CHAPTER I

R645-301-100 GENERAL CONTENTS
# TABLE OF CONTENTS

## CHAPTER I PERMIT APPLICATION REQUIREMENTS: GENERAL CONTENTS

<table>
<thead>
<tr>
<th>REGULATION NUMBER</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>R645-301-100</td>
<td>1</td>
</tr>
<tr>
<td>R645-301-112</td>
<td>1</td>
</tr>
<tr>
<td>R645-301-113</td>
<td>4</td>
</tr>
<tr>
<td>R645-301-114</td>
<td>6</td>
</tr>
<tr>
<td>R645-301-115</td>
<td>6</td>
</tr>
</tbody>
</table>

### GENERAL CONTENTS
- R645-301-100
  - 112.100 STATEMENT OF CORPORATION
  - 112.200 NAME AND ADDRESS OF OPERATOR
  - 112.310 NAME AND ADDRESS OF PRINCIPAL SHAREHOLDER
  - 112.320 NAMES OF OPERATED COAL MINES
  - 112.400 PENDING PERMIT APPLICATIONS
  - 112.500 PROPERTY OWNERSHIP
  - 112.600 NAMES AND ADDRESSES OF OWNERS OF RECORD
  - 112.700 MSHA NUMBERS FOR MINE-ASSOCIATED STRUCTURES
  - 112.800 STATEMENT OF LANDS CONTIGUOUS TO PERMIT AREA

### VIOLATION INFORMATION
- R645-301-113
  - 113.110 STATEMENT OF SUSPENSION OR REVOCATION OF PERMIT
  - 113.120 STATEMENT OF FORFEITURE OF BOND
  - 113.300 LIST OF VIOLATION NOTICES FOR PAST 3 YEARS

### RIGHT-OF-ENTRY INFORMATION
- R645-301-114
  - 114.100 DOCUMENTS OF OWNERSHIP

### STATUS OF UNSUITABILITY CLAIMS
- R645-301-115
  - 115.100 STATEMENT OF UNSUITABILITY
  - 115.200 STATEMENT OF CLAIMS FOR EXEMPTION
  - 115.300 OPERATIONS NEAR DWELLINGS AND PUBLIC ROADS

**MAY 29 2020**

**INCORPORATED**

**Div. of Oil, Gas & Mining**

**2/25/20**
# TABLE OF CONTENTS (Continued)

## CHAPTER I PERMIT APPLICATION REQUIREMENTS: GENERAL CONTENTS

<table>
<thead>
<tr>
<th>REGULATION NUMBER</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>R645-301-116 PERMIT TERM INFORMATION</td>
<td>7</td>
</tr>
<tr>
<td>116.100 STARTING AND TERMINATION DATES FOR MINING OPERATIONS</td>
<td>7</td>
</tr>
<tr>
<td>116.200 REQUEST FOR PERMIT TERM IN EXCESS OF FIVE YEARS</td>
<td>7</td>
</tr>
<tr>
<td>R645-301-117 INSURANCE AND PROOF OF PUBLICATION</td>
<td>8</td>
</tr>
<tr>
<td>117.100 EVIDENCE OF LIABILITY INSURANCE</td>
<td>8</td>
</tr>
<tr>
<td>117.200 CERTIFICATE OF LIABILITY INSURANCE</td>
<td>8</td>
</tr>
<tr>
<td>117.300 FACILITIES SHARED WITH OTHER OPERATIONS</td>
<td>9</td>
</tr>
<tr>
<td>R645-301-120 PERMIT APPLICATION FORMAT AND CONTENTS</td>
<td>9</td>
</tr>
<tr>
<td>R645-301-130 REPORTING OF TECHNICAL DATA</td>
<td>9</td>
</tr>
<tr>
<td>R645-301-140 MAPS AND PLANS</td>
<td>9</td>
</tr>
<tr>
<td>R645-301-150 COMPLETENESS</td>
<td>9</td>
</tr>
</tbody>
</table>

INTEGRATED MINE COMMISSION THE MINE COMMISSION Act of 1968, as amended, and Chapter 301 of the Revised Statutes of the State of Colorado, as amended, constitute the legislative authority for this regulation.

MAY 29, 2020

Div. of Oil, Gas & Mining

1-iii 2/25/20
### TABLE OF CONTENTS (Continued)

#### CHAPTER I PERMIT APPLICATION REQUIREMENTS: GENERAL CONTENTS

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**LIST OF TABLES**

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-1</td>
<td>Mining Methods and Estimated Productivity</td>
<td>8</td>
</tr>
</tbody>
</table>

**LIST OF APPENDICES**

- Appendix I-1 Property Ownership and Right of Entry
- Appendix I-2 Violation Information for Hiawatha Coal Company, Inc.
- Appendix I-3 Status of Unsuitability Claims
- Appendix I-4 Newspaper Advertisements
- Appendix I-5 Removed
- Appendix I-6 Request For Permit Amendment (1992 Incidental Boundary Change)
- Appendix I-7 Removed
- Appendix I-8 Historical Officer Information
Beginning in 1997, Hiawatha Coal Company, Inc. (HCCI) leased the mine premises from ANR Company Inc. (ANR) fee owner and federal lease holder of all land within the permit area and purchased all interests in the permits and approvals associated with the Hiawatha Mine Complex from United State Fuel Company (USF).

In 1999, several of ANR's federal coal leases were set to expire due to nonproduction. An agreement, now set to expire in 2024, was signed between ANR, HCCI and C. W. Mining Company (CWM) to include the Federal Leases and connecting Fee Land within the permit area containing the remaining coal reserves in the Bear Canyon LMU to allow the Bear Canyon production to count toward production on the ANR leases. This granted C. W. Mining a leasehold interest in the leases but allowed HCCI to retain the right to operate the leases.

In 2008, CWM was forced into bankruptcy and Castle Valley Mining, LLC (CVM) purchased the rights held by CWM from the bankruptcy. The agreement to count the ANR leases as part of Bear Canyon carried over, however the portion of the agreement allowing HCCI to mine the leases was severed upon the transfer to CVM. These actions removed any right for HCCI, or CVM, to mine coal from the ANR-owned leases until 2024, the expiration of the original agreement.

As of 2020, ANR is still the fee owner and federal lease holder of all land within the permit area. The federal leases owned by ANR are still counted toward the Bear Canyon LMU, owned by CVM, which prevents the leases from expiring. HCCI retains the right of entry to the property as well as the right to collect and sell coal fines from sediment ponds and conduct other operations on site. However, neither HCCI nor CVM currently possess the right to mine coal from the ANR-owned leases until the expiration of the ANR-CVM agreement in 2024. In the interim, ANR has authorized third party uses unrelated to coal mining and reclamation activities within portions of the permit area until at least 2021. The current parties holding interest in the Hiawatha permit C/007/011 are ANR as the land and lease owner, and HCCI as the operator.

In 2021, the ANR/third party agreement is set to expire and likely will not be renewed. Any impacts from the third party to the potential for future mining and reclamation at Hiawatha will be rectified prior to the expiration of the ANR-CVM agreement in 2024. At that time, HCCI will regain the right to enter the coal leases and begin active mining.
Further discussion on these uses is described in R645-301-231.200 and R645-301-515.300. HCCI’s right of entry to the premises is contained in Appendix I-1.

112.100 A STATEMENT AS TO WHETHER THE APPLICANT IS A CORPORATION, PARTNERSHIP, SINGLE PROPRIETORSHIP, ASSOCIATION, OR OTHER BUSINESS ENTITY:

Hiawatha Coal Company, Inc. (HCCI) is a corporation, incorporated in the state of Utah. Neither HCCI nor ANR have any owners with a 10% or greater interest in the company or any parent companies with an ownership interest.

