

December 4, 2003

John Gefferth, Permit Coordinator
Consolidation Coal Company
P. O. Box 566
Sesser, Illinois 62884

Re: Conditional Approval Confidential Archaeological Information, Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task ID #1761, Outgoing File

Dear Mr. Gefferth:

The information received October 31, 2003 (Confidential Archaeology Information) was reviewed and considered adequate in the Technical Analysis dated June 9, 2003. The application is approved, pending the receipt of five clean copies of the Table of Contents and pages 1 and 1a.

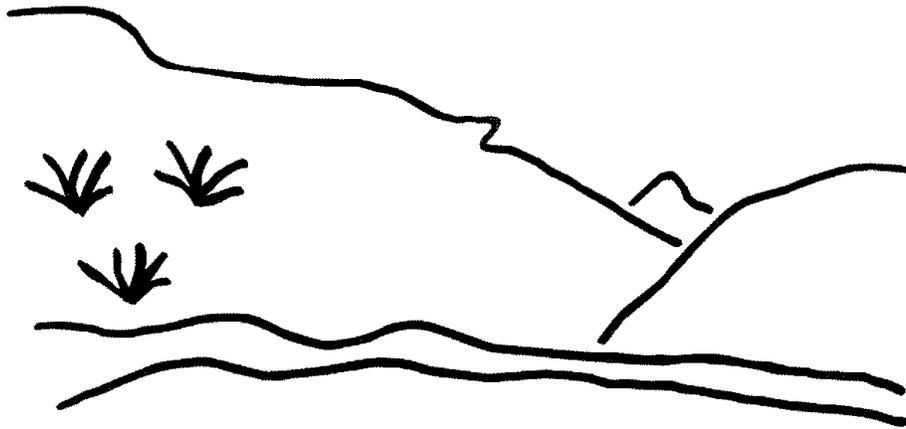
The entire Part A of Chapter X will be placed in the Confidential file as discussed with Priscilla Burton on December 3, 2003. If you have any questions, please call Priscilla Burton at (801) 538-5288 or me at (801) 538-5268.

Sincerely,

Pamela Grubaugh-Littig
Permit Supervisor

an
cc: Price Field Office w/o
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State of Utah



Utah Oil Gas and Mining

Coal Regulatory Program

Emery Deep Mine
Relocation of Appendix A
C/015/0015, Task #1761
Technical Analysis
December 3, 2003

TABLE OF CONTENTS

INTRODUCTION.....	3
ENVIRONMENTAL RESOURCE INFORMATION	5
HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION.....	5

TABLE OF CONTENTS

TECHNICAL ANALYSIS

The Division derives its authority from the Surface Mining Control and Reclamation Act of 1977(SMCRA). When companies submit a Permit Application Package or an amendment to their Mining and Reclamation Plan, the Division reviews the proposal for conformance to the R645-Coal Mining Rules. This Technical Analysis is such a review. Regardless of these analyses, the Permittee must comply with the minimum regulatory requirements as established by SMCRA.

Readers of this document must be aware that the regulatory requirements are included by reference. A complete and current copy of these regulations and a copy of the Technical Analysis and Findings Review Guide can be found at <http://ogm.utah.gov/coal>

This Technical Analysis (TA) is written as part of the permit review process. It documents the Findings that the Division has made to date regarding the application for a permit and is the basis for permitting decisions with regard to the application. The TA is broken down into logical section headings that comprise the necessary components of an application. Each section is analyzed and specific findings are then provided which indicate whether or not the application is in compliance with the requirements.

Often the first technical review of an application reveals some deficiencies in the application. The deficiencies are discussed in the body of the Draft TA and are identified by a regulatory reference that describes the minimum requirements. In this Draft TA we have summarized the deficiencies at the beginning of the document to aid in responding to them. Once all of the deficiencies have been adequately addressed, the TA for this permitting action will be finalized.

