

GENERAL INFORMATION

1. Permit Number	ACT/ 007/011
2. Mine Name	Hiawatha Complex
3. Permittee Name	Hiawatha Coal Company
4. Operator Name (if other than Permittee)	
5. Permit Expiration Date	3/14/02
6. Permit Number	
7. Company Representative, Title	Elliot Finley, Pres.
8. Phone Number	(435) 637-1778
9. Fax Number	(435) 637-1378
10. E-mail Address	
11. Mailing Address	P.O. Box 1202
	Huntington , Utah 84528
12. Resident Agent, Title	Elliot Finley, Pres.
13. Mailing Address	P.O. Box 1202
	Huntington , Utah 84528
14. Number of Binders Submitted	

 Confidential Shelf Expandable

Refer to Record No. 0030 Date 03292008
 In CC070011, 2002, Du.coming
 For additional information

IDENTIFICATION OF OTHER PERMITS

Identify other permits which are required in conjunction with mining and reclamation activities.

Permit Type	ID Number	Description	Expires on
1. MSHA Mine ID(s)	42-02157	King Mines	N/A
2. MSHA Impoundment(s)	01	Slurry Impoundment No. 1	
	03	Slurry Impoundment No. 5	
3. NPDES/UPDES Permit(s) (water)	UT0023094	Minor Industrial	9/30/04
4. PSD (Air) Permit(s)	BAQE-502-89	Issued 10/29/99	
5.	04	Refuse Pile No.1	
6.			

CERTIFIED REPORTS

List the certified inspection reports as required by the rules and under the approved plan which must be periodically submitted to the Division. Specify whether the information is included as APPENDIX A to this Annual Report or currently ON FILE with the Division.

Certified Reports:	Reports Required?		INCLUDED or ON FILE w/DOGM?		Comments
	YES	NO	Included	ON FILE	
1. Excess Spoil Piles		X			
2. Refuse Piles	X		X		
3. Impoundments	X		X		
4.					
5.					

LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

Changes in administration or corporate structure can often bring about necessary changes to information found in the mining and reclamation plan. The Division is requesting that each permitted review and update the legal, financial, compliance and related information in the plan as part of the Annual Report. Provide the Department of Commerce, Annual Report of Officers, or other equivalent information as necessary to ensure that the information provided in the plan is current. Provide any other changes as necessary regarding land ownership, lease acquisitions, legal results from appeals of violations, or other changes as necessary to update information required in the mining and reclamation plan. Include any certified financial statements, audits or worksheets which may be required to meet bonding requirements. Specify whether the information is currently ON FILE with the Division or included as APPENDIX C to this Annual Report.

Legal/Financial Data:	Report Required?		INCLUDED or ON FILE w/DOGM?		Comments
	YES	NO	Included	ON FILE	
1. Department of Commerce, Annual Report of Officers	x		x		
2. Other					

MINE MAPS

Copies of mine maps, current and up-to-date through at least December 31, 1998, are to be provided to the Division as APPENDIX D to this Annual Report in accordance with the requirements of R645-301-525.270. These map copies shall be made in accordance with 30 CFR 75.1200, as required by MSHA. Upon request, mine maps shall be kept confidential by the Division.

Map Number(s)	Map Title / Description	Confidential?

APPENDIX A

Certified Reports

Excess Spoil Piles
Refuse Piles
Impoundments
as required
under R645-301-514

Contents

Slurry Impoundments and Refuse Piles report.
Sediment Pond Annual Inspections

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		N/A	Page 1 of 2
Permit Number	ACT\007\011	Report Date	12/28/01
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	Impoundment Name	Slurry Impoundment No. 1	
	Impoundment Number	N/A	
	UPDES Permit Number	N/A	
	MSHA ID Number	1211-UT-09-02157-01	
IMPOUNDMENT INSPECTION			
Inspection Date	12/28/01		
Inspected By	Charles Reynolds		
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual		
<p>1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.</p> <p>12,454 tons of coal fines were recovered from the pond in 2001. All of these fines were sold during 2001.</p>			
Required for an impoundment which functions as a SEDIMENTATION POND.	<p>2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.</p> <p>The surface elevation of the unrecovered coal fines in the pond varies significantly, ranging from 7156 to 7171. The embankment top remains at elevation 7175.</p>		
	<p>3. Principle and emergency spillway elevations.</p> <p>N/A</p>		
<p>4. Field Information. Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout; pond decanting, embankment erosion/repairs, monitoring information, vegetation on out slopes of embankments, etc.</p> <p>The pond is currently inactive, with minimal water, but controls runoff from portions of the disturbed area. Ponds fines are currently being recovered from the impoundment.</p>			
<p>5. Field Evaluation. Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.</p> <p>Coal fine sale and removal is expected to continue in 2002.</p>			
Qualification Statement	<p>I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearance of instability, structural weakness or other hazardous conditions of the structure affecting stability.</p> <p>Signature: <u>Charles Reynolds</u> Date: <u>12/28/01</u></p>		
CERTIFIED REPORT			

