



CONSOL ENERGY

COPY

C/015/015 Incoming

3527

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

April 05, 2010

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

RECEIVED

APR 06 2010

DIV. OF OIL, GAS & MINING

Re: Emery Deep Mine Permit C/015/015
Amendment to add Zero Zero North wedge to MRP

Dear Mr. Haddock:

Please consider this a minor revision to add additional mining area (adjacent area) to the above mentioned permit. 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.

A cd with confidential data and red folder are also attached. Please place this data in the confidential file

Due to the large quantity of Plates depicting the permit boundary, Consol has submitted eight (8) Plates as hard copies and the remainder as pdf's on the cd. Consol will provide hard copies during clean copy submittal.

Per the ongoing expansion of the Emery Mine, Consol plans to increase the resource recovery by mining additional coal on the north east boundary of the mining area, adjacent to the recently approved Zero Zero North LBA UTU-86038. The additional mining area consists of 14 acres. The surface and coal is owned in fee by Consol. This is an extension of the Zero Zero North panel. Consol will be utilizing a pillar splitting plan that would fall into the planned subsidence category. All Plates that depict full extraction areas have been revised to include the future forecasted panel.

An archeology report for this tract will be forwarded to your office within the next few weeks.

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

Sincerely,

John Geffert
Environmental Engineer

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

File in:

- Confidential
- Shelf
- Expandable

Date Folder *04/06/2010 C/015/0015*

See *Incoming* For additional information

Confidential

APPLICATION FOR COAL PERMIT PROCESSING

COPY

Permit Change [X] New Permit [] Renewal [] Exploration [] Bond Release [] Transfer []

Permittee: Consolidation Coal Company

Mine: Emery Mine

Permit Number: 015/015

Title: Zero Zero North Wedge

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

Amnd to add Zero Zero North wedge area to MRP,

4/10

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

- 1. Change in the size of the Permit Area? Acres: _____ Disturbed Area: _____ [] increase [] decrease.
2. Is the application submitted as a result of a Division Order? DO# _____
3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
4. Does the application include operations in hydrologic basins other than as currently approved?
5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
6. Does the application require or include public notice publication?
7. Does the application require or include ownership, control, right-of-entry, or compliance information?
8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
9. Is the application submitted as a result of a Violation? NOV # _____
10. Is the application submitted as a result of other laws or regulations or policies?
11. Does the application affect the surface landowner or change the post mining land use?
12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
13. Does the application require or include collection and reporting of any baseline information?
14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
15. Does the application require or include soil removal, storage or placement?
16. Does the application require or include vegetation monitoring, removal or revegetation activities?
17. Does the application require or include construction, modification, or removal of surface facilities?
18. Does the application require or include water monitoring, sediment or drainage control measures?
19. Does the application require or include certified designs, maps or calculation?
20. Does the application require or include subsidence control or monitoring?
21. Have reclamation costs for bonding been provided?
22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
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)

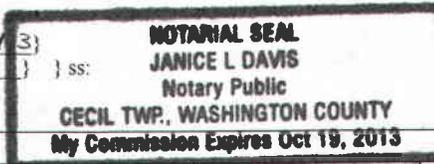
I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Jonathan M. Pachter
Print Name

Jonathan M. Pachter 3/30/10
Sign Name, Position, Date
General Manager, Environmental Services

Subscribed and sworn to before me this 30th day of March, 2010

Janice L. Davis
Notary Public
My commission Expires: October 19, 2013
Attest: State of Pennsylvania
County of Washington



For Office Use Only:

Assigned Tracking Number:

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DIV. OF OIL, GAS & MINING

APPLICATION FOR COAL PERMIT PROCESSING

Detailed Schedule Of Changes to the Mining And Reclamation Plan

COPY

Permittee: Consolidation Coal Company
Mine: Emery Mine **Permit Number:** 015/015
Title: Amnd to add Zero Zero North wedge area to MRP 04/10 pg1/3

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

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Permittee: Consolidation Coal Company

Mine: Emery Mine

Permit Number: 015/015

Title: Amnd to add Zero Zero North wedge area to MRP

4/10 pg2/3

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UMC 782.17

Underground operations at the Emery Mine is an ongoing situation which does not occur in phases. The extent of the underground workings over the life of the permit is shown on Plates IV-1 and IV-2. The permit area encompasses approximately 442.5 acres and the adjacent area encompasses approximately 5,76276 acres.

It is anticipated that mining activities will continue considerably beyond the five (5) year permit term. This will require renewals at the end of each term.

UMC 782.18, UMC 800.60

Appendix I-5 contains a copy of the insurance certificate, for the Emery Mine, covering personal injury and property damage.

