



GARY R. HERBERT
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Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

October 6, 2011

Outgoing
C0150015
#3808
K

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

Subject: Completion of 2010 Annual Report, Emery Deep Mine, C/00150015, Task ID #3808

Dear Mr. Gefferth:

The Division has completed the review of your Annual Report review. The information you have submitted satisfies the annual report requirements and the 2010 Annual Report review is now closed.

However, during the Division's review of the annual report information, areas were identified where either A) a commitment had not been completed or B) commitments were identified that need to be revised in the MRP.

The former is a commitment found in Chapter 3, page 4a. The commitment outlines an investigative study into past reclamation practices conducted at the Emery and Hidden Valley mine sites. A technical analysis was performed by Division staff on all relevant information currently within the approved MRP. A deficiency letter pertaining to this commitment will be sent to you under separate cover and handled under a separate task number.

The other area of the Emery Deep MRP that Division staff identified as being in need of updating pertains to subsidence. Division engineer James Owen evaluated the numerous subsidence commitments within the approved MRP and has identified two revisions that have been attached to this letter as deficiencies. Please respond to these deficiencies by December 7th, 2011. For clarification purposes, Mr. Owen's technical memo has been attached as well.

If you have any questions, please call me at (801) 538-5350 or James Owen (801) 538-5306.

Sincerely,

Steve Christensen
Permit Supervisor

SKC/sqs
cc: Price Field Office
O:\015015.EME\WG3808\WG3808Comp_Ltr.doc



R645-301.525- There are two commitments that need to be adjusted:

(#1)

Title: *Subsidence Monitoring*

Objective: *The Permittee will provide 3 copies of a subsidence monitoring report to DOGM within one month after completion of any subsidence monitoring field survey conducted pursuant to the approved subsidence control plan. Subsidence monitoring reports shall contain:*

Mine maps showing where pillars have been pulled and the month and year that such pillars were removed or partially removed, 2) Maps showing the location of survey monitoring stations and tension cracks and/or compression feature visible on the surface, 2a) The subsidence monitoring points above the areas outlined on Plate V-5 as full extraction areas will have photographs taken to record pre and post subsidence, 3) The differential level and horizontal survey summary, 4) A narrative.

Frequency: *As needed. Permittee will submit report one month after completion of field survey.*
Status: *On going.*

Reports: *Track in Annual report to ensure compliance. Re-submittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.*

Citation: *Chapter V 1 of 3 Chapter V page 37.*

Revision: This commitment should remain in the MRP but should be adjusted. The Division will not require 3 copies of the subsidence report and it will not need to be submitted within one month after completion of the field survey. Subsidence reports can be included in the annual report.

(#2)

Title: *Subsidence Monitoring*

Objective: *The Permittee will provide the Division with a quarterly subsidence mitigation report that describes the surface mitigation projects and their status broken down by surface land owners.*

Frequency: *quarterly*

Status: *On going*

Reports: *Track in Annual report to ensure compliance. Re-submittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.*

Citation: *Chapter V 1 of 3 Chapter V page 37*

Revision: This commitment should remain in the MRP but should be adjusted. Surface mitigation reports may be included with the annual report and do not need to be submitted quarterly.

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

September 29, 2011

TO: Internal File

THRU: Steve Christensen, Permit Supervisor

FROM: James Owen, Engineer

RE: Annual Report, Consolidation Coal Company, Emery Deep Mine, C/015/0015, Task #3808

SUMMARY:

On April 22, 2011, the Division of Oil Gas & Mining received Consolidation Coal Company's 2010 annual report for the Emery Deep Mine.

After the initial review of the report, it was determined that a more in-depth review was required for the subsidence-related commitments that are reported within the annual report. The commitments are found in the mine's MRP (Mining and Reclamation Plan). This technical analysis provides an assessment of need and validity of commitments.

TECHNICAL ANALYSIS:

OPERATION PLAN

SUBSIDENCE CONTROL PLAN

Regulatory Reference: 30 CFR 784.20, 817.121, 817.122; R645-301-521, -301-525, -301-724.

