with verbal approval granted by the Division. (5) Failure to use mid-sized rock and boulder placement along the front face of benches to help control slope sloughing.

(1) The cover letter mistakenly explained that a trail was left to access the two portals of the old Johnson mine site after reclamation of the access road. There is no trail accessing

these portals. DOGM inspector, Wayne Western, can verify this claim. The road was reclaimed as described in the reclamation plan.

(2) The statement in the TA (under soil redistribution) claims that only 2580 yd³ was needed to reclaim the Cottonwood fan portal area. This statement fails to acknowledge the approved access road cut and fill volumes. The plan calls for 666.59 yd³ of material to complete the reclamation of the access road. The total material should actually be 2580 yd³ (2581.4 yd³) of terrace material, plus, 666.59 yd³ of access road material, or 3247.99 yd³. The as-built cross-sections display that 3363.5 yd³ of material was used to reclaim the entire site. This relates to minute difference of 115.51 yd³ of excess material, or about 1/4 inch of material over the entire soil placement locations.

Also, the Division should acknowledge the conversation between Energy West and inspector Bob Davidson (Attachent C of the 6/30/00 submittal and explained below in item 4) concerning the topsoil pile. Energy West stated to Mr. Davidson, and Mr. Davidson agreed, that the entire topsoil pile would be used adding 30.56 yd³ of soil material to the mass balance total.

(3) The permittee acknowledges inconsistencies along the Old Johnson access road, Plate 5-7, and has rectified this situation (refer to Approximate Original Contour Restoration comments above). As for "inappropriately using soils", PacifiCorp worked closely with the Division soil specialist during the reclamation process on the best practice of subsoil and topsoil utilization (refer to Comment (4) below). If this does not resolve concern, it would be helpful if the Division could explain what they mean by "inappropriately using soils ...".

(4) On October 14, 1998, Bob Davidson visited the Cottonwood Fan Portal reclamation site. Energy West requested permission to use the subsoil as a top dressing instead of the topsoil. After visual examination and researching the physical and chemical characteristics of each of the soil piles, Mr. Davidson concluded (technical analysis, Nov. 5, 1998) that the subsoil pile would make "an excellent source of soil material for final reclamation of the fan portal without needing the topsoil dressing." He also required an amendment to be filed to use only the subsoil pile during final reclamation.

Energy West decided that an amendment would be too time consuming since the backfilling and grading process was ready to begin. Energy West engineer, Dennis Oakley, e-mailed Mr. Davidson on Nov. 20, 1998 stating that we would use the topsoil as planned with the exception that the entire topsoil pile would be used (an extra 30 yd³).

Energy West used both subsoil and topsoil piles interchangeably since the piles were of similar quality. The amended pages (Soils section, pages 5 and 6) as required by Mr. Davidson, are attached to this document. Both redline/strikeout and clean copies are included.

(5) Energy West used various sized rock and boulders where deemed feasible or helpful to control slope sloughage. This material was obtained and utilized on-site. Other rock material was randomly placed on the prepared slopes to provide a natural aesthetic appearance as well as slope containment.

R645-301-241 and R645-301-251, Approximately 6,321 cubic yards remains in the subsoil stockpile. Amend the reclamation plan to include redistribution plans for soils remaining in the subsoil stockpile.

The Soils section under Existing subsoil and topsoil piles has been amended to include the following statement:

The remaining salvaged soil will be used to reclaim the Cottonwood overland tube conveyor, intake and diesel portals, and Trail Mountain Mine if needed. Both redline/strikeout and clean copies are included with this document.

Road Systems and Other Transportation Facilities

R645-301-542.600, The permittee must show that the section of the Cottonwood Fan Portal access road by the Johnson Mine portals must be retained to preserve the historic Johnson Mine Portals.

