



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov>



IN REPLY REFER TO:
3482
UTU-74804
(UT-923)

SEP 21 2009

Certified Mail--Return Receipt Requested 7008 1140 0000 3706 1192

Ian McClain
Mine Engineer
Consol Energy, Emery Mine
PO Box 527
Emery, Utah 84522

RECEIVED

SEP 22 2009

DIV. OF OIL, GAS & MINING

Re: Approved – Minor Modification to the Resource Recovery and Protection Plan (R2P2),
“00-North” Panel (LMU non-federal coal only), Emery Mine

Dear Mr. McClain:

The Bureau of Land Management (BLM) received on September 11, 2009, an R2P2 modification request from Consol Energy (Consol) for the subject mine. The proposed modification revises the mine layout by adding “00-North” Continuous miner (CM) panel and developing the panel on Consol’s Fee lease towards the recently sold Miller Canyon Federal lease tract (UTU-06038), on which Consol Energy was the apparent successful bidder (pending Department of Justice review). This mine was inspected by BLM on May 14, 2009 and August 28, 2009.

Proposed Plan: Consol has entered into panel 00-North on their fee land. The section has been necked-off to the southeast and will then turn in a northeasterly direction, in 6 entries towards the new lease. These entries will be mining under very shallow cover (less than 200’) skirting burned outcrop coal to the southeast and rock partings to the northwest. As such, the number of entries may change from time to time by either dropping or picking up entries as required in this fee coal. The currently approved R2P2 does not include the mining of 00-North, however it has been anticipated that this section would be added once the new lease sale took place. Mining will proceed to the northeast and it is expected that by the time Consol reaches the new lease boundary, that the permitting and Secretarial approval necessary to cross over into the new lease will have been received.

Reasoning behind this change (addition) was to mine Consol fee lands within LMU UTU-73335 and to access the new federal Miller Canyon coal lease (UTU-06038).

Approval: The BLM agrees with the proposed addition. The plan allows for development of the new 00-North panel for accessing the new lease and will allow retreat mining as approved. It should be noted that this R2P2 approval does NOT constitute approval for, nor is it a

recommendation for R2P2 approval for, the new Miller Canyon federal coal lease. That change (addition) will be handled under a completely separate, Secretarial issue document, forthcoming.

A copy of the application short template and approved mine maps are enclosed.

Maximum Economic Recovery (MER): Full extraction of recoverable coal reserves will enable MER of the Federal coal in LMU# UTU-73335 to be achieved. It will also allow for access to the new Miller Canyon federal coal lease, assuming that all other approvals are received for this access.

Recoverable Reserve Base: The estimated recoverable coal base for LMU UTU-73335 is 5.4 million tons. This approval represents an increase in LMU tonnage (fee coal) of 713,000 tons recoverable.

National Environmental Policy Act (NEPA): No new surface disturbance is predicted with this action, and therefore this action is Categorically Excluded (CX) from NEPA analysis under DM 516 chapter 11.5, paragraph F. (8): Approval of minor modifications to, or minor variances from, activities described in an approved underground or surface mine plan for leasable minerals (e.g., change in mining sequence or timing). It should be noted that the new Miller Canyon lease mentioned here-in has been analyzed according to NEPA requirements for new federal coal leasing.

This R2P2 modification complies with the Mineral Leasing Act of 1920, as amended, the regulations at CFR 3480, and the lease terms and conditions. If you have any questions, please contact Mike Glasson at the Price Field Office at (435) 636-3612 or Jeff McKenzie of my staff at (801) 539-4038.

Sincerely,



Roger L. Bankert
Chief, Branch of Minerals

Enclosure:

R2P2 Application
Approved Mine Maps

cc: UT-070, Price Field Office (w/ Enclosure)
Utah Division of Oil Gas and Mining (w/ Enclosure)
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84114-5801

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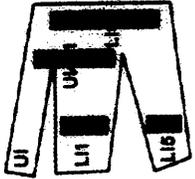
**Mining Plan Approved By
BUREAU OF LAND MANAGEMENT**

Recommended By:
[Signature]
Mining Engineer

17 Sept 2009
(Date)

Approved By:
[Signature]
Manager

21 Sept 09
(Date)



LMU U1-73336 Boundary
Federal Lease U-5287
Federal Lease U-50044

Emery Mine
Panel Geology
Emery County, Utah



**Request
For
R2P2 (Resource Recovery and Protection Plan) Modification
(One Mining Area)**

Today's Date: 8/25/2009

Proposed Implementation Date: 8/25/2009

Mine Name: Emery Deep Mine

Lease Number(s): U-5287 & U-50044

Suggested BLM inspection date and time:

Major Undesirable event (Flood/Fire) ? No

Describe Situation Leading to Request:

Coal Seam: I Seam

Mining Area (Section):
Addition of Panel 00 North

Current Approved R2P2 Plan (current plan that the plan shows mining to xc number ___ etc):
7th West and 12th West are completed.

Requested Change in the Approved R2P2:

Proposed Plan (including effect on coal recovery): The Non-Federal portion of Panel 00 North is now included. This will increase our tonnage output.

Timing: Timing has changes due to panel additions. End of mine life predicted in 2015.

Enclosures: Letter, new reserve tables and Plate 3-7 for the R2P2, two maps to help clarify the mine plan.