



CONSOL ENERGY.

Consolidation Coal Company

P.O. Box 566
Sesser, IL 62884
(618) 625-2041

May 11, 2005

John Gefferth
Consol Energy
P.O. Box 566
Sesser Il. 62884

Re: Subsidence Control – Public Notification
Emery Mine DOGM Permit 015/015 IBC

Dear Mr. Gefferth:

You are hereby notified that, pursuant to R645-301-525.700 of the Utah Coal Mining Regulations pertaining to surface effects of underground coal mining activities, Consolidation Coal Company's, Emery Deep Mine is planning to conduct underground mining activities beneath or adjacent to property located in Emery County. The following is a description of the lands that may be affected.

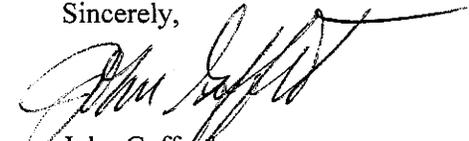
Section 22: NE ¼, SE ¼, and SE ¼ NW ¼ Township 22 South, Range 6 East
Section 23: W ½ SW ¼ ,Township 22 South, Range 6 East
Section 27: NE ¼ ,Township 22 South, Range 6 East

Underground mining activities may occur beneath or adjacent to this property beginning as soon as DOGM approves the Incidental Boundary Change under review and continue throughout the remainder of the permit term.

Consolidation Coal Company has adopted measures consistent with known technology in order to prevent subsidence from causing material damage. If necessary, Consolidation Coal Company will implement subsidence mitigation as required by Chapter V, Section B of the company's permit (ACT/015/015) filed with the State of Utah, Division of Oil, Gas and Mining.

Should you have any questions concerning the above matter, please contact Russell Hardy, Mine Engineer at 435-286-3513, or myself at 618-625-6850.

Sincerely,



John Gefferth
Environmental Engineer

JAG/jag

cc: Steve Demczak, DOGM Price Field Office

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Mine # C/015/0015
File Intaking
Record # 0016
Doc. Date 5-18-05
Recd. Date 5-20-05



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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

May 11, 2005

Jay Humphrey
District Manager
Emery Water Conservancy District
P.O. Box 998
Castle Dale, UT 84513

Re: Subsidence Control – Public Notification
Emery Mine DOGM Permit 015/015 IBC

Dear Mr. Humphrey:

You are hereby notified that, pursuant to R645-301-525.700 of the Utah Coal Mining Regulations pertaining to surface effects of underground coal mining activities, Consolidation Coal Company's, Emery Deep Mine is planning to conduct underground mining activities beneath or adjacent to property located in Emery County. The following is a description of the lands that may be affected.

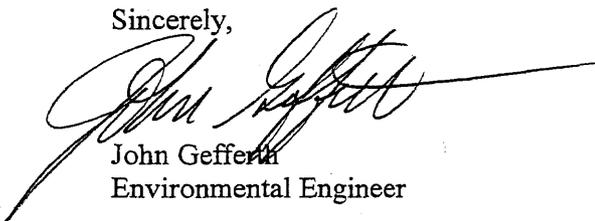
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Sincerely,



John Gefferth
Environmental Engineer

JAG/jag

cc: Steve Demczak, DOGM Price Field Office

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A comparison of sites S-1 and S-7 indicates that the canal water at S-7 is essentially identical to Muddy Creek water at S-1 except for a lower mean pH of 8.2. As indicated on Plate VI-1, the canal system servicing the entire Emery area originates at S-1. Thus, the chemical quality of waters sampled at S-1 and S-7 are probably very representative of all irrigation waters in the Emery area.

Hydrologic Mapping Requirements

Plate VI-6 contains the locations of water supply intakes for current users of surface water in and around the mine plan area and also identifies receiving streams, irrigation diversions and water well users.

Plate VI-3 identifies surface and ground water monitoring stations.
If surface or groundwater monitoring stations are encountered in the path of mining, they will be relocated or mined around.

Plates VI-4 and VI-5 show the location and extent of subsurface water while Figures VI-5 thru VI-9 show seasonal static water level variations for different aquifers.

Plates VI-2 and VI-2A show the location of springs within the proposed permit and adjacent areas.

