

0004



JON M. HUNTSMAN, JR.  
Governor

GARY R. HERBERT  
Lieutenant Governor

# State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

Outgoing  
C/007/0005  
R

February 4, 2009

CERTIFIED MAIL

7004 2510 0004 1824 9627

Carolyn E. Wheeler, Attorney-in-Fact  
St. Paul Travelers  
4700 Old Kingston Pike  
P.O. Box 19810  
Knoxville, Tennessee 37919

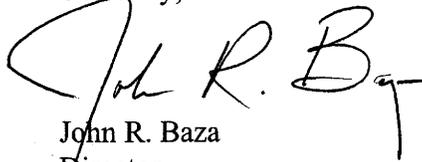
Subject: Release of Surety Bond #400SA1919 – St. Paul Fire and Marine Insurance Company, Skyline Mine, C/007/0005, Canyon Fuel Company, LLC, Outgoing File

Dear Ms. Wheeler:

Enclosed please find original bond #400SA1919 issued by St. Paul Fire and Marine Insurance Company in the amount of \$5,137,000. Bond #SUR0000311 issued by Rockwood Casualty Insurance Company in the amount of \$5,137,000 has been accepted as the replacement bond to guarantee reclamation at the Skyline Mine, effective February 4, 2009.

If you have any questions, please call Angela Nance at (801) 538-5264.

Sincerely,

  
John R. Baza  
Director

an

Enclosure

cc: Wess Sorensen, CFC  
Gregg Galecki, CFC  
Kathy L. Britten, Arch Coal, Inc.  
Price Field Office

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U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

7004 2510 0004 1824 9627

Postage	\$	Postmark Here  <b>0004</b> <i>9/007/0005</i>
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	
Sent To <i>Dwight</i> <i>Carolyn Wheeler</i>		
Street, Apt. No., or PO Box No. <i>9129 Cross Park Dr, Ste 101</i>		
City, State, ZIP+4 <i>Knoxville TN 37923</i>		

PS Form 3800, June 2002

See Reverse for Instructions



July 25, 2006

**Via UPS Next Day**

Ms. Pam Grubaugh-Littig  
Utah Department of Natural Resources  
Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
Salt Lake City, UT 84114-5801

*Fireproof*  
*1/007/0005*

Re: Bond #400SA1919

Dear Pam:

Enclosed is a rider to the above captioned bond increasing the bond amount from \$5,076,000 to \$5,137,000. Also enclosed is the Affidavit of Qualification Surety Company.

If you have any questions, please give me a call.

Sincerely,

*Stacy Carr*  
Stacy Carr  
Risk Management Department

Enclosures

cc: Greg Galecki, CFC Skyline

RECEIVED  
JUL 27 2006  
DIV. OF OIL, GAS & MINING

SURETY RIDER

To be attached to and form a part of

Bond No. **400SA1919**

Type of  
Bond: Reclamation Bond

dated  
effective 05/18/2000  
(MONTH-DAY-YEAR)

executed by Canyon Fuel Company, LLC ,as Principal,  
(PRINCIPAL)

and by St. Paul Fire and Marine Insurance Company ,as Surety,

in favor of State of Utah, Division of Oil, Gas and Mining and the U.S. Department of Interior, Office of Surface Mining  
(OBLIGEE) Reclamation and Enforcement

in consideration of the mutual agreements herein contained the Principal and the Surety hereby consent to changing

Increase bond amount from \$5,076,000.00 to \$5,137,000.00.

Nothing herein contained shall vary, alter or extend any provision or condition of this bond except as herein expressly stated.

This rider  
is effective 07/19/2006  
(MONTH-DAY-YEAR)

Signed and Sealed 07/19/2006  
(MONTH-DAY-YEAR)

Canyon Fuel Company, LLC  
(PRINCIPAL)

By: James E. Florczak  
(PRINCIPAL) James E. Florczak, Vice President and Treasurer

St. Paul Fire and Marine Insurance Company

(SURETY)

By: Carolyn E. Wheeler  
(ATTORNEY-IN-FACT) Carolyn E. Wheeler

REPLACES LIBERTY MUTUAL INSURANCE COMPANY BOND NO.14-000-068-0004-UT

Exhibit "B" - **BONDING AGREEMENT**  
**SURETY BOND**

Permit Number: ACT/007/005

**SURETY BOND**  
**(FEDERAL COAL)**

--ooOOoo--

**THIS SURETY BOND** entered into and by and between the undersigned **PERMITTEE**, and **SURETY COMPANY**, hereby jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns unto the State of Utah, Division of Oil, Gas and Mining (**DIVISION**), and the U.S. Department of Interior, Office of Surface Mining Reclamation and Enforcement (**OSM**) in the penal sum of (\$5,076,000.00) (Surety Bond Amount) for the timely performance of reclamation responsibilities of the surface disturbance described in Exhibit "A" of this Reclamation Agreement.

