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**State of Utah**  
**DEPARTMENT OF NATURAL RESOURCES**  
**Division of Oil, Gas & Mining**

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Outgoing  
C0150015  
#3607  
OK

September 9, 2010

John Gefferth, Environmental Engineer  
Consolidation Coal Company  
P.O. Box 566  
Sesser, Illinois 62884

Subject: Minor Coal Exploration, Consolidation Coal Company, Emery Deep Mine, C/015/015, Task ID #3607, Outgoing File

Dear Mr. Gefferth:

The above-referenced Minor Exploration Notice of Intent has been reviewed as of September 9, 2010. Please have a copy of the Notice of Intent at the exploration site upon inspection.

There are several recommendations that would be helpful to you and the Division.

1) The Applicant has not given the total acres of disturbance for conducting minor exploration in the Letter of Intent. This information is needed to determine whether or not the exploration project should be considered a "**Substantial Disturbance**".

2) It is advised that the applicant receive landowner's permission approval/letter for using private roads that are not owned by Consol. If roads/trails are not to be reclaimed a letter from the landowner that states that the upgraded roads/trails can stay in upgraded condition is advised.

3) The applicant is recommended not to conduct minor exploration until receipt of concurrence from the SHPO.

4) It is suggested that the following text or similar wording be added to either paragraph 2 or 3 of Appendix C. *"A presence or occupancy survey for the referenced wildlife species was conducted concurrently with the vegetation survey of the 187 acre parcel. The survey results confirmed the published information from the DWR noting that there was no presence or occupancy of wildlife species in the proposed exploration area"*.

Page 2  
John Gefferth  
September 9, 2010

If you have any questions, please feel free to call me at (801) 538-5325 or Stephen J. Demczak at (435) 613-3732.

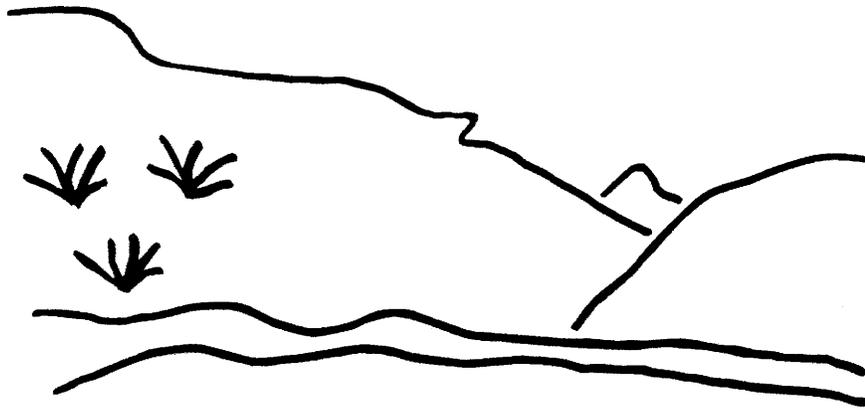
Sincerely,

A handwritten signature in black ink that reads "Daron Haddock". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke extending to the right.

Daron Haddock  
Permit Supervisor

DRH/SJD/ss  
cc: Price Field Office  
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# State of Utah



## Utah Oil Gas and Mining

### Coal Regulatory Program

Emery Deep Mine  
Consolidation Coal Company  
ACT/015/015  
Task ID #3607  
Minor Exploration Analysis and Findings  
September 9, 2010

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TABLE OF CONTENTS

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INTRODUCTION .....	5
SUMMARY OF RECOMMENDATIONS .....	6
COAL EXPLORATION .....	7
SCOPE AND RESPONSIBILITIES .....	7
REQUIREMENTS FOR NOTICE OF INTENTION TO CONDUCT MINOR COAL EXPLORATION.....	7
COMPLIANCE DUTIES .....	8
OPERATIONAL STANDARDS.....	8
Biology.....	8
Roads.....	10
Topsoil .....	10
Diversions of Overland flows and streams .....	10
Hydrologic Balance .....	10
Acid- or toxic forming materials.....	10
RECLAMATION STANDARDS .....	11
Approximate original contour.....	11
Revegetation .....	11
Boreholes .....	11
Facilities and Equipment.....	11

**TABLE OF CONTENTS**

---

## **EXPLORATION TECHNICAL ANALYSIS**

### **INTRODUCTION**

The applicant has submitted a Notice of Intent to conduct exploration on it's own property. The submittal is for eight drill holes located near Christiansen Wash behind the existing mine facilities. This exploration project is to gather coal data. The applicant will remove less than 250 tons of coal. The project is schedule to start on October 1, 2010 and be completed on December 15, 2010.