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Appendix XII-3. Cultural Resources Report

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Revised 5/05

Consol knows of no portion of the First North Area IBC that is designated, or under study to be designated, as unsuitable for mining. Consol does not propose to conduct coal mining or reclamation operations in the IBC area within 300 feet of any occupied dwelling or within 100 feet of a public road.

XII.C ENVIRONMENTAL RESOURCE INFORMATION

XII.C.1 PERMIT AREA

The lands subject to coal mining operations within the IBC area are noted on Plate III-9. It is not anticipated that individual permits will be sought for subareas within the IBC area. A discussion of cultural resources within the IBC area is provided in Appendix XII-3.

XII.C.2 SOIL RESOURCE INFORMATION

Soil resources in the IBC area are depicted in Figure XII-1. Descriptions of these soils are provided in Appendix XII-1. Soil series descriptions in the appendix were obtained from the U.S. Natural Resources Conservation Service (2005). Descriptions of individual map units were obtained from Swenson et al. (1970). Soils within the IBC area tend to be fine grained, ranging generally from loam to silty clay loam. If irrigated, the soil generally supports alfalfa or other irrigated crops. Otherwise, the soils mostly support the growth of rangeland plants such as shadscale, Indian ricegrass, greasewood, and/or saltgrass.

Additional information regarding soil resources in the IBC and adjacent areas is provided in Chapter VII of the approved MRP. Impacts to soil resources are not anticipated as a result of mining under this application since no new surface disturbances are planned.

XII.C.3 VEGETATION RESOURCE INFORMATION

Information concerning vegetation resources within the IBC area is provided in Appendix XII-2. Three plant communities are present in the IBC area, namely shadscale, greasewood, and saltgrass. Portions of the area have been previously cultivated as pasture land, but cultivation activities do not appear to be current. Information presented in Appendix XII-2 indicates that federally-listed threatened or endangered plant species are not likely to exist in the IBC area. No impacts to vegetation are anticipated from mining in the IBC area due to the planned non-disturbance of the surface.

XII.C.4 FISH AND WILDLIFE RESOURCE INFORMATION

Information regarding fish and wildlife resources within the IBC and adjacent areas is provided in Appendix XII-2. Chapter IX of the approved MRP. According to Appendix IX-1 of the approved MRP, wildlife habitat within the IBC and adjacent areas is classified as being of substantial year-long value to deer and of critical year-long value to ring-necked pheasants. No intermittent or perennial streams, and hence no fish habitat and no riparian habitat, occur within the IBC area.

Revised 5/05

~~As indicated in Appendix IX-1 of the approved MRP, no evidence exists that rare or endangered wildlife species breed on, or make extensive use of, the IBC area. Golden eagles likely make occasional use of the area for hunting, but no nests exist within the IBC area. Furthermore, peregrine falcons may occasionally visit the area, but not to a substantial degree. Prairie dog colonies exist within the IBC area, but no evidence of black-footed ferrets has been observed in the area.~~

Additional information regarding fish and wildlife resources in the IBC and adjacent areas is provided in Chapter IX of the approved MRP. No impacts to fish and wildlife resources are anticipated due to coal mining in the IBC area.

XII.C.5 GEOLOGIC RESOURCE INFORMATION

Information regarding geologic resources within the IBC and adjacent areas is provided in Chapter V of the approved MRP. The Bluegate Shale member of the Mancos Shale outcrops over the entire surface of the IBC area. This unit is a saline, blue-gray silty mudstone and siltstone with rare, thin sandstone lenses. The Bluegate Shale abruptly overlies the Ferron Sandstone member of the Mancos Shale. The Ferron Sandstone consists of interbedded layers of sandstone, siltstone, shale, and coal, with the coal to be mined in the IBC area occurring in the upper portion of the Ferron Sandstone in a layer known as the IJ zone. The Tununk Shale member of the Mancos Shale underlies the Ferron Sandstone.

Based on data provided on Plate V-20 of the approved MRP, approximately 100 to 400 feet of overburden overlies the IJ zone within the IBC area. Roof and floor materials above and below the IJ zone within the IBC area are expected to be as indicated in Section V.A.4 of the approved MRP, consisting of interbedded sandstone and shale. Dark gray shale typically contacts the roof of the coal, with several feet of irregularly laminated, light gray, fine-grained quartz sandstone above the shale. The floor material is generally dark olive gray, coaly, silty shale interbedded with light gray, fine grained quartz sandstone.