112.200 NAMES, ADDRESSES, AND TELEPHONE NUMBERS OF THE APPLICANT, THE OPERATOR (IF DIFFERENT FROM THE APPLICANT) AND THE APPLICANT'S RESIDENT AGENT WHO WILL ACCEPT SERVICE OF PROCESS:

Applicant: Hiawatha Coal Company, Inc.
P.O. Box 1240
Huntington, Ut 84528
Telephone No. (801) 857-0399

Resident Agent: Elliot Finley
(See contact information below)

112.300 FOR APPLICANTS OTHER THAN SINGLE PROPRIETORSHIPS:

112.310 NAME AND ADDRESS OF EACH OFFICER, PARTNER, PRINCIPAL SHAREHOLDER, AND DIRECTOR OR OTHER PERSON PERFORMING A FUNCTION SIMILAR TO A DIRECTOR:

Officers authorized to act on behalf of HCCI are:

<table>
<thead>
<tr>
<th>Name</th>
<th>SS #</th>
<th>Title</th>
<th>Phone #</th>
<th>Start</th>
<th>End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elliot Finley</td>
<td>3988</td>
<td>President</td>
<td>(801) 900-6921</td>
<td>6/30/97</td>
<td>Current</td>
</tr>
<tr>
<td>3212 S. State St.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salt Lake City, UT 84115</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nathaniel Finley</td>
<td>0524</td>
<td>Vice President</td>
<td>(801) 718-3052</td>
<td>6/30/97</td>
<td>Current</td>
</tr>
<tr>
<td>2827 W. Minuet Ave</td>
<td></td>
<td>Secretary/Treasurer</td>
<td></td>
<td>6/30/08</td>
<td>Current</td>
</tr>
<tr>
<td>West Valley City, UT 84119</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Corporate Office Address:
Hiawatha Coal Company, Inc.
3212 South State Street
Salt Lake City, Utah 84115
Federal Id # 84-1418097

INCORPORATED
MAY 29 2020
Div. of Oil, Gas & Mining
2/25/20
**Officers authorized to act on behalf of ANR Company, Inc. are:**

<table>
<thead>
<tr>
<th>Name</th>
<th>SS #</th>
<th>Title</th>
<th>Phone #</th>
<th>Start</th>
<th>End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leslie A. Miller</td>
<td>9764</td>
<td>President</td>
<td>(801) 466-3361</td>
<td>08/08/17</td>
<td>Current</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vice President</td>
<td></td>
<td>06/30/99</td>
<td>Current</td>
</tr>
<tr>
<td>Lori V. Wright</td>
<td>4217</td>
<td>Secretary/Treasurer</td>
<td>(801) 466-3361</td>
<td>06/30/97</td>
<td>Current</td>
</tr>
</tbody>
</table>

**Corporate Office Address:**

ANR Company, Inc.
3212 South State St.
Salt Lake City, UT 84115
Fed Id # 84-1422258
Phone # (801) 466-3361

112.320 **ALL NAMES UNDER WHICH THE APPLICANT, PARTNER, OR PRINCIPAL SHAREHOLDER OPERATES OR PREVIOUSLY OPERATED A COAL MINE AND RECLAMATION OPERATION IN THE UNITED STATES WITHIN THE 5 YEARS PRECEDING THE DATE OF APPLICATION:**

None

112.400 **PENDING, CURRENT AND PREVIOUS COAL MINING AND RECLAMATION OPERATION PERMIT APPLICATIONS:**

There are currently no other pending, current or previous coal mining and reclamation operation permit applications that HCCI, ANR and their officers and agents control.

112.500 **THE NAME AND ADDRESS OF EACH LEGAL OR EQUITABLE OWNER OF RECORD OF THE SURFACE AND MINERAL PROPERTY TO BE MINED, EACH HOLDER OF RECORD OF ANY LEASEHOLD INTEREST IN THE PROPERTY TO BE MINED, AND ANY PURCHASER OF RECORD UNDER A REAL ESTATE CONTRACT FOR THE PROPERTY TO BE MINED:**

Surface and subsurface ownership can be referenced on Exhibits IV-1 and IV-2. Appendix I-1 lists the ownership of surface, coal and mineral rights in the permit area. The area is broken into five categories based on ownership and lease status. Refer to the legend and summary on page 8 of Appendix I-1 for acreage involved.
112.600 THE NAME AND ADDRESS OF EACH OWNER OF RECORD OF ALL PROPERTY (SURFACE AND SUBSURFACE) CONTIGUOUS TO ANY PART OF THE PROPOSED PERMIT AREA:

Refer to Exhibits IV-1 and IV-2 for names and addresses of the owners of record.

112.700 THE MSHA NUMBERS FOR ALL MINE-ASSOCIATED STRUCTURES THAT REQUIRE MSHA APPROVAL:

<table>
<thead>
<tr>
<th>STRUCTURE</th>
<th>MSHA ID No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>King IV Mine</td>
<td>42-00098</td>
</tr>
<tr>
<td>King V Mine</td>
<td>42-01389</td>
</tr>
<tr>
<td>King VI Mine</td>
<td>42-01599</td>
</tr>
<tr>
<td>Refuse Pile No. 1</td>
<td>1211-UT-09-02157-04</td>
</tr>
</tbody>
</table>

112.800 A STATEMENT OF ALL LANDS, INTEREST IN LANDS, OPTIONS, OR PENDING BIDS ON INTERESTS HELD OR MADE BY THE APPLICANT FOR LANDS CONTIGUOUS TO THE AREA DESCRIBED IN THE PERMIT APPLICATION:

ANR will retain the surface and mineral rights to 466.66 acres of land in Section 18, T15S, R8E, SLBM, which Plateau Mining Company purchased the coal rights in December 1985 from U.S. Fuel Company. These rights are also leased by HCCI. There are no other current interests, options or pending bids for lands contiguous to the permit area.

R645-301-113 VIOLATION INFORMATION. AN APPLICATION WILL CONTAIN THE FOLLOWING:

113.100 A STATEMENT OF WHETHER THE APPLICANT OR ANY SUBSIDIARY, AFFILIATE, OR PERSONS CONTROLLED BY OR UNDER COMMON CONTROL WITH THE APPLICANT HAS:

113.110 HAD A FEDERAL OR STATE PERMIT TO CONDUCT COAL MINING AND RECLAMATION OPERATIONS SUSPENDED OR REVOKED IN THE FIVE YEARS PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION; OR:

No.
113.120 FORFEITED A PERFORMANCE BOND OR SIMILAR SECURITY DEPOSITED IN LIEU OF BOND;

No.

113.200 Not Applicable

113.300 A LIST OF ALL VIOLATION NOTICES RECEIVED BY THE APPLICANT OR ANY SUBSIDIARY, AFFILIATE, OR PERSONS CONTROLLED BY OR UNDER COMMON CONTROL WITH THE APPLICANT IN CONNECTION WITH ANY COAL MINING AND RECLAMATION OPERATION DURING THE THREE YEAR PERIOD PRECEDING THE APPLICATION DATE, FOR VIOLATIONS OF ANY PROVISION OF THE FEDERAL ACT, THE ACT; OR ANY LAW, RULE, OR REGULATION PERTAINING TO AIR OR WATER ENVIRONMENTAL PROTECTION. THE APPLICATION WILL ALSO CONTAIN THE FOLLOWING INFORMATION ABOUT EACH VIOLATION NOTICE:

113.310 THE DATE OF ISSUANCE AND IDENTITY OF THE ISSUING REGULATORY AUTHORITY, DEPARTMENT OR AGENCY;

113.320 A BRIEF DESCRIPTION OF THE VIOLATION ALLEGED IN THE NOTICE;

113.330 THE DATE, LOCATION, AND TYPE OF ANY ADMINISTRATIVE OR JUDICIAL PROCEEDINGS INITIATED CONCERNING THE VIOLATION, INCLUDING, BUT NOT LIMITED TO, PROCEEDINGS, INITIATED BY ANY PERSON IDENTIFIED IN R645-301-113.300 TO OBTAIN ADMINISTRATIVE OR JUDICIAL REVIEW OF THE VIOLATION;

113.340 THE CURRENT STATUS OF THE PROCEEDINGS AND OF THE VIOLATION NOTICE; AND

113.350 THE ACTIONS, IF ANY, TAKEN BY ANY PERSON IDENTIFIED IN R645-301-113.300 TO ABATE THE VIOLATION.

Violation information for HCCI required under R645-301-300 through R645-301-113.350 are given in Appendix I-2.
On December 12, 1997, U.D.O.G.M. approved the transfer of this Mining and Reclamation Permit to HCCI. HCCI executed a lease agreement with ANR (effective July 26, 1997 until December 31, 2024) which, in conjunction with the above documents provides HCCI with legal right of entry to the property and coal leases in the permit area. See Appendix I-1.

WHERE THE PRIVATE MINERAL ESTATE TO BE MINED HAS BEEN SEVERED FROM THE PRIVATE SURFACE ESTATE, AN APPLICANT WILL ALSO SUBMIT:

Not applicable.

AN APPLICATION WILL CONTAIN AVAILABLE INFORMATION AS TO WHETHER THE PROPOSED PERMIT AREA IS WITHIN AN AREA DESIGNATED AS UNSUITABLE FOR COAL MINING AND RECLAMATION OPERATIONS OR IS WITHIN AN AREA UNDER STUDY FOR DESIGNATION IN AN ADMINISTRATIVE PROCEEDING UNDER R645-103-300, R645-103-400, OR 30 CFR PART 769.

During the permit application process Mr. D. Wayne Hedberg of DOGM (personal communication, 13 October 1983) was contacted regarding this matter. According to him, there were no administrative proceedings occurring at that time to designate as unsuitable for mining any property within the proposed permit area. See Appendix I-3 for additional information.
AN APPLICATION IN WHICH THE APPLICANT CLAIMS THE EXEMPTION DESCRIBED IN R645-301-333 WILL CONTAIN INFORMATION SUPPORTING THE ASSERTION THAT THE APPLICANT MADE SUBSTANTIAL LEGAL AND FINANCIAL COMMITMENTS BEFORE JANUARY 4, 1977, CONCERNING THE PROPOSED COAL MINING AND RECLAMATION OPERATIONS.