## SUMMARY OF RECOMMENDATIONS

As determined in the analysis and findings of this Technical Analysis, there are recommendations the Applicant should follow.

1) The Applicant has not given the total acres of disturbance for conducting minor exploration in the Notice of Intent. This information is needed to determine if the exploration project should be considered a **“Substantial Disturbance”**.

2) It is advised that the applicant receive landowner’s permission approval/letter for using private roads that are not owned by Consol. If roads/trails are not to be reclaimed a letter from the landowner that states that the upgraded roads/trails can stay in upgraded condition is advised.

3) The application is recommended not to conduct minor exploration until receipt of concurrence from the SHPO.

4) It is suggested that the following text or similar wording be added to either paragraph 2 or 3 of Appendix C. *“A presence or occupancy survey for the referenced wildlife species was conducted concurrently with the vegetation survey of the 187 acre parcel. The survey results confirmed the published information from the DWR noting that there was no presence or occupancy of wildlife species in the proposed exploration area.*

## COAL EXPLORATION

Regulatory Reference: R645-200.

### SCOPE AND RESPONSIBILITIES

Regulatory Reference: 30 CFR 772.1; 30 CFR 772.10; 30 CFR 772.11; R645-100-400; R645-200-100; R645-200-200; R645-201-100.

#### **Analysis:**

The applicant intends to drill a maximum of eight drills hole on Consol property near the existing facilities. Consol will extract less than 250 tons of coal. A rotary drill will be used for drill the eight holes.

The Applicant has not given the total acres of disturbance for conducting minor exploration in the Letter of Intent. This information is needed to determine if the exploration project is not considered a “**Substantial Disturbance**”.

#### **Findings:**

The Applicant has addressed the requirements of this section of the Letter of Intent.

The Applicant has not given the total acres of disturbance for conducting minor exploration in the Letter of Intent. This information is needed to determine if the exploration project is not considered a “**Substantial Disturbance**”.

## REQUIREMENTS FOR NOTICE OF INTENTION TO CONDUCT MINOR COAL EXPLORATION

Regulatory Reference: 30 CFR 772.10; 30 CFR 772.11; R645-100-412; R645-201-200.

#### **Analysis:**

The Applicant has addressed all regulation for Minor Coal Exploration required in the Notice of Intent.

#### **Findings:**

The Applicant has addressed the requirements of this section of the Notice of Intent.

## COMPLIANCE DUTIES

Regulatory Reference: 30 CFR 772.13; R645-202.

## OPERATIONAL STANDARDS

Regulatory Reference: 30 CFR 772.13; R645-202-100.

### Analysis:

#### Biology

### Analysis:

Appendix C includes a list of Threatened Endangered and Candidate wildlife species that may occur in Emery County. According to the published data from the Division of Wildlife Resources, (DWR), these species would not be present in the proposed exploration area. Personal conversation with Dr. Patrick Collins, (MT. Nebo Scientific), on September 1, 2010 noted that a “ground truthing” survey for presence and or occupancy of said wildlife species had been conducted concurrently with the vegetation analyses of the 187 acre parcel. Plate 10-1 has been updated recently, May 2010, to include the Zero Zero North wedge area. Elk (*substantial value winter habitat*) is located in the vicinity of proposed drill holes EM2.1-10-01 and 02. However these sites are located within the current disturbed area.

### Findings:

It is suggested that the following text or similar wording be added to either paragraph 2 or 3 of Appendix C. “*A presence or occupancy survey for the referenced wildlife species was conducted concurrently with the vegetation survey of the 187 acre parcel. The survey results confirmed the published information from the DWR noting that there was no presence or occupancy of wildlife species in the proposed exploration area*”. The information in the application would be adequate to meet the requirements of this section of the regulations.

## FISH AND WILDLIFE INFORMATION

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

### Analysis:

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**PUBLIC AVAILABILITY OF INFORMATION**

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**Protection and Enhancement Plan**

The protection and enhancement plan in the current MRP is adequate.

**Endangered and Threatened Species**

This section has been addressed in the Environmental Resource section.

**Bald and Golden Eagles**

There are no known Bald or Golden eagle nests within ½ mile of the proposed exploration area...

**Wetlands and Habitats of Unusually High Value for Fish and Wildlife**

According to the vegetation community descriptions there are no wetlands in the proposed 187-acre parcel. Elk (*substantial value winter habitat*) is located in the vicinity of proposed drill holes EM2.1-10-01 and 02. However these sites are located within the current disturbed area.

