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\* Exhibit retained by counsel

1 MR. KOERBER: Let's go on the  
2 record.

3 My name is Barry Koerber. I'm an  
4 Assistant Attorney General.

5 Today is October 28th, 2010. We  
6 are here to do an interview in regards to  
7 the investigation of the mine explosion at  
8 the Upper Big Branch Mine on April 5th,  
9 2010.

10 I represent the West Virginia  
11 Office of Miners' Health Safety &  
12 Training.

13 There are two other members of  
14 the OMHST team here today, and I'd ask  
15 that they identify themselves.

16 MR. FARLEY: I'm Terry Farley  
17 with the Office of Miners' Health Safety &  
18 Training.

19 MR. O'BRIEN: John O'Brien with  
20 the West Virginia Office of Miners' Health  
21 Safety & Training.

22 MR. KOERBER: There are also two  
23 other investigation teams that are  
24 assigned to investigate this incident.

1 One of the teams is present. I would ask  
2 them to identify themselves.

3 MR. SHERER: I'm Eric Sherer with  
4 MSHA.

5 MR. BAXTER: Derek Baxter with  
6 the Solicitor's, Department of Labor.

7 MR. KOERBER: We have one person  
8 in the back. I'd ask that he identify  
9 himself.

10 MR. PHILLIPSON: Sandon  
11 Phillipson with MSHA.

12 MR. KOERBER: We would anticipate  
13 a member from the Governor's Independent  
14 team appearing here very shortly, and he  
15 or she will sit down at the end of the  
16 hall, and we'll ask him or her to identify  
17 themselves when they arrive.

18 We have a court reporter  
19 present. She will be transcribing  
20 everything that's said here today, so we  
21 ask that you speak clearly and somewhat  
22 loudly so that she can hear.

23 Also, we'd ask that you try to  
24 refrain from nodding your head yes and no

1 and actually say the word yes or no.

2 If you would, please wait until  
3 the interviewer has finished his question  
4 before you begin to answer, and I'll ask  
5 the interviewers to please wait until you  
6 finish your answer until they ask the next  
7 question.

8 The court reporter, we're working  
9 on a three-day turnaround on the  
10 transcripts. So being that today is  
11 Thursday, Friday, Monday, and Tuesday  
12 would be the three days to which she'll  
13 prepare the transcript.

14 On Wednesday, if you so choose,  
15 you and your lawyer can go to -- can call  
16 Johnny Jackson & Associates, which is in  
17 Charleston, West Virginia. I'm sure your  
18 attorney is aware of where they're  
19 located. You can set up a time to go to  
20 Johnny Jackson's office, and he'll provide  
21 a conference room for you and your  
22 attorney or you alone, whichever the case  
23 may be, to read the transcript, if you  
24 desire, and to make any errata sheet

1                    corrections you deem necessary.

2                    Any questions about that?

3                    THE WITNESS: No, sir.

4                    MR. KOERBER: If at any time for  
5 any reason whatsoever you desire to take a  
6 break, just let us know and we'll take a  
7 break.

8                    THE WITNESS: Okay.

9                    MR. KOERBER: We would request  
10 that you not talk about what you say in  
11 this interview today after you leave other  
12 than with your attorney, just to protect  
13 the integrity of the investigation.

14                   THE WITNESS: Okay.

15                   MR. KOERBER: I would ask the  
16 court reporter to swear in the witness, if  
17 she will, please.

18                   DANIEL SNODGRASS, WITNESS, SWORN

19                   MR. KOERBER: Derek, would you  
20 like to identify for the record that  
21 you've given Mr. Snodgrass the letter?

22                   MR. BAXTER: Yes.

23                   Mr. Snodgrass, shortly before the  
24 interview we did hand you a letter that

1 spells out some indications of what MSHA's  
2 intentions are for the interview. Did you  
3 receive a copy of that?

4 THE WITNESS: Yes, sir.

5 MR. BAXTER: Do you have any  
6 questions about it?

7 THE WITNESS: No.

8 MR. BAXTER: It does also mention  
9 if after the interview you think of any  
10 other information that you'd like to  
11 provide, you or your attorney in this case  
12 may contact MSHA. Norman Page is the  
13 contact listed at the end of the letter.

14 THE WITNESS: Okay.

15 MR. KOERBER: Sir, would you  
16 please state your full name for the record  
17 and spell your last name?

18 THE WITNESS: Daniel Steven  
19 Snodgrass.

20 MR. KOERBER: Would you spell  
21 your last name?

22 THE WITNESS: S-n-o-d-g-r-a-s-s.

23 MR. KOERBER: What is your  
24 address and telephone number?



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THE WITNESS: [REDACTED]

MR. KOERBER: Are you appearing here today as a result of receiving a subpoena?

THE WITNESS: Yes, sir.

MR. KOERBER: I'm going to hand you what I'm going to have marked as State's Exhibit 1. Would that be a copy of the subpoena that you received?

THE WITNESS: Yes.

MR. KOERBER: Would you please make that Exhibit 1.

(State's Exhibit No. 1 marked for identification.)

MR. KOERBER: Do you have an attorney appearing here with you today?

THE WITNESS: Yes.

MR. KOERBER: Sir, would you please state your name for the record?

MR. WARNER: My name is Brian Warner.

MR. KOERBER: Is Mr. Snodgrass

1           your client?

2                   MR. WARNER:  Yes, sir.

3                   MR. KOERBER:  I notice we have  
4 another attorney at the table.  I would  
5 ask that he identify himself, the name of  
6 his firm and the client he represents.

7                   MR. ALLEN:  Robert B. Allen,  
8 Allen, Guthrie & Thomas, counsel for the  
9 company.

10                   MR. KOERBER:  Mr. Snodgrass, I'd  
11 also like to give you some information as  
12 well.  I'm going to give you a memorandum  
13 which provides a little bit of information  
14 or contact information for the West  
15 Virginia Board of Appeals.  The Board of  
16 Appeals is an administrative tribunal  
17 which deals with discrimination cases that  
18 coal miners may find the need to file for  
19 different types of discriminatory action  
20 that is taken against them.