No exemption claimed.

AN APPLICATION IN WHICH THE APPLICANT PROPOSES TO CONDUCT COAL MINING AND RECLAMATION OPERATIONS WITHIN 300 FEET OF AN OCCUPIED DWELLING OR WITHIN 100 FEET OF A PUBLIC ROAD WILL ContAIN THE NECESSARY INFORMATION AND MEET THE REQUIREMENTS OF R645-103-230 THROUGH R645-103-238.

All occupied dwellings within 300 feet of any proposed mining operations are owned by ANR. See Appendix I-1 For waivers. All land in the permit area on which surface operations are located are owned by ANR and leased by HCCI. Surface operations have existed within 100 feet of a public road for at least fifty years prior to this application. The interests of the public and the landowner should not be adversely affected.

PERMIT TERM

EACH PERMIT APPLICATION WILL STATE THE ANTICIPATED OR ACTUAL STARTING AND TERMINATION DATE OF EACH PHASE OF THE COAL MINING AND RECLAMATION OPERATION AND THE ANTICIPATED NUMBER OF ACRES OF LAND TO BE AFFECTED DURING EACH PHASE OF MINING OVER THE LIFE OF THE MINE.

See Table I-1.

IF THE APPLICANT REQUIRES AN INITIAL PERMIT TERM IN EXCESS OF FIVE YEARS IN ORDER TO OBTAIN NECESSARY FINANCING FOR EQUIPMENT AND THE OPENING OF THE OPERATION, THE APPLICATION WILL:

A permit term in excess of five years is not requested.

INCORPORATED

MAY 29 2020
Div. of Oil, Gas & Mining
Table I-1
Mining Methods and Estimated Productivity

<table>
<thead>
<tr>
<th>Mine</th>
<th>Seam</th>
<th>Mining Method</th>
<th>Production Date</th>
<th>Termination Date</th>
<th>Potential Productivity</th>
<th>Acres Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>King 4</td>
<td>A</td>
<td>Continuous Miner</td>
<td></td>
<td>Mined Out</td>
<td>476</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Room and Pillar</td>
<td></td>
<td>1993 N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>King 4</td>
<td>B</td>
<td>Continuous Miner</td>
<td></td>
<td>Mined Out</td>
<td>122</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Room and Pillar</td>
<td></td>
<td>1993 N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>King 5</td>
<td>B</td>
<td>Continuous Miner</td>
<td>Idle</td>
<td>Unknown</td>
<td>500,000</td>
<td>878</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Room and Pillar</td>
<td>1/1/26 Est</td>
<td>7/1/30 Est</td>
<td></td>
<td></td>
</tr>
<tr>
<td>King 6</td>
<td>Hiawatha</td>
<td>Continuous Miner</td>
<td>Idle</td>
<td>Unknown</td>
<td>1,000,000</td>
<td>608</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Room and Pillar</td>
<td>1/1/26 Est</td>
<td>1/1/34 Est</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

R645-301-117 INSURANCE, PROOF OF PUBLICATION AND FACILITIES OR STRUCTURES USED IN COMMON.

117.100 A PERMIT APPLICATION WILL CONTAIN EITHER A CERTIFICATE OF LIABILITY INSURANCE OR EVIDENCE OF SELF-INSURANCE IN COMPLIANCE WITH R645-301-800.

The company's current Certificate of Liability Insurance is filed with Utah DOGM. A copy is included in Appendix VIII-3 of Chapter VIII (Bonding and Insurance).


The newspaper advertisement and proof of publication are included in Appendix I-4.

MAY 29 2020
THE PLANS OF A FACILITY OR STRUCTURE THAT IS TO BE SHARED BY TWO OR MORE SEPARATELY PERMITTED COAL MINING AND RECLAMATION OPERATIONS.

No facilities or structures are planned to be permanently shared with another permitted operation.

R645-301-120 PERMIT APPLICATION FORMAT AND CONTENTS

121.000 No response necessary.
121.100 No response necessary.
121.200 No response necessary.
121.300 No response necessary.
122.000 No response necessary.

123.000 APPLICATIONS FOR PERMITS; PERMIT CHANGES; PERMIT RENEWALS; OR TRANSFERS, SALES OR ASSIGNMENTS OF PERMIT RIGHTS WILL CONTAIN THE NOTARIZED SIGNATURE OF A RESPONSIBLE OFFICIAL OF THE APPLICANT, THAT THE INFORMATION CONTAINED IN THE APPLICATION IS TRUE AND CORRECT TO THE BEST OF THE OFFICIAL'S INFORMATION AND BELIEF.

Refer to Attachment 1 on the following page.

R645-301-130 REPORTING OF TECHNICAL DATA

131.000 No response necessary.
132.000 No response necessary.

R645-301-140 MAPS AND PLANS

141.000 No response necessary.
142.000 No response necessary.
142.100 No response necessary.
142.200 No response necessary.
142.210 No response necessary.
142.220 No response necessary.
142.300 No response necessary.
142.400 No response necessary.

R645-301-150 COMPLETENESS

No response necessary.
ATTACHMENT 1

VERIFICATION OF APPLICATION

Hiawatha Coal Company, Inc.
Permit No. ACT/007/011

I, Elliot Finley, being duly sworn, certify that I am the President of Hiawatha Coal Company, Inc. and that I have reviewed the contents of the Mining and Reclamation Plan for the above-referenced permit submitted to the Utah Division of Oil, Gas & Mining.

I verify the above mentioned plan is true and correct to the best of my information and belief.

Elliot Finley
President

Subscribed and sworn to before me this 1st day of December 2019.

Elaine Crossley
Notary Public
APPENDIX I-1

ANR Company, Inc.

PROPERTY OWNERSHIP

AND RIGHT OF ENTRY FOR

HIAWATHA COAL COMPANY, INC.
Table 1
ANR Company Inc. Property Ownership

<table>
<thead>
<tr>
<th>Land Subdivision</th>
<th>Area (Acres)</th>
<th>Permit Area</th>
<th>Legal Document</th>
<th>Date of Document</th>
<th>Recorded Book-Page</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>T. 15 S., R. 7 E., SLBM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Carbon</td>
</tr>
<tr>
<td>Section 13: S ½</td>
<td>320</td>
<td>320</td>
<td>Lease U-058261</td>
<td>2/1/61</td>
<td>B.L.M.</td>
<td>All U.S.A.</td>
</tr>
<tr>
<td>Section 24: N¼</td>
<td>320</td>
<td>320</td>
<td>Lease U-058261</td>
<td>2/1/61</td>
<td>B.L.M.</td>
<td>All U.S.A.</td>
</tr>
<tr>
<td>SW¼</td>
<td>160</td>
<td>160</td>
<td>Lease U-058261</td>
<td>2/1/61</td>
<td>B.L.M.</td>
<td>&quot;</td>
</tr>
<tr>
<td>N¼ SE¼</td>
<td>80</td>
<td>80</td>
<td>Lease U-058261</td>
<td>2/1/61</td>
<td>B.L.M.</td>
<td>&quot;</td>
</tr>
<tr>
<td>SW¼ SE¼</td>
<td>40</td>
<td>40</td>
<td>Lease U-0058261</td>
<td>2/1/61</td>
<td>B.L.M.</td>
<td>&quot;</td>
</tr>
<tr>
<td>SE¼ SE¼</td>
<td>40</td>
<td>40</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td>Surface U.S.A.</td>
</tr>
<tr>
<td>Section 25: E½ E½</td>
<td>160</td>
<td>160</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td>Surface U.S.A.</td>
</tr>
<tr>
<td>W½ E½</td>
<td>160</td>
<td>160</td>
<td>Lease SL-069985</td>
<td>11/1/69</td>
<td>B.L.M.</td>
<td>All U.S.A.</td>
</tr>
<tr>
<td>E¼ NW¼</td>
<td>80</td>
<td>80</td>
<td>Lease U-025683</td>
<td>2/1/61</td>
<td>B.L.M.</td>
<td>&quot;</td>
</tr>
<tr>
<td>Section 36: N¼ NE¼</td>
<td>80</td>
<td>80</td>
<td>Lease SL-069985</td>
<td>11/1/69</td>
<td>B.L.M.</td>
<td>All U.S.A.</td>
</tr>
<tr>
<td>W¼ SE¼</td>
<td>80</td>
<td>80</td>
<td>Lease SL-069985</td>
<td>11/1/69</td>
<td>B.L.M.</td>
<td>&quot;</td>
</tr>
<tr>
<td>S¼ NE¼</td>
<td>80</td>
<td>80</td>
<td>Lease SL-025431</td>
<td>2/8/63</td>
<td>B.L.M.</td>
<td>&quot;</td>
</tr>
<tr>
<td>E¼ SE¼</td>
<td>80</td>
<td>80</td>
<td>Lease SL-025431</td>
<td>2/8/63</td>
<td>B.L.M.</td>
<td>&quot;</td>
</tr>
</tbody>
</table>