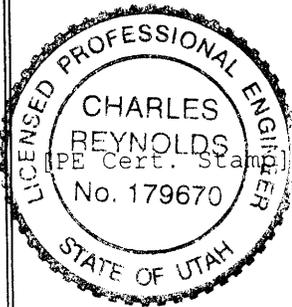
IMPOUNDMENT EVALUATION (If NO, explain under Comments)

- | | YES | NO |
|--|-----|----|
| 1. Is impoundment designed and constructed in accordance with the approved plan? | X | |
| 2. Is impoundment free of instability, structural weakness, or any other hazardous condition? | X | |
| 3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection? | X | |

COMMENTS AND OTHER INFORMATION

Certification Statement:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.



By: Charles Reynolds, Mining Engineer
 (Full Name and Title)

Signature: Charles Reynolds Date: 12/28/01

P.E. Number & State: 179670, Utah

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		N/A	Page 1 of 2
Permit Number	ACT\007\011	Report Date	12/28/01
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	Impoundment Name	Slurry Impoundment No. 5	
	Impoundment Number	N/A	
	UPDES Permit Number	N/A	
	MSHA ID Number	1211-UT-09-02157-03	
IMPOUNDMENT INSPECTION			
Inspection Date	12/28/01		
Inspected By	Charles Reynolds		
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual/Quarterly		
<p>1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.</p> <p>Topsoiling of the outslopes of the main cell was completed in July, 2001. No slurry was added to or removed from the North Cell during 2000. No structural changes have been made to the outside embankment.</p>			
Required for an impoundment which functions as a SEDIMENTATION POND.	<p>2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.</p> <p>The current elevation of the slurry sediment is 7,055.</p>		
	<p>3. Principle and emergency spillway elevations.</p> <p>N/A</p>		
<p>4. Field Information. Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanup, pond dewatering, embankment erosion/repairs, monitoring information, vegetation on outslopes or embankments, etc.</p> <p>N/A</p>			
<p>5. Field Evaluation. Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.</p> <p>The top of the outside embankment remains at elevation 7,068. The coal fines remain at elevation 7,055. There are no signs of instability and no fires have occurred.</p>			
Qualification Statement	<p>I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment is being maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearance of instability, structural weakness or other hazardous conditions of the structure affecting stability.</p> <p>Signature: <u>Charles Reynolds</u> Date: <u>12/28/01</u></p>		

CERTIFIED REPORT

IMPOUNDMENT EVALUATION (If NO, explain under Comments)

YES

NO

1. Is impoundment designed and constructed in accordance with the approved plan?

X

2. Is impoundment free of instability, structural weakness, or any other hazardous condition?

X

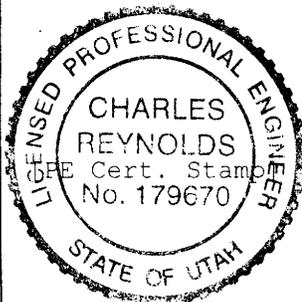
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?

X

COMMENTS AND OTHER INFORMATION

Certification Statement:

I hereby certify that; I am experienced in the construction of impoundments, I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved design for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.



By: Charles Reynolds, Mining Engineer
(Full Name and Title)

Signature: Charles Reynolds Date: 12/28/01

P.E. Number & State: 179670, Utah

INSPECTION AND CERTIFIED REPORT ON EXCESS SPOIL PILE OR REFUSE PILE		1	Page 1 of 2
Permit Number	ACT/007/011	Report Date	12/28/01
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Excess Spoil Pile or Refuse Pile Identification	Pile Name	Refuse Pile No. 1	
	Pile Number	1	
	MSHA ID Number	1211-UT-09-02157-04	
Inspection Date	12/28/01		
Inspected By	Charles Reynolds, Nate Finley		
Reason for Inspection <small>(Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)</small>		Annual	
		Attachments to Report? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	
Field Evaluation			
1. Foundation preparation, including the removal of all organic material and topsoil. Pile remains inactive.			
2. Placement of underdrains and protective filter systems. N/A			
3. Installation of final surface drainage systems. N/A			
4. Placement and compaction of fill materials. No material has been added to the pile.			