21                   One such discriminatory action  
22 would be any type of discrimination  
23 against you for participating in this  
24 interview.  The code section is 22A-1-22.

1           Your attorney can go over this with you  
2           later.

3                       I also would like to hand you two  
4           business cards, one from Mr. Terry Farley  
5           who is our lead interviewer, and also a  
6           business card for Mr. Bill Tucker, who is  
7           the underground lead investigator. If you  
8           should think of anything at some later  
9           time that you'd like to share with us,  
10          please feel free to call either of these  
11          two people. But I'd just like to give  
12          this to you now.

13                      At this point in time, I'd like  
14          to turn over the interview to Mr. Terry  
15          Farley to begin the interview.

16                      EXAMINATION

17          BY MR. FARLEY:

18                      Q.    Good morning, Mr. Snodgrass.

19                      A.    Good morning.

20                      Q.    Thank you for coming.

21                      MR. WARNER: Terry, sorry to  
22          interrupt you before you even begin. Can  
23          we complete the record by identifying the  
24          gentleman that just walked in?

1 MR. KOERBER: I apologize. Yes.

2 MR. MCGINLEY: Patrick McGinley,  
3 Governor's Independent Investigation  
4 Panel.

5 BY MR. FARLEY:

6 Q. Mr. Snodgrass, again, thank you for  
7 coming.

8 A. Okay.

9 Q. Where are you currently employed?

10 A. For Route 3 Engineering, Massey.

11 Q. Now, is that on the Performance Coal  
12 property?

13 A. Yes, sir.

14 Q. At Montcoal?

15 A. Yes.

16 Q. How long have you been with Route 3  
17 Engineering?

18 A. Just about 16 years this January.

19 Q. How long have you worked in the coal  
20 mining industry?

21 A. Twenty.

22 Q. Who did you work with before you came to  
23 Route 3 Engineering?

24 A. Maben Energy.

1 Q. How long were you with them?

2 A. Right around four and a half years.

3 Q. Have you worked for any other Massey  
4 companies other than Route 3 Engineering?

5 A. I was originally employed for Marfork, and  
6 then we combined into what we call Route 3  
7 Engineering now.

8 Q. When was the organization known as Route 3  
9 Engineering actually created or formed?

10 A. I can't give you an exact date. I'd have  
11 to guess.

12 Q. That's fine.

13 A. I mean, I don't --

14 Q. If you'd like to guess, that's fine.

15 A. I can't really guess at it.

16 Q. All right. Is it fair to say it's been a  
17 few years?

18 A. Yeah. Yeah.

19 Q. Now, first, a little more background  
20 information. Since you work for Route 3  
21 Engineering, does that mean you're an engineer?

22 A. No, sir. I have been a surveyor and  
23 AutoCAD man.

24 Q. Where did you get your training to be a

1 surveyor and an AutoCAD man?

2 A. On the job.

3 Q. Do you have any degrees or certificates,  
4 any specialized training in those areas?

5 A. No.

6 Q. Do you have an engineering degree?

7 A. No.

8 Q. How long have you been a surveyor and an  
9 AutoCAD man?

10 A. Right at 20 years.

11 Q. So pretty good period of time then. As of  
12 April 5th, who did you report to at Route 3  
13 Engineering?

14 A. Usually immediately to Keith Trent.

15 Q. What was Mr. Trent's position with Route 3  
16 Engineering?

17 A. He's over surveying and...

18 Q. Does he have like a title, like chief  
19 surveyor or something like that?

20 A. Crew leader, I guess, sir.

21 Q. Is your specific title surveyor yourself?

22 A. Yeah.

23 Q. Now, as a surveyor, were there people who  
24 reported directly to you?

1           A.   No.  Unless Keith is off, I'd fill in for  
2 him.

3           Q.   All right.  So no one actually reported  
4 directly to you?

5           A.   No.

6           Q.   Unless you were filling in for Keith?

7           A.   Yeah.

8           Q.   Did you work as part of a survey crew?  
9 Were there other individuals who assisted you when  
10 you did your survey work?

11          A.   Yes, but that's been about five years  
12 ago.  I have been doing the CAD work about that  
13 long.

14          Q.   Okay.

15          A.   I mean, I'm in the office now.

16          Q.   All right.  So for the past five years  
17 you've worked as an AutoCAD person?

18          A.   Yes.

19          Q.   All right.  So now am I correct, about  
20 five years ago is the last time you did any survey  
21 work?

22          A.   Yeah.

23          Q.   When was the last time you would have  
24 ventured underground at the Upper Big Branch Mine

1 or any other Massey mine?

2 A. I couldn't give you an exact date. It's  
3 been years, two.

4 Q. At least two years ago?

5 A. Yeah.

6 Q. Now, have you ever actually been employed  
7 at the UBB mine in any capacity?

8 A. No, sir. I'd say I have only been  
9 underground there maybe five or six times. It's  
10 been very few.

11 Q. You indicated a couple years at least  
12 since you've been underground anywhere. How long  
13 has it been since you were underground at Upper Big  
14 Branch?

15 A. Two years.

16 Q. Now, as far as your duties with the  
17 AutoCAD work, do you have responsibility for a  
18 specific number of mines and facilities, or are you  
19 assigned to a particular mine?

20 A. I take care of all the Elk Run and  
21 Marfork, UBB when it was running.

22 Q. Now, is it Mr. Trent that routinely  
23 assigns your work?

24 A. Yeah. We'll split the duties on the CAD



1 work like that.

2 Q. Is there another AutoCAD person in  
3 addition to yourself?

4 A. Keith, he does AutoCAD work, too.

5 Q. Is there anybody else?

6 A. Scott Tilley and Danny Acres.

7 Q. Were you working with Route 3 Engineering  
8 in 2003 and 2004?

9 A. Yes.

10 Q. Did you become aware in 2003 of an  
11 inundation or outburst of methane or natural gas  
12 that might have occurred at Upper Big Branch  
13 longwall panel?