See last page of this table for explanation of numbered columns and summary of property rights.
Table 1 (Continued)

ANR Company Inc. Property Ownership

<table>
<thead>
<tr>
<th>Land Subdivision</th>
<th>Area (Acres)</th>
<th>Permit Area</th>
<th>Legal Document</th>
<th>Date of Document</th>
<th>Recorded Book-Page</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>T. 15 S. R. 8 E. SLBM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 17: S:\ NE%</td>
<td>80</td>
<td>80</td>
<td>Patent 1013339</td>
<td>3/8/28</td>
<td>6A-125</td>
<td>Subsurface-U.S.A.</td>
</tr>
<tr>
<td>S:\ NW%</td>
<td>80</td>
<td>80</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td>Coal-Plateau Mining</td>
</tr>
<tr>
<td>NW% SW%</td>
<td>30</td>
<td>30</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td>Coal-Plateau Mining</td>
</tr>
<tr>
<td>NW% SW%</td>
<td>10</td>
<td>10</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>SW% SW%</td>
<td>40</td>
<td>40</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>NW% NW%</td>
<td>7.5</td>
<td>-</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>Section 18: SE% SE%</td>
<td>40</td>
<td>40</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>SW% SE%</td>
<td>40</td>
<td>40</td>
<td>&quot;</td>
<td>&quot;</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td>NE% SE%</td>
<td>1.51</td>
<td>1.51</td>
<td>&quot;</td>
<td>&quot;</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td>NW% SE%</td>
<td>1.51</td>
<td>1.51</td>
<td>&quot;</td>
<td>&quot;</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td>SE% SW%</td>
<td>40</td>
<td>40</td>
<td>&quot;</td>
<td>&quot;</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td>NE% SW%</td>
<td>1.49</td>
<td>1.49</td>
<td>&quot;</td>
<td>&quot;</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td>SW% SW%</td>
<td>37.78</td>
<td>37.78</td>
<td>&quot;</td>
<td>&quot;</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td>NW% SW%</td>
<td>2.24</td>
<td>2.24</td>
<td>&quot;</td>
<td>&quot;</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td>NW%</td>
<td>155.56</td>
<td>-</td>
<td>&quot;</td>
<td>12/13/85</td>
<td>258-230</td>
<td>Coal-Plateau Mining</td>
</tr>
<tr>
<td>NE%</td>
<td>160</td>
<td>-</td>
<td>&quot;</td>
<td>&quot;</td>
<td>&quot;</td>
<td>Coal-Plateau Mining</td>
</tr>
<tr>
<td>N% SE%</td>
<td>76.97</td>
<td>-</td>
<td>&quot;</td>
<td>&quot;</td>
<td>&quot;</td>
<td>Coal-Plateau Mining</td>
</tr>
<tr>
<td>N% SW%</td>
<td>74.07</td>
<td>-</td>
<td>&quot;</td>
<td>&quot;</td>
<td>&quot;</td>
<td>Coal-Plateau Mining</td>
</tr>
</tbody>
</table>

*See last page of this table for explanation of numbered columns and summary of property rights.*
Table 1 (Continued)

ANR Company Inc. Property Ownership

<table>
<thead>
<tr>
<th>Land Subdivision</th>
<th>Area (Acres)</th>
<th>Permit Area</th>
<th>Legal Document</th>
<th>Date of Document</th>
<th>Recorded Book-Page</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>T. 15 S., R. 8 E., SLBM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 19: All</td>
<td>631</td>
<td>631</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>N½ SW¼</td>
<td>80</td>
<td>80</td>
<td>Patent 1013339</td>
<td>3/8/28</td>
<td>6A-125</td>
<td>Subsurface-U.S.A.</td>
</tr>
<tr>
<td>S½ SW¼</td>
<td>80</td>
<td>80</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>NW¼</td>
<td>160</td>
<td>160</td>
<td>Lease U-51923</td>
<td>10/2/85</td>
<td>B.L.M.</td>
<td>Subsurface-U.S.A.</td>
</tr>
<tr>
<td>Section 26: W½ SW¼</td>
<td>80</td>
<td>80</td>
<td>Warranty Deed</td>
<td>6/21/76</td>
<td>161-112</td>
<td></td>
</tr>
<tr>
<td>Section 27: N½ SE¼</td>
<td>80</td>
<td>80</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>N½ SW¼</td>
<td>80</td>
<td>80</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>SW¼ NW¼</td>
<td>40</td>
<td>40</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>SW¼ SW¼</td>
<td>40</td>
<td>40</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>S½ SE¼</td>
<td>80</td>
<td>80</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>SE¼ SW¼</td>
<td>40</td>
<td>40</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-260</td>
<td></td>
</tr>
</tbody>
</table>

*See last page of this table for explanation of numbered columns and summary of property rights.
## Table 1 (Continued)

**ANR Company Inc. Property Ownership**

<table>
<thead>
<tr>
<th>Land Subdivision</th>
<th>Area (Acres)</th>
<th>Permit Area</th>
<th>Legal Document</th>
<th>Date of Document</th>
<th>Recorded Book-Page</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>T. 15 S., R. 8 E., SLBM</td>
<td></td>
<td>1 2 3 4 5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 29: NE¼ NE¼</td>
<td>40</td>
<td>40</td>
<td>Patent 1013339</td>
<td>3/8/28</td>
<td>6A-125</td>
<td>Subsurface-U.S.A.</td>
</tr>
<tr>
<td>S½ NE¼</td>
<td>80</td>
<td>80</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>NW½ NE¼</td>
<td>40</td>
<td>40</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>NW¼</td>
<td>160</td>
<td>160</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>S¼</td>
<td>320</td>
<td>320</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>Section 30: All</td>
<td>631</td>
<td>631</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td></td>
</tr>
<tr>
<td>Section 31: N½</td>
<td>316</td>
<td>316</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-257</td>
<td>Coal-U.S.A.</td>
</tr>
<tr>
<td>Section 32: SE¼ NE¼</td>
<td>40</td>
<td>40</td>
<td>Patent 12257</td>
<td>4/22/20</td>
<td>2A-251</td>
<td></td>
</tr>
<tr>
<td>N½ NE¼</td>
<td>80</td>
<td>80</td>
<td>Quit Claim Deed</td>
<td>5/6/23</td>
<td>3H-427</td>
<td></td>
</tr>
<tr>
<td>SW¼ NE¼</td>
<td>40</td>
<td>40</td>
<td>Quit Claim Deed</td>
<td>5/6/23</td>
<td>3H-427</td>
<td></td>
</tr>
<tr>
<td>NW¼</td>
<td>200</td>
<td>40</td>
<td>Quit Claim Deed</td>
<td>5/6/23</td>
<td>3H-427</td>
<td></td>
</tr>
<tr>
<td>S¼</td>
<td>320</td>
<td>320</td>
<td>Quit Claim Deed</td>
<td>5/6/23</td>
<td>3H-427</td>
<td></td>
</tr>
<tr>
<td>Section 33: N½</td>
<td>320</td>
<td>320</td>
<td>Patent 1013339</td>
<td>3/8/28</td>
<td>6A-125</td>
<td></td>
</tr>
<tr>
<td>S½</td>
<td>320</td>
<td>320</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-260</td>
<td></td>
</tr>
</tbody>
</table>

*See last page of this table for explanation of numbered columns and summary of property rights.*
Table 1 (Continued)