Analysis:

The following commitments are included in the 2010 annual report:

Title: *Subsidence Monitoring*

Objective: *1a The Permittee will inspect the area outlined on Plate V-5 as full extraction areas when pillar splitting begins.*

Frequency: *Monthly until there is no record of additional subsidence.*

Status: *On going.*

Reports: *Track in Annual report to ensure compliance. Re-submittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.*

Citation: *Chapter V 1 of 3 Chapter V page 36.*

Review: This commitment should remain in the MRP and should continue to be reported in the annual report. Monthly reports will be expected to be included in the annual report for full extraction areas.

Title: *Subsidence Monitoring*

Objective: *Monitoring points over partial pillar sections that have been resurveyed once and where no significant movement (0.5') was found will be surveyed within one year. If this subsequent survey shows no significant movement from the original survey, the point will be surveyed again at one year intervals. Points over advancing sections need not be resurveyed unless there has been evidence that subsidence has taken place (caving).*

Frequency: *As needed*

Status: *On going*

Reports: *Track in Annual report to ensure compliance. Re-submittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.*

Citation: *Chapter V 1 of 3 Chapter V page 36*

Review: This commitment should remain in the MRP and should continue to be reported in the annual report on an as needed basis. Additional information not required for 2010 annual report.

Title: *Subsidence Monitoring*

Objective: *New monitoring points established over advancing sections such as mains and sub mains will be resurveyed within one year after mining has been completed beneath the station.*

Frequency: *As needed*

Status: *On going. In future reports, Please give dates that points were established to track if the points have been resurveyed within a year after mining has been completed.*

Reports: *Track in Annual report to ensure compliance. Re-submittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.*

Citation: *Chapter V 1 of 3 Chapter V page 36*

Review: This commitment should remain in the MRP and should continue to be reported in the annual report on an as needed basis. Additional information not required for 2010 annual report.

Title: *Subsidence Monitoring*

Objective: *The Permittee will provide 3 copies of a subsidence monitoring report to DOGM within one month after completion of any subsidence monitoring field survey conducted pursuant to the approved subsidence control plan. Subsidence monitoring reports shall contain*

- 1) Mine maps showing where pillars have been pulled and the month and year that such pillars were removed or partially removed,*
- 2) Maps showing the location of survey monitoring stations and tension cracks and/or compression feature visible on the surface, 2a) The subsidence monitoring points above the areas outlined on Plate V-5 as full extraction areas will have photographs taken to record pre and post subsidence,*
- 3) The differential level and horizontal survey summary,*
- 4) A narrative.*

Frequency: *As needed. Permittee will submit report one month after completion of field survey.*

Status: *On going.*

Reports: *Track in Annual report to ensure compliance. Re-submittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.*

Citation: *Chapter V 1 of 3 Chapter V page 37.*

Review: This commitment should remain in the MRP **but should be adjusted.** The Division will not require 3 copies of the subsidence report and it will not need to be submitted within one month after completion of the field survey. Subsidence reports can be included in the annual report.

Title: *Subsidence Monitoring*

Objective: *The Permittee will establish pre-mining elevations and gradients of any irrigation ditches and pond embankments within the angle of draw. The Permittee will monitor these areas by visual inspection and post-subsidence ground survey to establish the effects of subsidence.*

Frequency: *As needed.*

Status: *On going.*

Reports: *Track in Annual report to ensure compliance. Re-submittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.*

Citation: *Chapter V 1 of 3 Chapter V page 37.*

Review: This commitment should remain in the MRP and should continue to be reported in the annual report on an as needed basis. Additional information not required for 2010 annual report.

Title: *Subsidence Monitoring*

Objective: *The Permittee will provide the Division with a quarterly subsidence mitigation report that describes the surface mitigation projects and their status broken down by surface land owners.*

Frequency: *quarterly*

Status: *On going*

Reports: *Track in Annual report to ensure compliance. Re-submittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.*

Citation: *Chapter V 1 of 3 Chapter V page 37*

Review: This commitment should remain in the MRP **but should be adjusted** Surface mitigation reports may be included with the annual report and do not need to be submitted quarterly.

