

U. S. Department of Labor

Mine Safety and Health Administration  
100 Bluestone Road  
Mount Hope, WV 25880-1000



SEP 28 2007

Mr. Chris Blanchard  
President  
Performance Coal Company  
P. O. Box 69  
Naoma, WV 25140

Dear Mr. Blanchard:

Subject: Approved Gas Well Permit, Section 75.1700, 30 CFR 75,  
Upper Big Branch Mine-South, I.D. No. 46-08436,  
Performance Coal Company, Montcoal, Raleigh County,  
West Virginia, Permit No. 17325-T7

This will acknowledge receipt and approval of the subject permit for extracting coal in the vicinity of gas well No. 9080 located on the subject mine property.

The permit is based upon an evaluation of the projected mine plan as shown on Form OG-45 dated August 8, 2007, and is issued in accordance with provisions of Section 75.1700, 30 CFR.

Should you have any questions concerning this matter, please contact William L. Ross at (304) 877-3900/Ext. 142.

Sincerely,

/s/ ROBERT G. HARDMAN

Robert G. Hardman  
District Manager  
Coal Mine Safety and Health, District 4

cc: Mt. Hope Field Office  
Inspector  
Field Office Supervisor  
Files/dac

For Initials *Bill Ross* Date *9/28/07*  
AC 9/28/07  
SUPERVISORY ACKNOWLEDGEMENT

**U. S. Department of Labor**

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100 Bluestone Road  
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Sincerely,

A handwritten signature in cursive script, reading "Robert G. Hardman", is written over a printed name.

Robert G. Hardman  
District Manager  
Coal Mine Safety and Health, District 4

17325T7

8436

STATE OF WEST VIRGINIA  
OFFICE OF MINERS' HEALTH, SAFETY & TRAINING  
1615 WASHINGTON ST. EAST  
CHARLESTON, WV 25311-2126

PERMIT NUMBER: RAL-1008  
DATE: 05/07/2007

P E R M I T  
TO EXTEND MINE WORKINGS  
WITHIN THE 200 FOOT RADIUS OF OIL OR GAS WELLS

COMPANY: PERFORMANCE COAL CO.  
MINE: UBBMC MONTCOAL EAGLE MINE PERMIT NUMBER: U00304292  
SEAM: EAGLE  
DISTRICT: MARSHFORK  
COUNTY: RALEIGH  
ADDRESS: PO BOX 69  
CITY: NAOMA, STATE: WV, ZIP: 25140

PERMISSION IS HEREBY GIVEN:

TO MINE WITHIN A 200 FOOT RADIUS OF CHESAPEAKE  
APPALACHIA 9080 ABANDONED GAS WELL LOCATED ON THE  
NEW RIVER & POCAONATAS CONSOLIDATED COAL CO. FARM  
IN THE MARSHFORK DISTRICT OF RALEIGH COUNTY AS  
SHOWN ON THE APPROVED ATTACHED MAP.

CONTINGENT UPON THE FOLLOWING:

- 1. MINING IS TO PERFORMED STRICTLY IN ACCORDANCE WITH THE MAP APPROVED BY THE DIVISION OF MINE HEALTH, SAFETY AND TRAINING HERETO.
- 2. A COPY OF THE PERMIT SHALL BE KEPT AT THE MINE.
- 3. THE PERMIT IS VOID UPON INSPECTOR'S RECOMMENDATION.
- 4. THE PERMIT IS NON-TRANSFERRABLE.

WELL OPERATOR: CHESAPEAKE APPALACHIA  
WELL OPERATOR WELL NUMBER: 9080  
MINE OPERATOR WELL NUMBER: 9080

Ronald L. Wooten  
BY: \_\_\_\_\_  
DIRECTOR - WV MINERS' HEALTH,  
SAFETY AND TRAINING  
*Terry J. J...*  
ADMINISTRATOR - WV MINERS' HEALTH,  
SAFETY AND TRAINING

CCS:  
CHESAPEAKE APPALACHIA  
REGION: 4  
M.S.H.A. District Office  
H.S. & T. File

FORM - OG - 45  
(Obverse)  
[Rev. 7 - 85]



Date: MARCH 30, 2007  
Operator's Well No. 9080  
API Well No. 47 - 081 - 00247  
State County Permit