5. Final grading and revegetation of fill.

N/A

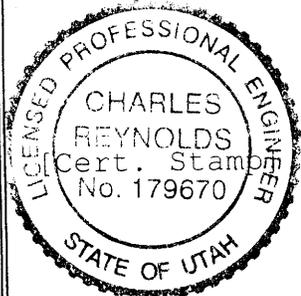
6. Appearances of instability, structural weakness, and other hazardous conditions.

No signs of embankment instability were observed. No fires have occurred.

7. Other Comments. Describe any changes in the geometry of the Excess Spoil/Refuse Pile structure, instrumentation, average and maximum lifts of materials placed in the pile, elevations of active benches, total and remaining storage capacity of the structure, evidence of fires in the pile and abatement of such fires, volumes of materials placed in the structure during the year, and any other aspect of the structure affecting its stability or function which has occurred during the reporting period.

No changes have been made to the configuration of the pile.

Certification Statement



I hereby certify that; I am experienced in the construction of earth and rock fills; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of earth and rock fills in accordance with the certified and approved designs for this structure; that the fill structure has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.

By: Charles Reynolds, Mining Engineer
(Full Name and Title)

Signature: Charles Reynolds Date: 12/28/01

P.E. Number & State: 179670, Utah

Permit Number	ACT\007\011	Report Date	12/28/01
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	Impoundment Name	Upper Rail Yard	
	Impoundment Number	D003	
	UPDES Permit Number	UT-0023094	
	MSHA ID Number	N/A	

IMPOUNDMENT INSPECTION

Inspection Date	12/28/01		
Inspected By	Charles Reynolds/Nate Finley		
Reason for Inspection <small>(Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)</small>	Annual/Quarterly		

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.
 The pond banks showed no signs of instability or hazardous conditions.

Required for an impoundment which functions as a SEDIMENTATION POND.	2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment. Sediment storage capacity = 0.60 ac-ft 60% cleanout elevation = 7,211.5 100% sediment storage elevation = 7,212.7 Existing sediment elevation = 7,212.3 (Average)
	3. Principle and emergency spillway elevations. Principle spillway elevation = 7,214.5 Emergency spillway elevation = 7,211.7

4. **Field Information.** Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on out slopes of embankments, etc.
 The pond is covered with 8 inches snow. The inlet and outlets appear in good condition. No discharges were reported during 2001.

5. **Field Evaluation.** Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.
 The existing sediment volume is 0.46 ac-ft. The existing storage capacity is 1.97 ac-ft, which is greater than the 0.76 ac-ft required.

Qualification Statement	I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.
	Signature: <u>Charles Reynolds</u> Date: <u>12/28/01</u>

CERTIFIED REPORT

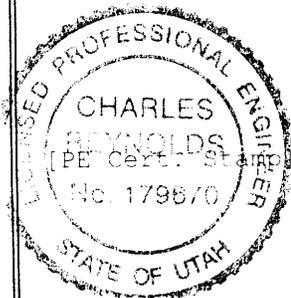
IMPOUNDMENT EVALUATION (If NO, explain under Comments)	YES	NO
1. Is impoundment designed and constructed in accordance with the approved plan?	X	
2. Is impoundment free of instability, structural weakness, or any other hazardous condition?	X	
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?	X	

COMMENTS AND OTHER INFORMATION

The sediment level increase was minimal during the year 2001. The pond is approaching the 100% level and will be cleaned out as soon as weather permits.

Certification Statement:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.



By: Charles Reynolds, Mining Engineer
 (Full Name and Title)