Title: *Subsidence Monitoring*

Objective: *The Permittee will update the existing pre-subsidence survey and plates six (6) months before full extraction and provide copies to the surface land owner, DOGM and the water conservancy district.*

Frequency: *As needed. 6 months prior to full extraction.*

Status: *On going.*

Reports: *Track in Annual report to ensure compliance. Re-submittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.*

Citation: *Chapter V 1 of 3 Chapter V page 37.*

Review: This commitment should remain in the MRP and should continue to be reported in the annual report on an as needed basis. Additional information not required for 2010 annual report.

Title: *Subsidence Monitoring*

Objective: *New monitoring points established over partial pillar sections will be resurveyed within six months after final mining has taken place beneath them.*

Frequency: *As needed.*

Status: *On going. In future reports, please give dates that points were established to track if the points have been resurveyed within six months after final mining.*

Reports: *Track in Annual report to ensure compliance. Re-submittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.*

Citation: *Chapter V 1 of 3 Chapter V page 36.*

Review: This commitment should remain in the MRP and should continue to be reported in the annual report on an as needed basis. Additional information not required for 2010 annual report.

Findings:

- R645-301.525. There are two commitments that need to be adjusted:

Title: *Subsidence Monitoring*

Objective: *The Permittee will provide 3 copies of a subsidence monitoring report to DOGM within one month after completion of any subsidence monitoring field survey conducted pursuant to the approved subsidence control plan. Subsidence monitoring reports shall contain:*

1) Mine maps showing where pillars have been pulled and the month and year that such pillars were removed or partially removed, 2) Maps showing the location of survey monitoring stations and tension cracks and/or compression feature visible on the surface, 2a) The subsidence monitoring points above the areas outlined on Plate V-5 as full extraction areas will have photographs taken to record pre and post subsidence, 3) The differential level and horizontal survey summary, 4) A narrative.

Frequency: *As needed. Permittee will submit report one month after completion of field survey.*

Status: *On going.*

Reports: *Track in Annual report to ensure compliance. Re-submittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.*

Citation: *Chapter V 1 of 3 Chapter V page 37.*

Revision: This commitment should remain in the MRP but should be adjusted. The Division will not require 3 copies of the subsidence report and it will not need to be submitted within one

month after completion of the field survey. Subsidence reports can be included in the annual report.

Title: Subsidence Monitoring

Objective: The Permittee will provide the Division with a quarterly subsidence mitigation report that describes the surface mitigation projects and their status broken down by surface land owners.

Frequency: quarterly

Status: On going

Reports: Track in Annual report to ensure compliance. Re-submittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.

Citation: Chapter V 1 of 3 Chapter V page 37

Revision: This commitment should remain in the MRP but should be adjusted Surface mitigation reports may be included with the annual report and do not need to be submitted quarterly.

Annual Report

Date

10/7/11

This Annual Report shows information the Division has for your mine. Submit the completed document and any additional information identified in the Appendices to the Division by **March 31, 2011**. During a complete inspection an inspector will check and verify the information.

GENERAL INFORMATION

Company Name	Consolidation Coal Company	Mine Name	Emery Deep Mine		
Permit Number	C/015/0015	Permit expiration Date	2016-01-07		
Operator Name	Consolidation Coal Company	Phone Number	+1 (618) 625-2041		
Mailing Address	P.O. Box 566	Email	johngefferth@consolenergy.com		
City	Sesser	State	IL	Zip Code	62884

CERTIFIED REPORTS

DOGM File Location or Annual Report Location

Excess Spoil Piles

- Required
 Not Required

Refuse Piles

- Required
 Not Required

See Appendix A-2-Annual inspections

Impoundments

- Required
 Not Required

See Appendix A-1-Annual inspections, A-3 pond design capacity

Other:

OPERATOR COMMENTS

REVIEWER COMMENTS

Met Requirements Did Not meet Requirements

Refuse inspection and verification reports are included in the 2010 annual report.

