



## State of Utah

Department of  
Natural ResourcesROBERT L. MORGAN  
*Executive Director*Division of  
Oil, Gas & MiningLOWELL P. BRAXTON  
*Division Director*OLENE S. WALKER  
*Governor*GAYLE F. McKEACHNIE  
*Lieutenant Governor*

July 6, 2004

Chuck Semborski, Environmental Supervisor  
Energy West Mining Company  
P.O. Box 310  
Huntington, Utah 84528Re: Five-Year Permit Renewal, Cottonwood/Wilberg Mine, PacifiCorp, C/015/0019,  
Outgoing File*Lowell*

Dear Mr. Semborski:

The permit renewal for the Cottonwood/Wilberg Mine is approved. Enclosed are two (2) copies of the renewed permanent program mining and reclamation permit for the Cottonwood/Wilberg Mine.

Please read the permit to be sure you understand the requirements of the permit, then have both copies signed by the appropriate PacifiCorp representative and return one to the Division.

If you have any questions, please call me or Pamela Grubaugh-Littig.

Sincerely,

*Lowell*Lowell P. Braxton  
Director

## Enclosures

cc: James Fulton, OSM, WRCC  
PFO

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**UTAH DIVISION OF OIL, GAS AND MINING  
STATE DECISION DOCUMENT**

**For  
PERMIT RENEWAL**

**PacifiCorp  
Cottonwood/Wilberg Mine  
C/015/0019  
Emery County, Utah**

**July 6, 2004**

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## **ADMINISTRATIVE OVERVIEW**

PacifiCorp  
Cottonwood/Wilberg Mine  
Five Year Permit Renewal  
C/015/0019  
Emery County, Utah

July 6, 2004

### **BACKGROUND**

The Cottonwood/Wilberg Mine is located approximately eight miles northwest of Orangeville, Utah on the east side of the Wasatch Plateau Coal Field. The permit area currently encompasses 6886.88 acres comprised of federal coal leases and privately-owned holdings.

This mine was in operation prior to the enactment of SMCRA and the initial permanent program permit was issued to Utah Power and Light Company on July 6, 1984. This permit was subsequently renewed on July 6, 1989, July 6, 1994 and July 6, 1999.

### **PERMIT RENEWAL**

PacifiCorp made application to the Division of Oil Gas and Mining for a five year permit renewal for the Cottonwood/Wilberg Mine on May 10, 2004. This renewal encompasses the same permit area and disturbance as currently approved in the permit (issued April 1, 2004 -reduced due to lease relinquishments).

The application for permit renewal was submitted on May 10, 2004, which was not 120 days prior to permit renewal. The renewal application was determined administratively complete on May 14, 2004. Public notice for this permit renewal was published in the Emery County Progress on April 27, May 4, 11, and 18, 2004. A minor administrative concern is the publication prior to the completeness determination. This is not considered a major concern, however, because the same information as identified in the publication as the application was published.

### **ANALYSIS**

The permit renewal application was not received at least 120 days prior to permit renewal. Hindrance violation N04-1-1-1 was issued and terminated on May 11, 2004 for failure to timely submit a permit renewal. All notices were published as required. The public comment period ended on June 18 and no comments were received.

### **RECOMMENDATION**

Approval for this permit renewal is recommended.

## PERMITTING CHRONOLOGY

PacifiCorp  
Cottonwood/Wilberg Mine  
Permit Renewal  
C/015/0019  
Emery County, Utah

July 6, 2004

May 10, 2004	PacifiCorp submitted a permit renewal application.
May 11, 2004	Hindrance violation N04-1-1-1 issued for not submitting the permit renewal in a timely manner, i.e. 120 days prior to permit renewal.
May 14, 2004	Determination of Administrative Completeness of permit renewal application.
April 27, May 4, 11, and 18, 2004	Public notice for permit renewal for the Cottonwood/Wilberg Mine published in the <u>Emery County Progress</u> .
May 19, 2004	Permit renewal completeness determination sent to applicable state, federal, and county agencies with a note that comments must be received by June 23, 2004.
June 18, 2004	No public comments received.
July 6, 2004	The permit is renewed.