Signature: Charles Reynolds Date: 12/28/01

P.E. Number & State: 179670, Utah

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		D004	Page 1 of 2
Permit Number	ACT\007\011	Report Date	12/28/01
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	Impoundment Name	Sed. Pond N. of Slurry pond #1	
	Impoundment Number	D004	
	UPDES Permit Number	UT-0023094	
	MSHA ID Number	N/A	
IMPOUNDMENT INSPECTION			
Inspection Date	12/28/01		
Inspected By	Charles Reynolds. Nate Finley		
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual		
<p>1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.</p> <p>The pond banks showed no signs of instability or hazardous conditions.</p>			
Required for an impoundment which functions as a SEDIMENTATION POND.	<p>2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.</p> <p>Sediment storage capacity = 0.48 ac-ft 60% cleanout elevation = 7,087.8 100% sediment storage elevation = 7,089.1 Existing sediment elevation = 7,085.0</p>		
	<p>3. Principle and emergency spillway elevations.</p> <p>Principle spillway elevation = 7,089.3 Emergency spillway elevation = 7,093.5</p>		
<p>4. Field Information. Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on outslopes of embankments, etc.</p> <p>The pond contains approx 8 inches snow. The inlet and outlets appear in good condition. No discharges were reported during 2001. Pond slopes are well vegetated.</p>			
<p>5. Field Evaluation. Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.</p> <p>The existing sediment volume is 0.02 ac-ft. The existing storage capacity is 1.52 ac-ft, which is greater than the 0.54 ac-ft required.</p>			
Qualification Statement	<p>I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.</p>		
	Signature: <u>Charles Reynolds</u>		Date: <u>12/28/01</u>

CERTIFIED REPORT

IMPOUNDMENT EVALUATION (If NO, explain under Comments)

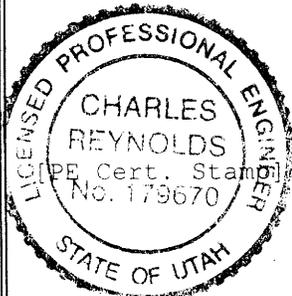
	YES	NO
1. Is impoundment designed and constructed in accordance with the approved plan?	X	
2. Is impoundment free of instability, structural weakness, or any other hazardous condition?	X	
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?	X	

COMMENTS AND OTHER INFORMATION

The pond appears to be functioning normally and has adequate storage.

Certification Statement:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.



By: Charles Reynolds, Mining Engineer
 (Full Name and Title)

Signature: Charles Reynolds Date: 12/2/01

P.E. Number & State: 179670, Utah

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		D006	Page 1 of 2
Permit Number	ACT\007\011	Report Date	12/28/01
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	Impoundment Name	Sed. Pond NE. of Slurry pond #5	
	Impoundment Number	D006	
	UPDES Permit Number	UT-0023094	
	MSHA ID Number	N/A	
IMPOUNDMENT INSPECTION			
Inspection Date	12/28/01		
Inspected By	Charles Reynolds/Nate Finley		
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual/Quarterly		
<p>1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.</p> <p>The pond's bank showed no signs of instability or hazardous conditions.</p>			
Required for an impoundment which functions as a SEDIMENTATION POND.	<p>2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.</p> <p>Sediment storage capacity = 1.21 ac-ft 60% cleanout elevation = 6,990.0 100% sediment storage elevation = 6,991.1 Existing sediment elevation = 6,988.8</p>		
	<p>3. Principle and emergency spillway elevations.</p> <p>Principle spillway elevation = 6,993.1 Emergency spillway elevation = 6,994.5</p>		
<p>4. Field Information. Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on outslopes of embankments, etc.</p> <p>The pond is covered with 8 inches of snow. The inlet and outlets appear in good condition. No discharges were reported during 2001.</p>			
<p>5. Field Evaluation. Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.</p> <p>The existing sediment volume is 0.36 ac-ft. The existing storage capacity is 2.96 ac-ft, which is greater than the 1.32 ac-ft required.</p>			
Qualification Statement	<p>I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.</p> <p>Signature: <u>Charles Reynolds</u> Date: <u>12/28/01</u></p>		

CERTIFIED REPORT

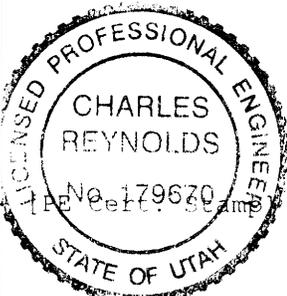
IMPOUNDMENT EVALUATION (If NO, explain under Comments)	YES	NO
1. Is impoundment designed and constructed in accordance with the approved plan?	X	
2. Is impoundment free of instability, structural weakness, or any other hazardous condition?	X	
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?	X	

COMMENTS AND OTHER INFORMATION

The sediment level increase was minimal during the year 2001. The pond is approaching the 60% level and should be evaluated following the 2002 spring runoff to determine the need for cleaning.

Certification Statement:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.



