

November 9, 2007

Mr. Fred Foshag, Jr.
Surface Mining Section
Kansas Dept. of Health and Environment
4033 Parkview Drive
Frontenac, KS 66763

Re: Abandoned Mine Land Reclamation
Linn Co. Project, PAD KS-0065

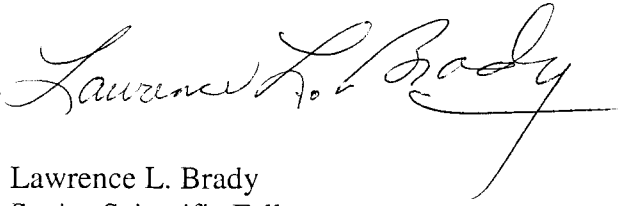
Dear Fred:

I have reviewed the information that you requested in your e-mail of November 8, 2007 concerning the small area for reclamation in the NE NE Sect. 33, T. 21 S., R. 25 E., Linn County, Kansas that is a small part of the Linn Co. Project—PAD KS-0065. I originally sent a reply by letter on September 16, 2002 concerning the potential of future mining in the project area, but the small area in Section 33 was not specifically mentioned in the request or letter although it was included in your map outlining the proposed reclamation project. The request letter was to the Kansas Geological Survey (dated August 29, 2002) concerning two potential coal mining reclamation project areas (with the same project # PAD KS-0065) in Linn County. The proposed reclamation sites are located on past strip-mine land disturbed by mining for the Mulberry coal.

The proposed reclamation efforts would correct problems created by this past strip-mining. In my letter of September 16, 2002 I mentioned that the Mulberry coal is the important coal strip-mined in Linn County, and that coal was and is still mined as a single seam in Kansas. There are a number of coal beds underlying the Mulberry coal in the area of your reclamation sites, but the coals are too deep to be won by strip-mining, and the coals of our state are no longer being mined by underground methods due the thin nature of the coal beds. These comments also apply to the small area in the northeast corner of Section 33, T. 21 S., R. 25 E. that was not listed in the original letter. I do not anticipate that coal or other rock or minerals will be mined in the future in your proposed reclamation areas. Future mining should not disturb the areas outlined for your planned reclamation efforts and you should continue with your reclamation plans.

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, reading "Lawrence L. Brady". The signature is written in black ink and is positioned above the printed name and title.

Lawrence L. Brady
Senior Scientific Fellow

Subject: Linn Co. Project NEPA Review

From: FFoshag@kdhe.state.ks.us

Date: Thu, 8 Nov 2007 09:21:32 -0600

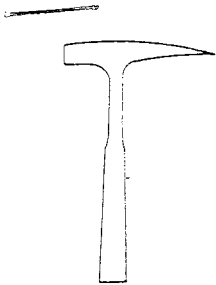
To: lbrady@kgs.ku.edu

see 2.8 (change from telephoned discussion w/ Fred Foshag) (LB)

Larry, on Sept. 16, 2002 we received a letter from you concerning mining reserves, etc. for the SE Section (33) Township 21 South, Range 25 East. The project also has a small area to be reclaimed in the NE 1/4 of Section 33 which was not identified in our letter of Aug. 29, 2002 letter requesting review. Please confirm that your comments regarding this project also are appropriate for the NE 1/4 of Section 33.

Thanks for your assistance.

Fred Foshag, Jr.
KDHE-SMS
Frontenac, KS



KANSAS GEOLOGICAL SURVEY

1930 Constant Ave., Campus West
The University of Kansas
Lawrence, Kansas 66047-3726
phone 913-864-3965
fax 913-864-5317

September 16, 2002

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
Linn Co. Project, PAD KS-0065
SE SW NW & NE NW SW Sect. 23, T. 21 S., R. 25 E.
W2 SE Sec 28, T. 21 S., R. 25 E. & W2 SW Sec 27, T 21 S., R. 25 E.

Dear Murray:

I have reviewed the information that you sent the Kansas Geological Survey (dated August 29, 2002) concerning two potential coal mining reclamation project areas (with the same project # PAD KS-0065) in Linn County, Kansas. The proposed reclamation sites are located on past strip-mine land disturbed by mining for the Mulberry coal.