## PERMIT RENEWAL FINDINGS

PacifiCorp  
Cottonwood/Wilberg Mine  
C/015/0019  
Emery County, Utah

July 6, 2004

1. The permit renewal term will not exceed the original permit term of five years (R645-303-234).
2. The terms and conditions of the existing permit are being met. (R645-303-233.110).
3. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the Act and the Utah State Program (R645-303-233.120).
4. The requested renewal will not substantially jeopardize the operator's continuing ability to comply with the Act and the Utah State Program (R645-303-233.130).
5. The operator has provided evidence of maintaining liability insurance in full effect (Associated Electric and Gas Insurances Services Limited, Policy U0614A1A04)(R645-303-233.140).
6. The operator has a reclamation surety on file with the Division and has provided evidence that the surety will remain in full effect. (Travelers Casualty and Surety Company of America, Bond Number 1037771497 in the amount of \$3,0321,587) (R645-303-233.150).
7. To date, the operator has submitted updated information as required by the Division through this permit term. (R645-233.160).

  
Permit Supervisor

  
Permit Supervisor

  
Associate Director of Mining

  
Director

**FEDERAL**

**PERMIT**  
**Permit Number C/015/0019**  
**STATE OF UTAH**  
**DEPARTMENT OF NATURAL RESOURCES**  
**DIVISION OF OIL, GAS AND MINING**  
**1594 West North Temple, Suite 1210**  
**P. O. Box 145801**  
**Salt Lake City, Utah 84114-5801**  
**(801) 538-5340**

**July 6, 2004**

This permit, C/015/0019, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

**PacifiCorp**  
**One Utah Center**  
**201 South Main, Suite. 2000**  
**Salt Lake City, Utah 84140-0021**

for the Cottonwood/Wilberg Mine. PacifiCorp is the lessee of federal coal leases U-1358, U-083066, U-040151, U-47978, UTU-044025, SL-064900 and the owner/lessee of certain fee-owned parcels. A Surety Bond is filed with the Division in the amount of \$3,082,527, payable to the State of Utah, Division of Oil, Gas and Mining and the 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.
- Sec. 2 PERMIT AREA** - The permittee is authorized to conduct coal mining and reclamation operations on the following described lands within the permit area at the Cottonwood/Wilberg Mine, situated in the state of Utah, Emery County, see Plate 1-1 in the Mining and Reclamation Plan.

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

Section 13: E1/2 SW1/4, SE1/4,  
Section 24: E1/2 W1/2, E1/2, and  
Section 25: N1/2 NE1/4,  
Beginning at the SE corner of the NE1/4 SE1/4 of Section 25, T17S, R6E, SLB&M;  
thence, north 160 rods; thence, west 116 rods to centerline of the Cottonwood Creek;  
thence, southerly along centerline of said creek to a point 84 rods west of the  
beginning; thence, east 84 rods to the beginning.

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

Section 15: SW1/4,  
Section 16: S1/2,  
Section 17: S1/2,  
Section 18: S1/2,  
Section 19: All,  
Section 20: All,  
Section 21: All,  
Section 22: W1/2, W1/2 SE1/4,  
Portions of the E1/2 SE1/4 SE1/4 west of the Deer Creek fault, W1/2 SE1/4 SE1/4,  
N1/2 NE1/4 SE1/4, SW1/4 NE1/4 SE1/4, Portions of the SE1/4 NE1/4 SE1/4 west of  
the Deer Creek fault.  
Section 27: NW1/4, W1/2NE1/4, W1/2E1/2NE1/4,  
Portions of the W1/2E1/2E1/2NE1/4 west of the Deer Creek fault, N1/2 SW1/4.  
Section 28: All,  
Section 29: All,  
Section 30: Lots 1-3, W1/2NE1/4, NE1/4NE1/4, NW1/4SE1/4,  
Section 32: N1/2, N1/2 S1/2, and  
Section 33: N1/2, N1/2SW1/4.