By: Charles Reynolds, Mining Engineer
(Full Name and Title)

Signature: Charles Reynolds Date: 12/28/01

P.E. Number & State: 179670, Utah

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		D007	Page 1 of 2
Permit Number	ACT\007\011	Report Date	12/28/01
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	Impoundment Name	Sed. Pond SE. of Slurry pond #5	
	Impoundment Number	D007	
	UPDES Permit Number	UT-0023094	
	MSHA ID Number	N/A	
IMPOUNDMENT INSPECTION			
Inspection Date	12/28/01		
Inspected By	Charles Reynolds/Nate Finley		
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual/Quarterly		
<p>1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.</p> <p>The pond bank showed no signs of instability or hazardous conditions.</p>			
Required for an impoundment which functions as a SEDIMENTATION POND.	<p>2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.</p> <p>Sediment storage capacity = 0.68 ac-ft 60% cleanout elevation = 6,990.9 100% sediment storage elevation = 6,992.2 Existing sediment elevation = 6,988.3</p>		
	<p>3. Principle and emergency spillway elevations.</p> <p>Principle spillway elevation = 6,992.5 Emergency spillway elevation = 6,998.0</p>		
<p>4. Field Information. Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on out slopes of embankments, etc.</p> <p>The pond is covered in 8 inches of snow. The inlet and outlets appear in good condition. No discharges were reported during 2001.</p>			
<p>5. Field Evaluation. Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.</p> <p>The pond currently contains 0.23 sediment. The existing storage capacity is 2.34 ac-ft, which is greater than the 0.74 ac-ft required.</p>			
Qualification Statement	<p>I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.</p> <p>Signature: <u>Charles Reynolds</u> Date: <u>12/28/01</u></p>		

CERTIFIED REPORT

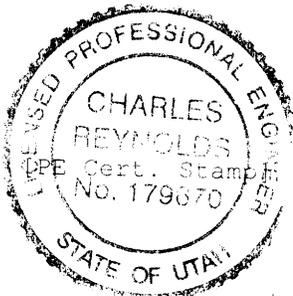
IMPOUNDMENT EVALUATION (If NO, explain under Comments)

	YES	NO
1. Is impoundment designed and constructed in accordance with the approved plan?	X	
2. Is impoundment free of instability, structural weakness, or any other hazardous condition?	X	
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?	X	

COMMENTS AND OTHER INFORMATION

The pond appears to be functioning normally and has adequate storage.

Certification Statement:



I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.

By: Charles Reynolds, Mining Engineer
 (Full Name and Title)

Signature: Charles Reynolds Date: 12/28/01

P.E. Number & State: 179670, Utah

IMPOUNDMENT INSPECTION AND CERTIFIED REPORT		D008	Page 1 of 2
Permit Number	ACT\007\011	Report Date	12/28/01
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	Impoundment Name	Middle Fork Pond	
	Impoundment Number	D008	
	UPDES Permit Number	UT-0023094	
	MSHA ID Number	N/A	
IMPOUNDMENT INSPECTION			
Inspection Date	12/28/01		
Inspected By	Charles Reynolds/Nate Finley		
Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual/Quarterly		
<p>1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.</p> <p>The pond banks showed no signs of instability or hazardous conditions.</p>			
Required for an impoundment which functions as a SEDIMENTATION POND.	<p>2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment.</p> <p>Sediment storage capacity = 0.48 ac-ft 60% cleanout elevation = 8,034.8 100% sediment storage elevation = 8,036.1 Existing sediment elevation = 8,035.9</p>		
	<p>3. Principle and emergency spillway elevations.</p> <p>Principle spillway elevation = 8,042.0 Emergency spillway elevation = 8,045.5</p>		
<p>4. Field Information. Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on out slopes of embankments, etc.</p> <p>The pond is covered with 12 inches of snow. The inlet and outlets appear in good condition. No discharges were reported during 2001.</p>			
<p>5. Field Evaluation. Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.</p> <p>The pond currently contains 0.46 ac-ft of sediment. The existing storage capacity is 3.1 ac-ft, which is greater than the 0.92 ac-ft required.</p>			
Qualification Statement	<p>I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability.</p> <p>Signature: <u>Charles Reynolds</u> Date: <u>12/28/01</u></p>		

CERTIFIED REPORT

IMPOUNDMENT EVALUATION (If NO, explain under Comments)

	YES	NO
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1. Is impoundment designed and constructed in accordance with the approved plan?	X	
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2. Is impoundment free of instability, structural weakness, or any other hazardous condition?	X	
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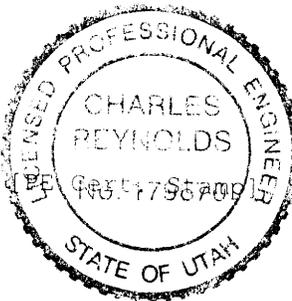
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?	X	
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COMMENTS AND OTHER INFORMATION

The pond is approaching the 100% level and will be cleaned out as soon as weather permits.

