

0053

C/015/025 Incoming
cc: Priscilla
Angela
#3083
G

Hiawatha Coal Company

P.O. Box 1245
Huntington, Utah 84528



Office (435) 687-2450
FAX (435) 687-2084

November 17, 2008

Coal Program
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

To Whom It May Concern,

Re: Application to Change existing Mining Plan, Permit Transfer Task ID #3022 Bear Canyon Mine, ACT/015/025

Enclosed are five hard copies of the response for Task ID #3022

If you have any questions, please call me at (435) 687-5238.

Thank You,

E. Finley
Elliot Finley

Enclosure(s)

MR/mr

RECEIVED

NOV 19 2008

DIV. OF OIL, GAS & MINING

Response to Deficiencies Letter for Task #3070 Dated October 22, 2008 signed by Daron R. Haddock

Deficiency 1

R645-303-321.300 and R645-301-111.400 and R645-301-112.330

Former secretary Gustafson departed in June of 2008. A notarized letter from HCCI confirming this has been attached.

Deficiency 2

R645-303-321.300 and R645-321-112.420

The employer identification number for C.O.P development as been included on page 1-1 of the Bear Canyon MRP. The last four digits of the Social Security numbers of officers for Hiawatha Coal and C.O.P. Development is included in the notarized letter from HCCI

Deficiency 3

R645-303-321.300, and R645-321-112.420

This information is included on page 1-3 of the MRP

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DIV. OF OIL, GAS & MINING

R645-301-100 GENERAL CONTENTS

R645-301-112 Identification of Interests

112.100 Statement of corporation

~~C.W. Mining~~ **Hiawatha Coal** Company is a corporation, incorporated in the state of Utah. ~~C.W. Mining~~ **Hiawatha Coal** Company is the payer of the abandoned mine reclamation fee. Federal Identification Number: ~~87-0399230~~ **84-1418097**.

112.200-230 Names, addresses, and telephone numbers of the applicant, and the applicant's resident agent who will accept service of process.

Applicant: ~~C.W. Mining Company~~ **Hiawatha Coal Company, Inc.**
~~53 W Angelo Ave~~ **5550 West Bear Canyon Road**
~~Salt Lake City, UT 84115~~ **Huntington, UT 84528**
~~(801) 486-5047~~ **(435) 687-5777**

Resident Agent ~~Charles Reynolds~~ **Elliot Finley**
~~P.O. Box 1245~~ **5550 West Bear Canyon Road**
~~Huntington, UT 84528~~ **Huntington, UT 84528**
~~(435) 687-2450~~ **(435) 687-5777**

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

C.O.P Coal Development Company is the fee area and leaseholder of lands within the permit area. C.O.P. Coal Development Company has subleased all fee and federal coal rights to ~~C.W. Mining~~ **Hiawatha Coal** Company for inclusion in the Bear Canyon LMU. Federal Identification Number : 87-0491877

Corporate Office: C.O.P. Coal Development Co.
3212 South State Street
Salt Lake City, Utah 84115

Name	Title	Address
J. O. Kingston	President	53 West Angelo Ave, S.L.C., Ut. 84115
J. D. Kingston Jr.	Vice President	53 West Angelo Ave, S.L.C., Ut. 84115
Luanna Kingston	Sec./Treas.	53 West Angelo Ave, S.L.C., Ut. 84115

112.320 Not Applicable

112.330 The title of the person's position, date position was assumed, and when submitted under R645-300-147.

Table 1-1 Officers Authorized to Act on Behalf of ~~C.W. Mining~~ **Hiawatha Coal** Company

Name	Title	Address	Start Date
B. W. Stoddard Elliot Finley	President	P.O. Box 300, Huntington, Ut 84528 5550 West Bear Canyon Road, Huntington, UT 84528	01/01/76 06/30/97
C. W. Reynolds Nathaniel Finley	Vice Pres.	P.O. Box 1245, Huntington, Ut 84528 5550 West Bear Canyon, Huntington, UT 84528	07/01/04 06/30/97
D. J. Sanders Nathaniel Finley	Sec./Treas.	53 West Angelo Ave., S.L.C., Ut 84115 5550 West Bear Canyon Road, Huntington, UT 84528	06/17/93 06/30/97
C. W. Reynolds Elliot Finley	Res. Agent	P.O. Box 1245, Huntington, Ut 84528 5550 West Bear Canyon Road, Huntington, UT 84528	07/01/04 06/30/97

112.340 All names under which the applicant operates or previously operated a coal mine and reclamation operation in the United States within the 5 years preceding the date of application.