ANR Company Inc. Property Ownership

<table>
<thead>
<tr>
<th>Land Subdivision</th>
<th>Area (Acres)</th>
<th>Permit Area</th>
<th>Legal Document</th>
<th>Date of Document</th>
<th>Recorded Book-Page</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 2 3 4 5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T. 15 S. R. 8 E. SLBM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Section 34: N½ NE¼</td>
<td>80</td>
<td>80</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-260</td>
<td></td>
</tr>
<tr>
<td>N½ NW¼</td>
<td>80</td>
<td>80</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-260</td>
<td></td>
</tr>
<tr>
<td>NE¼ SW¼</td>
<td>40</td>
<td>40</td>
<td>Warranty Deed</td>
<td>12/1/17</td>
<td>5F-309</td>
<td></td>
</tr>
<tr>
<td>SW¼ NW¼</td>
<td>40</td>
<td>40</td>
<td>Warranty Deed</td>
<td>12/1/17</td>
<td>5F-309</td>
<td></td>
</tr>
<tr>
<td>SW¼ NE¼</td>
<td>40</td>
<td>40</td>
<td>Patent 12499</td>
<td>10/14/20</td>
<td>2A-252</td>
<td></td>
</tr>
<tr>
<td>NW¼ SE¼</td>
<td>40</td>
<td>40</td>
<td>Patent 12499</td>
<td>10/14/20</td>
<td>2A-252</td>
<td></td>
</tr>
<tr>
<td>SE¼ NW¼</td>
<td>40</td>
<td>40</td>
<td>Patent 12499</td>
<td>10/14/20</td>
<td>2A-252</td>
<td></td>
</tr>
<tr>
<td>SE¼ NE¼</td>
<td>40</td>
<td>40</td>
<td>Patent 11722</td>
<td>10/20/19</td>
<td>2A-226</td>
<td></td>
</tr>
<tr>
<td>S½ SW¼</td>
<td>80</td>
<td>80</td>
<td>Patent 10835</td>
<td>7/17/18</td>
<td>2A-226</td>
<td>Coal-U.S.A.</td>
</tr>
<tr>
<td>NE¼ SE¼</td>
<td>40</td>
<td>40</td>
<td>Warranty Deed</td>
<td>6/21/76</td>
<td>161-112</td>
<td></td>
</tr>
<tr>
<td>NW¼ SW¼</td>
<td>40</td>
<td>40</td>
<td>Patent 1114115</td>
<td>6/4/42</td>
<td>6A-267</td>
<td>Subsurface-U.S.A.</td>
</tr>
<tr>
<td>Section 35: E¼ NW¼</td>
<td>80</td>
<td>80</td>
<td>Warranty Deed</td>
<td>6/21/76</td>
<td>161-112</td>
<td></td>
</tr>
<tr>
<td>NW¼ SW¼</td>
<td>40</td>
<td>40</td>
<td>Warranty Deed</td>
<td>6/21/76</td>
<td>161-112</td>
<td></td>
</tr>
<tr>
<td>NW¼ NW¼</td>
<td>40</td>
<td>40</td>
<td>Patent 11723</td>
<td>10/20/19</td>
<td>2A-226</td>
<td></td>
</tr>
<tr>
<td>SW¼ NW¼</td>
<td>40</td>
<td>40</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>3D-260</td>
<td></td>
</tr>
</tbody>
</table>

See last page of this table for explanation of numbered columns and summary of property rights.
Table 1 (Continued)

ANR Company Inc. Property Ownership

<table>
<thead>
<tr>
<th>Land Subdivision</th>
<th>Area (Acres)</th>
<th>Permit Area</th>
<th>Legal Document</th>
<th>Date of Document</th>
<th>Recorded Book-Page</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 2 3 4 5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T. 16 S., R. 8 E., SLBM</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Emery County</td>
</tr>
<tr>
<td>Section 3: W½</td>
<td>361</td>
<td>361</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>A5-318</td>
<td></td>
</tr>
<tr>
<td>Section 4: Lots 1, 2, 3, 4, 5, 6, 7</td>
<td>202</td>
<td>202</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>A5-318</td>
<td></td>
</tr>
<tr>
<td>Lots 8, 9, 10, 11</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SW¼</td>
<td>160</td>
<td>160</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>A5-315</td>
<td></td>
</tr>
<tr>
<td>SE¼</td>
<td>160</td>
<td>160</td>
<td>Warranty Deed</td>
<td>5/31/19</td>
<td>B9-205</td>
<td></td>
</tr>
<tr>
<td>Section 5: Lots 1, 5, 8, 12</td>
<td>140</td>
<td>140</td>
<td>Patent 11804</td>
<td>11/26/19</td>
<td>A2-50</td>
<td>Coal-U.S.A.</td>
</tr>
<tr>
<td>Lots 2, 3, 4, 6, 7, 9, 10</td>
<td></td>
<td></td>
<td>Patent 11804</td>
<td>11/26/19</td>
<td>A2-50</td>
<td>Coal-U.S.A.</td>
</tr>
<tr>
<td>NE½ SE¼</td>
<td>40</td>
<td>40</td>
<td>Patent 11804</td>
<td>11/26/19</td>
<td>A2-50</td>
<td>&quot;</td>
</tr>
</tbody>
</table>

See last page of this table for explanation of numbered columns and summary of property rights.

Page 6 01/07/98
Table 1 (Continued)

<table>
<thead>
<tr>
<th>Land Subdivision</th>
<th>Area (Acres)</th>
<th>Permit Area</th>
<th>Legal Document</th>
<th>Date of Document</th>
<th>Recorded Book-Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>T. 16 S., R. 8 E., SLBM</td>
<td>160</td>
<td>160</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>A5-315</td>
</tr>
<tr>
<td>Section 8: E½ E½</td>
<td>160</td>
<td>160</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>A5-315</td>
</tr>
<tr>
<td>Section 9: W½</td>
<td>320</td>
<td>320</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>A5-315</td>
</tr>
<tr>
<td>W½ NE¼</td>
<td>80</td>
<td>80</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>A5-315</td>
</tr>
<tr>
<td>W½ SE¼</td>
<td>80</td>
<td>80</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>A5-315</td>
</tr>
<tr>
<td>SE¼ SE¼</td>
<td>40</td>
<td>40</td>
<td>Conveyance</td>
<td>1/3/16</td>
<td>A5-315</td>
</tr>
<tr>
<td>E½ NE¼</td>
<td>80</td>
<td>80</td>
<td>Patent 1013339</td>
<td>3/8/28</td>
<td>A2-317</td>
</tr>
<tr>
<td>NE¼ SE¼</td>
<td>40</td>
<td>40</td>
<td>Patent 1013339</td>
<td>3/8/28</td>
<td>A2-317</td>
</tr>
</tbody>
</table>

'See last page of this table for explanation of numbered columns and summary of property rights.
Table 1 (Continued)

ANR Company Inc. Property Ownership

<table>
<thead>
<tr>
<th>DESIGNATION OF TITLE</th>
<th>OWNERSHIP ACREAGE</th>
<th>PERMIT ACREAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Surface - Fee Title, Coal Rights - Fee Title</td>
<td>5,968</td>
<td>5,960</td>
</tr>
<tr>
<td>2  Surface Rights - None, Coal Rights - Fee Title</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>3  Surface Rights - Fee Title, Coal Rights - None</td>
<td>3,796</td>
<td>3,329</td>
</tr>
<tr>
<td>4  Surface - Fee Title, Coal Rights - Leased</td>
<td>1,263</td>
<td>1,263</td>
</tr>
<tr>
<td>5  Surface Rights - None, Coal Rights - Leased</td>
<td>1,480</td>
<td>1,480</td>
</tr>
<tr>
<td>Total</td>
<td>12,707</td>
<td>12,232</td>
</tr>
</tbody>
</table>

Minus Area Comprising Town of Hiawatha                      -55

12,177

*See last page of this table for explanation of numbered columns and summary of property rights.*
To Whom It May Concern,

ANR Company, Inc. signed a lease agreement with Hiawatha Coal Company, Inc. effective July 26, 1997, which has been extended through December 31, 2024. This lease agreement includes all of the property within the Hiawatha permit area (C/007/0011). The lease permits Hiawatha Coal Company, Inc. to use the land for coal mining and related activities, as the permittee and operator of the above-referenced permit number, subject to all other rights granted by ANR Company, Inc. granted to other third party entities.

As the owner of an occupied dwelling within 300 feet of the Hiawatha Complex mining operations, ANR understands its legal right to deny mining within 300 feet of the dwelling and hereby knowingly waives that right and consents to the mining and reclamation activities of Hiawatha Coal Company, Inc.

Sincerely,

L. A. Miller,
President

INTEGRATED
MAY 29 2020
Div. of Oil, Gas & Mining

II-9 2/25/20
In Reply Refer To:
3453
SL-025431
SL-069985
U-026583-058261
U-51923
(UT-932)

In Reply Refer To:
ARAVA NATURAL RESOURCES

RECEIVED
JUN 15 1998

DECISION

ANR Company, Inc.
3212 South State
Salt Lake City, Utah 84115

Coal Leases:
SL-025431,
SL-069985,
U-026583-058261,
U-51923

On January 20, 1998, assignments of the above referenced coal leases, entered into on December 10, 1997, between ANR Company, Inc. (ANR); as assignee, and United States Fuel Company (U.S. Fuel), as assignor, were filed in this office.

Satisfactory evidence of the qualifications and holdings of ANR has been filed. This office has received no evidence that the leases are not in good standing. The assignee, ANR, has submitted a statement, executed December 10, 1997, that it is subject to the existing obligations imposed under the terms of the leases. Therefore, the assignments appear to meet the requirements of the regulations and are approved effective July 1, 1998. Approval of these assignments does not constitute approval of any of the terms therein which may be in violation of the lease terms.

Bond coverage for the coal leases is satisfied by personal bonds secured by United States Treasury Notes in the following amounts:

<table>
<thead>
<tr>
<th>Coal Lease</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>SL-025431</td>
<td>$5,000</td>
</tr>
<tr>
<td>SL-069985</td>
<td>$5,000</td>
</tr>
<tr>
<td>U-026583-058261</td>
<td>$155,000</td>
</tr>
<tr>
<td>U-51923</td>
<td>$20,000</td>
</tr>
</tbody>
</table>

The bonds were filed June 2, 1998, and are accepted as of that date.