A letter of verification/Certification from a register P.E in the State of Utah of pond inspections done in the fourth quarter 2010 is included. In addition pond volume surveys for Pond 1 and 6 are included. In the future a standard form should be used for the annual pond certification that directly shows the the 100% Clean Elevation, 60% Clean Elevation and the Approximate Sediment Elevation.

COMMITMENTS AND CONDITIONS

The Permittee is responsible for ensuring annual technical commitments in the MRP and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If additional written response is required, it should be filed as an attachment to this report.

Title: MONITOR FIVE ELIGIBLE SITES IN THE ZERO ZERO NORTH AREA FOR IMPACTS FROM MINING

Objective: To monitor eligible cultural resource sites that could be damaged as a result of subsidence. Sites include: 42Em3964, 42Em3965, 42Em3966, 42Em3969, 42Em3974.

Frequency: Annually after undermining until the Division determines subsidence is no longer an impact.

Status: Ongoing. Undermining was expected to occur in 2010.

Reports: Annual

Citation: MRP, Confidential, Chap. X, Part A. page 1.

OPERATOR COMMENTS

Refer to Appendix B-4 (CONFIDENTIAL binder)
MOAC Report #08-096b
Subsidence Assessment of sites 42EM3963 and 42EM3964

REVIEWER COMMENTS



Met Requirements



Did Not meet Requirements

The zero zero north has not been undermined to date

Title: INVESTIGATE STUDY INTO RECLAMATION PRACTICE

Objective: To develop an enhanced reclamation plan, based upon an evaluation of soil chemistry and vegetation establishment on previous reclaimed sites (results located in Chp. 111, Appendix 1).

Frequency: Ongoing final report due with 2007 Annual Rpt

Status: OVERDUE, Enhanced reclamation plan to incorporate and utilize the best reclamation practices still outstanding.

Reports: Qualitative report annually, and quantitative report 4th and 6th year.

Citation: MRP, Chap III, page 4a, & Chapter III, Appendix 1

OPERATOR COMMENTS

REVIEWER COMMENTS



Met Requirements



Did Not meet Requirements

Reviewed by Priscilla Burton on 8/9/2011. As described on page 4a of Chapter III, the Permittee has agreed to follow a four-phase evaluation of final revegetation plans. As required by Phase I, Chap III App. III-1 reports on the investigation of past reclamation sites and practices at the Emery Mine. This portion of the commitment has been met.

Phase 2, requires that based on those investigations, and in consultation with the Division, the permittee implement the best techniques demonstrated to be successful thus far. A Division task number should be assigned for the review of Chap III App III-1 to initiate discussion and progress on Phase 2 of this commitment.

In phase 3, the applied techniques will be evaluated qualitatively annually and quantitatively between the 4th and 6th year. These evaluations will be correlated to precipitation data results obtained from an on-site weather station and incorporated into the annual report.

In Phase 4, the Permittee will revise the MRP to include the best technology for final revegetation. A full scope of work for this four-phased evaluation will be submitted to the Division by the end of March 2003, but was deferred until 2007 (Chapter III, Page 4a).

Title: CONTROL OF COAL FINES DEPOSITION

Objective: Prevent coal fines from accumulating on undisturbed soils

Frequency: monthly inspection of three transects, three sample sites each for % coal, % live vegetative cover, and presence of cryptogammic cover and soil color.

Status: Monthly inspections should be ongoing during periods of production. Include the name of the person collecting the data; soil color data; cryptogam observation.

Reports: baseline report and monthly reports to be kept onsite. (see also Division inspection report #258, 05/04/2004). Provide results of monitoring and name of qualified person conducting monitoring report. Build on the table provided in Chap. X-C, p. 5, with the inclusion of a column for soil color.

Citation: Chap X-C page 5b

OPERATOR COMMENTS

PLEASE NOT THAT THE TRANSECT MONITORING IS APPROVED FOR ANNUAL AND NOT MONTHLY.
Refer to Appendix B-3

REVIEWER COMMENTS



Met Requirements



Did Not meet Requirements

Reviewed by Priscilla Burton on 8/9/2011. Annual inspection and reporting commitment has been met. Annual Report App. B-3 provides data for the 2010 year. As noted in this table, two plots were destroyed by power line construction. In general, very fine particles of coal can be observed mixing with surface soils in all plots and the degree of cover is reduced by sheet erosion. Photos of the plots are in the Images 04182010 folder. The data could be more effectively displayed using an excel spreadsheet so that comparisons of the data and trends may be seen over time.