STATE OF WEST VIRGINIA  
DEPARTMENT OF ENERGY, DIVISION OF MINES AND MINERALS

COAL OPERATOR'S PETITION TO OPERATE  
WITHIN 200 FEET OR TO MINE THROUGH A WELL

WELL TYPE: Oil \_\_\_/ Gas X/ Liquid Injection \_\_\_/ Waste Disposal \_\_\_/  
(If Gas, Production X/ Underground \_\_\_/ Storage \_\_\_/ Deep \_\_\_/ Shallow \_\_\_)

LOCATION: Elevation: 1092.64 Watershed: Unnamed Tributary of Elk Run of Big Coal River

District: Marsh Fork County: Raleigh Quadrangle: Whitesville

WELL OPERATOR: Chesapeake Appalachia DESIGNATED AGENT: Walter Jones  
Address 900 Pennsylvania Ave. Address 900 Pennsylvania Ave.  
Charleston, WV 25302 Charleston, WV 25302

The undersigned coal operator hereby petitions for leave to do the following:

X Mine within 200 feet of said well.

\_\_\_ Mine through said well when the same is properly plugged.

On the reverse side hereof is a copy of the map and plan of the undersigned coal operator showing its projected mine workings within 500 feet of said well.

The undersigned coal operator hereby represents that it will file updated or new maps and plans with the Department every six months, until mining within 500 feet of the well has ceased or until the well has been mined through.

Prior to the actual mining through of said well, the undersigned coal operator will submit the Form WR-35, Well Operator's Report of Drilling, Fracturing and/or Stimulating, or Physical Change, Affidavit of Plugging and Filling well, and the Form WR38, to show that the well has been properly plugged in a manner to permit the safe mining through the well.

Copies of this petition and enclosed maps and plans have been sent by registered mail to the well operator, as required by Code 22A -2-75.

*Handwritten:* 5-3-07

Performance Coal Company  
Coal Operator  
By George Levo  
Its Mining Engineer

STATE OF West Virginia,  
COUNTY OF Raleigh, TO WIT:

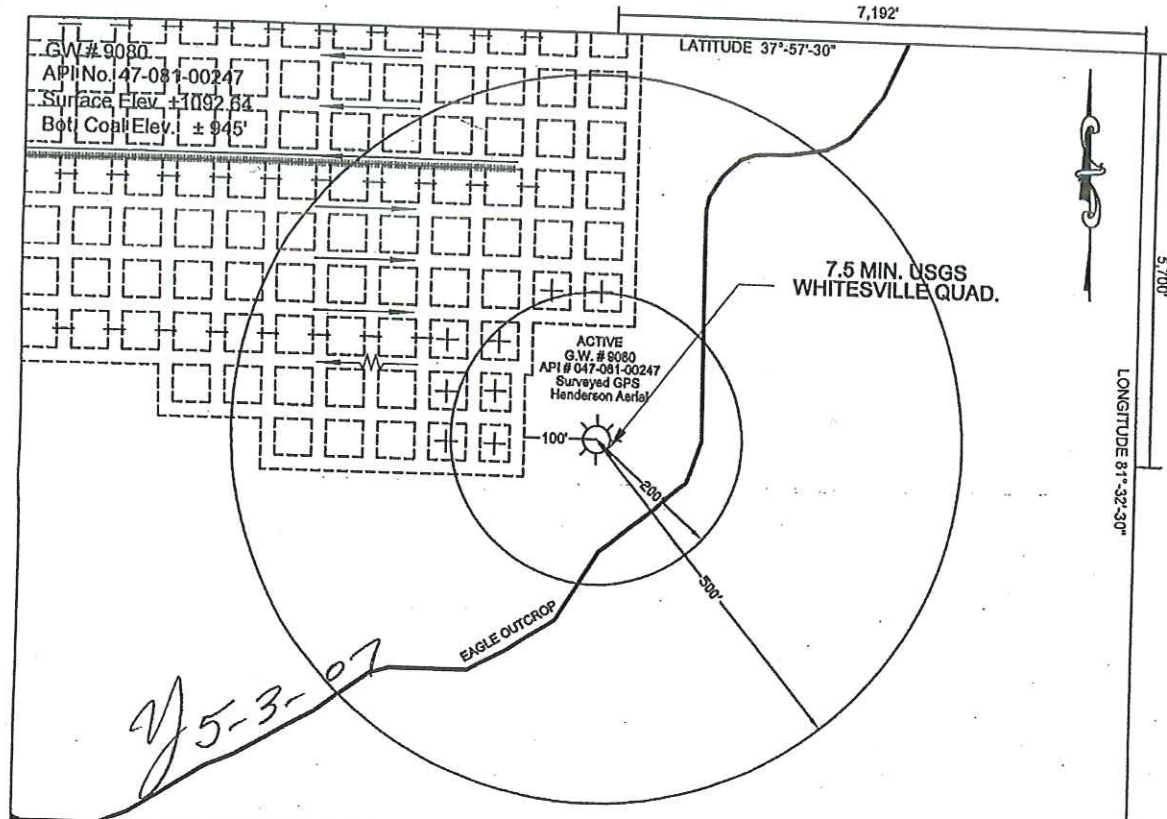
I George Levo, being first duly sworn, deposes and says that he is Mining Engineer of the coal operator named above; that he is familiar with the facts set out both in the petition and on the accompanying maps and plans; and that the same are true.

