

COPY

C/007/011 Incoming

#3596

R

Hiawatha Coal Company

P.O. Box 1240
Huntington, UT 84528

(435) 637-1778
FAX (435) 637-1378

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

July 8, 2010

Re: 2nd Response to Deficiencies for Midterm Review, Hiawatha Mine,
C/007/0011, Task ID #3459

Dear Mr. Smith:

This letter is in response to your deficiency letter dated January 25, 2010. A summary describing the response to each deficiency is attached. Please find two (2) hard copies and one (1) digital copy of this response included in this submittal. In addition Hiawatha Coal Company has sent one (1) hard copy and one (1) digital copy of this response to the Price Office.

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

Sincerely,



Charles Reynolds
Mine Manager

File in:
 Confidential
 Shelf
 Expandable
Date Folder 072710 C/0070011
See: Incoming For additional information

RECEIVED

JUL 27 2010

DIV. OF OIL, GAS & MINING

APPLICATION FOR COAL PERMIT PROCESSING

COPY

Permit Change New Permit Renewal Exploration Bond Release Transfer

Permittee: HIAWATHA COAL CO.

Mine: HIAWATHA COMPLEX

Permit Number: ACT/007/011

Title: Midterm Review Response Task 3459

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

Submittal in response to Midterm Review deficiencies

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.

N J Finley
Print Name

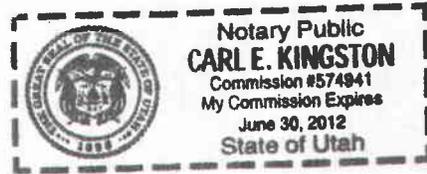
N J Finley, Vice President, 7/26/10
Sign Name, Position, Date

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

Notary Public

My commission Expires: _____, 20____

Attest: State of Utah } ss:
County of Salt Lake



<p>For Office Use Only:</p>	<p>Assigned Tracking Number:</p>	<p>Received by Oil, Gas & Mining</p> <p style="text-align: center; font-size: 1.5em; font-weight: bold;">RECEIVED</p> <p style="text-align: center; font-size: 1.2em; font-weight: bold;">JUL 27 2010</p> <p style="text-align: center; font-weight: bold;">DIV. OF OIL, GAS & MINING</p>
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R645-301-100 GENERAL CONTENTS

R645-301-112 IDENTIFICATION OF INTERESTS

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

Hiawatha Coal Company, Inc. (HCCI) is a corporation, incorporated in the state of Utah.

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

Applicant: Hiawatha Coal Company, Inc.
P.O. Box 1240
Huntington, Ut 84528
Telephone No. (435) 637-1778

Resident Agent: Elliot Finley
(See contact information below)

112.300 FOR APPLICANTS OTHER THAN SINGLE PROPRIETORSHIPS:

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

ANR Company is the fee area and lease holder of land within the permit area. ANR Company has subleased all fee and federal coal rights to C. W. Mining Company (DBA Co-Op Mining Company) for inclusion in the Bear Canyon LMU. HCCI holds the right to mine all fee and federal coal under the direction of C. W. Mining Company in accordance with the LMU.

Officers authorized to act on behalf of HCCI are:

Name	SS #	Title	Phone #	Start	End
Elliot Finley P.O. Box 1715 Price, UT 84501	3988	President	(435)637-1778	6/30/97	Current
Nathaniel Finley P.O. Box 1094 Huntington, UT 84528	0524	Vice President Secretary/Treasurer	(801)718-3052	6/30/97 6/30/08	Current Current

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

Officers authorized to act on behalf of ANR Company, Inc. are:

Name	SS #	Title	Phone #	Start	End
Joseph O. Kingston 3212 South State St. Salt Lake City, UT 84115	0781	President	(801) 466-3361	06/30/99	Current
Leslie A. Miller 3212 South State St. Salt Lake City, UT 84115		Vice President	(801) 466-3361	06/30/99	Current
Lori V. Wright 3212 South State St. Salt Lake City, UT 84115		Secretary/Treasurer	(801) 466-3361	06/30/99	Current

Corporate Office Address: ANR Company, Inc.
3212 South State St.
Salt Lake City, UT 84115
Fed Id # 84-1422258

Officers/Individuals authorized to act on behalf of C. W. Mining Co. are:

Charles W. Reynolds 4385 Bear Canyon Road Huntington, UT 84528	0500	President	(435) 687-9206	6/5/06	Current
John A. Gustafson 1815 South 1100 West Woods Cross, UT 84087	1814	Vice President	(801) 466-3361	6/5/06	Current
Maurine O. Gustafson 190 East 9100 South Sandy, UT 84070	0793	Secretary/Treasurer	(801) 520-3857	6/19/08	Current

Corporate Office Address: C. W. Mining Company, Inc.
53 West Angelo Avenue
Salt Lake City, UT 84115
Fed Id # 87-0399230