This **SURETY BOND** shall remain in effect until all of the **PERMITTEE's** reclamation obligation have been met and released by the **DIVISION** and is conditioned upon faithful performance of all of the requirements of the Act, the applicable rules and regulations, SMCRA, the approved permit and the **DIVISION**.

The **SURETY** will not cancel this bond at any time for any reason, including non-payment of premium or bankruptcy of the Principal during the period of liability.

The **SURETY** and their successors and assigns, agree to guarantee the obligation and to indemnify, defend, and hold harmless the **DIVISION** and **OSM** from any and all expenses which the **DIVISION** and **OSM** may sustain as a result of the **PERMITTEE's** failure to comply with the condition(s) of the reclamation obligation.

The **SURETY** will give prompt notice to the **PERMITTEE** and to the **DIVISION** and **OSM** of any notice received or action alleging to insolvency or bankruptcy of the **SURETY**, or alleging any violations or regulatory requirements which could result in suspension or revocation of the **SURETY's** license.

Terms for release or adjustment of this **BOND** are as written and agreed to by the **DIVISION** and the **PERMITTEE** in the **RECLAMATION AGREEMENT** incorporated by reference herein, to which this **SURETY AGREEMENT** has been attached as Exhibit "B".

Exhibit "B" - BONDING AGREEMENT  
SURETY BOND

IN WITNESS WHEREOF, the PERMITTEE has hereunto set its signature and seal  
this 8 day of June, ~~19~~ 2000

CANYON FUEL COMPANY, LLC  
**PERMITTEE**

By: *[Signature]*  
Title: President

IN WITNESS WHEREOF, the SURETY has hereto set its signature and seal this  
18TH day of MAY, ~~19~~ 2000

ST. PAUL FIRE AND MARINE INSURANCE COMPANY  
**SURETY**

By: *[Signature]*  
JANICE H. FENNELL  
Title: ATTORNEY-IN-FACT

ACCEPTED BY THE STATE OF UTAH:

*[Signature]* 5/9/01  
Director - Division of Oil, Gas and Mining

**NOTE:** An Affidavit of Qualification must be completed and attached to this form for each authorized agent or officer. Where one signs by virtue of Power of Attorney for a company, such Power of Attorney must be filed with this Agreement. If the PERMITTEE is a corporation, the Agreement shall be executed by its duly authorized officer.

AFFIDAVIT OF QUALIFICATION  
SURETY COMPANY

BOND NO. 400SA1919

--ooOOoo--

I, JANICE H. FENNELL, being first duly sworn under oath, deposes and says that he/she is the (officer or agent) ATTORNEY-IN-FACT of ST. PAUL FIRE AND MARINE INSURANCE COMPANY; and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said **SURETY COMPANY** is authorized to execute the same and has complied in all respects with the laws of Utah in reference to becoming sole surety upon bonds, undertakings and obligations herein.

(Signed) Janice H. Fennell  
Surety Company Officer - Position  
JANICE H. FENNELL, ATTORNEY-IN-FACT

Subscribed and sworn to before me this 18TH day of MAY, ~~19~~2000.

Heather H. King  
Notary Public  
HEATHER H. KING

My Commission Expires:

MAY 28, ~~19~~2003.

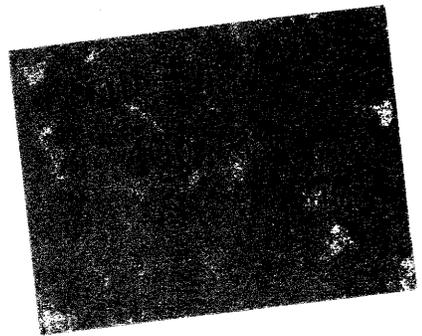
~~XXXXX~~ WITNESS:

Loretta Jones  
LORETTA JONES

STATE OF TENNESSEE )  
COUNTY OF KNOX ) ss:

**AFFIDAVIT OF QUALIFICATION  
DIRECTOR**

--ooOoo--



Lowell P. Braxton, being first duly sworn under oath, deposes and says that he is the Director of the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah; and that he is duly authorized to execute and deliver the foregoing obligations; and that said DIRECTOR is authorized to execute the same by authority of law on behalf of the State of Utah.