G. William Lamb
State Director

EFFECTIVE: JUN 04 1999

UTAH DIVISION OF OIL, GAS AND MINING
APPENDIX I-2

VIOLATION INFORMATION
FOR
HIWATHA COAL COMPANY, INC.
There are currently no prior or pending violations for Hiawatha Coal Company, Inc.

INCORPORATED

MAY 29 2020

Div. of Oil, Gas & Mining

2/25/20
APPENDIX I-3

STATUS OF UNSUITABILITY CLAIMS
Mr. Michael Meenan
Environmental Engineer
John T. Boyd Company
1860 Lincoln Street
Suite 1028
Denver, Colorado 80295

Dear Mr. Meenan:

In response to your letter dated September 23, 1980, regarding areas designated unsuitable for mining; to date, this office has received no determination, application or petition of unsuitability for mining at or near U. S. Fuel Company's Hiawatha Complex in Carbon County, Utah.

Should such a condition arise in the future, U. S. Fuel Company shall promptly be notified.

Sincerely,

JAMES W. SMITH, JR.
COORDINATOR OF MINED LAND DEVELOPMENT

cc: Bob Eccli, U. S. Fuel Company

JWS/btm
ATTACHMENT 1 continued

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
Manti-LaSal National Forest - Price Ranger District
10 North Carbon Avenue #2
Price, Utah 84501

John T. Boyd Company
1860 Lincoln Street
Suite 1028
Denver, Colorado 80295
ATTENTION: Michael K. Meenan

Dear Mr. Meenan:

We are in receipt of your letter of 8/27/80 requesting information on
U.S. Fuel Company's property in Carbon and Emery Counties, Utah. As
we understand it, your request entails any available information regarding
unsuitability criteria or "restrictions" that might apply to the subject
property as indicated by your accompanying map.

After researching available data at our disposal, the only unsuitability
criterion that might apply would be #17 covering municipal watersheds.
The leased land (lease nos. SL 069985, SL 025431 and U 026583) under
Forest Service jurisdiction falls into the Price River and Huntington
Canyon drainages. Both drainages serve municipal water supplies. Since
these watersheds cover such a large area of coal bearing lands owned by
Federal, State and private interests, a determination has yet to be made
relative to the applicability of criterion #17.

Regarding further "restrictions" not covered under the unsuitability criteri-
these would be handled on a more specific basis through the environmental
assessment process.

One additional item that we might mention is the fact that the U.S. Fuel
property boundary, as shown on your map, includes unleased Federal coal
lands under Forest Service administration. Specifically, these lands
include Section 19, NE1/2N1/2, Section 20; NE1/4, SE1/4, NE1/4SE1/4; Section 21,
W1/2NE1/2, N1/2SW1/2, T. 16 S., R. 8 E., SLM.

We hope that the above adequately complies with your request. If you have
any further questions, please don't hesitate to contact us.

IRA W. HATCH
District Ranger
APPENDIX I-4

NEWSPAPER ADVERTISEMENTS
AFFIDAVIT OF PUBLICATION

STATE OF UTAH

County of Carbon,)

I, Dan Stockburger, on oath, say that I am the Publisher of the Sun Advocate, a twice-weekly newspaper of general circulation, published at Price, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for four (4) consecutive issues, and that the first publication was on the 21st day of January, 1992.

and that the last publication of such notice was in the issue of such newspaper dated the 11th day of February, 1992.

Subscribed and sworn to before me this 11th day of February, 1992.

My Commission expires January 10, 1995

Residing at Price, Utah

Publication fee, $89.60

NOTICE OF REQUEST FOR PERMIT RENEWAL

United States Fuel Company, whose business address is 1 Main Street, Hiawatha, Utah 84527, is applying for a Mining and Reclamation Permit renewal with the Utah Department of Natural Resources, Division of Oil Gas and Mining according to regulation R614-300-121 of U.C.A. Title 46.

The permit location and boundaries is defined by the following land subdivisions:

T.15 S., R.7 E., SLM, Utah, Sec. 13, S%, Sec. 24, All; Sec. 25, E%, E% NW%; Sec. 6, E% T.15 S., R.8 E., SLM, Utah, Sec. 17, S%, S% N%, Sec. 18, S% S%, NE% SW% (Part); NW% SW% (Part); Sec. 19, All; Sec. 20, All; Sec. 21, All; Sec. 26, W% SW%; Sec. 27, S%, SW% NW%; Sec. 28, All, Sec. 29, All, Sec. 30, All, Sec. 31, All, Sec. 32, All, Sec. 33, All, Sec. 34, NW%, SW%, N% SE%; Sec. 35, NW%, NW% SW% T.16 S., R.9 E., SLM, Utah; Sec. 2, W%, Sec. 3, W%, Sec. 4, All; Sec. 5, All; Sec. 6, N% SE%; Lots 1 through 10, Sec. 8, E% E%4; Sec. 9, All.

A full copy of the permit application may be reviewed at the Recorder's office at the Carbon County Courthouse in Price, Utah and at the office of the Utah Division of Oil, Gas and Mining at 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah.

Written comments, objections, or requests for informal conferences may be submitted to the Utah Department of Natural Resources, Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 350, Salt Lake City, Utah 84150.

Published in the Sun Advocate January 21, 28, February 4 and 11, 1992.
PROOF OF PUBLICATION AFFIDAVIT

I, Traci Bishop, being first duly sworn, state that I am the Associate Editor of ETV News, a weekly newspaper of general circulation published at Price, County of Carbon, State of Utah; and that the advertisement or notice, a printed copy of which is attached hereto, was printed and published in said newspaper for four issues and on www.utahlegals.com website as follows:

November 24, 2021
December 1, 2021
December 8, 2021
December 15, 2021

Traci Bishop, Associate Editor

Subscribed to and sworn before me this 15th day of December, 2021.

SCOTTIE DRAPER
NOTARY PUBLIC-STATE OF UTAH
COMMISSION# 718697
COMM. EXP. 06-04-2025

Notary Public

INCORPORATED
December 22, 2021
Division of Oil, Gas & Mining
NOTICE

Hiawatha Coal Company, P.O. Box 1240, Huntington, Utah, 84528, hereby announces its intent to renew its coal mine and reclamation permit for coal mining activities at the Hiawatha Mine Complex, Permit No. C/007/0011. The Hiawatha Mine Complex is located in Hiawatha, Utah, approximately 18 road miles south of Price, Utah. The permit area, found on the USGS Hiawatha Quadrangle map, is described as follows:

Township 15 South, Range 7 East, SLM
Sect 13: Sl/2
Sect 24: All
Sect 25: El/2, El/2NW1/4
Sect 36: El/2

Township 15 South, Range 8 East, SLM
Sect 17: Sl/2, Sl/2NW1/2
Sect 18: Sl/2Sl/2, NE1/4SW1/4 (part), NW1/4SW1/4 (part)
Sect 19 thru 21: All
Sect 26: WI/2SW1/4
Sect 27: Sl/2, SW1/4, NW1/4
Sect 28 thru 33: All
Sect 34: NI/2, SW1/4, NI/2SE1/4
Sect 35: NW1/4, NW1/4SW1/4

Township 16 South, Range 8 East, SLM
Sect 3: WI/2
Sect 4 and 5: All
Sect 6: NE1/4SE1/4, Lots 1 thru 10
Sect 8: El/2El/2
Sect 9: All

Excluding 55 acres for the town of Hiawatha in T15S, R8E, SLM, Sects 27 and 34, as shown on Exhibit IV-3 of the Mining and Reclamation Plan. Written comments, objections, or requests for informal conferences should be directed to the Utah Division of Oil Gas & Mining, 1594 West North Temple, Suite 1210, P.O. Box 145801, Salt Lake City, Utah, 84114-5801. Copies of the renewal application are available for public inspection at the office of the Utah Division of Oil, Gas & Mining in Salt Lake City.

Published in the ETV Newspaper November 24, December 1, December 8 and December 15, 2021.

INCORPORATED

December 22, 2021
Division of Oil, Gas & Mining
APPENDIX I-5

Removed

INCORPORATED
MAY 29 2020
Div. of Oil, Gas & Mining
2/25/20
APPENDIX I-6

REQUEST FOR PERMIT AMENDMENT
INCIDENTAL BOUNDARY CHANGE
June 3, 1992

Daron Haddock, Permit Supervisor
Division of Oil, Gas and Mining
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Request for Permit Amendment (Incidental Boundary Changes),
U. S. Fuel Company, Hiawatha Mines Complex, ACT/007/011

Dear Daron:

Enclosed is a request for a Permit Amendment to make Incidental Boundary Changes to U. S. Fuel's Permit area. Boundary changes are proposed for Section 18, T. 15 S., R. 8 E. and Section 6, T. 16 S., R. 8 E., S.L.B. & M.