According to Section V.A.4 of the approved MRP, the pH of the roof material ranges from about 5 to 9, with the pH of the floor materials tending to be slightly higher. The roof and floor materials tend to have low salinity (specific conductance less than 4.0 mmhos/cm), with moderate to high sodium adsorption ratios (1.8 to 28) and concentrations of heavy metals that are sufficiently low to not influence reclamation decisions.

The coal, overburden, and underburden in the IBC area are unlikely to have substantial acid-forming potential, as indicated by the pH of the rock and the slightly alkaline nature of water that has historically discharged from the Emery Mine (pH 7.1 to 8.5 – see Section V.A.5 of the approved MRP). Furthermore, as indicated in Section V.A.6 of the approved MRP, the sulfur content of the coal is generally low (typically 0.5 to 2.0 percent, with an average of about 0.7 percent), with variable proportions of the sulfur existing as pyrite. Concentrations of toxic constituents in the coal, overburden, and underburden are low (see Section V.A.4 of the approved MRP).

Revised 5/05

APPENDIX XII-2

Vegetation and Wildlife Report

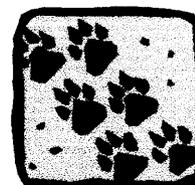
Revised 5/05

**VEGETATION & WILDLIFE
of the
1ST NORTH IBC AREA**

**at the
EMERY MINE SITE**

**for
CONSOLIDATION COAL COMPANY**

**RECEIVED
MAY 20 2005
DIV. OF OIL, GAS & MINING**



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for

CONSOLIDATION COAL COMPANY
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May 2005



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VEGETATION & WILDLIFE OF THE 1ST NORTH IBC AREA EMERY MINE

INTRODUCTION

Consolidation Coal Company (Consol) has applied for an Incidental Boundary Change (IBC) to their permit area because they are planning to mine coal underground in a new area. This new area is called 1st North. The 1st North IBC Area is approximately 300 acres in size and is located northeast and very near to the 4th East Portal site.

No surface disturbance has been planned for the new area. Moreover, subsidence caused by underground mining is also not anticipated during this phase of the mining operations. Therefore, there should be no change to the ground surface or the existing plant communities in the 1st North Area as a result of the proposed mining activities.

The major plant communities of the 1st North Area have been mapped (see attached *Vegetation Map of the 1st North IBC Area*). A wildlife habitat map has also been prepared (see attached *Wildlife Habitat Map of the 1st North IBC Area*). A discussion about the plant communities and big game wildlife species as well as the potential for the occurrence of threatened or species have also been included in this document.

METHODS

The vegetation of the 1st North Area was mapped in the field by walking the area and by using 2004 aerial photography that was obtained from the State Geographic Information Database (SGID). The field work was conducted on two different occasions, February 17, 2005 and March 26, 2005.

Species of concern by the State of Utah, Division of Wildlife Resources (DWR) were reviewed in the state's GIS database system. The publication date for database information reviewed was 2004. Threatened and endangered species lists were compiled after consulting with the U.S. Fish & Wildlife Service, Salt Lake City, Utah.

RESULTS

VEGETATION

There were 3 major plant community types in the 1st North IBC Area including: Shadscale, Greasewood and Saltgrass. These communities are shown on the vegetation map included with this report. A brief description of each of these communities follows below; color photographs of each community type have also been included in this report.

Shadscale

The Shadscale community occupies the least amount of total acreage in the 1st North Area when compared to the other communities. This community is located on the south and southeast portions of the study area.

Although changes in elevation are minor, they are enough to influence the plant community types of the area. The Shadscale community is located in some of the higher areas topographically. The dominant plant species in this community is shadscale (*Atriplex confertifolia*) with other important species present such as blue grama (*Bouteloua gracilis*), prickly pear cacti (*Opuntia* spp.), galleta (*Hilaria jamesii*), and broom snakeweed (*Gutierrezia sarothrae*).