Title: IDENTIFY CHEMICAL CHARACTERISTICS OF MATERIAL AS IT IS PLACED ON THE TEMPORARY COAL MINE WASTE STOCKPILE.

Objective: In accordance with R645-301-731.300, sample and analyze waste for acid toxic parameters.

Frequency: 1 sample/600 cu yds of coal mine waste brought to the temporary stockpile.

Status: Ongoing

Reports: Provide analysis in annual report.

Citation: Chap. II, pg. 10

OPERATOR COMMENTS

N/A

REVIEWER COMMENTS

Did Not meet Requirements

Met Requirements

Reviewed by Priscilla Burton on 8/9/2011. This sampling requirement was added to the MRP in March 2008. Quarterly inspections indicate that no waste was added to the pile after the date of the commitment in 2008, 2009 or 2010.

The following commitments are related to subsidence monitoring. This information is required to be submitted monthly by the operator. The Division will review the submitted data yearly in this report in order to provide feedback to the permittee. These commitments are included for information only, and do not currently require action unless the permittee has not submitted the data during the past year.

Title: SUBSIDENCE MONITORING

Objective: 1a The Permittee will inspect the area outlined on Plate V-5 as full extraction areas when pillar splitting begins.

Frequency: Monthly until there is no record of additional subsidence.

Status: On going.

Reports: Track in Annual report to ensure compliance. Resubmittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.

Citation: Chapter V 1 of 3 Chapter V page 36.

LOCATION OF REPORT IN MRP OR IN ELECTRONIC FILES : See Monthly subsidence report

REVIEWER COMMENTS

Met Requirements Did Not meet Requirements

The Permittee successfully submitted the monthly subsidence reports to the Division during the periods when full-extraction mining was being conducted.

Title: Subsidence Monitoring

Objective: Monitoring points over partial pillar sections that have been resurveyed once and where no significant movement (0.5') was found will be surveyed within one year. If this subsequent survey shows no significant movement from the original survey, the point will be surveyed again at one year intervals. Points over advancing sections need not be resurveyed unless there has been evidence that subsidence has taken place (caving).

Frequency: As needed

Status: On going

Reports: Track in Annual report to ensure compliance. Resubmittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.

Citation: Chapter V 1 of 3 Chapter V page 36

LOCATION OF REPORT IN MRP OR IN ELECTRONIC FILES : refer to Appendix B-1

REVIEWER COMMENTS

Met Requirements Did Not meet Requirements

Review: This commitment should remain in the MRP and should continue to be reported in the annual report on an as needed basis. Additional information not required for 2010 annual report.

Title: SUBSIDENCE MONITORING

Objective: New monitoring points established over advancing sections such as mains and sub mains will be resurveyed within one year after mining has been completed beneath the station.

Frequency: As needed

Status: On going. **In future reports, Please give dates that points were established to track if the points have been re-surveyed within a year after mining has been completed.**

Reports: Track in Annual report to ensure compliance. Resubmittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.

Citation: Chapter V 1 of 3 Chapter V page 36

LOCATION OF REPORT IN MRP OR IN ELECTRONIC FILES :

refer to Appendix B-1

REVIEWER COMMENTS



Met Requirements



Did Not meet Requirements

Review: This commitment should remain in the MRP and should continue to be reported in the annual report on an as needed basis. Additional information not required for 2010 annual report.

Title: SUBSIDENCE MONITORING

Objective: The Permittee will provide 3 copies of a subsidence monitoring report to DOGM within one month after completion of any subsidence monitoring field survey conducted pursuant to the approved subsidence control plan. Subsidence monitoring reports shall contain 1) Mine mpas showing where pillars have been pulled and the month and year that such pillars were removed or partially removed, 2) Maps showing the location of survey monitoring stations and tension cracks and/or compression feature visible on the surface, 2a) The subsidence monitoring points above the areas outlined on Plate V-5 as full extraction areas will have photographs taken to record pre and post subsidence, 3) The differential level and horizontal survey summary, 4) a narrative.

