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# State of Utah

DEPARTMENT OF NATURAL RESOURCES

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C0150019  
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January 27, 2009

Kenneth S. Fleck, Manager of Geology & Environmental Affairs  
Energy West Mining Company  
P.O. Box 310  
Huntington, Utah 84528

Subject: Phase II and III Bond Release - Old Waste Rock, PacifiCorp, Cottonwood/Wilberg Mine, C/015/0019, Task ID #2964

Dear Mr. Fleck:

The Division has determined that there are some deficiencies that must be addressed before granting Phase III bond release. Those deficiencies are listed as an attachment to this letter.

Each deficiency identifies its author by that author's initials in parentheses so that your staff can directly communicate with that individual should any questions arise during the preparation of your response. If you have any questions please call me at (801) 538-5262 or Daron Haddock at (801) 538-5325.

Sincerely,

James D. Smith  
Permit Supervisor

JDS/sqs  
attachment  
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**Deficiency List**  
**Task ID #2964**  
**Midterm Review**

The members of the review team include the following individuals:

[IW]	Ingrid Wieser	(801) 538-5318
[JDS]	Jim Smith	(801) 538-5262
[JCH]	Joe Helfrich	(801) 538-5290
[PH]	Pete Hess	(435) 613-3731
[PWB]	Priscilla Burton	(435) 613-3733

**R645-301-356.200:** Minimum woody species stocking densities needs to be specified on the basis of local and regional conditions in consultation with the DOGM and the Division of Wildlife Resources or other regulatory authority. The Permittee needs to demonstrate that minimum stocking densities have been achieved on the reclaimed area, and that no trees or shrubs that have been in place for less than two growing seasons are counted toward stocking adequacy as per R645-301-356.232. [IW]

The Permittee must demonstrate that 80% of the woody species used to demonstrate stocking density have been in place for at least 60% of the responsibility period (or six years). In this demonstration, the Permittee must provide in the bond release application all data and analysis reports from the monitoring years used. [IW]

**R645-301-356.110:** A signed statement by a regulatory authority needs to be included in the application describing the current range condition of the reference area and surrounding vegetation. [IW]

The Permittee included the non-native invasive plant *Bromus tectorum*, (Cheatgrass), in all parameters of vegetation monitoring. The presence of *Bromus tectorum* does not affect bond release, but it should not be included in demonstration of achievement of success standards. [IW]