

0004



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>



C/O 15/015 Incoming

IN REPLY REFER TO:
3482
U-50044
U-5287
UTU-73335 (Emery LMU)

Certified Mail--Return Receipt Requested
Certificate No.

MAR 23 2010

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

Re: Approved – Minor Modification to the Resource Recovery and Protection Plan (R2P2),
“11th West” Panel (LMU UTU-73335), Emery Mine

Dear Mr. McClain:

The Bureau of Land Management (BLM) received on January 19, 2010, an R2P2 modification request from Consol Energy (Consol) for the subject mine. The proposed modification revises the mine layout by replacing “9 North, 10 North and 11 North” Continuous miner (CM) panel with 11th West Panel. This mine was inspected by BLM on December 15, 2009 and February 19 2010.

Proposed Plan: Consol has entered into panel 11 West on their fee land and initially headed northwesterly and crossed over onto Federal Coal Lease U-5287. The section has been necked-off and has turned in a northeasterly direction, in 6 entries. These entries will be mining under moderate cover, skirting rock partings to the northwest. These entries will progress northeasterly until either conditions do not allow further progress or the 5th West Mains are encountered. It is anticipated that this section will connect into the old 8th South Mains in order to establish a bleeder around this pillar section.

Reasoning behind this change was to postpone mining of the original 11th West panel which encountered low coal and to mine in a different direction while decisions were being made by the company as to how to approach the lower seam height to the northwest. The company still plans to mine the coal to the northwest and is committed to heading in that direction in 11th West until the economic limit is reached.

Approval: The BLM agrees with the proposed change. The plan allows for development of the new re-directed 11th West panel while decisions are being made on how to approach the lower seam height to the northwest.

RECEIVED

MAR 25 2010

DIV. OF OIL, GAS & MINING

A copy of the approved mine map is enclosed. Only the map which shows the mining continuing to the northwest "as far as economically feasible" is hereby approved.

Maximum Economic Recovery (MER): Full extraction of recoverable coal reserves will enable MER of the coal in LMU# UTU-73335 to be achieved. It will also allow for access to the original federal lease in question, U-5287 for recovery of all economically feasible resources.

Recoverable Reserve Base: The estimated recoverable coal base for LMU UTU-73335 was 5.478 million tons as of the most recent R2P2 approval (September 2009). This approval represents no change in LMU tonnage, remaining at 5.478 MM tons.

National Environmental Policy Act (NEPA): No new surface disturbance is predicted with this action, and therefore this action is Categorical 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).

