

0034

C/007/011 Incoming

#3364

OK

HIAWATHA COAL COMPANY

**P.O. Box 1240
Huntington, UT 84528**

**(435) 687-5777
FAX (435) 687-5724**

August 11, 2009

James D. Smith
Utah Division of Oil, Gas & Mining
1954 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, UT 84114-5801

Re: **Chapter 8 Update, Included- Bond estimate and road agreement with ANR,
Task ID# 3264**

Dear Mr. Smith:

Hiawatha Coal is resubmitting our Chapter 8 revision with our response to the questions in the deficiencies letter dated June 1, 2009. Enclosed are one hard copy and four digital copies of our response.

If you have any further questions concerning this submittal, please feel free to contact me at (435) 687-5777.

Sincerely,



Mark Reynolds, PE
Chief Engineer

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DIV. OF OIL, GAS & MINING

File in: C/0070011, 2009, Incoming

Refer to:

- Confidential
- Shelf
- Expandable

Date 08/11/09 For additional information

Deficiencies letter dated June 1, 2009 Response

1. The road culverts are needed to be left in place so the roads do not get washed out.
2. Hiawatha has signed an agreement with ANR and is legally bound to leave the roads in place.
3. Hiawatha has signed an agreement with ANR and is legally bound to leave the roads in place.
4. The roads are used by Cattlemen, Loggers, Hunters, for Recreation, public entities and Gas companies. They prefer surfaced roads because they cause less wear and tear on their equipment. We are bound legally to leave the upgrades in place. ANR has placed the restriction on us because it increases the value of their property and assists in their negotiations of use agreements with the above named entities. For the Division to try to claim authority over the above entities is an attempt to exceed their statutory and regulatory authority.

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: HIAWATHA COAL CO.

Mine: HIAWATHA COMPLEX

Permit Number: ACT/007/011

Title: Chapter 8 Update, Task ID#3217

Description, Include reason for application and timing required to implement:

include an up to date and accurate bond estimate, include new road agreement

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- Yes No 1. Change in the size of the Permit Area? Acres: Disturbed Area: increase decrease.
- Yes No 2. Is the application submitted as a result of a Division Order? DO#
- Yes No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- Yes No 4. Does the application include operations in hydrologic basins other than as currently approved?
- Yes No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- Yes No 6. Does the application require or include public notice publication?
- Yes No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- Yes No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- Yes No 9. Is the application submitted as a result of a Violation? NOV #
- Yes No 10. Is the application submitted as a result of other laws or regulations or policies?
Explain: _____
- Yes No 11. Does the application affect the surface landowner or change the post mining land use?
- Yes No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- Yes No 13. Does the application require or include collection and reporting of any baseline information?
- Yes No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- Yes No 15. Does the application require or include soil removal, storage or placement?
- Yes No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- Yes No 17. Does the application require or include construction, modification, or removal of surface facilities?
- Yes No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- Yes No 19. Does the application require or include certified designs, maps or calculation?
- Yes No 20. Does the application require or include subsidence control or monitoring?
- Yes No 21. Have reclamation costs for bonding been provided?
- Yes No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- Yes No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

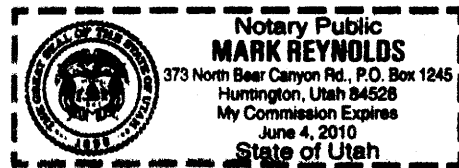
V Finley
Print Name

N Finley V.P. 8-11-09
Sign Name, Position, Date

Subscribed and sworn to before me this 6 day of June, 2010

Mark Reynolds
Notary Public

My commission Expires: 6-4, 2010 }
Attest: State of Utah } ss:
County of Emery



For Office Use Only:

Assigned Tracking
Number:

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APPLICATION FOR COAL PERMIT PROCESSING

Detailed Schedule Of Changes to the Mining And Reclamation Plan

Permittee: HIAWATHA COAL CO.
Mine: HIAWATHA COMPLEX **Permit Number:** ACT/007/011
Title: Ch. 8 Update, Task ID#3217

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

<input type="checkbox"/> Add	<input type="checkbox"/> Replace	<input type="checkbox"/> Remove	DESCRIPTION
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Insert to Capter 4, Appendix 4-5, ANR-Hiawatha Coal Road Agreement
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter 2, page 2-45
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter 4, pages 4-11 and 4-13
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chapter 8
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Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.

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