Revised 8-31-95
Revised 4/05
Revised 9/06
Revised 5/09
Revised 8/09
Revised 4/10

Section 22	NW¼NW¼	Deed from San Rafael Fuel Co. to Kemmerer Coal Co. dated 10/1/58
	SW¼SW¼ SE¼NE¼	Deed from San Rafael Fuel Co. to Kemmerer Coal Co. dated 10/1/58
	SW¼NW¼ N½SW¼ SE¼SW¼	Lease from United States of America (BLM) to Consol dated 7/1/83 (#U-50044)
	W½SE¼ E½NW¼ W½NE¼ NE¼NE¼	Deed from I. Browning to Kemmerer Coal Co. dated 8/23/66
Section 23	SW¼NW¼	Deed from I. Browning to Kemmerer Coal Co. dated 8/23/66
	NW¼SW¼ <u>NE¼SW¼</u>	Deed from San Rafael Fuel Co. to Kemmerer Coal Co. dated 10/1/58
	S1/2SW1/4	Lease from USA (BLM) to Consol dated ?????(UTU 86038)
Section 26	NW1/4NW1/4	Lease from USA (BLM) to Consol dated ?????(UTU 86038)
Section 27	S½ NW¼ SW¼NE¼	Deed from San Rafael Coal Co. to Kemmerer Coal Co. dated 10/1/58
	N½NE¼	Deed from L.M. and S.M. Pratt to Kemmerer Coal Co. dated 6/22/49
	S½NE¼	Deed from Kemmerer Coal Co.
Section 28	NW¼	Deed from San Rafael Fuel Co. to Kemmerer Coal Co. dated 10/1/58
	NE¼	Dated from San Rafael Fuel Co. to Kemmerer Coal Co. dated 10/1/58
	S½	Deed from San Rafael Fuel Co. to Kemmerer Coal Co. dated 10/1/58
Section 29	NW¼NW¼ E½NW¼ W½NE¼ NW¼SE¼	Lease from United States of America (BLM) to Kemmerer and Consol dated 7/1/70 (#U-5287)
Beginning 20 rods South of the NW corner of the SW Quarter of Section 29, thence South 60 rods, thence East 80 rods, thence North 20 rods, thence Northwesterly to the place of the beginning.		Lease from John and Carolyn Lewis to Consol and Kemmerer dated 11/12/80 1163 E. 25th Street Idaho Falls, ID 83401 (208) 522-3646

Revised/reordered 9/09
Revised 4/10

CHAPTER IV ENGINEERING DESIGNS

IV.A UNDERGROUND MINE PLAN

This part covers the description of the underground mining operations to be conducted at the Emery Mine.

IV.A.1 UNDERGROUND MINE PLAN

UMC 783.12(a), 783.24(c), 783.25(e), 783.25(h), 784.11(a), 784.23(a)

The Adjacent Area for the Emery Mine encompasses approximately 5,76276 acres. The permit area for the Emery Mine encompasses approximately 442.5 acres. The boundary of the Adjacent Area and permit area is shown on the Permit Boundaries and Bonding Map (Plate III-9). The description of the Adjacent area is as follows:

Township 22 South, Range 6 East

Section 19: S/2NE/4, SE/4, E/2SW/4

Section 20: S/2NE/4, SE/4NW/4, S/2

Section 21: S/2N/2, S/2

Section 22: S/2, SW/4NW/4, portions of the following E/2SE/4NW/4, SW/4SE/4NW/4, S/2NW/4NE/4, SW/4NE/4, SW/4SW/4NE/4NE/4, W/2SE/4NE/4, S/2NE/4SE/4NE/4, SE/4SE/4NE/4

Section 23: portions of the following SW/4NW/4, NW/4SW/4

Section 27: W/2, portion of NE/4

Section 26: NW/4NW/4

Section 28: All

Section 29: All

Section 30: E/2, E/2NW/4, SW/4NW/4, N/2NW/4SW/4, E/2SW/4

Section 31: N/2, W/2SW/4, E/2SE/4, SW/4SE/4

Section 32: All

Section 33: W/2, NE/4

The description of the permit area is as follows:

Township 22 South, Range 6 East

Section 27: portions of NW/4, SW/4, NE/4

Section 30: portions of NE/4

Section 32: portions of NW/4, NE/4, SE/4

Section 33: portions of NW/4, NE/4, SW/4

Mining operations at the Emery Mine are conducted in the IJ Zone utilizing the room and pillar mining method. Plate IV-1 shows the layout, the present mine workings and the projected areas to be mined during the permit term. The existing workings have been marked to show the extent of underground mining operations (1) before August 3, 1977, (2) between August 3, 1977 and May 3, 1978, and (3) after May 3, 1978 up to the permit approval date of January 5, 1986. There are no surface mining operations at the Emery Mine. The projected mine workings are delineated by year for the next five year permit term. Plate IV-2 shows the same plan on a 1"=1000' map to show the extent of the projected life of mine plan in the IJ Zone. The Emery Mine operates under the General Safety Orders, Utah Coal Mines issued by the Industrial Commission of Utah and the applicable regulations issued by the Mine Health and Safety Administration (MSHA).