(Signed) Lowell P. Braxton  
Lowell P. Braxton, Director  
Division of Oil, Gas and Mining

Subscribed and sworn to before me this 9<sup>th</sup> day of May, 2001.

Victoria A. Bailey  
Notary Public

My Commission Expires:

February 29, 2004.

Attest:

STATE OF Utah )

COUNTY OF Salt Lake )

) SS:  
)



Exhibit "A" - **PERMIT AREA**

Permit Number: ACT/007/005

Effective Date: April 10, 2001

**PERMIT AREA**

In accordance with the RECLAMATION AGREEMENT, the PERMITEE intends to conduct coal mining and reclamation activities on or within the PERMIT AREA as described hereunder: (~~The bonded area equals the disturbed area.~~ *page 5/7/01*)

Total acres within the approved PERMIT AREA: 7,037

Total acres of proposed DISTURBED AREAS within Permit Area: 74.31

Legal Description of Permit Area:

Township 13 South, Range 6 East, SLBM

All or portions of Sections 10, 11, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36.

Township 13 South, Range 7 East, SLBM

All or portions of Sections 4, 5, 17, 18, and 19.

Township 14 South, Range 6 East, SLBM

All or portions of Sectins2 and 3.

As described more precisely in the Skyline Mining and Reclamation Permit on file with the Division of Oil, Gas, and Mining.

This is the **PERMIT AREA** covered by the reclamation surety provided in Exhibit B.

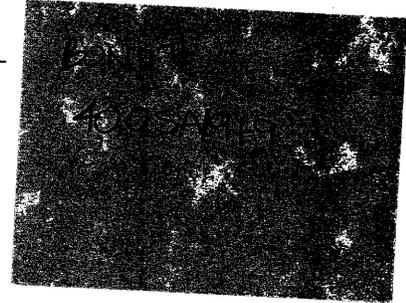
**IN WITNESS WHEREOF** the **SURETY** has hereunto set its signature and seal this

10th day of April, 2001

St. Paul Fire and Marine Insurance Company

By: *Tina Marie Foster*  
**SURETY**

Title: Tina Marie Foster, Attorney-in-Fact



**AFFIDAVIT OF QUALIFICATION  
PERMITTEE  
--ooOOoo--**



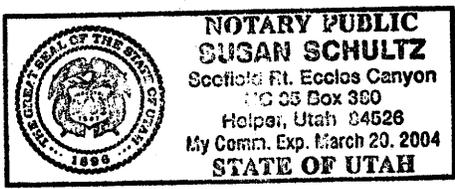
I, Susan Schultz, being first duly sworn under oath, deposes and says that he/she is the (officer or agent) Officer of Canyon Fuel Co.; and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said **PERMITTEE** is authorized to execute the same and has complied in all respects with the laws of Utah in reference to commitments, undertakings and obligations herein.

(Signed) [Signature] / President  
Name - Position

Subscribed and sworn to before me this 8 day of June, 192000

[Signature]  
Notary Public

My Commission Expires:  
March 20, 2004



Attest:

STATE OF UT )  
COUNTY OF Carbon ) ss:

Seaboard Surety Company
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company

United States Fidelity and Guaranty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.

Power of Attorney No. 22276

Certificate No. 619072

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, and that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, and that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, and that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Frank A. Word, Jr., Tina Marie Foster, Heather Howard King, Fred W. Smith, III, Harold W. Cunningham, Jr., Debra Elaine Clark, Samuel Franklin Robinson and Donald Bruce Wake

Knoxville Tennessee

of the City of \_\_\_\_\_, State \_\_\_\_\_, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety to, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and sealed this 20th day of November, 2000

Seaboard Surety Company
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company

United States Fidelity and Guaranty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.



State of Maryland
City of Baltimore

John F. Phinney (signature)
JOHN F. PHINNEY, Vice President
Thomas E. Huijbregtse (signature)
THOMAS E. HUIJBREGTSE, Assistant Secretary

On this 20th day of November, 2000, before me, the undersigned officer, personally appeared John F. Phinney and Thomas E. Huijbregtse, who acknowledged themselves to be the Vice President and Assistant Secretary, respectively, of Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, United States Fidelity and Guaranty Company, Fidelity and Guaranty Insurance Company, and Fidelity and Guaranty Insurance Underwriters, Inc.; and that the seals affixed to the foregoing instrument are the corporate seals of said Companies; and that they, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the names of the corporations by themselves as duly authorized officers.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 13th day of July, 2002.



