

0011



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

Outgoing  
C0150019  
#3295  
K

July 21, 2009

Kenneth S. Fleck  
Energy West Mining Company  
P.O. Box 310  
Huntington, Utah 84528

Subject: 2008 Annual Report Review, Cottonwood/Wilberg Mine, C/015/0019, Task ID # 3295 Outgoing File

Dear Mr. Fleck:

The Division staff has completed the 2008 Annual Report Review. Enclosed is a copy of the review for Cottonwood/Wilberg Mine, C/015/0019 completed on July 20, 2009.

Thank you for your diligence in completing the Annual Report. If you have any questions, please call me at (801) 538-5325.

Sincerely,

Daron Haddock  
Permit Supervisor

sqg  
Enclosure  
O:\AnnualReport\2008 Annual Reports\CWW.doc



This Annual Report shows information the Division has for your mine. Please review the information to see if it is current. If the information needs to be updated please do so in this document. At the end of each section the operator is asked to verify if the information is correct. Please answer these questions and make all comments on this document. Submit the completed document and any additional information identified in the Appendicies to the Division by April 30, 2009. During a complete inspection an inspector will check and verify the information. To enter text, click in the cell and type your response. You can use the tab key to move from one field to the next. To enter an X in a box, click next to the box, right click, and select properties, then the checked circle, then hit enter, or hit the unchecked circle if the X is to be removed.

## GENERAL INFORMATION

Permittee Name	PacifiCorp
Mine Name	Cottonwood/Wilberg Mine
Operator Name (If other than permittee)	Energy West Mining Company
Permit Expiration Date	July 6, 2009
Permit Number	C/015/0019
Authorized Representative Title	Geological and Environmental Affairs Manager
Phone Number	(435) 687-4712
Fax Number	(435) 687-2695
E-mail Address	ken.fleck@pacificorp.com
Mailing Address	P.O. Box 310 Huntington, Utah 84528
Designated Representative	Ken Fleck
Resident Agent	Ken Fleck
Resident Agent Mailing Address	Same as above
Number of Binders Submitted	2

## IDENTIFICATION OF OTHER PERMITS

Identify other permits that are required in conjunction with mining and reclamation activities.

Permit Type	ID Number	Description	Expiration Date
MSHA Mine ID(s)	42-01221	Cottonwood/Wilberg Mine	None
MSHA Impoundment(s)	1211-UT-09-02052-02	North Sediment Pond	None
	1211-UT-09-02052-02	South Sediment Pond	None
NPDES/UPDES Permit(s)	UTG040009	Sites 001, 003, 004, and 005 consisting of mine discharge and sediment ponds.	
PSD Permit(s) (Air)	DAQE-694-95	Issued 8/9/95, includes Trail Mtn Mine	None
	DAQE-835-91	Issued 12/16/91, includes WRS	None
<b>Other</b>			

Operator, please update any incorrect information.

**CERTIFIED REPORTS**

List the certified inspection reports as required by the rules and under the approved plan that must be periodically submitted to the Division. Specify whether the information is included as Appendix A to this report or currently on file with the Division.

Certified Reports:	Required		Included Included	or DOG M file location Vol, Chapter, Page
	Yes	No		
Excess Spoil Piles	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Refuse Piles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Other</b>				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**Operator Comments:**

DOG M receives these reports quarterly. Refer to Appendix A.

**Inspector:**

Has the operator complied with this section? Yes  No

**Inspector Comments:** The Permittee has submitted four quarterly reports for 2008 for each of the following locations associated with the Cottonwood / Wilberg Mine;

- 1) North and South MSHA ponds and the Cottonwood / Wilberg Waste Rock Sediment Ponds
- 2) The Cottonwood / Wilberg active waste rock site
- 3) The reclaimed / inactive "old" waste rock site (Phase II and III bond release application submitted to DOGM, permitting in process).

No safety hazards have been identified for either of the waste rock sites or any of the three impoundments.