**Old Waste Rock Site**

**Northern Parcel**

Beginning from the east 1/4 corner of Section 34, T17S, R7E, SLB&M;  
thence, S 32° 35' 06" E, 333.34 feet;  
thence, S 25° 37' 57" E, 113.14 feet;  
thence, S 25° 27' 00" W, 117.42 feet;  
thence, S 72° 20' 00" W, 214.90 feet;  
thence, S 62° 54' 12" W, 69.67 feet;  
Thence, S 54° 05' 38" W, 334.79 feet;  
Thence, N 31° 22' 00" W, 421.95 feet;  
thence, N 24° 13' 43" W, 219.34 feet;  
thence, N 16° 11' 43" W, 669.30 feet;  
thence, N 54° 04' 29" E, 168.18 feet;  
thence, S 54° 11' 25" E, 887.95 feet;  
to the point of beginning.

**Southern Parcel**

Beginning at point S 32° 35' 06" E, 582.18 feet from the east 1/4 corner of Section 34,  
T17S, R7E, SLB&M;  
thence, S 32° 35' 06" E, 1296.31 feet;  
thence, S 55° 31' 08" W, 411.69 feet;  
thence, N 48° 03' 42" W, 656.18 feet;  
thence, N 46° 38' 41" W, 472.77 feet;

thence, N 38° 57' 15" W, 229.19 feet;  
thence, N 31° 22' 00" W, 90.38 feet;  
thence, S 72° 32' 03" E, 65.63 feet;  
thence, N 50° 27' 20" E, 295.51 feet;  
thence, N 69° 41' 04" E, 398.55 feet;  
to the point of beginning.

Both parcels containing 34.56 acres, more or less.

New Waste Rock Site

Beginning at point N 82° 39' 28" W, 809.58 feet, from the east 1/4 corner of Section 34, T17S, R7E, SLB&M;  
thence, S 74° 09' 46" W, 246.23 feet;  
thence, S 27° 14' 28" W, 647.59 feet;  
thence, S 46° 59' 05" W, 165.64 feet;  
thence, S 76° 41' 51" W, 264.72 feet;  
thence, N 72° 09' 12" W, 670.20 feet;  
thence, S 06° 10' 47" W, 105.57 feet;  
thence, S 23° 08' 12" W, 35.27 feet;  
thence, S 36° 59' 41" W, 71.59 feet;  
thence, S 40° 44' 45" W, 114.04 feet;  
thence, S 23° 37' 34" W, 93.77 feet;  
thence, S 60° 40' 32" W, 113.86 feet;  
thence, S 05° 17' 52" E, 108.19 feet;  
thence, S 23° 20' 37" E, 105.29 feet;  
thence, S 24° 38' 51" W, 61.70 feet;  
thence, S 31° 19' 19" E, 129.90 feet;  
thence, S 29° 19' 58" E, 80.45 feet;  
thence, S 24° 11' 44" E, 104.97 feet;  
thence, S 47° 47' 54" E, 168.95 feet;  
thence, S 40° 17' 54" E, 87.31 feet;  
thence, S 17° 50' 49" W, 43.32 feet;  
thence, S 72° 11' 49" E, 213.13 feet;  
thence, S 78° 08' 28" E, 287.64 feet;  
thence, N 11° 43' 23" E, 86.24 feet;  
thence, N 73° 40' 14" E, 120.87 feet;  
thence, N 17° 04' 33" E, 74.31 feet;  
thence, N 14° 20' 36" W, 65.70 feet;  
thence, N 17° 05' 06" E, 75.21 feet;  
thence, N 09° 13' 24" W, 65.92 feet;  
thence, N 12° 54' 35" W, 99.73 feet;  
thence, N 02° 44' 30" W, 82.47 feet;  
thence, N 08° 32' 17" W, 85.51 feet;  
thence, N 01° 39' 36" W, 104.82 feet;  
thence, N 17° 50' 48" E, 218.03 feet;

thence, N 76° 41' 51" E, 353.88 feet;  
thence, N 27° 14' 28" E, 629.52 feet;  
thence, N 50° 42' 06" E, 123.74 feet;  
thence, N 74° 09' 48" E, 113.70 feet;  
thence, N 15° 56' 15" W, 149.72 feet;  
to the point of beginning. Containing 25.85 acres, more or less.