Rebecca Easley-Onokala (signature)
REBECCA EASLEY-ONOKALA, Notary Public

**The St Paul**

**POWER OF ATTORNEY**

Seaboard Surety Company  
St. Paul Fire and Marine Insurance Company  
St. Paul Guardian Insurance Company  
St. Paul Mercury Insurance Company

United States Fidelity and Guaranty Company  
Fidelity and Guaranty Insurance Company  
Fidelity and Guaranty Insurance Underwriters, Inc.

Power of Attorney No. **20252**

Certificate No. **383509**

**KNOW ALL MEN BY THESE PRESENTS:** That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, and that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, and that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, and that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (*herein collectively called the "Companies"*), and that the Companies do hereby make, constitute and appoint

**Richard G. Anderson, Richard C. Rose, Janice H. Fennell, Frank A. Word, Jr. and Tracy Tucker**

**Knoxville Tennessee**

of the City of \_\_\_\_\_, State of \_\_\_\_\_, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety to, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and sealed this 1st day of December 1999

Seaboard Surety Company  
St. Paul Fire and Marine Insurance Company  
St. Paul Guardian Insurance Company  
St. Paul Mercury Insurance Company

United States Fidelity and Guaranty Company  
Fidelity and Guaranty Insurance Company  
Fidelity and Guaranty Insurance Underwriters, Inc.



*John F. Phinney*  
JOHN F. PHINNEY, Vice President

*Michael R. McKibben*  
MICHAEL R. MCKIBBEN, Assistant Secretary

State of Maryland  
City of Baltimore

On this 1st day of December 1999, before me, the undersigned officer, personally appeared John F. Phinney and Michael R. McKibben, who acknowledged themselves to be the Vice President and Assistant Secretary, respectively, of Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, United States Fidelity and Guaranty Company, Fidelity and Guaranty Insurance Company, and Fidelity and Guaranty Insurance Underwriters, Inc.; and that the seals affixed to the foregoing instrument are the corporate seals of said Companies; and that they, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the names of the corporations by themselves as duly authorized officers.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the 13th day of July, 2002.



*Rebecca Easley-Onokala*  
REBECCA EASLEY-ONOKALA, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, United States Fidelity and Guaranty Company, Fidelity and Guaranty Insurance Company, and Fidelity and Guaranty Insurance Underwriters, Inc. on September 2, 1998, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that in connection with the fidelity and surety insurance business of the Company, all bonds, undertakings, contracts and other instruments relating to said business may be signed, executed, and acknowledged by persons or entities appointed as Attorney(s)-in-Fact pursuant to a Power of Attorney issued in accordance with these resolutions. Said Power(s) of Attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman, or the President, or any Vice President, or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the foregoing officers and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Attorney(s)-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and subject to any limitations set forth therein, any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company, and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is validly attached; and

**RESOLVED FURTHER**, that Attorney(s)-in-Fact shall have the power and authority, and, in any case, subject to the terms and limitations of the Power of Attorney issued them, to execute and deliver on behalf of the Company and to attach the seal of the Company to any and all bonds and undertakings, and other writings obligatory in the nature thereof, and any such instrument executed by such Attorney(s)-in-Fact shall be as binding upon the Company as if signed by an Executive Officer and sealed and attested to by the Secretary of the Company.

I, Michael R. McKibben, Assistant Secretary of Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, United States Fidelity and Guaranty Company, Fidelity and Guaranty Insurance Company, and Fidelity and Guaranty Insurance Underwriters, Inc. do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I hereunto set my hand this 18TH day of MAY, 2000.



*Michael R. McKibben*  
Michael R. McKibben, Assistant Secretary

To verify the authenticity of this Power of Attorney, call 1-800-421-3830 and ask for the Power of Attorney clerk. Please refer to the Power of Attorney number, the above-named individuals and the details of the bond to which the power is attached.