Access to the underground workings is through the portals shown on Plate II-1. All of the present portals are drift openings at the outcrop of the seam. These openings consist of intake, return, and belt entries. It may be necessary in the future to install ventilation raises in other areas of the property; however, these locations are not known at the present time. Future portals may consist of ramp excavations and shafts to access the coal seam. The new 4 East portal will use a ramp excavation down to the top of the IJ seam. A new set of portals will be installed for the southern main entries of the mine when production from the southern part of the mine warrants it.

Revised 8-31-95
Revised 4/05
Revised 3/07
Revised 5/09
Revised 9/09
Revised 04/10

CHAPTER VIII VEGETATION

PARTS

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APPENDICES

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VIII-2	THREATENED, ENDANGERED, and Sensitive Species Survey Report, JBR Environmental Consultants, Inc., August 2002
VIII-3	Vegetation of the 4 th East, 6 th West, & 14 th /15 th West Areas Report: Mt. Nebo Scientific, April 2007 (includes T&E and sensitive species)
VIII-4	Biological Resources of the Full Extraction Pillar Splitting, Life of Mine Surface Area Report Mt. Nebo Scientific, November 2008
VIII-5	Biological Resources of the Zero Zero North Area, Mt. Nebo Scientific, June 2009
VIII-6	Biological Resources of the Zero Zero North LBA UTU-86038, Mt Nebo Scientific, Nov 2008 Plant Communities, Threatened, Endangered & Sensitive Species study, Burrowing Owl Survey, Prairie Dog Survey
VIII-7	<u>Biological Resources of the Zero Zero North Wedge Mt. Nebo Scientific March 9, 2010</u>

Plates

VIII-1 VEGETATION & LAND USE MAP

Revised 05/2007
Revised 1/09
Revised 6/09
Revised 9/09
Revised 4/10

CHAPTER VIII

APPENDIX VIII-7

PLANT COMMUNITIES OF THE
ZERO ZERO NORTH WEDGE
AT THE EMERY MINE, UTAH

March 9, 2010

Patrick D. Collins, Ph.D.
Mt. Nebo Scientific, Inc.
Research & Consulting
Springville, UT 84663

There are three general plant community types that are supported in the Zero Zero North Wedge area including: Greasewood, Riparian and Pasture Land. These communities are shown on Emery Mine's Vegetation and Landuse Map (Plate VIII-1). Brief descriptions of the plant communities are provided below, however, these same communities have been previously described in the document titled: *Plant Communities Miller Tract Area, Emery Mine* (Mt. Nebo Scientific, November 2008).

There is very low probability that any threatened, endangered or otherwise sensitive species would occur in the Zero Zero North Wedge area. A sensitive species survey was conducted on the land adjacent to this area, an area where the same plant communities and habitats exist. The federally listed plant and animal species along with their habitats were described in an earlier report written for the adjacent area called *Threatened, Endangered & Sensitive Species Survey, Miller Tract Area, Emery Mine* (Mt. Nebo Scientific, November 2008).

Greasewood

Greasewood communities are common in the study area. This community is known for its relatively low species diversity with the dominant plant species here represented almost exclusively by greasewood (*Sarcobatus vermiculatus*), and to a lesser extent, Torrey's seepweed (*Suaeda torreyana*). Some of the greasewood communities in the area had been partially cleared to create Pasture Land (see below).

Riparian

There was a riparian community associated with a drainage through the area. Depending on the reach location, dominant plants species included wiregrass (*Juncus arcticus*), saltgrass (*Distichlis spicata*), tamarisk (*Tamarisk chinensis*), Russian olive (*Elaeagnus angustifolia*), greasewood, rushes (*Juncus* spp.) and sedges (*Carex* spp.).

Pasture Land

Some of the lower elevation areas have been converted from native plant communities (i.e. greasewood and saltgrass) to pasture lands for use by domestic livestock. Some of the pasture lands were once irrigated, but are currently being utilized as unirrigated, dry-land pastures. The Pasture Land in this area appears have been irrigated in the past, but may be dry farmed at the present time. Native species common in these areas were greasewood, saltgrass and galleta (*Hilaria jamesii*). Due to disturbance by landowners and cattle, some "weedy", exotic species such as gumweed (*Grindelia squarrosa*), field bindweed (*Convolvulus arvensis*), thistles (*Cirsium* spp.) and houndstongue (*Cynoglossum officinale*) were also common in these areas.

Inserted 4/10