Leach Field

Beginning S 52° 06' 48" W, 1664.59 feet from the NE corner of Sections 34, T17S, R7E, SLB&M;  
thence, S 15° 23' 50" E, 193.05 feet;  
thence, N 69° 13' 28" W, 354.72 feet;  
thence, N 14° 04' 20" W, 185.61 feet;  
thence, N 29° 53' 51" E, 488.38 feet;  
thence, N 00° 47' 31" E, 474.97 feet;  
thence, E 30 feet;  
thence, S 00° 47' 31" W, 421.50 feet;  
thence, S 04° 55' 10" E, 598.80 feet;  
to the point of beginning. Containing 3.7 acres, more or less.

The Cottonwood/Wilberg permit area contains the areas described herein. The area within the boundary is approximately 6,886.88 acres. The total disturbed area at the mine is currently 62.82 acres. The disturbance is distributed as follows:

Mine Site:	20.49 acres
Old Waste Rock Site:	15.62 acres
New Waste Rock Site:	17.44 acres
Leach Field:	2.0 acres
Miller Canyon Portals:	0.02 acres
Cottonwood Fan Portal:	7.25 acres

This legal description is for the permit area of the Cottonwood/Wilberg Mine. 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 July 6, 2009.

- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Director, the Division. 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 on those lands specifically designated as within the permit area on the operator's 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 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. 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 is a special condition associated with this permitting actions 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: James P. Rraft

Date: 7/6/04

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

\_\_\_\_\_  
**Authorized Representative of  
the Permittee**

By: \_\_\_\_\_

Date: \_\_\_\_\_

Attachment A

**SPECIAL CONDITION**

1. PacifiCorp will submit water quality data for the Cottonwood/Wilberg Mine in an electronic format through the Electronic Data Input website, <http://hlunix.hl.state.ut.us/cgi-bin/appx-ogm.cgi>.

# AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

SS.

County of Emery,)

I, Ken Larson, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 4 (Four) consecutive issues, and that the first publication was on the 27th day of April, 2004 and that the last publication of such notice was in the issue of such newspaper dated the 17th day of May, 2004.

*Ken G. Larson*

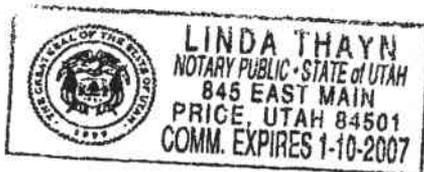
Ken G Larson - Publisher

Subscribed and sworn to before me this 17th day of May, 2004.

