



October 3, 2003

Ms. Pamela Grubaugh-Littig
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
Salt Lake City, UT 84114-5801

Dear Pamela:

Enclosed are replacement pages for the Emery Deep Mine (ACT/015/015) and Hidden Valley Mine (ACT/015/007) permit transfer applications originally submitted September 18, 2003. These are being submitted by JBR on behalf of CONSOL Energy. Pages 4 and 5 include new information, and are marked "revised". Page 6 is included due to the page break change. Also attached are copies of the Affidavit of Publication for both notices published in the *Emery County Progress*.

Sincerely,

A handwritten signature in black ink that reads "Linda Matthews". The signature is written in a cursive style with a large, looped initial "L".

Linda Matthews
JBR Environmental Consultants, Inc.

enclosures

cc: John Gefferth - CONSOL Energy
Jonathan Pachter - CONSOL Energy

RECEIVED
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DM. OF OIL, GAS & MINING

R645-303-300.

321.100 **Permittee Information**

Existing Permittee: Consolidation Coal Company
CONSOL Plaza
1800 Washington Road
Pittsburgh, PA 15241
(412) 831-4000
Permit Number: ACT/015/007
Mine Site: Hidden Valley Mine
State and County: Emery County, Utah

321.200 **Proposed Action**

The proposed action requiring approval is the transfer of the above described permit from Consolidation Coal Company to C&P Coal Corporation with the completed sale of the Hidden Valley Mine.

321.300 **Legal, Financial, Compliance, and Related Information for the Applicant (according to R645-301-100)**

o **Identification of Interests (R645-301-112)**

C&P Coal Corporation is a corporation, incorporated under the laws of the State of Utah, September 17, 1991. Utah Division of Corporations & Commercial Code entity number: 1095753-0142.

o **Permit Applicant**

C&P Coal Corporation
1366 Murray-Holladay Road
Salt Lake City, UT 84117-5050

(801) 278-9303

o **Resident Agent**

Brent Davies
1366 Murray-Holladay Road
Salt Lake City, UT 84117-5050

(801) 272-8045

EIN 87-049-1159

Revised 10-3-03

- **Person Who Will Pay Abandoned Mine Land Fee**

Brent Davies
1366 Murray-Holladay Road
Salt Lake City, UT 84117-5050
(801) 272-8045

- **Each Person who Owns or Controls the Applicant:**

Brent Davies
1366 Murray-Holladay Road
Salt Lake City, UT 84117-5050

(801) 272-8045

EIN 87-049-1159

Mr. Brent Davies is the 100 percent owner of C&P Coal Corporation. There are no other owned, controlled, or previously owned or controlled (within the past five years) coal mining & reclamation operations in the U.S. owned by Mr. Brent Davies.

There are no pending coal mine applications in the U.S. in the name of Mr. Brent Davies.

C&P Coal Corporation Original Officers and Directors:

President: Brent M. Davies (resigned 9-29-03)
Secretary: Robert K. Peper (died 9-4-98)
Treasurer: Anne S. Peper (resigned 4-26-03)

C&P Coal Corporation Current Officers and Directors:

President: Dan R. Baker
Director: Dan R. Baker
Treasurer: Brent M. Davies

- **Owners of Record - Surface & Subsurface**

Information concerning owners of record for the surface and mineral property to be mined and all contiguous property to the permit area, is contained in the existing Hidden Valley Reclamation Plan. C&P Coal Corporation currently has no interest in lands contiguous to the permit area. Any changes to this information will be provided at a later date.

- **MSHA**

Current MSHA numbers are provided in the existing permit. Any changes to these numbers will be provided at a later date.

Revised 10-3-03

- **Violation Information (R645-301-113)**

There are no known violations or cessation orders against Mr. Brent Davies or C&P Coal Corporation. C&P Coal Corporation has no permitted or operating coal mines in the U.S. No Federal or State coal or reclamation permits have been suspended or revoked in the past 5 years. No forfeiture of performance bond has occurred in the past 5 years. No air or water violations have occurred in the last 3 years.

