


**CONSOL ENERGY™**

Emery Mine  
 P.O. Box 527  
 Emery, Utah 84522

June 4, 2002

Daron R. Haddock, Permit Supervisor  
 Department of Natural Resources  
 Division of Oil, Gas, and Mining  
 1594 West North Temple, Suite 1210  
 PO Box 145801  
 Salt Lake City, Utah 84114-5801

**RECEIVED**

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**DIVISION OF  
 OIL, GAS AND MINING**

RE: Response to the Division's Request Regarding Additional Information for Consolidation Coal Company's Intent to Utilize Emery County Road #907

*Incoming  
 C/015/015  
 Copy Baron*

Dear Mr. Haddock:

On behalf of Consolidation Coal Company (CONSOL), I submit the following response to your request of May 30, 2002 (in addition to the letter dated April 30, 2002) regarding the Emery Mine's intent to use Emery County Road #907.

Emery County has approached CONSOL and requested an easement through CONSOL property to join Emery County Road #907 and Emery County Cowboy Mine Road #915. This road will be permitted, built and maintained by Emery County the same as other similar public roads within Emery County.

CONSOL has used the existing Emery County Road #907 for access to the mine and transportation of coal since 1975 (previous coal operators also used the road prior to 1975). This encompasses more than 27 years of utilization of a public road that is also used by local farmers, ranchers, sportsmen, and recreational enthusiasts. This road has been built and maintained by Emery County and serves as a multi-purpose, public road. As a member of the community, CONSOL has conformed with all regulations that apply to public road use and intends to continue to exercise this right. Coalmines utilizing public roads is not an uncommon practice and many county, state and federal roads are used for the transporting of coal, personnel and materials. For example, the Soldier Canyon and SUFCO Mines have used public roads to transport men and materials to a remote portal site. This use required personnel carriers, equipment and material transportation to conform with all regulations for use on public roads. CONSOL's intent is no different and will comply with the same laws, rules and regulations that govern all other similar public roads in Emery County.

As a comparison to more recent construction of public roads and their use by coal mines; the roads leading to the West Ridge and Dugout Canyon Mines almost exclusively terminate at each portal site and alternative road traffic is somewhat exclusive to recreational use. The proposed extension (by Emery County) of County Road #907

would connect County Roads #907 and #915. The extension would provide a loop connection allowing traffic to access both roads and eliminating 5 miles of back tracking. This would be a multiple use, open access public road not subject to the control of CONSOL or any other private entity.

CONSOL's use of the road would be for transporting men and materials from the existing mine site to the new portal and transportation of coal from the new portal site. All vehicles used to transport personnel and materials will comply with all laws, rules and regulations, including, but not limited to: gross vehicle weight and length restrictions, limitations on tire and axle pavement loading, vehicle registration and insurance requirements, safety inspections and certification, operator licensing and conformance to all operating rules established by the US Department of Transportation, the Utah Department of Transportation, the Utah Department of Public Safety and the Emery County Sheriff's Department.

The extension of Emery County Road #907 is not being constructed, reconstructed nor used exclusively for coal mining and reclamation activities. Emery County has properly acquired the easement; the road will be maintained with public funds (the same as the existing road); it will be constructed in a similar manner as other public roads; and the impacts from mining are not significant under the definition of "affected area" and "surface coal mining operations" since a public entity will control

I appreciate your consideration on this matter and if you have any questions feel free to contact me at (435) 286-3512 or (435) 286-2301.

Sincerely,



Seth McCourt  
Mining Engineer

CC: Bart Hyita  
Jim Noyes  
Tim Kirschbaum