



**CONSOL ENERGY™**

Consolidation Coal Company  
P.O. Box 566  
Sesser, IL 62884  
Phone: (618) 625-2041  
Fax: (618) 625-6844

original To Fireproof  
cc: 00150015

September 10, 2003

Ms Pamela Grubaugh-Littig, Permit Supervisor  
Utah Coal Regulatory Program  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801

Re: Submittal of Exhibit "A" & "D"  
Emery Deep Mine  
Boundary Modification (Abatement N03-39-1-1)  
C/015/015

Dear Ms. Grubaugh-Littig:

Please find enclosed the properly signed documents to revise the Reclamation Agreement to amend the 1.5-acre of surface disturbance at the 4<sup>th</sup> East Portal to the Emery permit.

If you have any questions concerning this request, please call me at (618) 625-6847.

Sincerely,

Timothy D. Kirschbaum  
Environmental Engineer

RECEIVED  
SEP 16 2003  
DIV. OF OIL, GAS & MINING

**EXHIBIT "A"**

Pursuant to R645-301-820.110, the surety bond covers an identified increment of land within the permit area upon which the operator will initiate and conduct coal mining and reclamation operations during the initial term of the permit. This area is identified as:

Map(s) showing the BONDED AREA within the approved PERMIT AREA:

Bonding Map

Legal description of BONDED AREA:

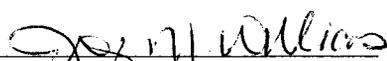
Portions of NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec 30 T22S R6E; E $\frac{1}{2}$  W $\frac{1}{2}$  E $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec 30 T22S R6E; W $\frac{1}{2}$  E $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec 30 T22S R6E; N $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec 27 T22S R6E; E $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{2}$  Sec 27 T22S R6E; SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 27 T22S R6E; E $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 27 T22S R6E; S $\frac{1}{2}$  NE $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 27 T22S R6E; SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 27 T22S R6E; W $\frac{1}{2}$  W $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec 27 T22S R6E; SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 33 T22S R6E; S $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 33 T22S R6E; SW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 33 T22S R6E; W $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 33 T22S R6E; S $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 33 T22S R6E; W $\frac{1}{2}$  W $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec 33 T22S R6E; NE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 32 T22S R6E; NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 32 T22S R6E; NE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec 32 T22S R6E; W $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec 32 T22S R6E; S $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec 32 T22S R6E; N $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec 32 T22S R6E; E $\frac{1}{2}$  E $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec 32 T22S R6E; E $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec 32 T22S R6E; W $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec 32 T22S R6E; E $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec 33 T22S R6E

The above described area shall be modified as necessary to correspond to an increase in the area disturbed as a result of an expansion of coal mining and reclamation operations, or as a result of material surface damage that is caused by a result of subsidence. The described area may also be decreased as a result of partial reclamation.

IN WITNESS WHEREOF the SURETY has hereunto set its signature and seal this

11TH day of SEPTEMBER, 2003

SEABOARD SURETY COMPANY  
SURETY

  
By: JOY M. WILLIAMS

ATTORNEY-IN-FACT  
Title:

**StPaul Surety**

St. Paul Fire and Marine Insurance Company  
St. Paul Guardian Insurance Company  
St. Paul Mercury Insurance Company  
Seaboard Surety Company

United States Fidelity and Guaranty Company  
Fidelity and Guaranty Insurance Company  
Fidelity and Guaranty Insurance Underwriters, Inc.  
St. Paul Medical Liability Insurance Company

Bond No. 188617

**RIDER CONTAINING  
DISCLOSURE NOTICE OF TERRORISM COVERAGE**

This disclosure notice is required by the Terrorism Risk Insurance Act of 2002 (the "Act"). No action is required on your part. This Disclosure Notice is incorporated in and a part of the attached bond, and is effective the date of the bond.

You should know that, effective November 26, 2002, any losses covered by the attached bond that are caused by certified acts of terrorism would be partially reimbursed by the United States under a formula established by the Act. Under this formula, the United States reimburses 90% of covered terrorism losses exceeding the statutorily established deductible paid by the insurance company providing the coverage.

Under the Act, there is a cap on our liability to pay for covered terrorism losses if the aggregate amount of insured losses under the Act exceeds \$100,000,000,000 during the applicable period for all insureds and all insurers combined. In that case, we will not be liable for the payment of any amount which exceeds that aggregate amount of \$100,000,000,000.