- **Right of Entry Information (R645-301-114)**

Documents containing C&P Coal Corporation's legal right to enter lands in the permit area for mining will be provided at a later date.

- **Status of Unsuitability Claims (R645-301-115)**

The current permit area does not contain any areas listed as unsuitable for mining. C&P Coal Corporation would not propose to mine any areas within 300 feet of any occupied dwelling or 100 feet of a public road. Any changes to this information will be provided at a later date.

- **Permit Term (R645-301-116)**

It is anticipated that the permit term requested will be 5 years. The start or termination date of each phase of reclamation, and acres affected per phase are provided in the existing Hidden Valley Reclamation Plan. Any changes to this information will be provided at a later date.

- **Insurance (R645-301-117)**

The certificate of liability will be provided at a later date.

322. **Advertise the Filing**

This filing will be advertised in the *Emery County Progress* for one day; proof of publication will be provided to the Division. A 30-day public comment period will be provided with written comments submitted to the Division.

323. **Obtain Bond**

Bond and associated bond agreements will be provided at a later date.

R645-303-300.

321.100 **Permittee Information**

Existing Permittee: Consolidation Coal Company
 CONSOL Plaza
 1800 Washington Road
 Pittsburgh, PA 15241
 (412) 831-4000

Permit Number: ACT/015/015
Mine Site: Emery Deep Mine
State and County: Emery County, Utah

321.200 **Proposed Action**

The proposed action requiring approval is the transfer of the above described permit from Consolidation Coal Company to C&P Coal Corporation with the completed sale of the Emery Deep Mine.

321.300 **Legal, Financial, Compliance, and Related Information for the Applicant** (according to R645-301-100)

○ **Identification of Interests (R645-301-112)**

C&P Coal Corporation is a corporation, incorporated under the laws of the State of Utah, September 17, 1991. Utah Division of Corporations & Commercial Code entity number: 1095753-0142.

○ **Permit Applicant**

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1366 Murray-Holladay Road
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○ **Resident Agent**

Brent Davies
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Salt Lake City, UT 84117-5050

(801) 272-8045

EIN 87-049-1159

Revised 10-3-03

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1366 Murray-Holladay Road
Salt Lake City, UT 84117-5050
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Secretary: Robert K. Peper (died 9-4-98)
Treasurer: Anne S. Peper (resigned 4-26-03)

C&P Coal Corporation Current Officers & Director (as of 9-29-03)

President: Dan R. Baker
Director: Dan R. Baker
Treasurer: Brent M. Davies

- **Owners of Record - Surface & Subsurface**

Information concerning owners of record for the surface and mineral property to be mined and all contiguous property to the permit area, is contained in the existing MRP. C&P Coal Corporation currently has no interest in lands contiguous to the permit area. Any changes to this information will be provided at a later date.

- **MSHA**

The MSHA identification number for the Emery Deep Mine is 42-00079.

Revised 10-3-03

- **Violation Information (R645-301-113)**

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- **Right of Entry Information (R645-301-114)**

Documents containing C&P Coal Corporation's legal right to enter lands in the permit area for mining will be provided at a later date.

- **Status of Unsuitability Claims (R645-301-115)**

The current permit area does not contain any areas listed as unsuitable for mining. C&P Coal Corporation would not propose to mine any areas within 300 feet of any occupied dwelling or 100 feet of a public road. Any changes to this information will be provided at a later date.

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It is anticipated that the permit term requested will be 5 years. The start or termination date of each phase of mining and reclamation, and acres affected per phase are provided in the existing MRP. Any changes to this information will be provided at a later date.

- **Insurance (R645-301-117)**

The certificate of liability will be provided at a later date.

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323. **Obtain Bond**

Bond and associated bond agreements will be provided at a later date.

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Emery,)

I, Ken Larson, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 1 (One) consecutive issues, and that the first publication was on the 23rd day of September, 2003 and that the last publication of such notice was in the issue of such newspaper dated the 23rd day of September, 2003.