THIS POWER OF ATTORNEY IS VALID WITHOUT THE NEED OF A BORDER

**AFFIDAVIT OF QUALIFICATION  
SURETY COMPANY**

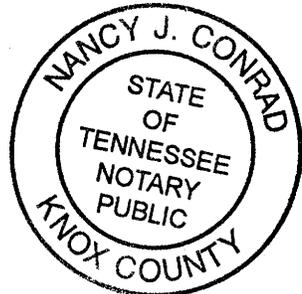
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I, Carolyn E. Wheeler, being first duly sworn under oath, deposes and says that he/she is the (officer or agent) ATTORNEY-IN-FACT of ST. PAUL FIRE AND MARINE INSURANCE COMPANY; and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said **SURETY COMPANY** is authorized to execute the same and has complied in all respects with the laws of Utah in reference to becoming sole surety upon bonds, undertakings and obligations herein.

(Signed) Carolyn E. Wheeler  
Surety Company Officer - Position  
Carolyn E. Wheeler, Attorney-In-Fact

Subscribed and sworn to before me this 19th day of July, ~~19~~2006.

Nancy J. Conrad  
Notary Public  
Nancy J. Conrad



My Commission Expires:

November 8, ~~19~~2008.

~~WITNESS:~~ Kellie Turner  
Kellie Turner

STATE OF TENNESSEE )  
COUNTY OF KNOX ) ss:



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 215311

Certificate No. 000436850

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Debra Elaine Clark, Joseph R. Poplawski, Joy M. Williams, Elizabeth A. Hartzberg, and Carolyn E. Wheeler

of the City of Knoxville, State of Tennessee, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 31st day of March, 2006

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: [Signature]
George W. Thompson, Senior Vice President

On this the 31st day of March, 2006, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal. My Commission expires the 30th day of June, 2006.



[Signature]
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 19th day of July, 2006.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

*Kori M. Johanson*  
Kori M. Johanson, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at [www.stpaultravelersbond.com](http://www.stpaultravelersbond.com). Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.



March 20, 2003

Ms. Pam Grubaugh-Littig  
 Utah Department of Natural Resources  
 Division of Oil, Gas and Mining  
 1594 West North Temple, Suite 1210  
 Salt Lake City, UT 84114-5801

Re: Powers of Attorney

Dear Pam:

With respect to the (5) five powers of attorney that have mysteriously disappeared, I am enclosing copies of each with the words "Certified Copy" typed at the top of each page and the 2<sup>nd</sup> page each sealed with the St. Paul Fire and Marine Insurance Company seal. To avoid any confusion, the following Powers should be attached to the following bonds:

- Power of Attorney Certificate No. 383505 goes with Bond #400SA1915 - *c/041/002*
- Power of Attorney Certificate No. 383506 goes with Bond #400SA1916 - *c/007/034*
- Power of Attorney Certificate No. 383507 goes with Bond #400SA1917 - *c/007/039*
- Power of Attorney Certificate No. 383508 goes with Bond #400SA1918 - *c/007/018*
- Power of Attorney Certificate No. 383509 goes with Bond #400SA1919 - *c/007/005*

I trust you will find the enclosures to be in order.

Sincerely,

*Stacy Carr*  
 Stacy Carr  
 Risk Management Department

Enclosures

cc: Chris Hansen, CFC-Skyline

RECEIVED

MAR 24 2003

DIV. OF OIL, GAS & MINING

*Orig. Fireproof file ✓*  
*Copy from Insurance*  
*c/007/005*  
*c/007/018*  
*c/007/039*  
*c/007/034*  
*c/007/041/002*

The St Paul

POWER OF ATTORNEY

Seaboard Surety Company
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company

United States Fidelity and Guaranty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.

Power of Attorney No. 20252

Certificate No. 383509

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, and that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, and that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, and that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Richard G. Anderson, Richard C. Rose, Janice H. Fennell, Frank A. Word, Jr. and Tracy Tucker

Knoxville Tennessee

of the City of \_\_\_\_\_, State \_\_\_\_\_, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety to, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and sealed this 1st day of December 1999

Seaboard Surety Company
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
United States Fidelity and Guaranty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.



John F. Phinney
JOHN F. PHINNEY, Vice President

Michael R. McKibben
MICHAEL R. MCKIBBEN, Assistant Secretary

State of Maryland
City of Baltimore

On this 1st day of December 1999, before me, the undersigned officer, personally appeared John F. Phinney and Michael R. McKibben, who acknowledged themselves to be the Vice President and Assistant Secretary, respectively, of Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, United States Fidelity and Guaranty Company, Fidelity and Guaranty Insurance Company, and Fidelity and Guaranty Insurance Underwriters, Inc.; and that the seals affixed to the foregoing instrument are the corporate seals of said Companies; and that they, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the names of the corporations by themselves as duly authorized officers.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 13th day of July, 2002.



