

0043

*C/015/015 Incoming*



**CONSOL ENERGY™**

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

#3411

*R*

October 06, 2009

Daron Haddock  
Utah Division of Oil, Gas and Mining  
Coal Program  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801

Re: Emery Deep Mine Permit C/015/015  
Amendment to add Zero Zero North LBA (UTU-86038) to MRP deficiency response, task id 3405

Dear Mr. Haddock:

Please consider this a response to your deficiency list task id 3405. Enclosed please find three (3) copies of the submittal, and two (2) CD's with the submittal in pdf format. Also attached please find executed C1 and C-2 forms. The deficiencies with responses have been addressed on the attached page.

If you have any questions concerning this request, please call me at (618) 625-6850.

Sincerely,

*John Gefferth*  
John Gefferth  
Environmental Engineer

CC: Karl Houskeeper – DOGM-Price Field Office  
Attachments  
JAG/jag emzznorthLBA.def3405.doc

RECEIVED

OCT 06 2009

DIV. OF OIL, GAS & MINING

File in: *C/015/015 2009 Incoming*

Refer to:

- Confidential
- Shelf
- Expandable

Date *10/06/09* for additional information

## Deficiency List

Task No. #3405

Add Zero Zero North LBA (UTU-86038)

The members of the review team include the following individuals:

Steve Christensen (SC)

Ingrid Wieser (IW)

**R645-301-120:** The Permittee must provide clarification language that makes it clear to the reader that the submitted information pertains directly to the Federal lease expansion of the Zero Zero North Panel. The clarification should be inserted in the following locations:

In section VI.2.4-Baseline Information on the top of Page VI-3 of the approved MRP.

*Refer to revised pages VI-2a and VI-3. Clarification has been added.*

Top of 1<sup>st</sup> page of Appendix VI-16, Selected Text from Miller Canyon Tract EA. (SC)

*Refer to Appendix VI-16 page 1. Clarification has been added.*

**R645-301-120:** The Permittee should provide additional figures within Appendix VI-16, *Selected Text from Miller Canyon Tract EA*. The baseline information contained within Appendix VI-16 cites Figures 3 and 4 from the Environmental Assessment. For clarification, Figures 3 and 4 should be included with the information submitted in Appendix VI-16. (SC)

*Figure 3(Site Map) and Figure 4 (Water Resources) from the Miller Canyon Tract Environmental Assessment have been included in Appendix VI-16*

**R645-301-728-** The Permittee must include further discussion as to the potential for probable hydrologic consequences (PHC) within section VI.2.8.3 of the MRP. The environmental assessment (EA) conducted by the Federal land regulatory agency identified hydrologic resources and riparian vegetation/habitat corridors that could be potentially impacted by subsidence within the ZZ North Panel expansion. These resources should be specifically addressed within the PHC section that begins on page VI-16 of the MRP. (SC)

*Refer to inserted pages VI-27b, VI-27c and VI-27d*

**R645-301-411.142:** According to the archaeological report MOAC 08-096, the determination “no adverse effect” is proposed *only* if the five eligible sites (42Em3964, 42Em3965, 42Em3966, 42Em3969 and 42Em3974) are periodically monitored for subsidence impacts by a qualified archaeologist. The report also states that additional mitigation may be required. Please provide a monitoring schedule to the Division for these five sites, and a commitment to conduct mitigation if significant impacts occur. (IW)

*Refer to Chapter X-A index page and Chapter X-A pg1 for a monitoring commitment.*

**R645-301-322, 301-333:** Please provide a protection plan for the active prairie dog town and burrowing owl nesting area located in the Miller tract. Undermining must occur outside of the buffer period (post August 31) to avoid disturbance. The habitat must also be monitored during and after subsidence to ensure that no adverse affects have occurred. A commitment to conduct mitigation if adverse affects from mining occur must be in the plan. (IW)

*Refer to Chapter IX Appendix IX-3 (Zero Zero North LBA UTU 603, Wildlife Protection and Enhancement Plan)*

# APPLICATION FOR COAL PERMIT PROCESSING

Permit Change  New Permit  Renewal  Exploration  Bond Release  Transfer

**Permittee:** Consolidation Coal Company

**Mine:** Emery Mine

**Permit Number:** 015/015

**Title:** Zero Zero North LBA

**Description,** Include reason for application and timing required to implement:

Amnd to add LBA UTU 86038 Zero Zero North area to MRP, deficiency response task id 3405 10/09

**Instructions:** If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- Yes  No 1. Change in the size of the Permit Area? Acres: \_\_\_\_\_ Disturbed Area: \_\_\_\_\_  increase  decrease.
- Yes  No 2. Is the application submitted as a result of a Division Order? DO# \_\_\_\_\_
- Yes  No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- Yes  No 4. Does the application include operations in hydrologic basins other than as currently approved?
- Yes  No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes  No 6. Does the application require or include public notice publication?
- Yes  No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- Yes  No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- Yes  No 9. Is the application submitted as a result of a Violation? NOV # \_\_\_\_\_
- Yes  No 10. Is the application submitted as a result of other laws or regulations or policies?  
*Explain:* \_\_\_\_\_
- Yes  No 11. Does the application affect the surface landowner or change the post mining land use?
- Yes  No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- Yes  No 13. Does the application require or include collection and reporting of any baseline information?
- Yes  No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- Yes  No 15. Does the application require or include soil removal, storage or placement?
- Yes  No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- Yes  No 17. Does the application require or include construction, modification, or removal of surface facilities?
- Yes  No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- Yes  No 19. Does the application require or include certified designs, maps or calculation?
- Yes  No 20. Does the application require or include subsidence control or monitoring?
- Yes  No 21. Have reclamation costs for bonding been provided?
- Yes  No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- Yes  No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

**Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you.** (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Jonathan M. Pachter  
Print Name

Jonathan M. Pachter 10/2/09  
Signature, Position, Date

Subscribed and sworn to before me this 5 day of OCTOBER, 2009

Jane M. Young  
Notary Public

My commission Expires: \_\_\_\_\_, 20\_\_\_\_ }  
Attest: State of PENNSYLVANIA } ss:  
County of WASHINGTON

**COMMONWEALTH OF PENNSYLVANIA**  
Notarial Seal  
Jane M. Young, Notary Public  
Cecil Twp., Washington County  
My Commission Expires June 20, 2013  
Member, Pennsylvania Association of Notaries

<b>For Office Use Only:</b>	<b>Assigned Tracking Number:</b>	<b>Received by Oil, Gas &amp; Mining</b>
-----------------------------	----------------------------------	--