**COMMITMENTS AND CONDITIONS**

The Permittee is responsible for ensuring annual technical commitments in the MRP and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If the particular section is blank, no commitment has been identified and no response is required for this report. If additional written response is required, it should be filed under Appendix B to this report.

Admin R645-301-100

Soils R645-301-200

Biology R645-301-300

Landuse, Cultural Resources, Air Quality R645-301- 400

Engineering R645-301-500 All secondary extraction activities were completed prior to 2001, when the Mine was sealed and placed in temporary cessation status. All areas are considered as having reached maximum deformation and dormancy.

Geology R645-301-600

Hydrology R645-301-700

Bonding & Insurance R645-301-800

**Other Commitments**


\*Reminder: If equipment has been abandoned during 2008, an amendment must be submitted that includes a map showing its location, a description of what was abandoned, whether there were any hazardous or toxic materials and any revision to the PHC as necessary.

**REPORTING OF OTHER TECHNICAL DATA**

List other technical data and information as required under the approved plan, which must be periodically submitted to the Division. Specify whether the information is included as Appendix B to this report or currently on file with the Division.

**Operator Comments:**

The annual vegetation monitoring report is included in Appendix B.

**Inspector:**

Has the operator complied with this section? Yes  No

**Inspector Comments:**

Reports reviewed by Ingrid Wieser.

Vegetation Monitoring for Phase III bond release Year 2 at the Cottonwood Fan Portal Area:

This vegetation survey was conducted by Dr. Patrick Collins in 2008. The Cottonwood Fan Portal Area sampled in this study includes two slopes reclaimed in 1981 and 1998. The reference area, located in the vicinity, is characterized by a Pinyon Juniper plant community.

In 2008, the reclaimed '81 slope was dominated by sagebrush, great basin wildrye, fourwing saltbush and Russian Wildrye. The total living cover was estimated at 49.3% with shrubs making up 55.33% of that composition. The woody species density was estimated at 4,334 plants per acre and the total biomass production was 495.27 pounds per acre. The reclaimed slope '98 was dominated by Great basin wildrye, pacific aster, western wheatgrass, lewis flax and fourwing saltbush. The total living cover was estimated at 43.30% with 42.53% grasses. Woody species density was 2,205 plants per acre and productivity was 349.66 pounds per acre.

The Pinyon juniper reference area had a total living cover estimated at 35.40% which included an overstory and understory. Woody species density was estimated at 1235 plants per acre and production was 196.19 pounds per acre.

New Reference Area Considerations for the New Waste Rock Site

The Black Sagebrush/Grass reference area chosen previously as a success standard has been disturbed by activities beyond the control of the mining company. A new reference area consisting of black sagebrush/grass communities has

been selected by Mt. Nebo Scientific. The total living cover of the proposed reference area was estimated at 34.25% consisting mostly of shrubs. Woody species density was estimated at 14,439 plants per acre. The total living cover of the previous reference area was estimated at 24.38% and woody species was 4519 plants per acre. The new reference site has much higher values for cover and density making it a more stringent success standard. Because of the dissimilarity between the old and new black sagebrush/grass reference areas, it was proposed that an existing reference area for a Gardner saltbush plant community be used instead because the parameters were not statistically different. It was also suggested that if the gardner saltbush reference area is used, the seed mixture could be reformulated to represent both the black sagebrush and saltbush communities.

The Division and DWR will visit the site to determine which reference area will be used and if a new reclamation seed mix should be formulated.

**LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION**

Change in administration or corporate structure can often bring about necessary changes to information found in the mining and reclamation plan. The Division is Requesting that each permittee review and update the legal, financial, compliance and related information in the plan as part of the annual report. Please provide the Department of Commerce, Annual Report of Officers, or other equivalent information as necessary to ensure that the information provided in the plan is current. Provide any other change as necessary regarding land ownership, lease acquisitions, legal results from appeals of violations, or other changes as necessary to update information required in the mining and reclamation plan. Include certified financial statements, audits or worksheets, which may be required to meet bonding requirements. Specify whether the information is currently on file with the Division or included as Appendix C to the report.