Greasewood

Greasewood becomes more prevalent in lower elevations, or areas located closer to the natural drainages. This community occupies a major portion of the study area. It has less species diversity than the community mentioned above. The dominant plant species in this community are greasewood (*Sarcobatus vermiculatus*) and Torrey's seepweed (*Suaeda torreyana*).

Portions of this native plant community have been disturbed by previous cultivation and conversion to pasture or crop land. These crop species were not present in any significant amount when the vegetation mapping was conducted, but greasewood plants and "weedy"

annuals were re-invading these areas.

Saltgrass

The lowest areas in the 1st North study area were comprised of Saltgrass communities. These communities are also a major component in the study area and are located within the bottom land or drainage areas. The water that flows within these areas is probably derived from natural groundwater and surface water as well as runoff from irrigated pasture lands upslope. The dominant species in these communities was almost exclusively saltgrass (*Distichlis spicatus*).

Portions of the native Saltgrass plant communities may have also been disturbed by previous cultivation and conversion to crop or pasture lands. Consequently, some of the areas are presently dominated by “weedy” exotics, probably a result of abandonment of the crop and/or pasture lands and the irrigation operations that may have existed at that time. Also, some of the weedy areas seemed to have resulted from less flow of surface runoff from the pastures located up-gradient. This may be due to the drought conditions that have been so common in Utah for the past several years. A comparison of aerial photography dated several years prior revealed the presence of more Saltgrass communities than what seemed to have been present in the 2004 photographs.

Threatened and Endangered Species

There are several federally listed plant species that are known to occur in Emery County, Utah (Table 1). However, there is almost no chance of these species occurring directly in the study area for two reasons. First, with the exception of the Shadscale community that occupies such a small portion of the study area, the T&E species are not found in the plant communities that exist there. Second, the Shadscale communities in the direct vicinity have been previously surveyed for these same T&E plant species by *Mt. Nebo Scientific, Inc.* in 2002 and 2003 when the 4th East Portal and its expansions were

planned. No T&E or sensitive plant species were found in those surveys. Finally, as mentioned previously, no surface disturbance or subsidence caused by mining activities have been planned for the 1st North IBC Area.

Table 1: Potential Threatened or Endangered Plant Species of the 1st North IBC Area at the Emery Mine

Scientific Name	Common Name	Status
<i>Pediocactus winkleri</i>	Winkler Footcactus	T
<i>Pediocactus despainii</i>	Despain Footcactus	E
<i>Schoenocrambe barnebyi</i>	Barneby's schoenocrambe	E
<i>Sclerocactus wrightiae</i>	Wright Fishhook Cactus	E
<i>Townsendia aprica</i>	Last Chance Townsendia	T
<i>Erigeron maguirei</i>	Maguire Daisy	T
<i>Cycladenia humilis var. jonesii</i>	Jones Cycladenia	T

E = Federal Protection, Endangered
T = Federal Protection, Threatened

WILDLIFE

Geographical database information from the State of Utah, Division of Wildlife Resources (DWR) suggest the area is not critical habitat for pronghorn, elk, mule deer, or rocky mountain bighorn sheep. The database does, however, suggest the study area to be “High Value Winter Habitat” for elk (see attached *Wildlife Habitat Map of the 1st North IBC Area*).

Raptors

In 2001 DWR biologists visited the site along with representatives from Consolidation Coal Company. At that meeting it was suggested that there was a low probability of raptor occurrence in the area (refer to: *Biological Impacts at the 4th East Portal Area at the Emery Deep Mine*. 2002). Since that time Consolidation Coal Company has participated in the annual raptor surveys conducted by DWR and all coal operators in the area.

In addition, during site visits by *Mt. Nebo Scientific, Inc.* surveys were conducted for major prairie dog communities in the study area. Prairie dog communities are known to be important habitat for burrowing owls (*Athene cunicularia*). No such communities were found in the survey area.

Threatened and Endangered Species

There are also several federally listed animal species that are known to occur in Emery County, Utah (Table 2). However, there is almost no chance of these species occurring directly in the study area for lack of habitat.