The portion of your premium that is attributable to coverage for acts of terrorism is **\$0.00.**

**IMPORTANT NOTE: THE COST OF TERRORISM COVERAGE IS SUBJECT TO CHANGE ON ANY BONDS THAT PREMIUM IS CHARGED ANNUALLY.**

Seaboard Surety Company  
St. Paul Fire and Marine Insurance Company  
St. Paul Guardian Insurance Company  
St. Paul Mercury Insurance Company

United States Fidelity and Guaranty Company  
Fidelity and Guaranty Insurance Company  
Fidelity and Guaranty Insurance Underwriters, Inc.

Power of Attorney No. **23789**

Certificate No. **1713910**

**KNOW ALL MEN BY THESE PRESENTS:** That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, and that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, and that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, and that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (*herein collectively called the "Companies"*), and that the Companies do hereby make, constitute and appoint

**Frank A. Word, Jr., Harold W. Cunningham, Jr., Debra Elaine Clark, Samuel Franklin Robinson, Donald Bruce Wake, Joseph R. Poplawski and Joy M. Williams**

of the City of Knoxville State Tennessee, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety to, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

**IN WITNESS WHEREOF**, the Companies have caused this instrument to be signed and sealed this 20<sup>th</sup> day of March, 2003

Seaboard Surety Company  
St. Paul Fire and Marine Insurance Company  
St. Paul Guardian Insurance Company  
St. Paul Mercury Insurance Company

United States Fidelity and Guaranty Company  
Fidelity and Guaranty Insurance Company  
Fidelity and Guaranty Insurance Underwriters, Inc.



*[Signature]*  
PETER W. CARMAN, Vice President

State of Maryland  
City of Baltimore

*[Signature]*  
THOMAS E. HUIBREGTSE, Assistant Secretary

On this 20<sup>th</sup> day of March, 2003, before me, the undersigned officer, personally appeared Peter W. Carman and Thomas E. Huibregtse, who acknowledged themselves to be the Vice President and Assistant Secretary, respectively, of Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, United States Fidelity and Guaranty Company, Fidelity and Guaranty Insurance Company, and Fidelity and Guaranty Insurance Underwriters, Inc.; and that the seals affixed to the foregoing instrument are the corporate seals of said Companies; and that they, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the names of the corporations by themselves as duly authorized officers.

**In Witness Whereof**, I hereunto set my hand and official seal.

My Commission expires the 1st day of July, 2006.



*[Signature]*  
REBECCA EASLEY-ONOKALA, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, United States Fidelity and Guaranty Company, Fidelity and Guaranty Insurance Company, and Fidelity and Guaranty Insurance Underwriters, Inc. on September 2, 1998, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that in connection with the fidelity and surety insurance business of the Company, all bonds, undertakings, contracts and other instruments relating to said business may be signed, executed, and acknowledged by persons or entities appointed as Attorney(s)-in-Fact pursuant to a Power of Attorney issued in accordance with these resolutions. Said Power(s) of Attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman, or the President, or any Vice President, or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the foregoing officers and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Attorney(s)-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and subject to any limitations set forth therein, any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company, and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is validly attached; and

**RESOLVED FURTHER**, that Attorney(s)-in-Fact shall have the power and authority, and, in any case, subject to the terms and limitations of the Power of Attorney issued them, to execute and deliver on behalf of the Company and to attach the seal of the Company to any and all bonds and undertakings, and other writings obligatory in the nature thereof, and any such instrument executed by such Attorney(s)-in-Fact shall be as binding upon the Company as if signed by an Executive Officer and sealed and attested to by the Secretary of the Company.

I, Thomas E. Huibregtse, Assistant Secretary of Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, United States Fidelity and Guaranty Company, Fidelity and Guaranty Insurance Company, and Fidelity and Guaranty Insurance Underwriters, Inc. do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I hereunto set my hand this 11TH day of SEPTEMBER, 2003.



*Thomas E. Huibregtse*

Thomas E. Huibregtse, Assistant Secretary

To verify the authenticity of this Power of Attorney, call 1-800-421-3880 and ask for the Power of Attorney clerk. Please refer to the Power of Attorney number, the above-named individuals and the details of the bond to which the power is attached.