*Handwritten signature:* George Levo

Subscribed and sworn to before me this MARCH 30, 2007  
My commission expires Dec. 13, 2010



*Handwritten signature:* Scott D. Tilley  
Notary Public



<p><b>LEGEND</b></p> <p>===== PROJECTED ROOMS AND ENTRIES</p> <p>----- PROJECTED EXTRACTATIONS</p> <p>⊕ NO SECOND MINING</p> <p>===== ROOMS AND ENTRIES</p> <p>////// PILLAR EXTRACTATIONS</p> <p>+++++ TRACK</p> <p>====&gt; BELT HEAD AND TAIL</p> <p>----- INTAKE AIR</p> <p>----- RETURN AIR</p> <p>⊠ MAIN FAN</p>		<p>File No. _____</p> <p>Drawing No. _____</p> <p>Scale 1"=200'</p> <p>Minimum degree of accuracy, 1: 7500'</p> <p>(+) Denotes location of well on United States Topographic Maps</p>	<p>GEORGE T. LEVO REGISTERED 15406 STATE OF WEST VIRGINIA PROFESSIONAL ENGINEER PLACE SEAL HERE</p>
		<p>Signed <u>George T. Levo</u></p> <p>R.P.E. 15406 L.L.S. _____</p>	

FORM OG-45  
(REVERSE)  
109-781

*RAL-1008*  
*5-3-07*

Coal Operator's Well Number 9080

Date: MARCH 30, 2007

Operator's Well No. 9080

API Well No. 47 - 081 - 00247  
State County Permit

**COAL OPERATOR'S PLAN TO OPERATE WITHIN 200 FEET OR TO MINE THROUGH A WELL**

COAL OPERATOR Performance Coal Company ELEVATIONS: Surface ±1092.64  
Address P.O. Box 69 Bottom of Coal ± 945'  
Naoma, WV 25140 Difference ± 147.60

MINE Upper Big Branch SECTION LBB UNIT 1 OVERBURDEN S.S./Shale COAL SEAM Eagle  
ROOF Shale BOTTOM Shale

WELL TYPE: Oil \_\_\_ / Gas X / Liquid Injection \_\_\_ / Waste Disposal \_\_\_  
(If "Gas", Production X / Underground storage \_\_\_ / Deep \_\_\_ / Shallow \_\_\_)

LOCATION: Elevation: 1092.64 Watershed: Unnamed Tributary of Big Coal River

District: Marshfork County: Raleigh Quadrangle: Whitesville  
Farm: New River & Pocahonatas Consolidated Coal Co. Tract: 4236 acres (Lease No. 16903)

STATUS: Active \_\_\_ / Abandoned X / Drilling \_\_\_  
Date completed or abandoned, JULY 3, 1955

AMOUNT OF CASING IN WELL 2850' of 6 5/8", 1881' OF 8 1/4", 547' OF 10" and 33' of 13"



# Performance Coal Company

P.O. Box 69

Naoma, WV

25140

April 18, 2007

Mr. Robert G. Hardman  
District Manager  
Mine Safety and Health Administration  
100 Bluestone Road  
Mt. Hope, West Virginia 25880-0112

RE: Performance Coal Company - Mine Within 200' Gas Well 9080  
Upper Big Branch Mine-South  
Federal I.D. 46-08436  
State I. D. U-3042-92

Dear Mr. Hardman:

Performance Coal Company, Upper Big Branch Mine-South (ID 46-08436), is submitting the enclosed OG-45 form to mine within 200' of gas well 9080, API. 47-081-00247. A copy of this petition has been sent to the West Virginia Department of Environmental Protection for review and approval.

If you have any questions, or require further information, please call me at (304) 854-1761.

Respectfully Submitted,

Performance Coal Co.  
George T. Levo  
Mining Engineer

4/20/07  
RL