Frequency: As needed. Permittee will submit report one month after completion of field survey.

Status: On going.

Reports: Track in Annual report to ensure compliance. Resubmittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.

Citation: Chapter V 1 of 3 Chapter V page 37.

LOCATION OF REPORT IN MRP OR IN ELECTRONIC FILES :

refer to Appendix B-1

REVIEWER COMMENTS



Met Requirements



Did Not meet Requirements

Review: This commitment should remain in the MRP but should be adjusted. The Division will not require 3 copies of the subsidence report and it will not need to be submitted within one month after completion of the field survey. Subsidence reports can be included in the annual report.

Title: SUBSIDENCE MONITORING

Objective: The Permittee will establish pre-mining elevations and gradients of any irrigation ditches and pond embankments within the angle of draw. The Permittee will monitor these areas by visual inspection and post-subsidence ground survey to establish the effects of subsidence.

Frequency: As needed.

Status: On going.

Reports: Track in Annual report to ensure compliance. Resubmittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.

Citation: Chapter V 1 of 3 Chapter V page 37.

LOCATION OF REPORT IN MRP OR IN ELECTRONIC FILES :

REVIEWER COMMENTS

Met Requirements Did Not meet Requirements

Review: This commitment should remain in the MRP and should continue to be reported in the annual report on an as needed basis. Additional information not required for 2010 annual report.

Title: Subsidence Monitoring

Objective: The Permittee will provide the Division with a quarterly subsidence mitigation report that describes the surface mitigation projects and their status broken down by surface land owners.

Frequency: quarterly

Status: On going

Reports: Track in Annual report to ensure compliance. Resubmittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.

Citation: Chapter V 1 of 3 Chapter V page 37

LOCATION OF REPORT IN MRP OR IN ELECTRONIC FILES :

REVIEWER COMMENTS

Met Requirements Did Not meet Requirements

Review: This commitment does not need to remain in the MRP and should not need to be included in annual report. It is recommended that this commitment be removed from the MRP.

Title: SUBSIDENCE MONITORING

Objective: The Permittee will update the existing pre-subsidence survey and plates six (6) months before full extraction and provide copies to the surface land owner, DOGM and the water concervancy district.

Frequency: As needed. 6 months prior to full extraction.

Status: On going.

Reports: Track in Annual report to ensure compliance. Resubmittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.

Citation: Chapter V 1 of 3 Chapter V page 37.

LOCATION OF REPORT IN MRP OR IN ELECTRONIC FILES :

[Empty box]

REVIEWER COMMENTS

Met Requirements

Did Not meet Requirements

Review: This commitment should remain in the MRP and should continue to be reported in the annual report on an as needed basis. Additional information not required for 2010 annual report.

Title: SUBSIDENCE MONITORING

Objective: New monitoring points established over parital pillar sections will be resurveyed within six months after final mining bas taken place beneath them.

Frequency: As needed.

Status: On going. **In future reports, Please give dates that points were established to track if the points have been re-surveyed within six months after final mining.**

Reports: Track in Annual report to ensure compliance. Resubmittal of reports is not necessary if operator has already done so. Division Engineer will review subsidence reports here to ensure compliance for the year.

Citation: Chapter V 1 of 3 Chapter V page 36.

LOCATION OF REPORT IN MRP OR IN ELECTRONIC FILES :

refer to Appendix B-1

REVIEWER COMMENTS

Met Requirements

Did Not meet Requirements

Review: This commitment should remain in the MRP and should continue to be reported in the annual report on an as needed basis. Additional information not required for 2010 annual report.

The following commitments are not required for the current annual report year, but will be required by the permittee in the future as indicated by the Status item. These commitments are included for information only, and do not currently require action.