14 A. Yes.

15 Q. How did you become aware of it?

16 A. Just hearsay, hear people talking about  
17 it.

18 Q. What did you hear about it?

19 A. The gas came in on them. They had to  
20 evacuate the longwall.

21 Q. Were you involved in any investigation or  
22 any underground work involving that event?

23 A. No, sir.

24 Q. Do you know if that event resulted in any

1 ventilation plan changes --

2 A. No.

3 Q. -- for the UBB longwall?

4 A. No, sir.

5 Q. Now, we understand a similar event  
6 occurred in February of 2004. Are you familiar  
7 with that event, too?

8 A. Yes.

9 Q. How did you learn of that event?

10 A. It was the same way. The latest one is  
11 probably the one that I really remember, to go back  
12 on that.

13 Q. I'm sorry. Go ahead.

14 A. To go back on what I said earlier, I can't  
15 really recall two instances that I actually heard  
16 of. The latest one is the one I...

17 Q. That being the one in 2004?

18 A. Yes.

19 Q. What do you recall about that event, if  
20 you can tell me?

21 A. The gas came in on them, and they had to  
22 evacuate the longwall.

23 Q. I know you've been working as an AutoCAD  
24 man for a few years now, but in terms of what the

1 surveyors do for Route 3 Engineering, how often do  
2 the surveyors actually plot face locations?

3 A. Usually the mines will call when they need  
4 surveys, spaads, according to how fast they  
5 advance. Usually --

6 Q. Is there an average or?

7 A. Most of the mines call for spaads like at  
8 every two breaks when they advance.

9 Q. How often are all the updates placed in  
10 the AutoCAD system?

11 A. Every day we're updating some map.

12 Q. Is that a constant process?

13 A. Yes.

14 Q. Now, back to the event in 2004 involving  
15 the methane outburst on the longwall panel. Have  
16 you heard of any such events at other mines?

17 A. No.

18 Q. In the last five years or so while you've  
19 been an AutoCAD person, have you been involved in  
20 any mine planning for the UBB mine at all?

21 A. No, no plans, no.

22 Q. Now, more specifically, at any time did  
23 you sit in on meetings to discuss ventilation  
24 plans, roof control plans or any plans regarding

1 longwall planning?

2 A. No.

3 Q. Now, it's our understanding that the UBB  
4 longwall in operation at this time of this  
5 explosion started up on that panel in September of  
6 2009. Now, we understand that the longwall had  
7 been away from -- there had been no longwall in  
8 operation at UBB for the previous three years or  
9 so. Do you know when a decision was made to return  
10 the longwall to UBB?

11 A. No, I don't know of any certain date.

12 Q. All right. Do you know what persons from  
13 Route 3 Engineering or persons with Performance  
14 Coal or persons with Massey Energy might have been  
15 involved in planning for the longwall in place at  
16 the time of the explosion at UBB?

17 A. No.

18 Q. Who was the head guy or lead engineer or  
19 supervisor at Route 3 Engineering as of April 5th  
20 of this year?

21 A. Paul McCombs is the chief engineer. Matt  
22 Walker, he's over our mining side there, but he's  
23 not a profession engineer.

24 Q. All right. Who were the professional

1 engineers in the Route 3 Engineering group, if you  
2 know?

3 A. Paul McCombs and Ray Brainard.

4 Q. Anyone else?

5 A. No.

6 Q. Was there an engineer or engineers  
7 specifically assigned to the Upper Big Branch Mine?

8 A. Yes.

9 Q. Who might that have been?

10 A. Eric Lilly.

11 Q. Is Mr. Lilly still with the company?

12 A. No.

13 Q. Do you know when he left?

14 A. Not the exact date, no.

15 Q. Would it have been sometime after the  
16 April 5th UBB explosion?

17 A. Yes.

18 Q. Do you know why Mr. Lilly left?

19 A. No.

20 Q. Did you happen to work on the Sunday,  
21 April 4th?

22 A. No.

23 Q. Do you know if anyone from Route 3  
24 Engineering worked on April the 4th, 2010?

1           A.    I don't know.

2           Q.    On April 5th when you learned of a problem  
3 at the Upper Big Branch Mine, what was your  
4 location?

5           A.    I had actually done got home before I  
6 heard of the definite news.

7           Q.    How did you hear of the news?

8           A.    When I was going home, you know, you  
9 passed all the ambulances and stuff, so you started  
10 calling.  A man riding with me called and somebody  
11 said there had been a bunch of ambulances and stuff  
12 dispatched to UBB, but at the time still didn't  
13 know there was an explosion until I watched it on  
14 the news that evening.

15          Q.    Now, after you got home, when did you  
16 actually return?

17          A.    The next morning, six o'clock.

18          Q.    All right.  What role did you play while  
19 the rescue and recovery operation were ongoing?  
20 Was there any particular specific work that you  
21 did?

22          A.    The first day I went over to Bandytown fan  
23 and passed information.  They was passing the gas  
24 testing from the fan over to the main office, I

1 guess, UBB office.

2 Q. When you say you passed the information,  
3 how did you pass the information? Phone?

4 A. We was using radios.

5 Q. Radio?

6 A. Yes.

7 Q. Who did you work with when you were at  
8 Bandytown doing that work?

9 A. There was MSHA inspectors there, but I  
10 can't give you their names. I can't remember.

11 Q. Was anybody else from Route 3 Engineering  
12 there?

13 A. No, I was the only one there that  
14 evening.

15 Q. On the day of April 6th, while you were  
16 working at Bandytown, at the Bandytown fanning  
17 area, or any day thereafter during the rescue and  
18 recovery operation, did you make any written or  
19 recorded notes?

20 A. No.

21 Q. During your work on April 6th or any day  
22 thereafter, did you learn from anyone about a call  
23 from underground at UBB to the surface expressing  
24 any concerns regarding ventilation or methane or

1 any other problems?

