

1 we're ever going to mine under Dysart Woods. What
2 Mr. Kister wanted to do was eliminate mining two miles
3 around Dysart Woods, which would have eliminated 500 jobs
4 needlessly with no environmental benefit at all. He just
5 wanted to close the coal mine.

6 Q. So the answer would be, yes, Mr. Kister has been
7 involved with attempting to prevent mining under Dysart
8 Woods, not only Dysart Woods but the surrounding areas; is
9 that correct?

10 A. A large surrounding area which would have closed
11 the coal mine.

12 Q. And the Ohio Reclamation Commission hearing of
13 December 13th -- 12th and 13th was directly related to
14 what's called a lands unsuitable petition; is that right?

15 A. Yes. The federal law gives our companies an
16 exemption from an unsuitability for mining petition, and
17 the hearing was about preserving that exemption, which we
18 have, and the board upheld our exemption.

19 Q. So at the moment, as that decision stands, Dysart
20 Woods are not considered lands unsuitable for mining.

21 A. That's right. But for every mine in the vicinity
22 or under Dysart Woods an entire application must be
23 submitted to the Ohio Department of Natural Resources, and
24 it is then when everyone will decide involved whether
25 mining can take place under Dysart Woods or even in the