Changes to Section 18 will reduce U. S. Fuel's Permit area by 467 acres. Changes to Section 6 will increase the permit area by 40 acres. I have enclosed a revised copy of Table 1 of Chapter I of our Permit Application. Page 8 of Table 1 gives the total permit acreage after the above changes.

All maps and other references to these changes in our Permit Application will be revised and submitted with our upcoming five year permit renewal requirements. The Request For Permit Amendment will be identified in the narrative and included in an appendix to Chapter I.

If additional copies of the enclosed material are required prior to our five year permit renewal submittal please let me know.

Sincerely,

Robert Eccli
Sr. Mining Engineer
REQUEST FOR PERMIT AMENDMENT

Pursuant to R645-303-220 United States Fuel Company hereby applies for a permit amendment to change the boundaries of its Mining and Reclamation Permit area.

Two specific locations in which incidental boundary changes are proposed are discussed below. Please refer to Exhibits IV-1 and IV-2 of our Permit Application for orientation.

Section 18, Township 15 South, Range 8 East, S. L. B. & M.

In December 1985 United States Fuel Company and Plateau Mining Company signed a Purchase and Sales Agreement whereby coal reserves in a portion of Section 18 were sold to Plateau Mining Company. A deed conveying coal rights was made a part of the Agreement. Surface and mineral rights were retained by U. S. Fuel Company. A copy of the Purchase and Sales Agreement is on file at the U. F. Fuel mine office. The deed is on file at the Carbon County Recorder’s office in Book 258, Page 230. The land area involved in the sale comprises 466.66 acres and is described as follows:

Beginning at the northwest section corner of Section 18, Township 15 South, Range 8 East, SLB&M, and running along the North boundary line of Section 18 a distance of 5,186.96 feet to the northeast section corner of Section 18; thence South along the East boundary line of Section 18 a distance of 4,118 feet to a line which is 50 feet North of the most northerly excavation of the 13 East heading; thence West 3,618 feet to a line which is 50 feet East of the most easterly excavation of the 8 North heading; thence North 268 feet to a line which is 50 feet North of the most northerly excavation of the 8 North heading; thence West 1,571.58 feet to the West boundary line of Section 18; thence North 3,614.98 feet along the West boundary line of Section 18 to the point of beginning.

All of Section 18 was identified as being owned in fee by U. S. Fuel Company and included within U. S. Fuel’s permit boundary in its original permit application. U. S. Fuel now wishes to exclude the land described above from its previously defined permit area. U. S. Fuel is not the mine operator in this area and does not wish to imply responsibility for potential reclamation requirements not related to its operations.

U. S. Fuel had developed a mining section in this area prior to sale of the coal rights to Plateau, however, Plateau is aware of these workings and has accepted responsibility for them. U. S. Fuel has not utilized or disturbed the surface of this land since
enactment of the Surface Mining Control and Reclamation Act. No future disturbance of the surface or underground area in connection with mining or reclamation by U. S. Fuel is proposed or anticipated.

Documentation that Plateau has accepted responsibility for this area is evidenced in Item 8 (Representations of Plateau) and Item 10 (Indemnity by Plateau) of the Purchase and Sale Agreement. Copies of these items are included as Attachment A.

Lot No. 10, Section 6, Township 16 South, Range 8 East, S. L. B. & M.

Lot No. 10 of Section 6 was inadvertently omitted from the permit area of U. S. Fuel's original permit application. U. S. Fuel now proposes to include lot number 10 (comprising 40 acres) in its permit area. This proposal is solely to make the boundaries of the approved permit conform with U. S. Fuel's property ownership boundary. No changes in the method of conduct of mining or reclamation operations or in the conditions authorized or required under the approved Permit have occurred to the surface or subsurface area of this land and no future changes are proposed or anticipated.

U. S. Fuel's current Mining and Reclamation Permit addresses all the requirements of R645-301 as they relate to this area. The requirements of R645-302 do not apply since no special categories and areas of mining are proposed.
ATTACHMENT A

SELECTED PAGES FROM 1985 PURCHASE AND SALES AGREEMENT
title to the Property. Subject to the further terms of this Agreement, U.S. Fuel shall remain solely liable subsequent to the date of Closing for any encumbrances, liens, claims, assessments, charges or penalties which remain after Closing as the result of any act or omission of U.S. Fuel prior to Closing and, in the event U.S. Fuel fails to discharge or satisfy any such encumbrance, lien, assessment, charge or penalty prior to Closing, then Plateau, after notice to U.S. Fuel subsequent to Closing, shall be entitled to discharge any such lien, encumbrance or claim and to set off all costs incurred thereby, including reasonable attorneys' fees, against the amount of any Production Royalty due.

8. Representations of Plateau: Plateau hereby represents, warrants, covenants and agrees, which representations, warranties, covenants and agreements, together with all other representations, warranties, covenants and agreements to U.S. Fuel in this Agreement, shall be true and correct as of the time of Closing as if expressly restated at that time, that:

(a) It is, and until the Closing shall continue to be, a corporation duly organized, validly existing and in good standing under the laws of the State of Delaware and is qualified and in good standing under the laws of the State of Utah to do business in Utah.

(b) It has all requisite corporate power and authority to enter into this Agreement and to perform its obligations under this Agreement. Consummation of the transactions contemplated by this Agreement will not violate, nor be in conflict with, any provision of its charter or by-laws, or any
agreement or instrument to which it is a party or is bound.

(c) The execution, delivery and performance of this Agreement and the transactions contemplated hereby have been duly and validly authorized by all requisite corporate action on its part.

(d) Plateau and its representatives have inspected the Property and are aware of the present condition thereof. It is understood that U.S. Fuel is making no representations as to such condition and that Plateau is taking the Property on an "as is" and "where is" basis and that U.S. Fuel is making no representations as to the quality or quantity of coal contained in the Property.

(f) The consummation of the transaction represented by this Agreement will not result in a breach of any terms and conditions of or be construed as a default under any agreement or other instrument to which Plateau is a party and, as of the Closing date, will not violate or conflict with any contracts, governmental or otherwise, to which Plateau is subject.

(g) Plateau will take all reasonable action to protect and preserve the surface of the Property with maximum resource recovery, recognizing current and future surface utilization. However, the parties also recognize that Plateau's mining procedures may result in subsidence of the surface of the Property and, provided that Plateau complies with all laws, rules, regulations and its Mine Permit or Permits issued thereunder, U.S. Fuel for itself and its successors and assigns hereby consents to such subsidence and releases Plateau from liability for damages resulting from such subsidence.
(h) Plateau will take all necessary action to protect and preserve the quantity and quality of existing surface water and ground water systems and will comply with all laws, rules and regulations pertaining thereto with respect to the Property.

(i) Plateau will take all necessary action with respect to environmental and pollution control laws, rules and regulations to effect compliance with any such laws, rules and regulations with respect to the Property.

9. Indemnity by U.S. Fuel. U.S. Fuel agrees to indemnify and hold Plateau harmless from and against and in respect of any losses incurred by Plateau from:

(a) All claims and demands made in respect to liabilities and obligations of U.S. Fuel relating to, or arising from, ownership, operation or control of the Property at or prior to Closing, including, but not limited to, the failure of U.S. Fuel to comply with any federal, state or local environmental protection, pollution control, safety, waste disposal or reclamation law, rule or regulation to the date of Closing; and

(b) Any damage or deficiency resulting from any material misrepresentation or any material breach of warranty or nonfulfillment of any agreement or covenant on the part of U.S. Fuel under this Agreement; and

(c) Any claims made by creditors relating to U.S. Fuel's ownership or operation of the Property.

10. Indemnity by Plateau. Plateau agrees to indemnify and hold U.S. Fuel harmless from and against and in respect of any losses incurred by U.S. Fuel from:
(a) All liabilities and obligations of Plateau and all claims and demands made relating to, or arising from, ownership, operation or control of the Property and Plateau's use of the surface of said Property and the use of other premises to break out for ventilation purposes as provided in this Agreement, subsequent to Closing, including, but not limited to, the failure of Plateau to comply with any federal, state or local environmental protection, pollution control, safety, mining operations, waste disposal or reclamation, surface water and ground water systems law, rule or regulation;

(b) Any damage or deficiency resulting from any known and material misrepresentation or any material breach of warranty or nonfulfillment of any agreement or covenant on the part of Plateau under this Agreement; and

(c) Any claims made by creditors relating to Plateau's ownership or operation of the Property.

11. Right to Acquire Additional Property. For a period of five (5) years, if U.S. Fuel elects to sell those areas of Sections 18 and 19 of Township 15 South, Range 8 East, SLM, bounded on the north by the U.S. Fuel's No. 13E Main Entries and on the south by the U.S. Fuel's No. 12E Main Entries and on the west by U.S. Fuel's No. 8N Main Entries, (the "Additional Property"), U.S. Fuel shall notify Plateau accordingly. Plateau shall have sixty (60) days from such notice to offer to purchase said Additional Property. If Plateau's offer to acquire the Additional Property is acceptable to U.S. Fuel, U.S. Fuel shall grant the Additional Property to Plateau by a deed in a form mutually agreed by the parties. If Plateau's offer is unacceptable to U.S. Fuel, then U.S. Fuel may proceed, if it so desires, to sell or otherwise transfer its interest in said Additional Property to a third party free and clear of the terms of this Agreement.
June 10, 1992

Mr. Michael Baum  
U. S. Fuel Company  
P. O. Box A  
Hiawatha, Utah 84527

Dear Mr. Baum:


The submittal received on June 5, 1992 regarding the above noted permitting action was reviewed and found to be complete and adequate by the Division.