Certification Statement:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah 2665 Coal Mining Rules.



By: Charles Reynolds, Mining Engineer
 (Full Name and Title)

Signature: Charles Reynolds Date: 12/28/01

P.E. Number & State: 179670, Utah

Permit Number	ACT\007\011	Report Date	12/29/00
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	Impoundment Name	South Fork Mine Yard	
	Impoundment Number	D009	
	UPDES Permit Number	UT-0023094	
	MSHA ID Number	N/A	

IMPOUNDMENT INSPECTION

Inspection Date	12/29/00		
Inspected By	Charles Reynolds/Nate Finley		
Reason for Inspection <small>(Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)</small>	Annual/Quarterly		

1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.
The pond banks showed no signs of instability or hazardous conditions.

Required for an impoundment which functions as a SEDIMENTATION POND.	2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment. Sediment storage capacity = 0.76 ac-ft 60% cleanout elevation = 7,902.2 100% sediment storage elevation = 7,903.5 Existing sediment elevation = 7,901.7
	3. Principle and emergency spillway elevations. Principle spillway elevation = 7,903.5 Emergency spillway elevation = 7,910.6

4. **Field Information.** Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on out slopes of embankments, etc.
The pond contains 12 inches of snow. The inlet and outlets appear in good condition. No discharges were reported during 2001.

5. **Field Evaluation.** Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.
The pond currently contains 0.45 ac-ft of sediment. The existing storage capacity is 3.44 ac-ft, which is greater than the 2.99 ac-ft required.

Qualification Statement	I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability. Signature: <u>Charles Reynolds</u> Date: <u>12/28/01</u>
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IMPOUNDMENT EVALUATION (If NO, explain under Comments)

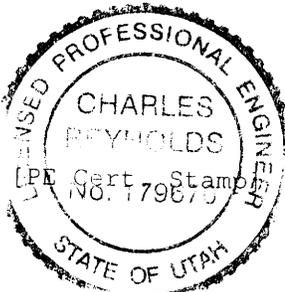
YES	NO
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1. Is impoundment designed and constructed in accordance with the approved plan? X
2. Is impoundment free of instability, structural weakness, or any other hazardous condition? X
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection? X

COMMENTS AND OTHER INFORMATION

Certification Statement:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.



By: Charles Reynolds, Mining Engineer
 (Full Name and Title)

Signature: Charles Reynolds Date: 12/28/01

P.E. Number & State: 179670, Utah

Permit Number	ACT\007\011	Report Date	12/28/01
Mine Name	Hiawatha Complex		
Company Name	Hiawatha Coal Company, Inc.		
Impoundment Identification	Impoundment Name	South Fork Truck Loading Facility	
	Impoundment Number	D011	
	UPDES Permit Number	UT-0023094	
	MSHA ID Number	N/A	

IMPOUNDMENT INSPECTION

Inspection Date	12/28/01
Inspected By	Charles Reynolds/Nate Finley

Reason for Inspection (Annual, Quarterly or Other Periodic Inspection, Critical Installation, or Completion of Construction)	Annual/Quarterly
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1. Describe any appearance of any instability, structural weakness, or any other hazardous condition.
The pond banks showed no signs of instability or hazardous conditions.

Required for an impoundment which functions as a SEDIMENTATION POND.	2. Sediment storage capacity, including elevation of 60% and 100% sediment storage volumes, and, estimated average elevation of existing sediment. Sediment storage capacity = 0.47 ac-ft 60% cleanout elevation = 7,712.3 100% sediment storage elevation = 7,714 Existing sediment elevation = 7,710.3
	3. Principle and emergency spillway elevations. Principle spillway elevation = 7,713 Emergency spillway elevation = 7,718.7

4. **Field Information.** Provide current water elevation, whether pond is discharging, type and number of samples taken, monitoring/instrumentation information, inlet/outlet conditions, or other related activities associated with the pond including but not limited to sediment cleanout, pond decanting, embankment erosion/repairs, monitoring information, vegetation on outslopes of embankments, etc.
The pond contains 15 inches of snow in the bottom. The inlet and outlets appear in good condition. No discharges were reported during 2001.

