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State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

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Outgoing
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June 21, 2010

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

Subject: 2009 Annual Report Review, Cottonwood/Wilberg Mine, C/015/0019, Task ID #3530, Outgoing File

Dear Mr. Fleck:

The Division staff has completed the 2009 Annual Report Review. Enclosed is a copy of the review for Cottonwood/Wilberg Mine, C/015/0019 completed on June 21, 2010.

Thank you for your diligence in completing the Annual Report. If you have any questions, please call me at (801) 538-5262.

Sincerely,

James D. Smith
Permit Supervisor

JDS/sqs
Enclosure
O:\015019.CWW\FINAL\reviewletter.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 Appendices to the Division by April 30, 2010. 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, 2014
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	kenneth.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

Other

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 type="checkbox"/>	
Refuse Piles	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	On File / Submitted Quarterly to DOGM
Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Operator Comments:

Mine site in temporary cessation since 2001.

Inspector:

Has the operator complied with this section? Yes No

Inspector Comments: The Permittee has submitted quarterly inspection reports with P.E. certifications for all four quarters of 2009 for the active waste rock site. No signs of instability or other hazardous conditions were identified. There are no indications of spontaneous combustion occurring within the material.

The old waste rock site was granted a Phase III bond release during 2009. The active waste rock site only receives cleanout material from the Cottonwood-Wilberg and Trail Mountain Mine sediment ponds. No fresh refuse material is being added.

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 2009, 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:

Vegetation monitoring report is located in Appendix "B".

Inspector:

Has the operator complied with this section? Yes No

Inspector Comments:

The Miller Canyon vegetation Monitoring report conducted by Dr. Patrick Collins of Mt. Nebo Scientific was included in the annual report appendix B. Dr. Collins completed the sampling in 2009 as year 2 for phase III bond release. The Miller Canyon area included three portals, approximately .01 acres, that were used for mine ventilation and were reclaimed in 2000. The report includes vegetation surveys for the reclaimed portal areas and the associated reference areas.

Dr. Collins estimated the total living cover at the reclaimed area to be 39.5%. The woody species density count was 3,436 plants per acre. Dr. Collins estimated the total living cover at the reference area to be 34.5%. The report states that no woody species density was required for this area according to the Cottonwood Wilberg mining and reclamation plan. This report will be reviewed in more detail when Energy West applies for phase III bond release for the Miller Canyon Portals.

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"/> Submittal includes updated Corporate Officers and Director's lists. Refer to Appendix "C".
Other			
	<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, 2009, 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.

Map Number(s)	Map Title/ Description	Confidential	
		Yes	No
Annual subsidence map	Submitted with Subsidence Report.		
Mine map	No changes to map since 2001.		
Other maps		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

Operator Comments:

Inspector:

Has the operator complied with this section? Yes No

Inspector Comments:

APPENDIX A

Certified Reports

Excess Spoil Piles
Refuse Piles
Impoundments

As required under R645-301-514

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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

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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

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APPENDIX D

Mine Maps

As required under R645-302-525-270

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APPENDIX E

Other Information

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

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