The Division hereby approves the above referenced action. Enclosed is an updated legal description page for your permit, which shows the corrected legal description. You should ensure that appropriate text and maps in your MRP are revised to reflect the incidental boundary changes. Those changes should be submitted with your five year permit renewal requirements. Copies of your plan for other agencies should also be updated.

Thank you for your cooperation in resolving this matter.

Sincerely,

Daron R. Haddock
Permit Supervisor

Enclosures

cc: L. Braxton  
S. Demczak  
J. Helfrich  
BT007011.92B
APPENDIX I-8

HISTORICAL OFFICER INFORMATION

INCORPORATED
NOV 1 & 2010
Div. of Oil, Gas & Mining

6/17/10
Hiawatha Coal Company

To Whom It May Concern,

July 19, 2010

Re: Update to officers, Task ID #3459, Hiawatha Mine Complex, ACT/007/011

On June 30, 2008, Colleen Gustafson was replaced as Secretary by Nate Finley.

If you have any questions, please call Charles Reynolds at (435) 687-9206.

Thank You,

Nate Finley

Subscribed and sworn before me this 26 day of July, 2010

Notary Signature

INCORPORATED

Div. of Oil, Gas & Mining
To Whom it May Concern:

Re: Certification in change in officers, Task ID #3459, Hiawatha Mine Complex, ACT/007/011

ANR has discovered a typographical error in our July 10, 2010 letter certifying the start dates for our officers. The date of 1997 was supposed to be 1999. This letter certifies that the following changes in the officers of ANR Company, Inc. are true and accurate.


If you have any questions, please call Charles Reynolds at (435) 687-9206.

Thank You,

L. A. Miller
Vice President

Subscribed and sworn before me this 30th day of September, 2010

Colleen Andrews Livingston
Notary Signature

INCORPORATED 6/17/10
Nov 18 2010
Div. of Oil, Gas & Mining
July 19, 2010

To Whom it May Concern:

Re: **Certification in change in officers, Task ID #3459, Hiawatha Mine Complex, ACT/007/011**

This letter certifies that the following changes in the officers of C. W. Mining Company are true and accurate.

In June, 2004, Charles Reynolds replaced J. A. Gustafson as Vice President.  
In June, 2006, Charles Reynolds replaced B. W. Stoddard as President and Director. J. A. Gustafson was reinstated as Vice President, replacing Charles Reynolds.  
In June, 2008, Maurine O. Gustafson replaced D. J. Sanders as Secretary.

If you have any questions, please call me at (435) 687-9206.

Thank You,

Charles Reynolds  
President

Subscribed and sworn before me this 16 day of July, 2010
To Whom it May Concern:

Re: Certification in change in officers, Hiawatha Mine Complex, C/007/0011

On August 8, 2017, Leslie Miller replaced Joseph O. Kingston as President of ANR Company, Inc.

If you have any questions, please call Charles Reynolds at (801) 857-0399.

Thank You,

Leslie Miller
President

Subscribed and sworn before me this 26 day of November, 2019

Notary Signature

INCORPORATED
MAY 29 2020
Div. of Oil, Gas & Mining
To Whom it May Concern:

Re: Certification of removal of C. W. Mining Company as a Controlling Entity, Hiawatha Mine Complex, C/007/0011

This letter certifies that pursuant to court order Dated July 14, 2010, C. W. Mining Company, as the debtor in Bankruptcy Case No. 08-20105 RKM, has no authority to control or conduct mining operations under Permit C/007/0011 or obligation to conduct any reclamation operations and neither C. W. Mining Company nor its officers, Charles Reynolds, John A. Gustafson and Maurine O. Gustafson are controlling parties over Hiawatha’s permit. Attached is the excerpt from the court order authorization this change in authority.

If you have any questions, please call me at (801) 857-0399.

Thank You,

Charles Reynolds
President

Subscribed and sworn before me this 25th day of November, 2019
52. The Trustee has met the requirements necessary to assume the Mine Operating Agreements pursuant to 11 U.S.C. § 365(a)-(b) and simultaneously assign them to Buyer in accordance with the terms of the Sale Agreement pursuant to 11 U.S.C. § 365(f)(2).

53. The Mine Operating Agreements are assignable notwithstanding any provision contained therein to the contrary pursuant to § 365(f) of the Bankruptcy Code. The assumption and assignment of the Mine Operating Agreements are integral to the Sale Agreement, are in the best interests of the Estate, and represent the exercise of sound and prudent business judgment by the Trustee.

**Issues Raised by ANR Concerning Hiawatha's Mining Permit and Reclamation Duties**

54. Hiawatha holds a mining permit (the "Hiawatha Permit") issued by DOGM (Exh. ANR 13) affecting both the ANR Real Property and a more extensive area of other real property owned or leased by ANR in which the Estate has no interest.

55. The Debtor has never conducted underground mining operations or other activities on the ANR Real Property which require a permit and has no mining permit in force with respect to such property. The Debtor's operations with respect to the ANR Real Property to date have been done in conjunction with the LMU Application to include the ANR Real Property in a logical mining unit with the COP Real Property. All of this has been consistent with the parties' agreements and expectations as previously found by the Court.

56. The Hiawatha Permit is not property of the Estate, and the Debtor has no duty to perform any requirement imposed on Hiawatha by DOGM with respect to the Hiawatha Permit.

57. There is no evidence before the Court that the maintenance or preservation of the Hiawatha Permit would be of any value or benefit to the Estate or to Buyer.
58. There is no evidence that the operation of the ANR Real Property by Buyer or the conducting of Buyer’s mining operations will require the maintenance or preservation of the Hiawatha Permit or have any effect on such permit.

59. Any reclamation obligations that Hiawatha may have incurred by obtaining a DOGM permit affecting the ANR Real Property or that otherwise result from the actions of ANR and/or Hiawatha do not result from any act of the Debtor and are the obligations of Hiawatha or ANR and not the Debtor.

60. ANR has demonstrated no standing on its part to complain of reclamation burdens that may fall on Hiawatha. ANR has failed to demonstrate that it has any liability for reclamation work on the ANR Real Property.

61. The Court finds that, to the extent that any reclamation obligations may be imposed on the Debtor or its Estate with respect to the ANR Real Property as a result of Hiawatha’s failure to perform its duties under the DOGM Hiawatha Permit, such obligations do not arise under the ANR Mine Operating Agreement.

62. There is nothing in the ANR Mine Operating Agreement that requires the Operator thereunder to post a bond for reclamation work that may be required at some future time on the ANR Real Property as a result of prior mining activities by U.S. Fuels.

71. No permit is required of the Operator with respect to the ANR Real Property under the ANR Mine Operating Agreement until mining activity is to be commenced on such property.

72. Neither the Trustee nor Buyer is required, as part of the assumption and assignment of or as future performance under the ANR Mine Operating Agreement, to perform
any reclamation duties arising from prior mining activities by U.S. Fuels or to compensate ANR or Hiawatha for the cost of any such reclamation work.

Issues Raised by ANR Regarding the Exclusion of 60 Acres from the LMU

73. ANR’s federal coal lease no. USL-02543 includes 60 acres (the “60-Acre Parcel”) that are not contiguous with any other lands as to which ANR holds any coal rights being leased (or sub-leased) to the Debtor under the ANR Mine Operating Agreement or otherwise (Exh. TR 605).

74. In the ANR Mine Operating Agreement, ANR purported to grant to the Debtor the right to mine coal from a parcel of land marked with pink crosshatching in Exh. TR 605 (the “Bridge Parcel”). If ANR had owned coal rights for the Bridge Parcel, the 60-Acre Parcel would have been contiguous with the remainder of the LMU. In fact, ANR had only surface rights to the Bridge Parcel.

75. The BLM regulations governing logical mining units require that all property included within a logical mining unit be contiguous and under the control of a single operator.

76. Charles Reynolds testified that if he had realized that the 60-Acre Parcel was not contiguous with the remainder of the LMU area, he would not have included it in the LMU Application. He further acknowledged that the LMU Application was required to comply with federal law and that the BLM had the right to exclude the 60-Acre Parcel.

77. The ANR Mine Operating Agreement contains no reference to an LMU and does not state any specific requirements with respect to an LMU.

78. In seeking the BLM’s approval of the Debtor’s LMU Application, the Trustee (through no fault of his or the Debtor’s) could not satisfy the contiguity requirement with respect.