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State of Utah
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
(801) 538-5340 telephone
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Michael O. Leavitt
Governor
Robert L. Morgan
Executive Director
Lowell P. Braxton
Division Director

July 17, 2002

Tim Kirschbaum, Environmental Engineer
Consolidation Coal Company
P.O. Box 566
Sesser, Illinois 62884

Re: Completion of Division Order, Consolidation Coal Company, Emery Deep Mine,
C/015/015-DO02A, Outgoing File

Dear Mr. Kirschbaum:

The Division issued an order to Consolidation Coal Company (Consol) on May 3, 2002, which was associated with the development of the 4th East Portal area. There were five items listed in the order each of which required Consol to submit information. We have now determined that the five items have been addressed and the order has been completed. A summary follows:

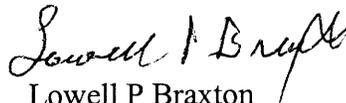
- 1) **Cultural Resource Survey:** The survey was completed and SHPO gave clearance for the project on May 24, 2002.
- 2) **Section 7 Consultation with the U. S. Fish and Wildlife Service:** The surveys were completed and the USFWS concurred with the "no effect" determination in a letter dated June 25, 2002.
- 3) **Wetland delineation:** Consol has committed not to disturb any of the area of the potential wetlands until after an Army Corp of Engineers determination has been made.
- 4) **Mining within 100 feet of a public road:** The required notice was published in the Emery County Progress on April 30, 2002. Verification of the notice was received by the Division on May 17, 2002.
- 5) **Permit Status of the Loop Road Extension to Emery County Road #907:** Information was submitted by Consol and Emery County, which made a determination on said road possible. A finding was made on July 3, 2002 (copy enclosed) that the Loop Road Extension would not require permitting under SMCRA.

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Tim Kirschbaum
July 17, 2002

Thank you for your diligence in completing this order. While the order has been completed there are still some remaining housekeeping items that need continued follow up. These issues were outlined in our June 3, 2002 letter to you. Please make sure that the items (including copies of already submitted information) in that letter are being addressed.

If you have any question, please call.

Sincerely,


Lowell P Braxton
Director

an
Enclosure

cc: Ranvir Singh, OSM
Rex Funk, Emery County
Seth McCourt Consol
Price Field Office

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Lowell P. Braxton
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July 12, 2002

Tim Kirschbaum, Environmental Engineer
Consolidation Coal Company
P.O. Box 566
Sesser, Illinois 62884

Re: Final Approval of Division Order Amendment, Consolidation Coal Company, Emery
Deep Mine, C/015/015-DO02C, Outgoing File

Dear Mr. Kirschbaum:

The above-referenced amendment was conditionally approved on June 3, 2002 upon receipt of five clean copies. This condition has now been met. Enclosed is a stamped incorporated copy of the amendment for insertion into your copy of the Mining and Reclamation Plan.

Thank you for completing this permitting action. If you have any questions, please feel free to call me at (801) 538-5325.

Sincerely,

Daron R. Haddock
Permit Supervisor

an
Enclosure
cc:

Ranvir Singh, OSM
Tom Rasmussen, BLM
Mark Page, Water Rights w/o
Dave Ariotti, DEQ w/o
Derris Jones, DWR w/o
Price Field Office

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OK

July 8, 2002

Tim Kirschbaum, Environmental Engineer
Consolidation Coal Company
P.O. Box 566
Sesser, Illinois 62884

Re: Transmission Line, Consolidation Coal Company, Emery Deep Mine, C/015/015-AM02D, Outgoing File

Dear Mr. Kirschbaum:

The Division received an application to include a Transmission Line from the existing substation to the 4th East Portal Site on July 8, 2002. We anticipate completing this review by July 31, 2002. Steve Demczak has been assigned as the Lead on this project. A copy is being forwarded to the Bureau of Land Management for their review.

If you have any question, please call Steve at (435) 613-5242 or me at (801) 538-5325.

Sincerely,

Daron R. Haddock
Permit Supervisor

an
cc: Tom Rasmussen, BLM w/ application
Mark Page, Water Rights w/o
Dave Ariotti, DEQ w/o
Derris Jones, DWR w/o
Price Field Office w/application
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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

OK

Michael O. Leavitt
Governor
Kathleen Clarke
Executive Director
Lowell P. Braxton
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1594 West North Temple, Suite 1210
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May 30, 2002

Henry R. Maddux
U. S. Fish and Wildlife Service
Utah Field Office
2369 West Orton Circle, Suite 50
West Valley City, Utah 84119

Re: Section 7 Consultation 4th East Portal Development, Consolidation Coal Company, Emery Deep Mine, C/015/015-D002C, Outgoing File

Dear Mr. Maddux:

The Division entered into section 7 consultations for the 4th East Portal Development at the Emery Deep Mine in Emery County on May 9, 2002. Your letter dated May 20, 2002 identified species that may occur in the area of influence of the proposed action. The mine has conducted site-specific surveys for those species with habitat within the area of influence. No threatened, endangered or candidate species were found. Below is a table addressing each species provided in your list.

Common Name		Habitat	Potential Occurance
Barneby Reed-mustard	E	Occurs on the Chinle Formation,	No Chinle Formation in project area.
Jones Cycladenia	T	Gypsiferous saline soils on the Chinle, Cutler, and Summerville Formations.	Formations not in project area.
Last Chance Townsendia	T	Salt desert shrub and PJ on clay or clay silt soils of Arapien and Mancos Shale.	Potential to occur. 100% pedestrian survey of area in May 2002, not found in project area.
Maguire Daisy	T	Occurs on sands from Wingate, Chinle, and Navajo Sandstone Formations.	Formations not in project area
San Rafael Cactus	E	Occurs in PJ limestone gravels.	Potential to occur. A 100% pedestrian survey of area in May 2002, not found in project area.
Winkler Cactus	T	Salt desert shrub communities.	Potential to occur. A 100% pedestrian survey of area in May 2002 and not found in project area.
Wright Fishhook Cactus	E	Salt desert shrub to Juniper on the Mancos Shale.	Potential to occur. A 100% pedestrian survey of area in May 2002 and not found in project area.

Bonytail Chub	E	Endangered fish of the Colorado River.	Water depletions may affect but less than 100 acre-feet and no mitigation required.
Colorado Pikeminnow	E	Endangered fish of the Colorado River.	Water depletions may affect, but use is less than 100 acre-feet, no mitigation required.
Humpback Chub	E	Endangered fish of the Colorado River.	Water depletions may affect but use is less than 100 acre-feet, no mitigation required.
Razorback Sucker	E	Endangered fish of the Colorado River.	Water depletions may affect but use is less than 100 acre-feet, no mitigation required.
Bald Eagle	T	Nests in tall trees such as Cottonwoods.	No Cottonwoods or tall trees in 4 th East portal area.
Mexican Spotted Owl	T	Nests in areas with >40% slope.	Project and project area <5% slopes.
Western Yellow-billed Cuckoo	C	Occurs in riparian areas at least 30 feet wide.	No riparian zones within 4 th E. Portal area.
Black-footed Ferret	E	Historically within range.	Prairie dog towns within .5 miles of project area. Considered extirpated from Emery County.

The Division concludes that coal mining and reclamation operations within the 4th East Portal area are not likely to adversely affect any listed species or their critical habitat. The Division requests your written concurrence.

Please call me at (801) 538-5325 or Susan White at (801) 538-5258 if you have any questions.

Sincerely,



Daron R. Haddock
 Permit Supervisor