



CONSOL ENERGY™

**COPY**

*C/015/015 Incoming*

*#3527*

*OK*

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

May 15, 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

Re: Emery Deep Mine Permit C/015/015  
Amendment to add Zero Zero North wedge to MRP task id 3527 clean copy submittal

Dear Mr. Haddock:

Per your memo dated May 6, 2010 please consider this a clean copy submittal for the above mentioned revision to add additional mining area (adjacent area) to the above mentioned permit. Enclosed please find six (6) 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 two (2) red confidential folders are also enclosed. Please place this data in the confidential file

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

Sincerely,

*John Gefferth*  
John Gefferth  
Environmental Engineer

Attachments  
JAG/jag emzznwedge.cln.doc

File in:

- Confidential
- Shelf
- Expandable

Date Folder *052010 C/0150015*

See: *Incoming*

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MAY 20 2010

DIV. OF OIL, GAS & MINING

# APPLICATION FOR COAL PERMIT PROCESSING

Permit Change  New Permit  Renewal  Exploration  Bond Release  Transfer

COPY

**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,

clean copy submittal

5/10

**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 5/7/10  
Sign Name, Position, Date  
General Manager, Environmental Services

Subscribed and sworn to before me this 7th day of May, 2010

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

**NOTARIAL SEAL**  
**JANICE L DAVIS**  
**Notary Public**  
**CECIL TWP., WASHINGTON COUNTY**  
**My Commission Expires Oct 19, 2013**

<b>For Office Use Only:</b>	<b>Assigned Tracking Number:</b>	Received by Oil, Gas & Mining <h2 style="margin: 0;">RECEIVED</h2> <h3 style="margin: 0;">MAY 20 2010</h3> DIV. OF OIL, GAS & MINING
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# 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

tsk id 3527 clean copies 05/10 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

			DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter I, page 8
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<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter VIII, index page
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter VIII App VIII-7 (Mt.Nebo Scientific, Z Z North wedge veg/wldlf/T&E report)
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<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	CH X index page
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CONFIDENTIAL

Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.

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MAY 20 2010  
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 tsk id 3527 clean copies 5/10 pg2/3

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

			DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED	
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<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter III, Plate III-9 Permit Boundaries and Bonding Map (Exhibit D)	HARD COPY
<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	Chapter IV, Plate IV-2, UG Operations Plan	HARD COPY
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<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	CH VI, Plate VI-2, Lower Ferron Sandstone Potentiometric Surface (1985)	HARD COPY
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<input type="checkbox"/> Add	<input checked="" type="checkbox"/> Replace	<input type="checkbox"/> Remove	CH VI, Plate VI-5, General Geology	HARD COPY

Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.

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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 5,776 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

<b>Section 22</b>	NW $\frac{1}{4}$ NW $\frac{1}{4}$	Deed from San Rafael Fuel Co. to Kemmerer Coal Co. dated 10/1/58
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$	Deed from San Rafael Fuel Co. to Kemmerer Coal Co. dated 10/1/58
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	Lease from United States of America (BLM) to Consol dated 7/1/83 (#U-50044)
	W $\frac{1}{2}$ SE $\frac{1}{4}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$	Deed from I. Browning to Kemmerer Coal Co. dated 8/23/66
<b>Section 23</b>	SW $\frac{1}{4}$ NW $\frac{1}{4}$	Deed from I. Browning to Kemmerer Coal Co. dated 8/23/66
	NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	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)
<b>Section 26</b>	NW1/4NW1/4	Lease from USA (BLM) to Consol dated ?????(UTU 86038)
<b>Section 27</b>	S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	Deed from San Rafael Coal Co. to Kemmerer Coal Co. dated 10/1/58
	N $\frac{1}{2}$ NE $\frac{1}{4}$	Deed from L.M. and S.M. Pratt to Kemmerer Coal Co. dated 6/22/49
	S $\frac{1}{2}$ NE $\frac{1}{4}$	Deed from Kemmerer Coal Co.
<b>Section 28</b>	NW $\frac{1}{4}$	Deed from San Rafael Fuel Co. to Kemmerer Coal Co. dated 10/1/58
	NE $\frac{1}{4}$	Dated from San Rafael Fuel Co. to Kemmerer Coal Co. dated 10/1/58
	S $\frac{1}{2}$	Deed from San Rafael Fuel Co. to Kemmerer Coal Co. dated 10/1/58
<b>Section 29</b>	NW $\frac{1}{4}$ NW $\frac{1}{4}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$	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 5,776 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