Title: SOIL SAMPLING AT 4TH EAST PORTAL

Objective: Verify soil characteristics prior to final reclamation grading through sampling and analysis for pH, SAR, and EC, with particular attention to those areas that were treated with dust suppressant.

Frequency: At final reclamation

Status: at final reclamation

Reports: none

Citation: Chap III.C.1 page 11 and App. X.C-3, page 24

OPERATOR COMMENTS (Optional)

Title: Soil Sampling of Pond No. 4 and Pond No. 9

Objective: To determine if evaporative salts have accumulated to a toxic level.

Frequency: at final reclamation

Status: at final reclamation

Reports: at final reclamation

Citation: Chap III.C.1 page 12

OPERATOR COMMENTS (Optional)

Title: Soil testing of reclaimed site before seeding

Objective: verify suitability of growth media

Frequency: During reclamation

Status: At reclamation, before Seeding

Reports: NA

Citation: Chapter VIII.C.4, page 21 , paragraph 1

OPERATOR COMMENTS (Optional)

REPORTING OF OTHER TECHNICAL DATA

List other technical data and information as required under the approved plan, which must be periodically submitted to the Division. Specify whether the information is included as an attachment to this report or currently on file with the Division.

Please List Attachments:

Appendix B-2 Bryant (14th West) flow
Appendix B-3 4th East dust monitoring
Appendix B-5 Burrowing Owl Studies at the Emery Mine (see CONFIDENTIAL binder)
Appendix B-6 Emery town Well data

REVIEWER COMMENTS



Met Requirements



Did Not meet Requirements

Burrowing Owl surveys were conducted at the mine near the white tailed prairie dog colony over the zero zero north panel. No owls were observed. Seven artificial burrows were installed at or near the colony. 4 over the panel and three outside the panel. Seven natural burrows, (4 over and 3 outside the panel), were video taped to document tunnel and burrow integrity. The artificial burrows were also taped in the fall and closed off.

In Appendix B-6, the Permittee provided a report on the Emery Town Wells (dated January 28th, 2011) as required by the approved MRP.

LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

The Division is Requesting that each Permittee review and update the legal, financial, compliance and related information in the plan as part of the annual report. Please provide the Department of Commerce, Annual Report of Officers, or other equivalent information as necessary to ensure that the information provided in the plan is current. Provide any other change as necessary regarding land ownership, lease acquisitions, legal results from appeals of violations, or other changes as necessary to update information required in the mining and reclamation plan. Include certified financial statements, audits or worksheets, which may be required to meet bonding requirements. Specify whether the information is currently on file with the Division or included as an attachment to the report.

LEGAL/ FINANCIAL UPDATE

Included

DOG M File Location or Annual Report Location

Department of Commerce	<input checked="" type="checkbox"/>	Appendix C-1
List of Officers and Directors	<input checked="" type="checkbox"/>	Appendix C-2
	<input type="checkbox"/>	
	<input type="checkbox"/>	

REVIEWER COMMENTS

Met Requirements

Did Not meet Requirements

The information submitted was for informational purposes only - it is already in the MRP.

MAPS

Copies of mine maps, current and up-to-date through at least December 31, 2010, are to be provided to the Division as an attachment to this report in accordance with the requirements of R 645-301-525.240. The map copies shall be made in accordance with 30 CFR 75.1200 as required by MSHA. Mine maps are not considered confidential.

Map Name	Map Number	Included		Confidential	
		Yes	No	Yes	No
Annual subsidence map		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mine Map	Appendix D-1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

REVIEWER COMMENTS Met Requirements Did Not meet Requirements

A mine map is included that shows the areas mined in 2010. The map also shows areas of future mining. The map does not break these areas into different years to show each year individually as requested by the 2010 report cover letter or a five year projection map. However, since the mine is currently in temporary cessation, the timing of future mining activity is unknown.

OTHER INFORMATION

Please provide any comments of further information to be included as part of the Annual Report. Any other attachments are to be provided as an attachment to this report. If information is submitted as a group rather than by individual mine, please identify each of the mine's data in the list below.

Please List Attachments:

REVIEWER COMMENTS