

September 7, 2007

Mr. Murray J. Balk, Chief
Surface Mining Section
Kansas Dept. of Health and Environment
4033 Parkview Drive
Frontenac, KS 66763

Re: Abandoned Mine Land Reclamation
7 Corners Project, PAD KS-0229
W/2 SW/4, and SW/4 NW/4 Sec. 32, and SE/4 SE/4 Sec. 31, T. 32 S., R. 22 E.,
Cherokee Co., Kansas

Dear Murray:

As requested in your letter of July 23, 2007 to the Kansas Geological Survey, and on September 5, 2007 by e-mail to me from Mr. Fred Foshag Jr. of your office, I am amending my last letter of August 1, 2007 concerning the 7 Corners Reclamation Project to include the small borrow area located in the SW NW portion of Section 32, T. 32 S., R. 22. E of Cherokee County, Kansas.

I have reviewed all the information that you previously sent to the Kansas Geological Survey concerning the proposed reclamation site titled the "7 Corners Project" (KS-0229), located in west-central Cherokee County, Kansas.

The hazards under consideration for reclamation are present as a result of past strip-mining of the coal. Location of the proposed project is on past strip-mined land disturbed by mining of the Mineral coal and possibly some Fleming coal. These coal beds are part of the Cabaniss Formation of the Cherokee Group of rocks in southeastern Kansas.

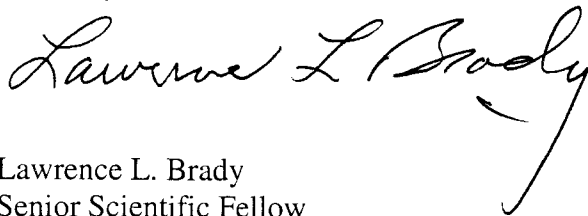
The proposed reclamation efforts would correct physical problems created by past strip-mining of the two coals. The Mineral coal is the most important coal mined of the two, and it is the lowermost coal strip- mined at this location. Underlying the Mineral coal is the Scammon coal that is not mined in this area due to the thin coal bed and quality concerns of the coal. About 100 feet deeper than the Mineral coal is the Weir-Pittsburg coal bed, the most extensively mined coal in southeast Kansas. However, the Kansas Geological Survey has no records indicating that the Weir-Pittsburg coal was mined at this site by underground mining methods. This is probably due to the thin nature of that coal at this location, with the extensive past mining of the Weir-Pittsburg coal present several miles northeast of this proposed project.

The area amended in this letter (SW NW portion of Section 32, T. 32 S., R. 22. E) will be used for obtaining borrow materials for correcting the hazard areas of the project. This borrow area appears to be generally unmined for coal. I do not have specific data on the thickness of coal beds in this area, but the small area would be rather impractical for future mining of the coal. In the unlikely case that the borrow area should be mined in the future, that mining should not disturb the reclamation effort of correcting the hazard problems of the project.

Therefore, the potential for additional strip-mining or possible deep mining of Weir-Pittsburg coal at this proposed reclamation site is not a concern. Basically, future mining should not disturb the area of your proposed reclamation effort and you should continue with your reclamation plans. Best wishes with correction of the recognized hazards on this proposed reclamation project.

The above discussion represents our best assessment based on the information that the Kansas Geological Survey has about this locality and/or proposed project at the time of this writing. Other geologic conditions, not discussed herein, or for which the Kansas Geological Survey has no knowledge, may affect the viability or safe operation of the reclamation of this property.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence L. Brady". The signature is written in dark ink and is positioned above the printed name and title.

Lawrence L. Brady
Senior Scientific Fellow

Subject: Geological Review - 7 Corners Project

From: FFoshag@kdhe.state.ks.us

Date: Wed, 5 Sep 2007 12:49:13 -0500

To: lbrady@kgs.ku.edu

Larry, on Aug. 1, 2007 we received a letter from you concerning mining reserves, etc. for the SE Section 31, Township 32 South, Range 22 East. The project also has a small borrow in the SW NW of Section 32 which was not identified in our letter of July 23, 2007. Please confirm that your comments about Section 31 and the SW portion of Section 32 are also appropriate for the SW NW Section 32.

Thanks for your assistance.

Fred Foshag, Jr.
KDHE-SMS
Frontenac, KS