

0024

Internal
C0070011
#3364
R

From: April Abate
To: Pete Hess
CC: OGMCOAL@utah.gov
Date: 10/14/2009 9:04 AM
Subject: Hiawatha Docs
Place: OGMCOAL@utah.gov
Attachments: 0034.pdf; 0038.pdf; April Abate.vcf

Pete,

Here is the response document from HCC addressing the road deficiencies and an email I sent to Melissa Reynolds. As we discussed on the phone, if you have any outstanding issues related to the roads or bonding, lets roll them into the midterm review.

Thanks!
April

April A. Abate
Environmental Scientist II
Division of Oil, Gas and Mining
1594 W. North Temple, Suite 1210
Salt Lake City, Utah 84114-5801
T: 801.538.5214
F: 801.359.3940
M: 801.232.1339

0034

C/007/011 Incoming
#3364
K

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

File in: C/007/011, 8009, Incoming
Refer to:
 Confidential
 Shelf
 Expandable
Date: 8/11/09 For additional information

RECEIVED
AUG 13 2009
DIV. OF OIL, GAS & MINING

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 but 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.

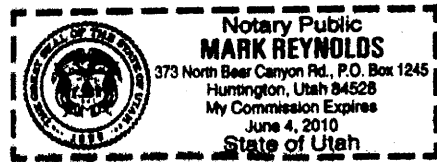
V Finley
Print Name

V. 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 } ss:
Attest: State of Utah }
County of Emery



For Office Use Only:

Assigned Tracking Number:

Received by Oil, Gas & Mining

RECEIVED

AUG 13 2009

DIV. OF OIL, GAS & MINING

0038

Outgoing
C0070011
#3357
B

From: April Abate
To: Melissa
CC: Mark Reynolds; OGMCOAL@utah.gov
Date: 8/4/2009 10:14 AM
Subject: Chapter 8 Update Task #3264
Place: OGMCOAL@utah.gov
Attachments: April Abate.vcf

Thanks Melissa,

I agree that sending the proposed changes via email is the best approach at this point. The corrections you sent for Chapters 2 and 4 below are adequate. There is one Chapter 8 revision needing to be addressed and I apologize for not making it clear in the last correspondence.

Information provided on page 8-1, section **R645-301-820 REQUIREMENT TO FILE A BOND** contains some incorrect information, which needs to be corrected (i.e., the amount of \$ 167,000 is a posted security issued by the Bank of Utah, and not a U.S. Treasury security).

Once we get this last correction, I think we are set to approve the amendment. Please be aware that there are still some areas in the Hiawatha MRP in the reclamation section and Chapter 8 that will need to be revised based on the roads remaining in place; but I think that it might be best to conduct that review as part of the midterm that we recently initiated. For now, let just focus on getting this amendment approved.

April A. Abate
Environmental Scientist II
Division of Oil, Gas and Mining
1594 W. North Temple, Suite 1210
Salt Lake City, Utah 84114-5801
T: 801.538.5214
F: 801.359.3940
M: 801.232.1339

>>> Melissa <melissa.reynolds@hiawathacoal.com> 8/3/2009 2:20 PM >>>

April,

Attached are two pages page 2-45 an 4-11. i just want to make sure that the changes made are good enough before we mail in the whole thing again, we just want to try and make this the last time we have to submit this.

Thanks
Melissa