**Findings:**

The information in the application is adequate to meet the requirements of this section of the regulations.

**HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 783.12; R645-301-411.

**Analysis:**

The application includes a “Cultural Resource Inventory of Consolidated Energy’s Emery 2 proposed mine area, (T22 South, R6 East Sections 32 and 33) Emery County Utah”. A file search for previous inventories was performed by Marty Thomas on 9/1/2009. Figure 1 is a 7.5 minute quad map, (Walker Flat), showing the size and locations of the proposed Emery 2 area and the 8 cultural resource sites. A 100% pedestrian ground survey, (10 meter grid spacing), was conducted on the 187 acre parcel. The cultural resources were recorded as either archaeological site or isolated finds of artifacts.

**Findings:**

The inventory resulted in the location and re-documentation of six sites and two new sites four of which are eligible under Criterion D of the National Register Evaluation Criteria. The

## TABLE OF CONTENTS

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remaining four sites are prehistoric lithic or artifact scatters that are recommended as non eligible to the NRHP. Since the four eligible sites can and will be avoided the applicant has proposed a determination of "No historic properties affected." The information in the application is adequate to meet the requirements of this section of the regulations pending receipt of concurrence from the SHPO.

### **Roads**

The Applicant will be using public and private existing road and jeep trails to access the drill sites. Some upgrades to the roads or trails maybe needed. It is advise that the Applicant receives landowner's permission approval/letter for using private roads that are not owned by Consol. If roads/trails are not to be reclaimed a letter from the landowner that states that the upgraded roads/trails can stay in upgraded condition is advised.

### **Topsoil**

There will be little topsoil removed except for minor grading for leveling the drill rig and associated equipment. Brattice cloth will be used under and adjacent to the rig to protect the topsoil and vegetation.

### **Diversions of Overland flows and streams**

No are no plans for diversions of overland flow. There are no ephemeral, perennial, or intermittent streams. If diversions become necessary, these will be made in accordance with R645-301-742.3.

### **Hydrologic Balance**

The Applicant will be receiving if needed from Emery Deep Mine. No water is anticipated leaving the site. There are no ephemeral, perennial, or intermittent streams in the immediate area. If water is used for drilling, it will be pumped into a storage tank.

### **Acid- or toxic forming materials**

No acid-or-toxic forming materials or coal waste will be produced, used, or handled during coal exploration.

### **Findings:**

It is advised that the applicant receives landowner's permission approval/letter for using private roads that are not owned by Consol. If roads/trails are not to be reclaimed a letter from the landowner that states that the upgraded roads/trails can stay in upgraded condition is advised.

**PUBLIC AVAILABILITY OF INFORMATION**

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## **RECLAMATION STANDARDS**

Regulatory Reference: 30 CFR 772.13; R645-202-200.

### **Analysis:**

#### **Approximate original contour**

The Applicant will reclaim the disturb area to AOC. The drill sites is relatively level. The trail/roads will not be reclaimed if landowner requests the improvements are to stay.

#### **Revegetation**

Appendix A includes a description of the plant communities and species compositions for each of the eight drill sites located in the proposed Emery 2.1 area. A description of the grasses and forbs associated with teach community is also included in the appendix. For threatened, endangered and sensitive plant species there are several federally listed species that occur in Emery County. A species of Fishhook Cactus, (*Sclerocactus sp.*), was found on drill sites EM-10-03, 04 and 05 and possibly the more rare Wright's Fishhook Cactus, (*Sclerocactus wrightiae*) or whipplei. In total there were 30 individual *Sclerocactus* sp. plants.

### **Findings:**

Due to the uncertainty of the cactus species Consol has agreed to avoid the plants during the exploration drilling. The information in the application is adequate to meet the requirements of this section of the regulations.

#### **Boreholes**

Upon completion of drill holes, each hole will be sealed with cement from the bottom to ground level. A brass monument marker will be placed in the top of each cement surface plug with a drill hole number. Drill holes will be sealed and the associated disturbed areas reclaimed within two weeks of completion.

Some of the drill holes could be converted to water monitoring well if determined by the Applicant or Division.

#### **Facilities and Equipment**

Equipment will be removed when exploration when no longer needed. This is to facilitate reclamation work.

### **Findings:**

**TABLE OF CONTENTS**

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The information in the application is adequate to meet the requirements of this section of the regulations.

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