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,

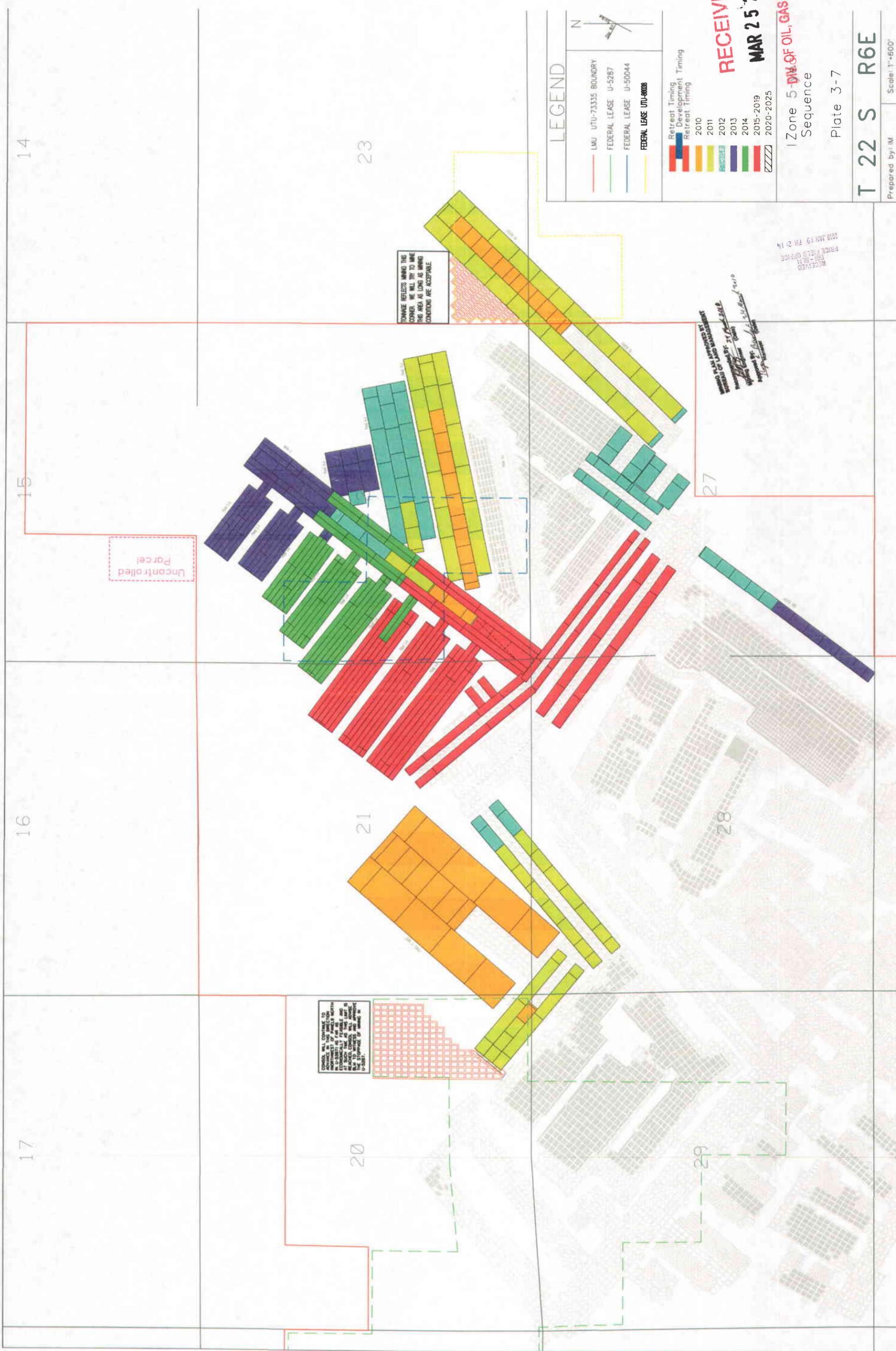
/s/ Roger L. Bankert

Roger Bankert
Chief, Branch of Minerals

Enclosure:

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



14

15

16

17

23

21

20

27

28

29

Uncontrolled Parcel

CHANGE REFLECTS HAVING THE CORNER BE WELL TRY TO HAVE THIS AREA AS LONG AS MINING CONDITIONS ARE ACCEPTABLE.

CONTRACT WILL CONTINUE TO ADVANCE IN THE INTEREST OF THE STATE AND THE PEOPLE OF THE STATE. IT IS THE POLICY OF THE STATE TO PROMOTE THE DEVELOPMENT OF THE STATE AND THE PEOPLE OF THE STATE.

LEGEND

- LMU: UTU-73335 BOUNDARY
- FEDERAL LEASE U-5287
- FEDERAL LEASE U-50044
- FEDERAL LEASE UDU-8008

Retreat Timing

- Development Timing
- Retreat Timing
- 2010
- 2011
- 2012
- 2013
- 2014
- 2015-2019
- 2020-2025

RECEIVED
MAR 25 2010

Zone 5 - DIV. OF OIL, GAS & MINING
 Sequence

Plate 3-7

T 22 S R6E

Prepared by: IM
 Scale: 1"=600'
 January 15, 2010

RECEIVED
 PRICE FIELD OFFICE
 11 2 PM 6 14 2010

MINING PLAN APPROVED BY
 BUREAU OF LAND MANAGEMENT
 11/19/09
 APPROVED BY: [Signature]
 APPROVED BY: [Signature]