2 A. No.

3 Q. During your time with the Route 3  
4 Engineering, are you aware of any ventilation  
5 surveys that might have been conducted at the Upper  
6 Big Branch Mine?

7 A. Not that I can recall, any immediate.

8 Q. Do you know whom with Route 3 Engineering  
9 might know the answer to that question, if anyone?

10 A. I don't know. Eric Lilly and -- they  
11 always took care of the ventilation stuff. I  
12 wasn't involved in any of that.

13 Q. So Eric Lilly always took care of the  
14 ventilation and stuff. Did anyone assist him in  
15 taking care of ventilation and stuff?

16 A. I don't know of anyone.

17 Q. Well, I know I just asked about in  
18 ventilation surveys. Do you know if any computer  
19 simulations were ever run on the ventilation system  
20 at the Upper Big Branch Mine?

21 A. No.

22 Q. You mean no, you don't know, or no, there  
23 were not?

24 A. I don't know.



1 MR. FARLEY: I got you. Thank  
2 you, Eric. Do you have anything?

3 MR. SHERER: Sure.

4 EXAMINATION

5 BY MR. SHERER:

6 Q. Just a couple of questions about  
7 background, Mr. Snodgrass. You indicated you're  
8 not an engineer or a professional engineer. Are  
9 you a professional surveyor or licensed surveyor?

10 A. No.

11 Q. Are you hourly or salary?

12 A. Salary exempt is what they call us. We  
13 get paid by the hour, but it's considered salary.

14 Q. What's the typical survey crews if you're  
15 running Upper Big Branch, how many people?

16 A. Typically there's two people, two or  
17 three. It varied.

18 Q. What sort of equipment do you use?

19 A. I actually wasn't on the crews, but Topcon  
20 transits was what they used.

21 Q. Topcon transits. Do you ever run  
22 differential levels underground?

23 A. Yeah. They run their levels daily as they  
24 would set spads.

1 Q. Do they shoot the angle to get the  
2 elevation or do they use --

3 A. Speer. Sorry.

4 Q. Do they use the leveling rods and the --

5 A. Yes, yes.

6 Q. They use the Topcon transit as a level?

7 A. I don't know of that for sure. I wasn't  
8 on the crew, so...

9 Q. Back when you did it five years ago, how  
10 did you do it?

11 A. Yeah, I would use the transit for levels.

12 Q. Thank you.

13 Does Route 3 Engineering and or the  
14 surveyors working for Route 3 Engineering have some  
15 standard procedures for survey closure? What's the  
16 minimum closure you'll accept?

17 A. One in 10,000.

18 Q. One in 10,000. Do you have any other  
19 standards for control purposes? Do you ever go  
20 back and run higher order surveys underground?

21 A. Yes, we always do the check surveys after  
22 spaads get up.

23 Q. What's the standard for those check  
24 surveys?

1           A.    That's where we had the one in 10,000  
2 ties.

3           Q.    So you're just shooting stubs for your  
4 spaads?

5           A.    Yeah, they'll go in there and set their  
6 daily spaads like that, and after they advance so  
7 far, we'll do the check surveys.

8           Q.    Do you ever come back at longer periods of  
9 times after you do your check surveys and run a  
10 master survey or a higher level survey?

11          A.    No.

12          Q.    What about closure on the surface, do you  
13 guys have any different criteria for surface?

14          A.    I'm not involved as a surface.

15          Q.    Who does the surface surveying?

16          A.    Joe Blevins.

17          Q.    Is he a contractor?

18          A.    He works for Route 3.

19          Q.    How do you coordinate with him on things  
20 like gas well locations and such?

21          A.    They'll locate a lot of the gas wells with  
22 a GPS, and they bring in the coordinates and  
23 they're put on the map. I personally have not seen  
24 gas wells on the map.

1 Q. Thank you.

2 Do you know how the mine grid system is  
3 tied into the state plane coordinates. First, are  
4 you tied in the state plane coordinates?

5 A. Yes.

6 Q. How did you tie into them? What monuments  
7 did you use, do you know?

8 A. There's a permanent monument down at  
9 Pettus grade school down there that we based stuff  
10 off of.

11 Q. Is that a USGS monument?

12 A. Yes, sir.

13 Q. Do you know what order of monument that  
14 is?

15 A. I don't understand.

16 Q. Well, there's first, second and third  
17 order topographic monuments.

18 A. I don't know that.

19 Q. Is that monument just for X, Y  
20 coordinates, or is that also your elevation point?

21 A. It's all three.

22 Q. Thank you.

23 Let's go shift gears a little bit, talking  
24 about what you're doing now. Do you plot the

1 ventilation controls?

2 A. The surveyors will bring in the  
3 advancements like that on the stopping lines and  
4 stuff. We'll put them on the map, yes.

5 Q. What about changes on the stopping lines,  
6 if the stoppings busted out or changed the  
7 regulators put in or something like that, do you  
8 handle that?

9 A. Yes. If a mine foreman or superintendents  
10 provide us a map like that, we will.

11 Q. Do you mainly get that sort of information  
12 from the mine foreman and superintendents?

13 A. Yes.

14 Q. Do you ever go back and check the  
15 ventilation controls?

16 A. No.

17 Q. Now, who certifies the maps of the  
18 ventilation map and the mine map or the 1200 map,  
19 as we refer to it?

20 A. That would be the Paul McCombs or Ray  
21 Brandy.

22 Q. Did you work with them, provide the maps  
23 that they certify?

24 A. No.

1 Q. Where did they get those maps?

2 A. It's printed out by the CAD men in the  
3 office. I go back on that. I might have printed  
4 out some state progress maps for UBB for Ray.