~~C.W. Mining is doing business as (DBA) Co-Op Mining Company~~

Not Applicable

112.350 Not Applicable

112.400 Pending, current, and previous coal mining and reclamation operation permit applications.

~~C/015/021 Utah Division of Oil Gas and Mining~~
C/015/025 Utah Division of Oil Gas and Mining
C/007/011 Utah Division of Oil Gas and Mining

112.410 Federal or State permit numbers and MSHA numbers, the date of issuance, and the regulatory authority.

See Table 1-2 on the following page.

112.420 Not Applicable

An organizational structure of the Ownership and Control is outlined below.



There are no other entities that are owners of Hiawatha Coal Company as defined in R645-100-200 "Owned or controlled" and "owns or controls". C.O.P Development is the only controlling entity in regards to the Bear Canyon Permit as defined in R645-100-200 "Owned or controlled" and "owns or controls" subpart "b" section "6" "Owning or controlling coal to be mined by another person under a lease, sublease, or other contract and having the right to receive such coal after mining..."

In the past there has been some confusion as to the relationship between C. W. Mining Co. (dba Co-Op Mining Company) and Hiawatha Coal Company. To understand the past relationship between the companies it has to be understood that in order to hold a federal lease it has to be part of an active LMU approved by the BLM. The BLM governs the mine layout, mining method, and recovery rate. If a person interprets the definition of "permit area" to include underground workings as the Division did in the past this means the holder of the LMU is a controller of the coal in the federal leases as defined in R645-100-200 "Owned or controlled" and "owns or controls" subpart "b" section "6" "...having authority to determine the manner in which that person or another person conducts coal mining and reclamation operation."

When HCCI purchased the Hiawatha MRP (C/007/0011) the federal leases that were part of that permit were added to the Bear Canyon LMU held by Co-Op Mining Company so the Division required HCCI to list C. W. Mining (dba Co-Op Mining) as a controller in that permit.

In early 2008 the Division changed their interpretation of permit area to match the law, and legal precedence, thus it no longer has to include underground workings. Additionally, in June of 2008 HCCI purchased all assets held by C. W. Mining including the Bear Canyon LMU, and the name Co-Op Mining Company. Hiawatha Coal Company is now listed as the holder of the Bear Canyon LMU with the BLM.

C.O.P. COAL DEVELOPMENT COMPANY
53 West Angelo Avenue
Salt Lake City, Utah 84115

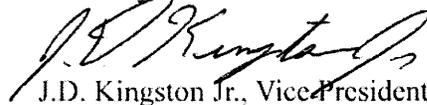
August 19, 2008

Coal Program
Utah Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

To Whom it may concern,

Please be advised that C.O.P. Coal Development Company is the record owner of the fee ground and Federal Coal Lease #'s 020668, 024316, 024318, 38727, 46484, 61048 and 61049, located in Bear Canyon, Emery County, Utah, which includes all of the real property involved in Permit No. Act/015/025. C.O.P. is currently leasing all of the property to Hiawatha Coal Company and the lease permits Hiawatha Coal Company to use the land for coal mining and related activities. This lease agreement will automatically be extended without amendments unless either party gives 30 days written notice of cancellation.

Sincerely,



J.D. Kingston Jr., Vice President
C.O.P. Coal Development Company

Agreement

This agreement made and entered in this 19 day of August 2008, by and between C.O.P. Development (C.O.P.) and Hiawatha Coal Company, a Utah Corporation, (Hiawatha Coal) WHEREAS, there is an existing road in emery county known as Bear Canyon Road, and WHEREAS, Hiawatha Coal requires extensive use of said road, and WHEREAS, C.O.P. Is the owner of the private portion of the road, NOW, THEREFORE, be it agreed as follows:

1. The parties hereto agree and acknowledge that the southern 0.65 Miles of the road known as Bear Canyon Road is a county road. Said county road runs from State Road 31 in a northerly direction for approximately 0.65 Miles to a presently existing gate. Thereafter the road is a private road owned by C.O.P.
2. Hiawatha Coal will indemnify and defend C.O.P. For any damage caused, or loss incurred to or claim made by any public or private individual, firm, group, association, partnership or corporation as a result of any mining related activities conducted on the private road.
3. Hiawatha Coal agrees to allow access to other property served by Bear Canyon Road. Said access shall be allowed to the owner of the property, their successor in interest or any other individual, firm, group, association, partnership or corporation who requires access due to their association with the owner or because the owner has granted permission to the individual, firm, group, association, partnership or corporation to go upon his property. Hiawatha Coal will not withhold access due to the type of activity which the then owner or his agents, employees or invitees intend to or in fact conduct.
4. It is further understood that any additional improvements of Bear Canyon Road will be at the expense of all primary users.
5. Hiawatha Coal agrees to reclaim the private Bear Creek Road according to the specifications outlined below.
 - a) Hiawatha Coal will completely reclaim all portions of the road except those areas required for access to the hunting cabin.
 - b) Hiawatha Coal will leave the road access to the hunting cabin at least 20 feet wide and at a slope not greater than 20%.
 - c) Hiawatha Coal agrees to leave all upgrades to the hunting cabin access road in place. These upgrades include, but are not limited to road base, asphalt, concrete, and drainage controls.
 - d) C.O.P. Reserves the right to require Hiawatha Coal to leave any additional portions or all portions of Bear Canyon Road intact post-mining at C.O.P.'s discretion.

IN WITNESS WHEREOF, this agreement is executed the day and year above.

C.O.P. Development

By J. D. King
Officer C.O.P. Development

IN WITNESS WHEREOF this agreement is executed at Huntington, Utah. Dated this 19 day of August 2008

Hiawatha Coal company

By N. Finley
Officer Hiawatha Coal

AFFIDAVIT OF PUBLICATION

STATE OF UTAH)

ss.

County of Emery,)

I, Richard Shaw, on oath, say that I am the Publisher of the Emery County Progress, a weekly newspaper of general circulation, published at Castle Dale, State and County aforesaid, and that a certain notice, a true copy of which is hereto attached, was published in the full issue of such newspaper for 1 (One) consecutive issues, and that the first publication was on the 1st day of July, 2008 and that the last publication of such notice was in the issue of such newspaper dated the 1st day of July, 2008.

Richard Shaw

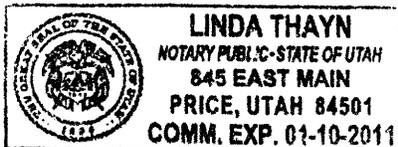
Richard Shaw - Publisher

Subscribed and sworn to before me this 1st day of July, 2008.

Linda Thayne

Notary Public My commission expires January 10, 2011 Residing at Price, Utah

Publication fee, \$ 107.28



NOTICE

Co-Op Mining Company, PO Box 1245, Huntington, UT, 84528 hereby announces its intent to transfer Permit No. C/015/025, originally issued November 1, 1985 and last renewed November 2, 2005 to Hiawatha Coal Company. The Bear Canyon Mine is located in Bear Canyon, approximately 12 road miles west of Huntington, Utah. The permit area, found on the USGS Hiawatha Quadrangle map, is described as follows:

- A. T16S, R7E SLBM Sec. 1 Lots 1 and 2, S1/2 NE1/4, SE1/4
- Sec. 10 N1/2, N1/2 S1/2, SE1/4 SW1/4, S1/2 SE1/4
- Sec. 11 All
- Sec. 12 All
- Sec. 13 All
- Sec. 14 NE1/4, E1/2 NW1/4, S1/2
- Sec. 23 E1/2, E1/2 W1/2
- Sec. 24 All
- Sec. 25 All
- Sec. 26 N1/2NE1/4, N1/2SW1/4NE1/4 and the access/haul road as shown on Plate 1-1 of the Bear Canyon Mining and Reclamation Plan
- T16S, R8E SLBM Sec. 6 Lots 11-14, E1/2 SW1/4, W1/2 SE1/4, SE1/4 SE1/4
- Sec. 7 All
- Sec. 8 W1/2, W1/2E1/2
- Sec. 16 All
- Sec. 17 All
- Sec. 18 All
- Sec. 19 N1/2, SW1/4, N1/2SE1/4, SW1/4SE1/4
- Sec. 20 N1/2, N1/2SW1/4, NE1/4SE1/4
- Sec. 21 N1/2, SE1/4, N1/2SW1/4, SE1/4SW1/4
- Sec. 30 W1/2, W1/2 NE1/4, NW1/4 SE1/4
- Sec. 31 NE1/4 NW1/4, NW1/4 NE1/4

Written comments, objections, or requests for informal conference should be directed to the Utah Division of Oil, Gas, & Mining, PO Box 145801, Salt Lake City, Utah, 84114-5801. Copies of the transfer current mining plan are available for public inspection at the office of the Utah Division of Oil, Gas, & Mining, Salt Lake City, and at the Emery County Recorder's Office, Emery County Courthouse, Castle Dale, Utah, 84513.

Published in the Emery County Progress July 1, 2008.