5. **Field Evaluation.** Describe any changes in the geometry of the impounding structure, average and maximum depths and elevations of impounded water, estimated sediment or slurry volume and remaining storage capacity, estimated volume of water impounded, and any other aspect of the impounding structure affecting its stability or function which has occurred during the reporting period.
The pond currently contains 0.08 ac-ft of sediment. The existing storage capacity is 0.76 ac-ft, which is greater than the 0.31 ac-ft required.

Qualification Statement	I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized under the direction of a Registered Professional Engineer to inspect the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability. Signature: <u>Charles Reynolds</u> Date: <u>12/28/01</u>
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CERTIFIED REPORT

IMPOUNDMENT EVALUATION (If NO, explain under Comments)

YES

NO

1. Is impoundment designed and constructed in accordance with the approved plan?

X

2. Is impoundment free of instability, structural weakness, or any other hazardous condition?

X

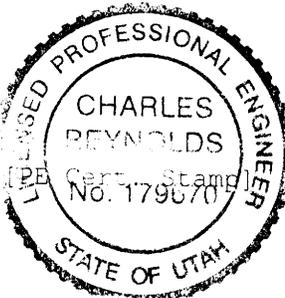
3. Has the impoundment met all applicable performance standards and effluent limitations from the previous date of inspection?

X

COMMENTS AND OTHER INFORMATION

Certification Statement:

I hereby certify that; I am experienced in the construction of impoundments; I am qualified and authorized in the State of Utah to inspect and certify the condition and appearance of impoundments in accordance with the certified and approved designs for this structure; that the impoundment has been maintained in accordance with approved design and meet or exceed the minimum design requirements under all applicable federal, state and local regulations; and, that inspections and inspection reports are made by myself or under my direction and include any appearances of instability, structural weakness or other hazardous conditions of the structure affecting stability in accordance with the Utah R645 Coal Mining Rules.



By: Charles Reynolds, Mining Engineer
(Full Name and Title)

Signature: Charles Reynolds Date: 12/28/01

P.E. Number & State: 179670, Utah

APPENDIX B

Reporting of Technical Data

including monitoring data, reports, maps, and other information
as required under the approved plan
or as required by the Division
in accordance with the requirements of R645-301-130 and R645-301-140.

Contents

Climatological Data
Subsidence Data

Rain Record 2001

Jan 11	.07"	snow	Sept 13	.05"	rain
Jan 25/26/27	1"	snow	Sept 16	.02"	rain
Jan 28	.1"	snow	Oct 9	.18"	rain
Feb 14	.15"	snow	Oct 12	.07"	rain/snow
Feb 19	.05"	snow	Oct 31	.1"	rain
Feb 21	.04"	snow	Nov 7	.05"	rain
Feb 23	.5"	snow	Nov 10	.15"	rain
Feb 28	.7"	snow	Nov 13	.05"	rain
Mar 2	.2"	snow	Nov 24	.4"	snow
Mar 9	.16"	snow	Nov 29	.3"	rain
Mar 10	.5"	snow	Dec 2	.2"	snow
Mar 11	.5"	snow	Dec 6	.22"	snow
Mar 16	.06"	snow			
Mar 22	.02"	rain			
Apr 6	.2"	rain/snow			
Apr 7	.23"	snow			
Apr 8	.16"	snow			
Apr 9	.05"	snow			
Apr 11		.11" snow			
Apr 20		.2" snow			
Apr 21		.2" snow			
May 2	.26"	snow			
May 3	.3"	snow			
May 4	.15"	snow			
May 17	.3"	rain			
June 26	.17"	rain			
July 6	.02"	rain			
July 8	.08"	rain			
July 10	.07"	rain			
July 13	.005"	rain			
July 14	.21"	rain			
July 15	.04"	rain			
July 25	.015"	rain			
July 26	.25"	rain			
Aug 3	.11"	rain			
Aug 4	.36"	rain			
Aug 7	.025"	rain			
Aug 8	.24"	rain			
Aug 13	.16"	rain			
Aug 15	.05"	rain			
Aug 16	.03"	rain			
Aug 21	.01"	rain			
Aug 29	.12"	rain			

HIAWATHA
CONTROL POINT
GROUND
ELEVATIONS

Station	Latitude	Departure	Gnd Elevation	Elevation Changes
SUB 4	N 7822.35	W 20102.73	9604.7	0
A 76	N 10839.25	W 18116.60	9793.74	0
SUB 1	N 13841.05	W 20229.81	9942.51	0
SUB 2	N 13668.57	W 22030.94	10061.94	0
SUB 22	N 15497.07	W 15927.03	9643.77	0
SUB 5A	N 8325.48	W 21937.41	9764.63	0

APPENDIX C

Legal, Financial, Compliance and Related Information

Annual Report of Officers
as submitted to the Utah Department of Commerce
and other changes in ownership and control information
as required under R645-301-110.

