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DIVISION OF  
MINE RECLAMATION

**Consolidation Coal Company**  
Group 2- Sesser Office  
Post Office Box 566  
Sesser, Illinois 62884

August 31, 2001

Mr. Daron R. Haddock, Permit Supervisor  
Utah Coal Regulatory Program  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801

*Incoming  
C/015/015*

Re: Amendment of Biology Sections  
C/015/015-AM01B

Dear Mr. Haddock:

The enclosed revised narrative is to address further technical deficiencies identified by your department in their review of our April 6, 2001, "Application For Permit Change". The changes involve information contained within the biology sections of the Mining and Reclamation Plan for the Emery Deep Mine. We offer the following responses to these deficiencies:

1. **R645-341-220**, THE APPLICATION INDICATES MULCH MAY BE USED, BUT MULCH SHOULD DEFINITELY BE USED, BOTH FOR REESTABLISHING VEGETATION AND FOR EROSION CONTROL, ON SLOPES STEEPER THAN 5H:1V.

Revised page 23 of Chapter VIII. Statement incorporates that slopes 5H:1V or greater will utilize a rock mulch if erosion is uncontrolled with organic mulch.

2. **R645-301-341.250**, THE SUCCESS STANDARDS PROPOSED FOR AREAS DISTURBED BY MINING BEFORE 1977 ARE NOT ACCEPTABLE AND NEED TO BE REVISED.

Revised Page 24 of Chapter VIII. Narrative inserted to include the requirements for success standards under R645-301-353. Demonstration of revegetation standards shall follow the Vegetation Guidelines published by the Division and described on Pages 25, 25a, 25b and 25c.

3. **R645-301-341.250**, SECTION VIII.C.9 SAYS THREE REFERENCE AREAS WERE SET UP AS REVEGETATION SUCCESS STANDARDS FOR AREAS DISTURBED AFTER 1977, BUT SECTION VIII.A AND PLATE VIII-1 INDICATE THERE IS A FOURTH REFERENCE AREA IN A PINYON/JUNIPER COMMUNITY. THESE PORTIONS OF THE PLAN NEED TO BE CONSISTENT. WHILE IT IS CLEAR FROM THE COVER LETTER INCLUDED WITH THIS APPLICATION THAT THERE ARE ONLY THREE REFERENCE AREAS, THIS NEEDS TO BE CLEAR IN THE PLAN AS WELL.

All reference to a Pinyon-Juniper Community have been removed from Section VIII-A Page 2. Plate VIII-1 has been revised to remove the listing of Pinyon-Juniper from the listing of reference and sample sites.

4. **R645-301-341.210**, THE APPLICANT PROPOSES TO USE THE WILCOXON RANK SUM TEST FOR COMPARING REFERENCE AND RECLAIMED AREAS, AND WHILE THIS IS A VALID NON-PARAMETRIC STATISTICAL TEST, IT IS NOT INCLUDED IN THE DIVISION'S REGULATIONS AS AN ACCEPTABLE METHOD OF COMPARISON. THE ONLY RECOGNIZED STATISTICAL TEST IS THE T-TEST.

The reference to Wilcoxon Rank Sum has been removed. Acceptable methods taken from Appendix A, "Acceptable Sampling Methods For Vegetation Studies" and Appendix B, "Acceptable Similarity/Diversity Indices" revised February 1992 and approved by 57FR, 41693 on September 11, 1992 have been inserted. Please refer to Chapter VIII, Pages 25, 25a, 25b and 25c.

5. **R645-301-341.250**, THE APPLICATION INDICATES VEGETATION MEASUREMENTS WOULD BE TAKEN WITHIN TWO WEEKS OF OCTOBER 1 AND THAT SAMPLING WILL OCCUR TO COINCIDE WITH THE MATURE PHENOLOGICAL STAGE OF THE MAJORITY OF THE SPECIES UNDER INVESTIGATION. THE APPLICANT SHOULD NOT GIVE AN APPROXIMATE DATE WHEN SAMPLING WOULD OCCUR BUT, INSTEAD, JUST INDICATE IT WILL OCCUR AT THE HEIGHT OF THE GROWING SEASON OR WHEN MOST DOMINATE PLANTS ARE MATURE. THIS IS LIKELY TO BE IN LATE SPRING OR EARLY SUMMER.

Revised narrative of last paragraph page 25b, Chapter VIII. Permit text has been modified to include the suggested narrative.

Page 3

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6. **R645-301-341.230**, THE PLAN GIVES NO INDICATION WHETHER THE REFERENCE AREAS HAVE EVER BEEN CHECKED FOR RANGE CONDITION BY THE SOIL CONSERVATION SERVICE OR THE NATIONAL RESOURCES CONSERVATION SERVICE. TO BE ACCEPTABLE, THEY NEED TO BE IN FAIR OR BETTER RANGE CONDITION. IN ADDITION, THE REFERENCE AREAS ARE NOT AS LARGE S REQUIRED BY CURRENT REGULATIONS. THE PERMITTEE HAS SUGGESTED MEETING ON SITE WITH A NATURAL RESOURCES CONSERVATION SERVICE REPRESENTATIVE, AND THE DIVISION WILL TRY TO COORDINATE THIS MEETING. HOWEVER, UNTIL THIS HAPPENS, THE PLAN REMAINS DEFICIENT.