5 Q. Does Mr. McCombs or did Mr. McCombs or  
6 Mr. Brainard consult with you about locations on  
7 those maps?

8 A. No.

9 Q. Do you have a rough idea how much time  
10 they spend reviewing those maps before they certify  
11 them?

12 A. No.

13 Q. Did they ever come to you with any  
14 questions about those maps?

15 A. No.

16 Q. Did you ever discuss the accuracy of the  
17 surveying that goes into those maps with those two  
18 individuals?

19 A. No.

20 Q. Roughly how many mines does Route 3  
21 Engineering serve?

22 A. Thirteen, I think.

23 Q. Thirteen. Are those all underground  
24 mines?

1           A.    Yes.

2           Q.    Are there any surface mines that Route 3  
3 Engineering also serves?

4           A.    No.

5           Q.    Do you feel that you had adequate time to  
6 do everything that you needed to do with the  
7 surveys and the maps?

8           A.    Yeah.

9           Q.    Who put the contours on the mine maps?

10          A.    I would do that, me and Keith.

11          Q.    What information did you use to get those  
12 contours?

13          A.    The bottom elevation the surveyors get on  
14 them.

15          Q.    Did you personally put the contours on the  
16 Upper Big Branch map going out toward the Bandytown  
17 fan? Do you recall that?

18          A.    Yes.

19          Q.    You used surveyed elevations?

20          A.    Yes.

21          Q.    Do you recall if the water in that area  
22 was supposed to drain to the turbine pump that was  
23 installed?

24          A.    I don't know nothing about that.

1           Q.    What about geology, did you ever plot any  
2 faults or channels or anything like that on the  
3 maps?

4           A.    No.

5           Q.    Did your survey crews ever pick up  
6 anything like that?

7           A.    No.

8           Q.    Terry mentioned the gas inundation or gas  
9 outburst events in 2003, 2004. Did you plot any of  
10 that information on any of the maps?

11          A.    No.

12          Q.    Did you discuss that information with  
13 anybody?

14          A.    No.

15          Q.    Thank you.

16                Now, you also mentioned that you went out  
17 to the Bandytown fan after the explosion and helped  
18 monitor the gas levels up there. I want to thank  
19 you for that. That was very helpful for the people  
20 that were working underground. What sort of  
21 instruments did you use to do that?

22          A.    I personally didn't have any. MSHA had  
23 it. I was just passing their information.

24          Q.    Okay. Okay.



1           A.    Because they wasn't able to get their  
2 satellite phones and stuff to work, so we had to  
3 use two-way radios, and that was the main reason  
4 they was doing it.

5           Q.    Thank you.  I didn't realize that.

6           A.    Yeah.

7           Q.    What did that Bandytown fan look like  
8 after the explosion?  Could you see any soot or any  
9 marks like that on it?

10          A.    Yeah, yeah, there was soot on it.

11          Q.    What did it smell like up there?

12          A.    It had an odor.

13          Q.    Could you describe that odor?

14          A.    Burnt.

15          Q.    Burnt.  Did you smell anything that  
16 smelled like kerosene or anything like that?

17          A.    No.

18          Q.    Did your eyes burn any when you were up  
19 there?

20          A.    No.  I just didn't go up there, because --  
21 the inspectors went up there with me.  We went one  
22 time.  Other than that, we wasn't allowed up  
23 there.  We had to stay back.

24          Q.    Sure.  I guess you tried to stay out of

1 the direct exhaust of the fan?

2 A. Oh, yeah.

3 Q. Did you get involved in preparing the  
4 ventilation map updates?

5 A. No.

6 Q. Who did that?

7 A. Eric Lilly. He was assigned to that  
8 mines.

9 Q. Sure. Have you ever had to go underground  
10 and take any ventilation readings or readings,  
11 anything like that?

12 A. No.

13 Q. Who would normally do that for Upper Big  
14 Branch?

15 A. They get their information from the fire  
16 bosses and mine foremen.

17 MR. SHERER: Thank you,

18 Mr. Snodgrass. That's all the questions I  
19 have got for right now.

20 EXAMINATION

21 BY MR. MCGINLEY:

22 Q. Mr. Snodgrass, do you know whether anyone  
23 else that you worked with in Route 3 Engineering  
24 has been interviewed by this investigation?

1           A.    Yes.

2           Q.    Did you talk to the people you worked with  
3 about the interviews?

4           A.    No.

5           Q.    How do you know that they were  
6 interviewed?

7           A.    They told us they was interviewed, but we  
8 didn't discuss in detail anything.

9           Q.    What did you discuss? You said you didn't  
10 discuss in detail, but you're suggesting that --

11          A.    That they just came over here and was  
12 interviewed.

13          Q.    They didn't indicate anything about the  
14 interview?

15          A.    No.

16          Q.    Which people that you work with indicated  
17 that they'd been interviewed?

18          A.    Scott Tilley, Lilly, Matt Walker, Ray  
19 Brainard. You just heard of them having to come  
20 over and be interviewed.

21          Q.    Have you talked to Ray Brainard in the  
22 last day about interviews?

23          A.    He just spoke here yesterday about it,  
24 yeah.

1 Q. You mean he came back to your office and  
2 talked about it?

3 A. He didn't talk about it. He just said he  
4 was over here.

5 Q. Have you talked to anyone from Massey  
6 about being interviewed, management people?

7 A. No.

8 Q. What did you do at Maben Energy?

9 A. I was an underground surveyor.

10 Q. You said you learned on the job, this  
11 surveying?

12 A. Yes.

13 Q. What does that mean?

14 A. I went underground with people that had  
15 been doing the job and learned from them.

16 Q. Were they licensed professional surveyors?

17 A. No.

18 Q. Did you have to read anything? Did they  
19 give you anything to read to try to understand what  
20 the responsibilities of the surveyor are?

21 A. No.

22 Q. Have you read anything at all about  
23 surveying other than having people show you how to  
24 do it?

1           A.    Yes, I've read some stuff.

2           Q.    For example?

3           A.    Just get papers and stuff off the internet  
4 or something maybe I've read about.  Nothing  
5 real -- like any textbooks or nothing, no.

6           Q.    Nothing detailed?

7           A.    No, no.

8           Q.    When Mr. Sherer asked you whether Route 3  
9 Engineering ever ran a master survey or a higher  
10 level survey, do you know what those terms mean?