**EXHIBIT "D"**

**Stipulation to Revise  
Reclamation Agreement  
(Federal)**

Permit Number: C/015/015  
Effective Date: \_\_\_\_\_  
Bond Number: 188617

**COAL**  
**STIPULATION TO REVISE RECLAMATION AGREEMENT**  
--ooOOoo--

This **STIPULATION TO REVISE RECLAMATION AGREEMENT** entered into by and between the **PERMITTEE** and **DIVISION** incorporates the following revisions or changes to the **RECLAMATION AGREEMENT**: (Identify and Describe Revisions below)

Updated Exhibit A to designate the bonded area as 248.5 acres.

In accordance with this **STIPULATION TO REVISE RECLAMATION AGREEMENT**, the following Exhibits have been replaced by the **PERMITTEE** and are approved by the **DIVISION**.

\_\_\_\_\_ Replace the Reclamation agreement in its entirety.

  X   Replace Exhibit "A"- permit area.

\_\_\_\_\_ Replace Exhibit "B"- bonding agreement

\_\_\_\_\_ Replace Exhibit "C"- liability insurance

The bonding amount is revised from \$ \_\_\_\_\_ to \$ \_\_\_\_\_.

The bonding type is changed from \_\_\_\_\_ to \_\_\_\_\_.

The surface disturbance is revised from   247   acre to   248.5   acres.

The expiration date is revised from \_\_\_\_\_ to \_\_\_\_\_.

The liability insurance carrier is changed from \_\_\_\_\_ to \_\_\_\_\_.

The amount of insurance coverage for bodily injury and property damage is changed  
from  
\$ \_\_\_\_\_ to \$ \_\_\_\_\_.

Consolidation  
Coal Company  
**IN WITNESS WHEREOF,** Consolidation Coal Company the **PERMITTEE** has hereunto set  
its signature and seal this 5th day of September, 2003.

Consolidation Coal Company  
**PERMITTEE**

By: Jonathan M. Pachter

Title: Manager, Environmental Permits

**ACCEPTED BY THE STATE OF UTAH** this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**Director,**  
Division of Oil, Gas and Mining

**NOTE:** An **Affidavit of Qualification** must be completed and attached to this form for each authorized agent or officer. Where on signs by virtue of Power or Attorney of a company, such Power of Attorney must be filed with this Agreement. If the **PERMITTEE** is a corporation, the Agreement shall be executed by its duly authorized officer.

SPECIAL POWER OF ATTORNEY

Consolidation Coal Company, a Delaware corporation, with its principal corporate offices at 1800 Washington Road, Pittsburgh, PA 15241 (the "Company") hereby nominates, constitutes and appoints Jonathan Pachter as its Attorney-in-Fact, to act its place and steed and on its behalf in any and all matters relating in any way to the execution, filing or submission of documents of any kind, including but not limited to, applications for permits, licenses, plans, bonds, consents, waivers, changes, renewals or modifications to any such permits or other documents and forms of any kind or character as may be necessary or convenient for the businesses of the Company related to the mining, re-mining, abandonment and reclamation of coal lands and facilities of the Company, including the power to negotiate, sign, execute and deliver on behalf of it any and all filings, forms, submissions, agreements, transfers, assignments, waivers, consents, confirmations or other documents of any kind as may be necessary or convenient to complete any of the above described purposes.

This Power of Attorney shall remain in full force and effect until revoked in writing.

Given under the signature and seal of the above named Company effective the 31st<sup>th</sup> day January, 2003.

Consolidation Coal Company

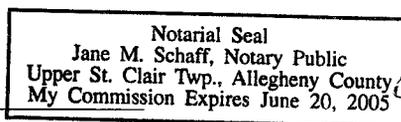
By *P. B. Lilly*  
Name: P. B. Lilly  
It's Chief Operating Officer

Commonwealth of Pennsylvania  
County of Allegheny

On this 31st day of January, 2003, the undersigned, P. B. Lilly, appeared before me and acknowledged himself to be the President of above named company and that as such officer, being authorized to do so, executed the foregoing Power of Attorney for the purposes therein contained, by signing the name of the corporation by himself as President.

In witness whereof, I hereunto set my hand and seal.

My Commission Expires:  
Seal



*Jane M. Schaff*  
Notary Public

Acceptance: The undersigned hereby accepts the Power of Attorney as granted herein.

*Jonathan Pachter*  
Jonathan Pachter

Map(s) is kept with this letter located in the  
Fireproof Files of our Salt Lake City Office