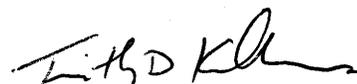
The original meeting setup by Mr. Paul Baker of your department in June had to be cancelled. This meeting was rescheduled and held on August 21, 2001. Accompanying Mr. Steve Behling of Consolidation Coal on the inspection of reference areas was Susan White of the Division and Jim Brown an Area Range Specialist with Natural Resources Conservation Service.

Mr. Brown has submitted a letter of memorandum to Consolidation Coal Company expressing his satisfaction with the designated reference areas. Copy of the letter is included as part of permit narrative to be inserted as page 25d of Chapter VIII.

Please note, Mr. Brown mentioned within the memorandum that the plot sizes of the referenced areas are adequate and in good to high good condition class for all three referenced sites. Therefore, it is requested that an exception be allowed from the 1 acre minimum reference area described in the vegetation guidelines.

If you have any questions concerning this application, please contact me at this office.

Sincerely,



Timothy D. Kirschbaum  
Environmental Engineer  
(618)-625-6847

w/ enclosure

cc: S. Behling, Emery Mine

## Application for Permit Change Detailed Schedule of Changes to the Permit

|   |                               |
|---|-------------------------------|
| Title of Change:<br><div style="text-align: center; font-weight: bold; font-size: 1.2em;">UPDATE BIOLOGY SECTIONS</div> | Permit Number: ACT/015/015    |
|   | Mine: Emery Mine              |
|   | Permittee: Consolidation Coal |

Provide a detailed listing of all changes to the mining and reclamation plan which will be required as a result of this proposed permit change. Individually list all the maps and drawings which are to be added, replaced, or removed from the plan. Include changes of the table of contents, section of the plan, pages, or other information as needed to specifically locate, identify and revise the existing mining and reclamation plan. **Include page, section and drawing numbers as part of the description.**

|   |   |                                 | DESCRIPTION OF MAP, TEXT, OR MATERIALS TO BE CHANGED                              |
|---|---|---------------------------------|---|
| <input type="checkbox"/> ADD            | <input checked="" type="checkbox"/> REPLACE | <input type="checkbox"/> REMOVE | Replace Page 10, Chapter III  |
| <input type="checkbox"/> ADD            | <input checked="" type="checkbox"/> REPLACE | <input type="checkbox"/> REMOVE | Replace Page 20, Chapter III  |
| <input type="checkbox"/> ADD            | <input checked="" type="checkbox"/> REPLACE | <input type="checkbox"/> REMOVE | Replace Page 22, Chapter III  |
| <input type="checkbox"/> ADD            | <input checked="" type="checkbox"/> REPLACE | <input type="checkbox"/> REMOVE | Replace Page 17, Chapter VIII   |
| <input checked="" type="checkbox"/> ADD | <input type="checkbox"/> REPLACE            | <input type="checkbox"/> REMOVE | Insert Page 17a, Chapter VIII   |
| <input type="checkbox"/> ADD            | <input checked="" type="checkbox"/> REPLACE | <input type="checkbox"/> REMOVE | Replace Page 20, Chapter VIII   |
| <input type="checkbox"/> ADD            | <input checked="" type="checkbox"/> REPLACE | <input type="checkbox"/> REMOVE | Replace Page 21, Chapter VIII   |
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| <input type="checkbox"/> ADD            | <input checked="" type="checkbox"/> REPLACE | <input type="checkbox"/> REMOVE | Replace Page 25, Chapter VIII   |
| <input checked="" type="checkbox"/> ADD | <input type="checkbox"/> REPLACE            | <input type="checkbox"/> REMOVE | Insert Page 25a, Chapter VIII   |
| <input checked="" type="checkbox"/> ADD | <input type="checkbox"/> REPLACE            | <input type="checkbox"/> REMOVE | Insert Page 25b, Chapter VIII   |
| <input checked="" type="checkbox"/> ADD | <input type="checkbox"/> REPLACE            | <input type="checkbox"/> REMOVE | Insert Page 25c, Chapter VIII   |
| <input type="checkbox"/> ADD            | <input checked="" type="checkbox"/> REPLACE | <input type="checkbox"/> REMOVE | Revised Page 25, Chapter III  |
| <input type="checkbox"/> ADD            | <input checked="" type="checkbox"/> REPLACE | <input type="checkbox"/> REMOVE | Revised Chapter VIII, Table of Contents   |
| <input checked="" type="checkbox"/> ADD | <input type="checkbox"/> REPLACE            | <input type="checkbox"/> REMOVE | Insert Page 25d, Chapter VIII - Memorandum of range conditions of reference areas |
| <input type="checkbox"/> ADD            | <input type="checkbox"/> REPLACE            | <input type="checkbox"/> REMOVE |   |
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Any other specific or special instructions required for insertion of this proposal into the mining and reclamation plan?

RECEIVED  
 APR 12 2001  
 PERMITS SECTION  
 DEPARTMENT OF GEOLOGY  
 1500 UNIVERSITY AVENUE  
 BOULDER, CO 80501