11          A.    I have never heard of a master survey, no.

12          Q.    Do you know what the term higher level  
13 survey means?

14          A.    I'd never heard it either.  We always do  
15 the check surveys, set daily spads, then do the  
16 check surveys on them.

17          Q.    Scales one in 10,000?

18          A.    Yes.

19          Q.    Have you ever done any survey other than  
20 one in 10,000?

21          A.    They would be better, yes.

22          Q.    But have you ever done one in any of the  
23 work that you've done surveying?

24          A.    Yes.  Do you mean I have had surveys tie

1 better than one in 10,000?

2 Q. No. When you worked as a surveyor, have  
3 you ever done a survey that...

4 A. Yeah, I run check surveys, yes.

5 Q. For Massey?

6 A. Yes.

7 Q. What scale would they have been?

8 A. It would vary. One in 10,000 was the  
9 worst they would accept, the lowest. Anything less  
10 accurate than that, you would have to redo it.

11 Q. Does Route 3 Engineering currently do any  
12 surveys other than the one in 10,000?

13 A. No.

14 Q. Are there any licensed professional  
15 surveyors that work at Route 3 Engineering?

16 A. No, no licensed surveyors.

17 Q. If you know, how are surveyors trained if  
18 they come to UBB without surveying experience, or  
19 to Massey, I should say?

20 A. They just go with the surveyors that are  
21 already there and get on-the-job training mostly.

22 Q. Nothing, no written materials, no courses?

23 A. No.

24 Q. In answer, I think, to Mr. Sherer's

1 question about changes being made on the UBB map  
2 with regard to changes in ventilation controls, I  
3 think you said we put them in if the mine foreman  
4 or superintendent provide us with a map.

5 A. Yes.

6 Q. How often does that happen?

7 A. There wouldn't be no certain time on it,  
8 really, just...

9 Q. Well, is it something that's done  
10 frequently or every four to six months, every  
11 year? We're just looking for some ballpark  
12 estimate.

13 A. It wouldn't be no certain timeline. I  
14 guess if they would have changes, they would mark  
15 them on the maps like that and let it be made on  
16 the main map.

17 Q. Well, I understand there's not a certain  
18 time, but I'm trying to get a sense of the  
19 frequency that the superintendent or foreman would  
20 bring a map indicating ventilation changes. And I  
21 understand that they're not regular.

22 A. If I told you any frequency, I would be  
23 guessing at it.

24 Q. Are you aware when these maps are brought

1 into Route 3 Engineering from UBB, they're provided  
2 by the mine foreman or superintendent?

3 A. Yes, I'm -- they would be delivered to the  
4 engineers or like Eric, he was probably more over  
5 all that where he was stationed up at the mines.

6 Q. But the work in terms of turning that  
7 information into maps, it's done in your office,  
8 correct?

9 A. Yes, but Eric had got stationed up at the  
10 mines.

11 Q. I understand that. What I'm trying to  
12 understand is how often mine foremen and  
13 superintendent bring maps to the engineers and  
14 AutoCAD workers showing changes in ventilation. Is  
15 that a frequent occurrence?

16 A. No, I wouldn't say frequent, no.

17 Q. Once a year?

18 A. I can't think of a certain timeline to  
19 tell you, really.

20 Q. I'm not looking for a timeline. I'm not  
21 looking for a calendar. I mean, when those maps  
22 are brought in, that makes work for CAD operators,  
23 correct?

24 A. Yes. And the CAD men will put them on the



1 map.

2 Q. And you're one of those CAD men?

3 A. Yes.

4 Q. So how often in the last three -- well,  
5 three months before the explosion, did you have any  
6 maps showing ventilation changes that came from the  
7 superintendent or the mine foremen?

8 A. I did not, no.

9 Q. You did not?

10 A. Huh-uh.

11 Q. It's possible that one of the other CAD  
12 operators received those maps from the  
13 superintendent or foreman?

14 A. I wouldn't know that answer, no.

15 Q. Then it's possible that there weren't any  
16 ventilation changes indicated on maps that came  
17 from the mine foreman or superintendent; is that  
18 correct? You don't know?

19 A. I don't know of any, no.

20 Q. When was the last time you remember  
21 working on a map that the superintendent or mine  
22 foreman sent to Route 3 Engineering with  
23 ventilation changes? I'm not looking for the exact  
24 date. Give or take six months.

1           A. I don't remember right off doing any for  
2 UBB.

3           Q. What about the other mines where you've  
4 done work, is the same procedure followed, that the  
5 mine superintendent, mine foremen send maps with  
6 ventilation changes marked on them to Route 3  
7 Engineering?

8           A. Yes, yes.

9           Q. When is the last time you saw that sort of  
10 map that you worked on for another mine?

11          A. It was the last few days, you know. Like  
12 yesterday, for instance, I got one.

13          Q. So how often do you get these from other  
14 mines, these types of maps with ventilation changes  
15 indicated by the mine foreman or superintendent?

16          A. You'd do it -- you'll keep up with the  
17 mines daily as they advance like that, so every two  
18 weeks or so, you'd get maps from the mines.

19          Q. So is that what happened at UBB?

20          A. I didn't get none, no, personally, no.

21          Q. Do you know whether maps came from the  
22 superintendent or mine foreman with ventilation  
23 changes to UBB?

24          A. No.

1 Q. So is it possible that there weren't any  
2 ventilation maps with changes on them marked by the  
3 mine foreman or superintendent with regard to UBB?

4 A. I don't know of anything about it, no.

5 Q. What do you do with these maps, like the  
6 one you got yesterday from another mine, marking  
7 ventilation changes?

8 A. We'll file them.

9 Q. So --

10 A. And keep them.

11 Q. For how long?

12 A. A year.

13 Q. So we can expect that the maps, all of the  
14 maps with ventilation changes marked by the mine  
15 foreman or superintendent in the last year for UBB  
16 are in your files at Route 3 Engineering, correct?