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### APPENDICES

VIII-1	BIOLOGICAL IMPACTS AT THE 4 <sup>TH</sup> EAST PORTAL AREA Mt. Nebo Scientific, Inc., May 2002
VIII-2	THREATENED, ENDANGERED, and Sensitive Species Survey Report, JBR Environmental Consultants, Inc., August 2002
VIII-3	Vegetation of the 4 <sup>th</sup> East, 6 <sup>th</sup> West, & 14 <sup>th</sup> /15 <sup>th</sup> 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	Biological Resources of the Zero Zero North Wedge Mt. Nebo Scientific March 9, 2010
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

## CHAPTER X

### PART A: CULTURAL RESOURCES

NARRATIVE FOR UMC 783.12(b), 783.24(i),(j)&(k), AND 784.17 ..... Page 1-3

#### APPENDICES

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- 5-1 ARCHEOLOGICAL EVALUATION - AERC, 1981 SEE CONFIDENTIAL BINDER
- 5-2 ARCHEOLOGICAL EVALUATION - M.S. BERRY, 1975 SEE CONFIDENTIAL BINDER
- 5-3 ARCHEOLOGICAL EVALUATION - AERC, 1988 SEE CONFIDENTIAL BINDER
  
- 5-4 ARCHEOLOGICAL SITE FORMS SEE CONFIDENTIAL BINDER
  
- 5-5 ARCHEOLOGICAL EVALUATION - MONTGOMERY ARCHAEOLOGICAL CONSULTANTS, 4th EAST PORTAL SITE, MAY 2002 SEE CONFIDENTIAL BINDER
  
- 5-6 ARCHEOLOGICAL EVALUATION - MONTGOMERY ARCHAEOLOGICAL CONSULTANTS, 4th EAST POWERLINE, AUGUST 2002 SEE CONFIDENTIAL BINDER
  
- 5-7 ARCHEOLOGICAL EVALUATION - MONTGOMERY ARCHAEOLOGICAL CONSULTANTS, 4th EAST EXTENSION AREA, MARCH 2003 SEE CONFIDENTIAL BINDER

See: Chapter XII, Appendix XII-3, Cultural Resource Report (MOAC Report No. 05-177, May 23, 2005), for 1<sup>st</sup> North IBC Archeology SEE CONFIDENTIAL BINDER

See: Chapter XIII, Appendix XIII-3, Class 3 Cultural Resource Report (MOAC Report 07-33, February 13, 2007) for First Federal Lease IBC Archeology. SEE CONFIDENTIAL BINDER

- 5-8 ARCHEOLOGICAL EVALUATION- MONTGOMERY ARCHAEOLOGY CONSULTANTS, Zero North and Zero Zero North (MOAC 07-323) SEE CONFIDENTIAL BINDER
  
- 5-9 ARCHEOLOGICAL EVALUATION- MONTGOMERY ARCHAEOLOGY CONSULTANTS, Life of Mine Panels (MOAC 08-135) spring 2008, site treatment plan. The treatment plan for eligible site 42Em3924 will be completed at least 6 months prior to subsidence, with a follow up visit only to the site within 12 months after subsidence. SEE CONFIDENTIAL BINDER
  
- 5-10 ARCHEOLOGICAL EVALUATION- MONTGOMERY ARCHAEOLOGY CONSULTANTS, Zero Zero North 120 acre parcel LBA UTU-86038 (MOAC 08-096) Per Management Recommendations on page 19, a qualified archaeologist will periodically monitor the sites (post subsidence) for subsidence impacts. The results will be reported in the Annual report. If mitigation is necessary, a mitigation plan will be submitted to BLM. SEE CONFIDENTIAL BINDER
  
- 5-11 ARCHEOLOGICAL EVALUATION- MONTGOMERY ARCHAEOLOGY CONSULTANTS, Zero Zero North wedge (MOAC 10-054) SEE CONFIDENTIAL BINDER

#### FIGURES

- X-1 1<sup>st</sup> SOUTH FULL EXTRACTION ARCHEOLOGY SITES SEE CONFIDENTIAL BINDER

#### PLATES

- X.A-1 PERMIT AREA CULTURAL RESOURCES ..... SEE CONFIDENTIAL BINDER

**CHAPTER X**

**APPENDIX 5-11**  
**Archeology report**  
**Zero Zero North Wedge**  
**MOAC 10-054**