**Legal / Financial Update**      **Required**      **Included**      **or**      **DOGM File location**  
    Yes   No      Included      Vol, Chapter, Page

Department of Commerce, Annual Report Officers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Other</b>				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**MAPS**

Copies of mine maps, current and up-to-date through at least December 31, 2008, are to be provided to the Division as Appendix D to this report in accordance with the requirements of R 645-301-525.240. The map copies shall be made in accordance with 30 CFR 75.1200 as required by MSHA. Mine maps are not considered confidential. (Please provide a CD.)

Confidential information is limited to:

R645-300-124.310. Information that pertains only to the analysis of the chemical and physical properties of the coal to be mined, except information on components of such coal which are potentially toxic in the environment.

R645-300-124.330. Information on the nature and location of archeological resources on public land and Indian land as required under the Archeological Resources Protection Act of 1979 (P. L. 96-95, 93 Stat. 721, 16 U.S.C. 470).

R645-301-322, Fish and Wildlife Information; R645-301-322.100, the scope and level of detail for such information will be determined by the Division in consultation with state and federal agencies with responsibilities for fish and wildlife and will be sufficient to design the protection and enhancement plan required under R645-301-333 and R645-301-322.230, other species or habitats identified through agency consultation as requiring special protection under state or federal law; R645-301-333.300, Include protective measures that will be used during the active mining phase of operation.

The Division will provide procedures, including notice and opportunity to be heard for persons both seeking and opposing disclosure.

<b>Map Number(s)</b>	<b>Map Title/ Description</b>	<b>Confidential</b>	
		<b>Yes</b>	<b>No</b>
Annual subsidence map	See separate Subsidence Report with this submittal		
Mine map	See separate Subsidence Report with this submittal		
Other maps			
	Raptor Nest Location Map (Refer to Confidential folder)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

**Operator Comments:**

Officer and director list was updated in September 2008. See Legal and Financial Volume, Appendix A

**Inspector:**

Has the operator complied with this section? Yes  No

**Inspector Comments:**

**OTHER INFORMATION**

Please provide any comments of further information to be included as part of the Annual Report. Any other attachments are to be provided as Appendix E to this report. If information is submitted as a group rather than by individual mine, please identify each of the mine's data in the list below.

**Additional attachment to this report?** Yes  No

Annual Raptor Survey Report (confidential folder submitted separately).

Subsidence Report (Reported for Cottonwood/Wilberg, Des Bee Dove, Deer Creek, and Trail Mountain mines)

Hydrology Report (Reported for Cottonwood/Wilberg, Des Bee Dove, Deer Creek, and Trail Mountain mines).

---



---



---



---



---



---



O:\AnnualReport\2008 Annual Reports\Operator Annual Reports (Initial Outgoing)\Inactive Mines\Cottonwood-Wilberg C0150019.doc

**APPENDIX A**

**Certified Reports**

Excess Spoil Piles  
Refuse Piles  
Impoundments

As required under R645-301-514

**CONTENTS**

**APPENDIX B**

**Reporting of Technical Data**

Including monitoring data, reports, maps, and other information  
As required under the approved plan or as required by the Division

In accordance with the requirement of R645-310-130 and R645-301-140

**CONTENTS**

**APPENDIX C**

**Legal Financial, Compliance and Related Information**

Annual Report of Officers  
As submitted to the Utah Department of Commerce

Other change in ownership and control information  
As required under R645-301-110

**CONTENTS**

**APPENDIX D**

**Mine Maps**

As required under R645-302-525-270

**CONTENTS**

**APPENDIX E**

**Other Information**

In accordance with the requirements of R645-301 and R645-302

**CONTENTS**