17 MR. WARNER: When you say "your  
18 files," you mean his personally, or you  
19 mean the general files?

20 A. It's Keith Trent's files. He keeps them,  
21 where I work with him.

22 Q. So what is the answer to my question?

23 A. So if any UBB maps was given to me and  
24 Keith, it would have been in the files, yes.

1 Q. Isn't that the policy that Route 3  
2 Engineering would keep ventilation maps provided by  
3 mine foremen and superintendents for a year, in the  
4 Performance Coal funds?

5 A. Yeah, that's mine and Keith's policy,  
6 where we do the mine updates, we keep the mine  
7 notes and...

8 Q. What would those mine notes and files --  
9 what's contained in it other than these kind of  
10 ventilation maps sent over?

11 A. Surveyor --

12 Q. Go ahead.

13 A. Surveyor notes.

14 Q. Are the maps printed out, plotted out that  
15 you get from the superintendent or the mine  
16 foreman, or is there some computer?

17 A. They're stored on the computer on AutoCAD.

18 Q. So any mine maps that might have been sent  
19 to Route 3 Engineers from UBB's superintendent or  
20 mine foreman would be on the computers of Route 3  
21 Engineering at least going back a year?

22 A. Yes.

23 Q. Mr. Brainard works on tax maps, correct?

24 A. Yes.

1 Q. With regard to active coal reserves being  
2 mined by Massey and taxation of inactive coal  
3 reserves; is that correct?

4 A. Yes.

5 Q. Severance tax maps?

6 A. Yes.

7 Q. He certifies all of those as a registered  
8 professional engineer; is that correct?

9 A. Yes.

10 Q. And he and Mr. McCombs being the only two  
11 professional engineers in Route 3 Engineering  
12 certify all of the mine maps for the mines that  
13 Route 3 Engineering works on; is that correct?

14 A. Yes.

15 Q. Mr. Brainard indicated that he probably  
16 does more of the certification of the mine maps  
17 than Mr. McCombs. Do you agree with that?

18 A. Yes.

19 Q. Mr. Brainard said that usually about two  
20 days a week he's out of the Route 3 Engineering  
21 office. I think you said he came in in the morning  
22 but would come back to the office doing tax work.  
23 Do you agree with that?

24 A. Yes.

1 Q. He also indicated that as a general  
2 estimate, he certifies more than a thousand tax  
3 maps and mine maps a year. Does that sound right  
4 to you?

5 A. I don't know that for sure. I couldn't  
6 answer you.

7 Q. Well, he certifies a lot of them.

8 A. Yes.

9 Q. Do you know what process is involved in  
10 the certification of maps that are sent to mine  
11 safety regulatory agencies like the Office of  
12 Miners' Health Safety & Training or MSHA?

13 A. They can go over them. The checklist is  
14 provided.

15 Q. So how long does it take -- you've seen  
16 them do that work with them with regard to that  
17 checklist and the certification process of maps; is  
18 that correct?

19 A. Yes, I have seen them checking the maps.

20 Q. Have you worked with them when they have  
21 done that?

22 A. On the state progress maps, I have helped  
23 some on UBB. Other than that, I haven't. No  
24 ventilation maps or nothing, no.

1 Q. How long does it take to go through the  
2 checklist? You see Mr. McCombs and Mr. Brainard  
3 working on those. Does it take four days? Four  
4 hours? I'm not looking for an exact time. I'm  
5 sure it varies. But generally speaking, from your  
6 observations and your experience, how long does it  
7 take to review the work part -- leave that you've  
8 done and put the professional engineer's stamp on  
9 those maps?

10 A. They take a good amount of time looking  
11 over them and checking them.

12 Q. So?

13 A. Like you said, it varied.

14 Q. How does it vary? One hour to four days  
15 or just a general estimate. I understand it's, you  
16 know, not accurate.

17 A. They can find -- you know, make  
18 corrections on them and stuff maybe, where they go  
19 over the checklist.

20 Q. So how long does it take to run through  
21 the checklist or looking for -- we've got about  
22 three pages on the checklist; is that right?

23 A. I don't know for sure.

24 Q. But there's several pages on a checklist?

1           A.    Yeah.

2           Q.    Do they actually check off on a form when  
3 they've looked at the map and found that whatever  
4 the checklist says must be done actually has been  
5 completed?

6           A.    Yes.

7           Q.    So when they sit down to do that,  
8 generally how long does it take?  I mean, does it  
9 take a couple of hours?  A couple of days?

10          A.    It would take hours, I'd say.

11          Q.    Two, three hours?  A whole day?  Do you  
12 have any sense of it?

13          A.    I wouldn't see it taking a whole day, but  
14 they go over them well.

15                   MR. MCGINLEY:  I don't have any  
16 other questions.

17                   RE-EXAMINATION

18 BY MR. SHERER:

19           Q.    I have got a few follow-ups.  
20 Mr. Snodgrass, we've been talking about closure of  
21 the surveys.  You mentioned that on your check  
22 surveys, you had one in 10,000 maximum closure  
23 error.  Is there an angular closure error that you  
24 would accept, or is that done separately?



1           A.    We do the coordinate ties on the surveys  
2 like that.

3           Q.    Do you adjust for angular error before you  
4 do the coordinate ties?

5           A.    No.

6           Q.    So you just leave the angular error  
7 uncorrected?

8           A.    Yes, we'll correct after we run the  
9 surveys and then see if there's error, we'll  
10 correct it, yes.

11          Q.    So say that you have a survey that failed  
12 to close by 17 minutes.  Would you adjust that 17  
13 minutes into that survey, spread out there at the  
14 different stations?

15          A.    Yeah, yes.  We'd rotate the maps when we  
16 get errors like that.

17          Q.    Do you do that prior to calculating the  
18 closure error, the horizontal closure error?

19          A.    No, we get the error off the coordinate  
20 ties.  We've got a program on the computer we put  
21 them in.

22          Q.    Does that same program calculate the  
23 angular errors of closure?

24          A.    Yes.  It will give you the estimates on

1 it.