Ken G Larson - Publisher

Subscribed and sworn to before me this 23rd day of September, 2003.



Notary Public My commission expires January 10, 2007 Residing at Price, Utah

Publication fee, \$ 57.90

NOTICE

Notice is hereby given that an application has been submitted to the Utah Division of Oil, Gas & Mining, under the provisions of the Utah Administrative Code Rule R645-303-300, for approval of the transfer of the Emery Deep Mine permit #C015015 from Consolidation Coal Company, current permittee, to the C&P Coal Corporation, proposed permittee. Consolidation Coal Company, whose address is CONSOL Plaza, 1800 Washington Road, Pittsburgh, PA 15241, will transfer, upon approval, the Emery Deep Mine permit to C&P Coal Corporation, a Utah Corporation, whose address is 1366 Murray-Holladay Road, Salt Lake City, Utah 84117-5050.

The Emery Deep Mine is located in Emery County about 4 miles south of the town of Emery along Highway 10. The permit area is described as follows:

Township 22 South, Range 6 East, SLBM

Section 19: E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$;

Section 20: S $\frac{1}{2}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;

Section 21: S $\frac{1}{2}$, S $\frac{1}{2}$ N $\frac{1}{2}$;

Section 22: SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Section 27: W $\frac{1}{2}$;

Sections 28, 29, 31, 32: all;

Section 30: All except NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$; and

Section 33: N $\frac{1}{2}$; SW $\frac{1}{4}$.

The permit area of Emery Deep Mine contains 5,180 acres, more or less.

Pertinent comments are solicited from anyone affected by this proposed transfer of the Permit. Such comments should be filed within the next thirty (30) days with:

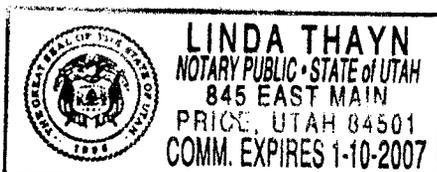
State of Utah, Department of Natural Resources

Division of Oil, Gas, & Mining

1594 West North Temple, Suite 1210

Salt Lake City, UT 84114-5801

Published in the Emery County Progress September 23, 2003.



AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

SS.

County of Emery,)

I, Ken Larson, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 1 (One) consecutive issues, and that the first publication was on the 23rd day of September, 2003 and that the last publication of such notice was in the issue of such newspaper dated the 23rd day of September, 2003.

Ken G. Larson

Ken G Larson - Publisher

Subscribed and sworn to before me this 23rd day of September, 2003.

Linda Thayne

Notary Public My commission expires January 10, 2007 Residing at Price, Utah

Publication fee, \$ 46.32

NOTICE

Notice is hereby given that an application has been submitted to the Utah Division of Oil, Gas & Mining, under the provisions of the Utah Administrative Code, Rule R645-403-300, for approval of the transfer of the Hidden Valley Mine permit #0015007 from Consolidation Coal Company, current permittee, to the C&P Coal Corporation, proposed permittee. Consolidation Coal Company, whose address is CONSOL Plaza, 1800 Washington Road, Pittsburgh, PA 15241, will transfer, upon approval, the Hidden Valley Mine permit to C&P Coal Corporation, a Utah Corporation, whose address is 1366 Murray-Holladay Road, Salt Lake City, Utah 84117-5050.

The Hidden Valley Mine is located in Emery County about three miles east of Highway 10. The permit area is described as follows:

- Township 23, South, Range 6 East, SLBM
- Section 17: W½;
- Section 18: all.

The permit area of Hidden Valley Mine contains 960 acres, more or less.

Pertinent comments are solicited from anyone affected by this proposed transfer of the Permit. Such comments should be filed within the next thirty (30) days with:

State of Utah, Department of Natural Resources
Division of Oil, Gas, & Mining
1594 West North Temple, Suite 1210
Salt Lake City, UT 84114-5801

Published in the Emery County Progress September 23, 2003.