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

None

APPENDIX I-8

HISTORICAL OFFICER INFORMATION

Hiawatha Coal Company

P.O. Box 1240
Huntington, Utah 84528

Office (435) 687-1778
FAX (435) 687-9206

July 19, 2010

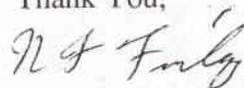
To Whom It May Concern,

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

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

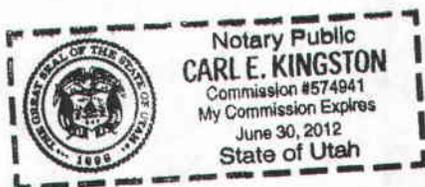
If you have any questions, please call Charles Reynolds at (435) 687-9206.

Thank You,



Nate Finley

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



Notary Signature

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

July 19, 2010

To Whom it May Concern:

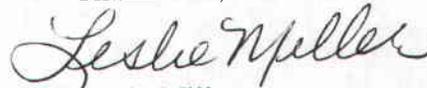
**Re: Certification in change in officers, Task ID #3459, Hiawatha Mine Complex,
ACT/007/011**

This letter certifies that the following changes in the officers of ANR Company, Inc. are true and accurate.

On June 30, 1997, Joseph O. Kingston replaced D. O. Kingston as President of ANR Company, Inc. Also on June 30, 1997, Leslie A. Miller replaced J. O. Kingston as Vice President.

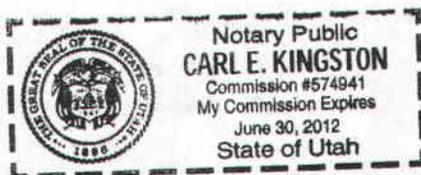
If you have any questions, please call Charles Reynolds at (435) 687-9206.

Thank You,



Leslie Miller
Vice President

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



Notary Signature

C. W. MINING COMPANY

P.O. Box 1245
Huntington, Utah 84528

Office (435) 687-9206
FAX (435) 687-9206

July 19, 2010

To Whom it May Concern:

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

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

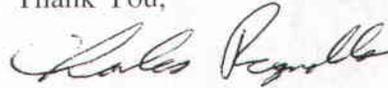
In June, 2004, Charles Reynolds replaced J. A. Gustafson as Vice President.

In June, 2006, Charles Reynolds replaced B. W. Stoddard as President and Director. J. A. Gustafson was reinstated as Vice President, replacing Charles Reynolds.

In June, 2008, Maurine O. Gustafson replaced D. J. Sanders as Secretary.

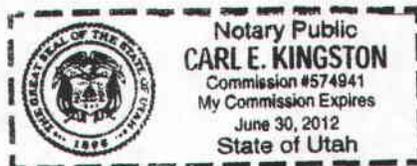
If you have any questions, please call me at (435) 687-9206.

Thank You,



Charles Reynolds
President

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



Notary Signature

R645-301-840 GENERAL TERMS AND CONDITIONS OF THE BOND

The general terms and conditions of the bonds can be determined by review of copies of the bond documents contained in Appendix VIII-2.

R645-301-850 BONDING REQUIREMENTS

See bonding documents in Appendix VIII-2.

R645-301-860 FORMS OF BONDS

Hiawatha Coal Company is currently bonded in the amount of ~~\$3,005,000~~ **\$2,128,000**. ~~Of this amount 2,838,000 is carried in the form of a irrevocable letter of 167,000 is carried by a US Treasury Note with the Division of Oil Gas and Mining~~ **held in escrow by the Bank of Utah.**

R645-301-870 REPLACEMENT OF BONDS

No response required by applicant.

R645-301-880 BOND RELEASE APPLICATION

If a bond release is requested an application will be filed with the Division at a time appropriate for evaluation of reclamation success. Reclamation time tables are given under R645-301-240 in Chapter II (Soils). Within 30 days after an application for bond release has been filed with the Division a newspaper advertisement will be placed in a local newspaper. The advertisement will contain the permittee's name, permit number and approval date, notification of the precise location of the land affected, the number of acres, the type and amount of the bond filed and the portion sought to be released, the type and appropriate dates of reclamation work performed, a description of the results achieved as they relate to the operator's approved reclamation plan and the name and address of the Division to which written comments, objections, or requests for public hearings and informal conferences on the specific bond release may be submitted pursuant to R645-301-880.600 and R645-301-880.800. In addition, as part of any bond release application, the applicant will submit copies of letters which he or she has sent to adjoining property owners, local governmental bodies, planning agencies, sewage and water treatment authorities, and water companies in the locality in which the coal mining and reclamation operation took place, notifying them of the intention to seek release from the bond.

R645-301-890 TERMS AND CONDITIONS OF LIABILITY INSURANCE

A copy of Hiawatha Coal Company liability insurance certificate is given in Appendix VIII-3.