Not every topic or regulatory requirement is discussed in this TA. Only those sections are analyzed that pertain to the particular permitting action, in this case the relocation of confidential archaeological information, Task #1761. Those sections that are not discussed in this document are generally considered to be in compliance. Previously completed TA's for the Emery Mine, would be the source of "findings" for any section not discussed herein.

INTRODUCTION

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The report included in Appendix 5-7 Part A of Chapter X was previously submitted with amendment AM03B, Emery Deep Mine Boundary Modification (Abatement N03-39-1-1) and was reviewed by Jerriann Ernstsens in the technical analysis dated June 9, 2003. Ms. Ernstsens determined that the information provided was adequate to meet the minimum Historic and Archeological Resource Information of the Environmental Resource Information requirements. As there are no differences in content between this submittal and that previously reviewed, Ms. Ernstsens's review is reprinted below.

The application should be approved, pending clean copies of the Table of Contents and pages 1 and 1a. The entire Part A of Chapter X should be placed in the Confidential file as requested.

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.12; R645-301-411.

Analysis:

There are no differences in content between this submittal and that received and previously reviewed (TA_03B.doc dated 6/09/03). Appendix 5-7 Part A Chapter X containing the Montgomery Archeological Consultant's report (March 26, 2003) was considered adequate as analyzed in the Technical Analysis dated June 9, 2003:

“Montgomery Archeological Consultants surveyed 40 acres of the Emery Mine including the 4th east portal as well as powerline corridor in 2002. The same firm surveyed the 1.45 acre expansion area in March 2003. The 2003 Montgomery results show a site east of the Emery permit boundary. The site number is 42EM2961 and consists of lithic debitage and tools of rock and stone (survey, pg. 6). This site is considered eligible to the NRHP (survey, pg. 7). Emery Mine installed a fence along the site boundary to help protect the site. The consultants determined that with the installation of the fence, there is “No Historic Properties Affected”. In accordance to R645-301-411.142, the Division will seek to obtain clearance by SHPO (State Historic Preservation Officer) for the site.

It is not clear whether the consultants revisited the site following installation of the protective fence. The Division will visit the site to evaluate the level of protection the fence may provide from vandilizm [sic]. The historic site is near two county roads and may be easily seen. The area of impact caused by coal fines possibly includes this historic site. The Division will also evaluate possible impacts to the site caused by fugitive coal fines.

The Permittee discusses that a part of the Emery mine permit area was placed under the National Trails System in 2002. The amendment refers to Plate X-A-1 to see this designated trail. The map provides a narrative piece discussing this trail.”

The Division discussed the need of the ribboning with the consultant on October 14, 2003. The consultant stated that ribboned-off areas are less susceptible to vanalism than unribboned areas (personal communication with Ms. Ernstsen on December 3, 2003).

The current submittal also includes revised Plate X-A-1 reflects the addition of archaeological site 42EM2961 and County Road 907. The submittal also has new Table of Contents for Chap X, and revised pages 1 and 1a of Chapter X, reflecting the addition of Appendix 5-7 to Part A of Chapter X. A couple of details in the narrative on pages 1 and 1a were reviewed with Mr. Gefferth and the changes discussed should be made to the “clean” copies supplied with the approved application.

The letter accompanying the submittal (dated October 30, 2003) requests that Appendix A of Appendix 5-7 be placed in the Confidential file. Appendix A is the Intermountain Antiquities Computer System (IMACS) Site Form. Since other portions of the Montgomery Archaeological Consultants, Inc. report (Appendix 5-7) are sensitive as well, the Division confirmed with Mr. John Gefferth that the entire Part A of Chapter X should be placed in the Confidential file (personal communication on December 3, 2003).

Findings:

Information provided in the application is considered adequate to meet the minimum Historic and Archeological Resource Information of the Environmental Resource Information requirements. The entire Part A of Chapter X will be placed in the Confidential Folder.