CONTENTS Annual Report of Officers

ACCOUNTING OFFICE
 Utah Department of Commerce
 Division of Corporations & Commercial Code
 In person: 160 East 300 South, 1st Floor
 Salt Lake City, Utah 84111
 Fax: (801) 530-6111
 Web site: http://www.commerce.state.ut.us



PROFIT CORPORATION ANNUAL REPORT

The following information is on file in this office. All profit corporations must file their annual reports and corrections within the month of their anniversary date. Failure to do so will result in Delinquency, Revocation or Involuntary Dissolution of the corporate charter.

THIS BOX MUST BE COMPLETED

CORPORATE NAME, REGISTERED AGENT, REGISTERED OFFICE, CITY, STATE & ZIP
 CORPORATION # 201598

MAKE ALL CORRECTIONS IN THIS COLUMN

- 1. D 06/30/87
- 2. HIAWATHA COAL COMPANY, INC.
- 3. CARL E KINGSTON
- 4. 3212 S STATE ST
SALT LAKE CITY UT 84115

Prior New Agent Name: _____ New Agent must show ABOVE

New Registered Agent Address Provided: _____

(New City) UTAH REGISTERED AGENT MUST BE IN UTAH (ZIP)

WHEN CHANGING THE REGISTERED AGENT THE NEW AGENT MUST SIGN.

5. INCORPORATED IN THE STATE AND UNDER THE LAWS OF: UTAH

6. ADDRESS OF THE PRINCIPAL OFFICE IN THE HOME STATE.

(Street Address) (State - Country)
 (City) (ZIP)

7. BUSINESS PURPOSE: NONCLASSIFIABLE ESTABLISHMENTS

DOMESTIC, PROFIT CORPORATIONS ARE REQUIRED TO LIST A CORPORATE OFFICER.

OFFICERS

- 1. PRESIDENT E D FINLEY
ADDRESS 3212 S STATE ST
CITY, STATE & ZIP SALT LAKE CITY UT 84115
- VICE PRESIDENT N J FINLEY
ADDRESS 3212 S STATE ST
CITY, STATE & ZIP SALT LAKE CITY UT 84115
- SECRETARY C A GUSTAFSON
ADDRESS 3212 S STATE ST
CITY, STATE & ZIP SALT LAKE CITY UT 84115
- 1. TREASURER C A GUSTAFSON
ADDRESS 3212 S STATE ST
CITY, STATE & ZIP SALT LAKE CITY UT 84115

8. VERIFY OFFICERS *2001 OK BY 3/17/01*

9. VERIFY DIRECTORS

10. _____

11. UPDATE CORPORATE RECORD

ALL DOMESTIC CORPORATIONS MUST LIST THREE (3) DIRECTORS UNLESS THEY FALL UNDER THE EXCEPTIONS STATED IN SECTION 16-10a-803(1) or (11).

DIRECTORS

- 1. DIRECTOR E D FINLEY
ADDRESS 3212 S STATE ST
CITY, STATE & ZIP SALT LAKE CITY UT 84115
- DIRECTOR N J FINLEY
ADDRESS 3212 S STATE ST
CITY, STATE & ZIP SALT LAKE CITY UT 84115
- DIRECTOR C A GUSTAFSON
ADDRESS 3212 S STATE ST
CITY, STATE & ZIP SALT LAKE CITY UT 84115

12. _____

13. _____

14. _____

I, the undersigned, as an authorized officer, declare that this annual report and, if applicable, the statement change of registered office and/or agent, has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete.

15. BY _____

16. TITLE OF POSITION

17. DATE

James *2002 10-29*

IF THERE ARE NO CHANGES FROM THE PREVIOUS YEAR, AND YOU HAVE ALL CORPORATE REQUIREMENTS FILLED PERTAINING TO OFFICER AND DIRECTOR INFORMATION YOU MAY DETACH THE COUPON BELOW, AND RETURN IT IN THE ENCLOSED ENVELOPE WITH YOUR PAYMENT. YOU MAY KEEP THE ABOVE REPORT FOR YOUR RECORDS.



MAKE ALL CORRECTIONS ON THE FORM ABOVE