Rebecca Easley-Onokala
REBECCA EASLEY-ONOKALA, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, United States Fidelity and Guaranty Company, Fidelity and Guaranty Insurance Company, and Fidelity and Guaranty Insurance Underwriters, Inc. on September 2, 1998, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that in connection with the fidelity and surety insurance business of the Company, all bonds, undertakings, contracts and other instruments relating to said business may be signed, executed, and acknowledged by persons or entities appointed as Attorney(s)-in-Fact pursuant to a Power of Attorney issued in accordance with these resolutions. Said Power(s) of Attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman, or the President, or any Vice President, or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the foregoing officers and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Attorney(s)-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and subject to any limitations set forth therein, any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company, and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is validly attached; and

RESOLVED FURTHER, that Attorney(s)-in-Fact shall have the power and authority, and, in any case, subject to the terms and limitations of the Power of Attorney issued them, to execute and deliver on behalf of the Company and to attach the seal of the Company to any and all bonds and undertakings, and other writings obligatory in the nature thereof, and any such instrument executed by such Attorney(s)-in-Fact shall be as binding upon the Company as if signed by an Executive Officer and sealed and attested to by the Secretary of the Company.

I, Michael R. McKibben, Assistant Secretary of Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, United States Fidelity and Guaranty Company, Fidelity and Guaranty Insurance Company, and Fidelity and Guaranty Insurance Underwriters, Inc. do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I hereunto set my hand this 18TH day of MAY, 2000



Michael R. McKibben

Michael R. McKibben, Assistant Secretary

To verify the authenticity of this Power of Attorney, call 1-800-421-3880 and ask for the Power of Attorney clerk. Please refer to the Power of Attorney number, the above-named individuals and the details of the bond to which the power is attached.

THIS POWER OF ATTORNEY IS VALID WITHOUT THE RED BORDER

ok



Canyon Fuel Company, LLC  
Skyline Mines  
HC 35 Box 380  
Helper, Utah 84526  
(435) 448-6463 Fax: (435) 448-2632

*Original Affidavits  
with Bonds  
in fireproof file  
incoming  
✓ Orig e/007/005  
Copy e/007/018  
" e/007/034  
" e/007/002  
~~" e/007/016~~  
" e/007/039*

March 4, 2002

Coal Regulatory Program  
Attn.: Pam Grubaugh-Littig  
Division of Oil, Gas and Mining  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801

RE: Affidavit of Qualification for Canyon Fuel Company, LLC Operations

Dear Ms. Grubaugh-Littig:

I am enclosing five signed and notarized original Affidavit of Qualifications for the Canyon Fuel Company permits. The five should be enough for Sufco, Skyline, Soldier Canyon, and Dugout Canyon Mines as well as the Banning Loadout. If you have any questions regarding these affidavits, please let me know.

Sincerely:

Chris D. Hansen  
Environmental Coordinator  
Canyon Fuel Company, LLC.

attachments

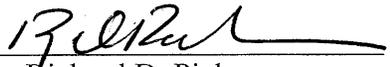
RECEIVED

MAR 07 2002

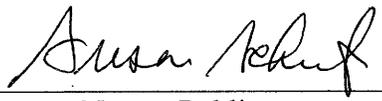
DIVISION OF  
OIL, GAS AND MINING

**AFFIDAVIT OF QUALIFICATION  
PERMITTEE  
--ooOOoo--**

Richard D. Pick, being first duly sworn under oath, deposes and says that he is the President and CEO of Canyon Fuel Company, LLC; and that he is duly authorized to execute and deliver the foregoing obligations; and that said **PERMITTEE** is authorized to execute the same and has complied in all respects with the laws of Utah in reference to commitments, undertakings and obligations herein.

(Signed)   
Richard D. Pick  
President and CEO  
Canyon Fuel Company, LLC

Subscribed and sworn to before me this 28 day of Feb, 2002.

  
Notary Public

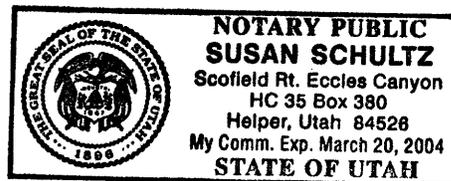
My Commission Expires:

3-20, 2004.

Attest:

State of UT  
County of Carbon

SS:



Note: This Affidavit of Qualification replaces one signed and notarized on June 8, 2000. The earlier copy contained a mistake regarding the correct name of the authorized agent for Canyon Fuel Company, LLC.