**Table 2: Potential Threatened or Endangered Animal Species
of the 1st North IBC Area at the Emery Mine**

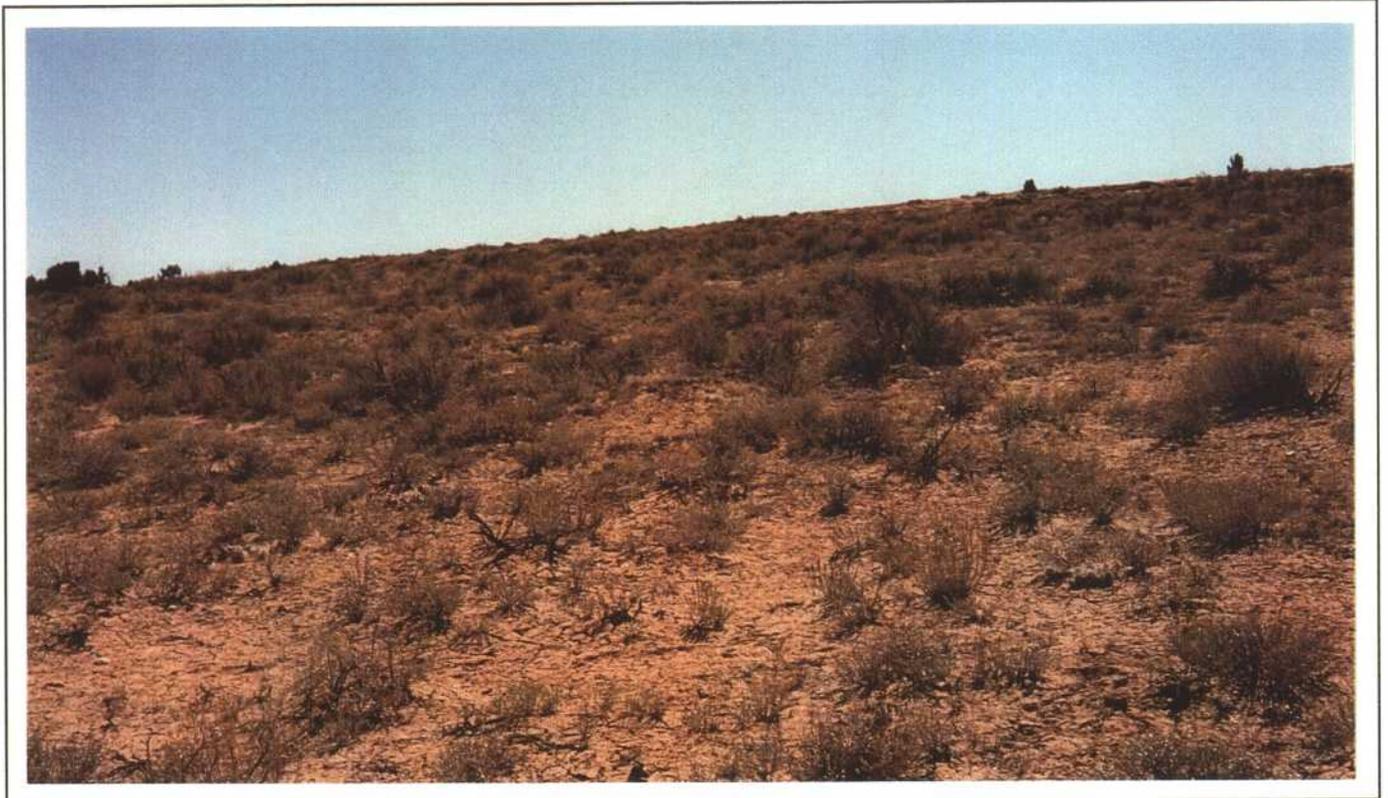
Scientific Name	Common Name	Status
<i>Gilia elegans</i>	Bonytail	E
<i>Ptychocheilus lucius</i>	Colorado Pike minnow	E
<i>Gila cypha</i>	Humpback Chub	E
<i>Xyrauchen texanus</i>	Razorback Sucker	E
<i>Haliaeetus leucocephalus</i>	Bald Eagle	T
<i>Strix occidentalis lucida</i>	Mexican Spotted Owl	T
<i>Mustela nigripes</i>	Black-footed Ferret	E
<i>Empidonax traillii extimus</i>	Southwestern Willow Flycatcher	E
<i>Coccyzus americanus occidentalis</i>	Western Yellow-billed Cuckoo	C