On Plate 5-5, the historic Johnson Mine site area is outline as a bolded dashed line. This line was established with the cooperation of the State Historic Preservation Office (SHPO), Division of Oil, Gas and Mining, Energy West, and the land owner (LDS Church). All parties agreed with the reclamation plan. The Plan states in the Land Use section on page 2, R645-301-411.142, "The delineated Old Johnson Mine area is outside the reclamation area, and will thus be protected from any disturbance. The roadway in front of the old portal is expected to be utilized for access into the disturbed area for reclamation purposes...The roadway will be reclaimed to approximate original contour from the portals to the tube conveyor (refer to Plate 5-2 CFP Volume 11)." When referring to Plate 5-2, the access road in front of the portals is shown to be retained. During reclamation activities, this portion of the road was roughened and revegetated. The undisturbed area of the historic Johnson Mine site has been delineated using hatchings. Plates 3-13, 5-1, 5-2, 5-3, 5-5, and 5-5A have been revised to show this area. These amended drawings are included with this document. Refer to the C1/C2 forms for placement into Volume 11, Cottonwood Fan Portal Reclamation.

Maps, Plans, and Cross Sections of Reclamation Operations

R645-301-521.163, The permittee must outline the undisturbed Johnson Mine site on the disturbed area boundary maps.

Plates 3-13, 5-1, 5-2, 5-5, and 5-5A have been amended showing the Johnson Mine site as an undisturbed island within the disturbed area of the Cottonwood Fan Portal area. These drawings are included with this document.

Bonding and Insurance Requirements

R645-301-880.120, The permittee must state in the newspaper notice the amount of bond release that they are seeking. In the cover letter the permittee states that they want \$52,682.40 in bond released.

*This issue has been covered previously under the **General Requirements** heading.*

APPLICATION FOR PERMIT PROCESSING

<input checked="" type="checkbox"/> Permit Change	<input type="checkbox"/> New Permit	<input type="checkbox"/> Renewal	<input type="checkbox"/> Transfer	<input type="checkbox"/> Exploration	<input type="checkbox"/> Bond Release	Permit Number: C015/019
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Title of Proposal: Response to Deficiencies in the Cottonwood Fan Portal Phase I Bond Release Application, PacifiCorp, Cottonwood Mine, C015/019-BR00D, Emery County, Utah.	Mine: Cottonwood/Wilberg Mine
	Permittee: PacifiCorp

Description, include reason for application and timing required to implement: **Response to deficiency document dated September 27, 2000**

Instructions: *If you answer yes to any of the first 8 questions (gray), this may be a Significant Revision and require Public Notice. Any questions, please call a Permit Supervisor.*

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	1. Change in the size of the Permit Area? _____ acres Disturbed Area? _____ acres <input type="checkbox"/> increase <input type="checkbox"/> decrease.
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	2. Is the application submitted as a result of a Division Order? DO # _____
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	3. Does application include operations outside a previously identified Cumulative Hydrologic Impact Area?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	4. Does application include operations in hydrologic basins other than as currently approved?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	5. Does application result from cancellation, reduction or increase of insurance or reclamation bond?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	6. Does the application require or include public notice/publication?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	7. Does the application require or include ownership, control, right-of-entry, or compliance information?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	9. Is the application submitted as a result of a Violation? NOV # _____
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	10. Is the application submitted as a result of other laws or regulations or policies? Explain: _____
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	11. Does the application affect the surface landowner or change the post mining land use?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2?)
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	13. Does the application require or include collection and reporting of any baseline information?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	15. Does application require or include soil removal, storage or placement?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	16. Does the application require or include vegetation monitoring, removal or revegetation activities?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	17. Does the application require or include construction, modification, or removal of surface facilities?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	18. Does the application require or include water monitoring, sediment or drainage control measures?
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	19. Does the application require or include certified designs, maps, or calculations?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	20. Does the application require or include subsidence control or monitoring?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	21. Have reclamation costs for bonding been provided for?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	22. Does application involve a perennial stream, a stream buffer zone or discharges to a stream?
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	23. Does the application affect permits issued by other agencies or permits issued to other entities?

Attach 4 complete copies of the application.

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.

Charles A. Semborski Charles A. Semborski Geology/Permitting Supervisor 12-11-2000
Signed - Name - Position - Date

Subscribed and sworn to before me this 11th day of December, 2000.

Larissa Anderson
Notary Public

My Commission Expires: December 27, 2001
Attest: STATE OF Utah COUNTY OF Emery) ss:

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Received by: Oils, Gas & Mining

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