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STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangarter, Governor
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September 30, 1985

Mr. Ronald G. Thompson
Mine Engineer
Consolidation Coal Company
Emery Mine
P.O. Box 527
Emery, Utah 84522

Dear Mr. Thompson

Re: Request for Approval of County Plans for Upgrading of
County Road, Miller Creek Crossing Rip-rap Proposal, Emery
Deep Mine, ACT/015/015, Folder #3, Emery County, Utah

The Division has reviewed Consolidated Coal Company's (Consol's) recent request (received September 26, 1985) for approval of Skyline Construction Company's proposal to remove approximately 300 tons of rip-rap from Consolidation Coal Company's land. Your letter indicated that Consol has tentatively approved the Skyline's request pending Division approval.

It is our understanding that this proposal involves a request from Emery County (via Skyline Construction) to disturb a portion of Consol's property for the purpose of obtaining rock materials for rip-rapping a section of county road which crosses Miller Creek.

Your September 24th submittal included a copy of the request from Skyline Construction and a small scale map of the approximate area for the proposed disturbance. You indicated that the county or their agents will be responsible for conducting the operations on upgrading the county road. Consol also anticipates only incidental use of the improved roadway.

The Division has no major concerns with this proposal, provided the following questions are answered affirmatively:

1. The area of proposed disturbance is not within the current approved mining and reclamation plan permit area for the Emery Deep Mine and Consol will not derive any direct mining related benefit from the activity.

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If the disturbance is within the life of mine permit area, it is suggested that Consol identify this area, as to its location and amount of disturbed acreage on an updated map during the company's next application for a 5-year permit term extension. If necessary, an exemption from reclamation requirements for this area should be requested at that time.

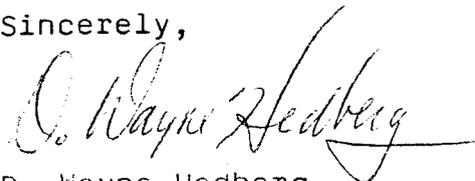
2. The road in question is a designated county road and has been indicated and approved as such as part of Consol's overall mining and reclamation plan permit application.
3. The new borrow area is not associated with the permitted borrow area which has been approved as part of the overall MRP permit application.

If any of the statements as outlined above cannot be affirmatively supported by Consol, then the operator is directed to provide a written response to the Division outlining the circumstances to the contrary. No formal Division approval is necessary if the items identified above are applicable.

If this is not the case, then Division approval may be required. This would be confirmed based upon the Division's review of a response to the contrary from Consol to any of the items mentioned above. Please provide written confirmation to substantiate or clarify our understanding of this proposed county activity by October 10, 1985.

Should you have any questions, please call me at your earliest convenience.

Sincerely,



D. Wayne Hedberg
Permit Supervisor/
Reclamation Hydrologist

DWH:dwh

cc: Lowell Braxton
Joe Helfrich
Sue Linner
Rick Summers
#8992R-77-78