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From: Steve Christensen
To: Daron Haddock; Jim Smith; OGMCOAL; Suzanne Steab
Date: 12/1/2009 3:43 PM
Subject: Emery Deep: Zero Zero North LBA (Signed OSM Mine Plan Approval Document)
Place: OGMCOAL
Attachments: ASLM.app.pdf

Attached is the signed Federal Mine Plan Approval document from OSM for the ZZ North LBA at the Emery Deep mine. With this, we can issue final approval as we already have the requisite number of clean copies. The final approval letter is located in the working group folder for Emery Deep in the FINAL folder for WG3411. Let me know if you have any questions.

Thanks,
Steve

>>> "Gefferth, John" <JohnGefferth@consolenergy.com> 12/1/2009 2:39 PM >>>

Sent from my BlackBerry Wireless Device

From: Johnston, Carl <CJohnston@osmre.gov>
To: Gefferth, John
Sent: Tue Dec 01 16:37:42 2009
Subject: RE: Mining Plan Approval - Zero Zero North LBA

Mr. Gefferth:

Sorry about that, I had two mining plans with the same name and sent you the wrong one.

Carl R. Johnston
Natural Resource Specialist
OSMRE / WR / FOB / NWB
1999 Broadway, Suite 3320
Denver, CO 80202

(303) 293-5038
Fax: (303) 293-5032
e-mail: CJOHNSTO@OSMRE.GOV

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United States Department of the Interior

OFFICE OF SURFACE MINING
RECLAMATION AND ENFORCEMENT
Washington, D.C. 20240

Memorandum NOV 6 2009

To: Wilma A. Lewis
Assistant Secretary - Land and Minerals Management

From: Glenda H. Owens
Acting Director

Subject: Recommendation for Approval of the Mining Plan Modification for Federal Lease UTU-86038 at Consolidation Coal Company's Emery Deep Mine located in Emery County, Utah

I recommend approval of this mining plan modification under the Mineral Leasing Act of 1920, as amended. My recommendation is based on:

1. Consolidation Coal Company's complete permit application package;

2. Compliance with the National Environmental Policy Act of 1969;

3. Documentation assuring compliance with applicable requirements of other Federal laws, regulations, and executive orders;

4. Comments and recommendations or concurrence of other Federal agencies, and the public;

5. The findings and recommendations of the Bureau of Land Management regarding the resource recovery and protection plan, the Federal lease requirements, and the Mineral Leasing Act; and

6. The Utah Department of Natural Resources, Division of Oil, Gas and Mining's Decision, Add Zero Zero North LBA, Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task ID# 3411.

The Secretary may approve a Mining Plan for a Federal lease under 30 U.S.C. §§ 207(c) and 1273(c). In accordance with 30 CFR Chapter VII, Subchapter D, I find that the proposed mining plan modification will be in compliance with all applicable laws and regulations.

Attachment

UNITED STATES
DEPARTMENT OF THE INTERIOR

This mining plan approval document is issued by the United States of America to:

Consolidation Coal Company
P.O. Box 566
Sesser, Illinois 62884

for a mining plan modification for Federal lease UTU-86038 at the Emery Deep Mine. The approval is subject to the following conditions. Consolidation Coal Company is hereinafter referred to as the operator.

1. Statutes and Regulations.--This mining plan approval is issued pursuant to Federal lease UTU-86038; the Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 et seq.); and in the case of acquired lands, the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351 et seq.). This mining plan approval is subject to all applicable regulations of the Secretary of the Interior which are now or hereafter in force; and all such regulations are made a part hereof. The operator shall comply with the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and other applicable Federal laws.

2. This document approves the mining plan modification for Federal lease UTU-86038 at the Emery Deep Mine and authorizes coal development or mining operations on the Federal lease within the area of mining plan approval. This authorization is not valid beyond:

   Township 22 South, Range 6 East, SLBM

   Section 23, S½SW¼;
   Section 26, NW¼NW¼.

   These lands encompass approximately 120.0 acres and are found on the USGS 7.5 minute Quadrangle map of Emery East, Utah, and as shown on the map appended hereto as Attachment A.

3. The operator shall conduct coal development and mining operations only as described in the complete permit application package, and approved by the Utah Division of Oil, Gas and Mining, except as otherwise directed in the conditions of this mining plan approval.

4. The operator shall comply with the terms and conditions of the lease, this mining plan approval, and the requirements of the Utah State Permit No. C/015/0015 issued under the Utah State Program, approved pursuant to the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

5. This mining plan approval shall be binding on any person conducting coal development or mining operations under the approved mining plan and shall remain in effect until superseded, canceled, or withdrawn.

6. If during mining operations unidentified prehistoric or historic resources are discovered, the operator shall ensure that the resources are not disturbed and shall notify the Office of Surface Mining Reclamation and Enforcement (OSM). The operator shall take such actions as are required by OSM.

7. The Secretary retains jurisdiction to modify or cancel this approval, as required, on the basis of further consultation with the U.S. Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act, as amended, (16 U.S.C. 1531 *et seq.*)

for Assistant Secretary
Land and Minerals Management

11/30/09
Date

Attachment A