E = Federal Protection, Endangered

T = Federal Protection, Threatened

C = Candidate

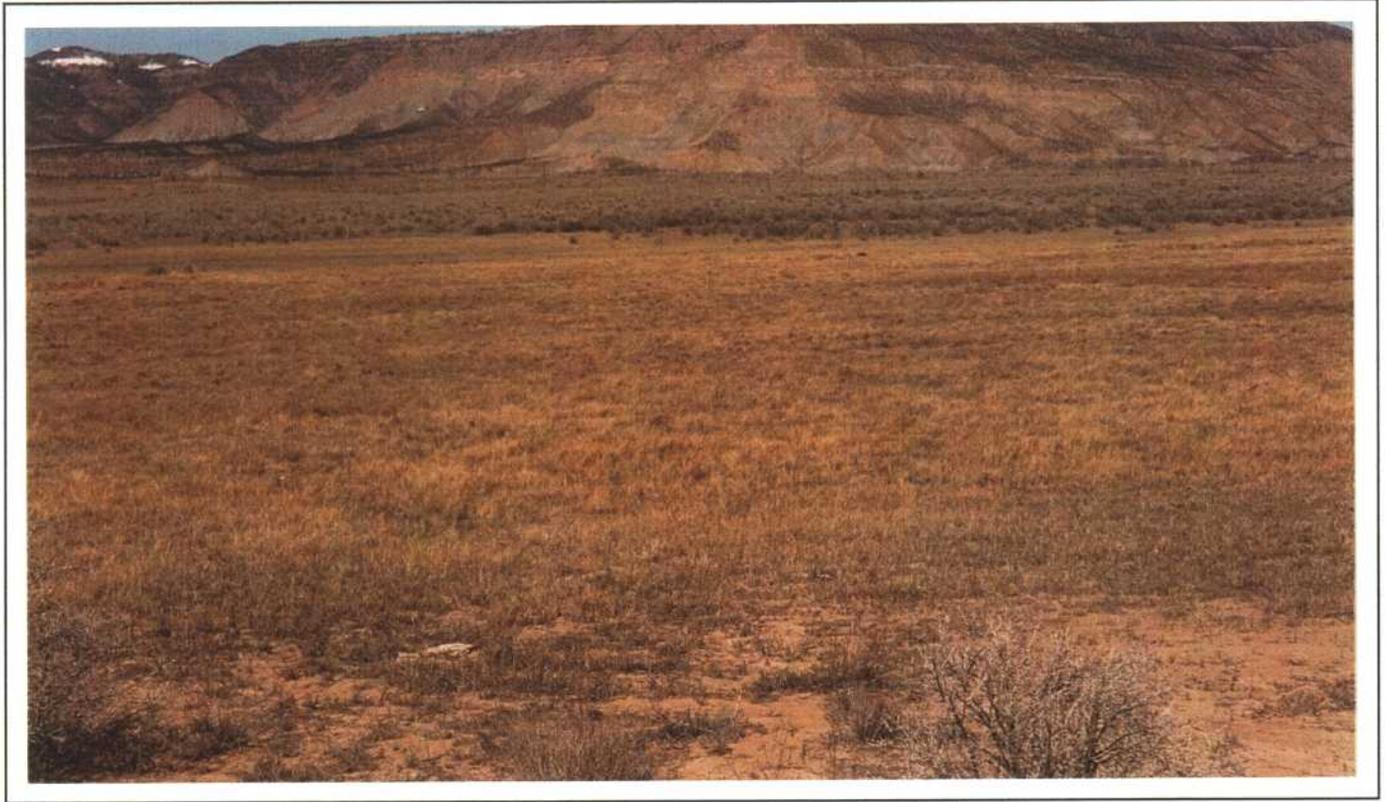
COLOR PHOTOGRAPHS
of the
PLANT COMMUNITIES



Shadscale Community of the 1st North IBC Area



Greasewood Community of the 1st North IBC Area



Saltgrass Community of the 1st North IBC Area

APPENDIX XII-3

Cultural Resources Report