The proposed reclamation efforts would correct problems created by this past strip-mining. The Mulberry coal is the important coal strip-mined in Linn County, and that coal was and is still mined as a single seam in Kansas. There are a number of coal beds underlying the Mulberry coal in the area of your reclamation sites, but the coals are too deep to be won by strip-mining, and the coals of our state are no longer being mined by underground methods due the thin nature of the coal beds. I do not anticipate that coal or other rock or minerals will be mined in your proposed reclamation areas.

Basically, future mining should not disturb the areas outlined for your planned reclamation efforts and you should continue with your reclamation plans.

Best wishes on completion of the reclamation project.

Sincerely,

Lawrence L. Brady
Senior Scientist



KANSAS

DEPARTMENT OF HEALTH & ENVIRONMENT

BILL GRAVES, GOVERNOR

Clyde D. Graeber, Secretary

Larry Brady
August 29, 2002

Mr. Lee Gerhard
Kansas Geological Survey
Kansas University
1930 Constant Ave. - Campus West
Lawrence, Kansas 66047-3726

FCF:linnco:C3

Re: Abandoned Mine Land Reclamation
Linn Co. Project, PAD KS-0065
SE SW NW & NE NW SW 23-21-25E
W2 SE 28-21-25E & W2 SW 27-21-25E

Dear Mr. Gerhard:

The Kansas Department of Health and Environment, Surface Mining Section (SMS) has selected hazardous problem areas at abandoned surface coal mine sites located in Linn County, east of Pleasanton, Kansas, which will be reclaimed. Reclamation at the sites is being planned by the Surface Mining Section to minimize the hazards typically associated with the abandoned mining operations. The sites are located along the sides of county roads, as shown on the attached copy of a portion of the Pleasanton, KS, USGS map, in the Sections referenced above.

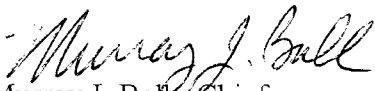
We are requesting a letter from the Kansas Geological Survey stating whether or not it is considered likely that the area of this project will be mined in the future. Please note that these sites were included with a number of other sites previously reviewed by your agency at the SMS's request in February of 1988. On November 29, 1988, your agency submitted a response to the SMS indicating the your office could not foresee any potential mining which would disturb the proposed AML reclamation. A copy of that response is attached for your information.

Because of the time lapse between your office's previous review and the pending reclamation construction, the SMS is requesting an update of the past review to insure there are no problems.

Kansas Geological Survey Letter
Linn Co. Project Review Update
August 28, 2002
Page 2

We would appreciate a reply at your earliest convenience. If you have any questions, please feel free to contact us at (620) 231-8540.

Sincerely,


Murray J. Balk, Chief
Surface Mining Section

Project file: B-6(1)

RANGE 25 EAST

Eureka Cem

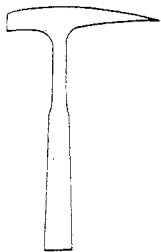
PAD KS-0065

TOWNSHIP 21 SOUTH

BM 782

PAD KS-0065

LINN CO. AML RECLAMATION PROJECT
KDHE-SMS 8/02 FCF



KANSAS GEOLOGICAL SURVEY

1930 Constant Ave., Campus West
The University of Kansas
Lawrence, Kansas 66046-2598
913-864-3965

November 29, 1988

Mr. George Hart
Surface Mining Section
Kansas Department of Health and Environment
Box 1418
Pittsburg, KS 66762

REC'D NOV 30 1988 REC'D
K.D.H.E.
Surface Mining Section

Dear George:

I have reviewed your four proposed AML project sites in Linn County, Kansas (KS-0061 Prescott, KS-0064 Turner, KS-0065 Pleasanton, and KS-0219 Indian Creek South), concerning their potential for future mining activity. The coal mined at all four of these AML sites was the Mulberry coal bed of the Bandera Formation and Marmaton Group of Middle Pennsylvanian age. The Mulberry coal is the only economic coal bed in this area that can be mined by strip-mining methods. Deeper coal beds are present in the Cherokee Group, and some of these coal beds have the potential to be mined by underground methods. However, it is highly unlikely that any coal operator will attempt to mine these coals for economic reasons in the foreseeable future. The proposed AML projects are concerned with post mining problems on the Mulberry coal; therefore, no additional coal mining of the area is to be expected. No other minerals or rock is recognized in these proposed AML areas that might be mined in the future.

In summary, I see no potential mining that would disturb the proposed AML project areas listed above.

Sincerely,

Lawrence L. Brady, Chief
Geologic Investigations Section