2 Q. It also calculates the angular adjustments  
3 when you do that?

4 A. Yes.

5 Q. What program is that?

6 A. It's in the SurvCAD. It's Carlson.

7 Q. Thank you.

8 Is there any formal divisional work  
9 concerning UBB at Route 3? Do you do Route 3 and  
10 maybe Mr. Trent does some of the other mines, or do  
11 you have any sort of divisional labor like that?

12 A. No. Me and him split it up pretty much  
13 between Elk Run and Marfork.

14 Q. Just as need be as stuff comes in?

15 A. Yes.

16 Q. Did you revise the UBB AutoCAD map  
17 following the explosion?

18 A. No.

19 Q. Do you know if anybody else at Route 3 did  
20 that?

21 A. No.

22 Q. Have you ever taken one of the maps to go  
23 back underground to check the accuracy of it, the  
24 map?

1 A. No.

2 Q. Do you know if anybody else has done that?

3 A. No.

4 MR. SHERER: Thank you. That's  
5 all the questions I have got.

6 RE-EXAMINATION

7 BY MR. MCGINLEY:

8 Q. I have got a couple. Mr. Snodgrass, can  
9 you explain what Massey requires AutoCAD operators  
10 to do? I mean, do you have any written  
11 instructions about the way you're supposed to carry  
12 out your work? The professional engineer has a  
13 checklist. Do you have anything like that?

14 A. No.

15 Q. What kind of instructions were you given  
16 when you started doing the AutoCAD work five years  
17 ago?

18 A. I was basically assigned to taking care of  
19 the surveyors' notes and putting them in the maps.

20 Q. So you're taking handwritten notes --

21 A. Yes.

22 Q. -- and putting them into the computer  
23 system?

24 A. Yes.

1 Q. The office you work in is fairly small; is  
2 that correct?

3 A. What's that, sir?

4 Q. The office you work in at Route 3 is  
5 fairly small?

6 A. Yeah, I guess you can say that.

7 Q. There are not very many people working  
8 there, fairly close quarters. Is that fair?

9 A. Yes.

10 Q. After the explosion, you know, there were  
11 questions raised about the cause of the explosion.  
12 The media reports concerns about adequate  
13 ventilation at UBB. Was there any discussion in  
14 your office about ventilation at UBB and whether it  
15 played any role in the explosion?

16 A. No.

17 Q. Was there any discussion in your office  
18 among the engineers and the AutoCAD workers and so  
19 forth about the causes of the explosion?

20 A. No.

21 Q. Never talked about?

22 A. No. As far as ventilation goes and stuff,  
23 no, I never got in any detailed conversations about  
24 it.

1 Q. Did you overhear anyone talk about --

2 A. No.

3 Q. -- ventilation?

4 A. No.

5 MR. MCGINLEY: That's all.

6 FURTHER RE-EXAMINATION

7 BY MR. SHERER:

8 Q. One more follow-up question,  
9 Mr. Snodgrass. How was the mine posting done? How  
10 did you get the entry-to-rib widths and rib  
11 locations and such?

12 A. The surveyor set the spaads.

13 Q. Then they measure offsets?

14 A. Yes, they give the rights and lefts of the  
15 corners.

16 Q. Was there any check on the width of the  
17 entries? If you noticed they were over the maximum  
18 entrance widths on the roof control plans, would  
19 you note that?

20 A. Yes, yeah. We would question anything  
21 wrong like that.

22 Q. Who would you send those questions to?

23 A. We'd make notes and give them to the  
24 surveyors. Next time they go back in and check it.

1 Q. Would you ever relay that information back  
2 to the mine operator?

3 A. No.

4 MR. SHERER: Thank you.

5 MR. KOERBER: Just so I make sure  
6 the transcript is correct. Lisa, do you  
7 have the subpoena as Exhibit 1 in your  
8 possession?

9 COURT REPORTER: Yes.

10 MR. KOERBER: Mr. Snodgrass,  
11 after the interviews are completed, there  
12 may be a need to call certain individuals  
13 back for a second interview. Whether or  
14 not that would be you or not, I have no  
15 idea, but I just wanted you to be aware  
16 that is a possibility.

17 Sir, you've answered a lot of  
18 questions today. If there is anything  
19 that you would like to add, anything you'd  
20 like to share, anything you would like to  
21 comment upon, anything you would like to  
22 clarify, if there's anything that you  
23 believe is important to the determination  
24 of what caused the mine to explode that

1                   you thought you would be saying here and  
2                   have not, now is your time to say so.

3                   THE WITNESS: I don't have  
4                   anything, sir.

5                   MR. KOERBER: Thank you. We'll  
6                   go off the record.

7                   MR. WARNER: Before we go off the  
8                   record, can we have the gentleman in the  
9                   back of the room identify himself?

10                  MR. MORLEY: Tom Morely.

11                  MR. KOERBER: With?

12                  MR. MORLEY: MSHA.

13                  MR. KOERBER: Anything else?

14                  MR. WARNER: No, sir.

15                  MR. KOERBER: Let's go off the  
16                  record.

17                  (The interview of DANIEL  
18                  SNODGRASS concluded at 10:56 a.m.)

19

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1 STATE OF WEST VIRGINIA, To-wit:

2 I, Lisa Marie Short, a Notary Public and  
3 Certified Court Reporter within and for the State  
4 aforesaid, duly commissioned and qualified, do  
5 hereby certify that the interview of DANIEL  
6 SNODGRASS was duly taken by me and before me at the  
7 time and place specified in the caption hereof.

8 I do further certify that said proceedings  
9 were correctly taken by me in stenotype notes, that  
10 the same were accurately transcribed out in full  
11 and true record of the testimony given by said  
12 witness.

13 I further certify that I am neither  
14 attorney or counsel for, nor related to or employed  
15 by, any of the parties to the action in which these  
16 proceedings were had, and further I am not a  
17 relative or employee of any attorney or counsel  
18 employed by the parties hereto or financially  
19 interested in the action.

20 My commission expires the 8th day of  
21 September 2018.

21 Given under my hand and seal this 2nd day  
22 of November 2010.

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Lisa Marie Short  
CCR  
Notary Public