*Linda Thayne*

Notary Public My commission expires January 10, 2007 Residing at Price, Utah

Publication fee, \$ 500.64

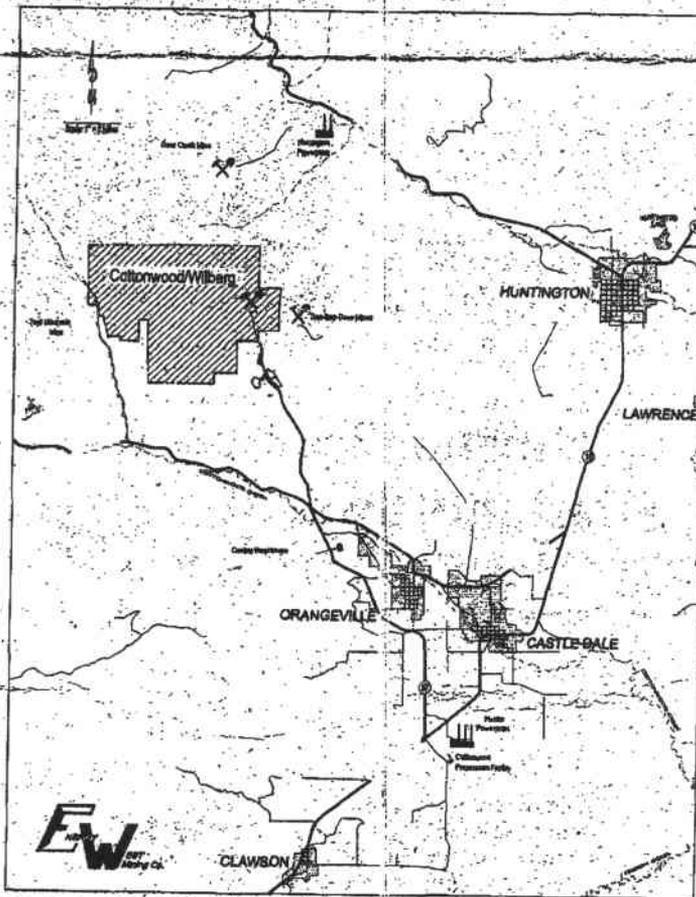


**PUBLIC NOTICE**  
**PACIF CORP**  
**COTTONWOOD/WILBERG MINE**  
**C/01E/019**

**PERMIT RENEWAL APPLICATION**

**ENERGY WEST MINING COMPANY**  
**P.O. BOX 310**  
**HUNTINGTON, UTAH 84528**

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits an application for a permit renewal of the Cottonwood/Wilberg Mine for the purposes of conducting underground coal mining and related surface activities. The mine is currently in temporary cessation and has been since May, 2001. The permit area encompasses approximately 6,886.88 acres located in Township 17 South, Range 7 East, portions of Sections 13, 24, and 25; Township 17 South, Range 6 East, portions of Sections 15 through 18, 22, 27, 30, 32, 33, and 34, and all of Sections 19, 20, 21, 28, and 29; Contact the address above for detailed locations information. For convenience, a general location map is provided below.



A surety bond is filed with the Division of Oil, Gas and Mining and is payable to the State of Utah, Division of Oil, Gas and Mining (DOGMI), and the Office of Surface Mining Reclamation and Enforcement (OSM).

A copy of the permit renewal application may be examined at the office of the Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, Salt Lake City, Utah 84114-5801 and also at the Records Office located in the Emery County Courthouse in Castle Dale, Utah. Written comments, objections, or requests for an informal conference may be submitted to the Division of Oil, Gas, and Mining address above. Said comments must be submitted thirty (30) days from the date of the last publication of this notice. This notice is being published to comply with the Surface Mining Control and Reclamation Act of 1977, and State and Federal regulations promulgated pursuant to said Act.

Published in the Emery County Progress April 27, May 4, 11 and 18, 2004.



State of Utah

Department of  
Natural Resources

ROBERT L. MORGAN  
*Executive Director*

Division of  
Oil, Gas & Mining

LOWELL P. BRAXTON  
*Division Director*

OLENE S. WALKER  
*Governor*

GAYLE F. McKEACHNIE  
*Lieutenant Governor*

July 2, 2004

TO: Internal File

FROM: Pamela Grubaugh-Littig, Permit Supervisor. *PL*

RE: 510 (c) Recommendation for PacifiCorp, Cottonwood/Wilberg Mine, C/015/0019

As of this writing of this memo, there are no NOV's or COs which are not corrected or in the process of being corrected for the Cottonwood/Wilberg Mine. There are no finalized civil penalties, which are outstanding and overdue in the name of PacifiCorp. PacifiCorp does not have a demonstrated pattern of willful violations, nor have they been subject to any bond forfeitures for any operation in the state of Utah.

Attached is an OSM recommendation from the Applicant Violator System with a determination that there are no violations associated with PacifiCorp.

*LPE 76*

Attachment  
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Application Evaluation Report Applicant Violator System 01-Jul-2004 14:46:25

State : UT Permit No : ACT015019	Appl No : ACT015019
Permittee : 108521( PACIFICORP )	Seqno : 5
Applicant : 108521( PACIFICORP )	

OSMRE: Comments/Analysis: Date : 01-Jul-2004 Mode : VIEW

SRA: Comments/Analysis: Date : 01-Jul-2004 Mode : UPDATE

SAVE(F5) DELETE(F8)  
PRV\_SCR(F3) QUIT(F4) CHOICES(F10)

CMD: KER DDE WINSOCK Mode Connected

UI220 ONLINE 18 35

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