

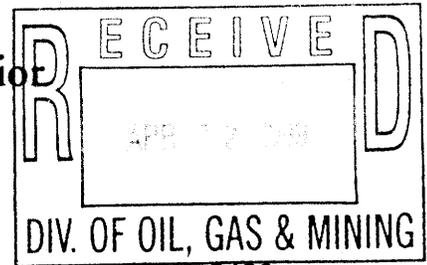
0023



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Price Field Office
125 South 600 West
Price, Utah, 84501



3486
UTU-74804
(UT-070)

APR - 8 1999

Hand Delivered.

Denise Dragoo
Resident Agent, Horizon Mining, LLC.
Snell and Wilmer
111 East Broadway, Suite 900
Salt Lake City, Utah 84111

ACT/007/020 #2
Copy Mary Ann,
Harbor, Joe,
Bill (PFD)

ORDER IMMEDIATE CESSATION OF OPERATIONS, 1ST LEFT NORTH MAINS

The Bureau of Land Management (BLM) is issuing this Order to immediately cease and desist coal production upon receipt of this order in the 1st Left North Mains of the Horizon Mine pursuant to the authority of 43 CFR 3486.3. This action is being taken for failure to act in accordance with the Mineral Leasing Act of 1920 as amended. Should you fail to immediately cease operations, BLM will take action to terminate Federal Coal Lease UTU- 74804. BLM will assume no liability for damage to the mine or mining operation due to this action. The operator will abide by any orders issued by the Mine Safety Health Administration.

This section of the mine will remain in cessation until the lessee receives written approval from the authorized officer (Price Field Manager) to begin mining.

The mining section shall remain open for inspection at any time. This order is in immediate full force and effect.

Should you have any questions, please call me (Dick Manus) at (435) 636-3600.

Appeal Rights

This order may be appealed to the Board of Land Appeals, Office of the Secretary, in accordance with the regulation at 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office at the above address within 30 days from receipt of this order. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay of the effectiveness of this order during the time that you appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and the petition for a stay must also be submitted to IBLA and the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents

are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards;

- (1) The relative harm to the parties if a stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of the immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.



Richard L. Manus
Field Manager

cc: Horizon Mining, LLC
P.O. Box 599
Helper, Utah 84526
State Office, Utah (UT-921)
Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
Box 145801
Salt Lake City, Utah 84114-5801
Office of Surface Mining
1999 Broadway, Suite 3320
Denver, Colorado 80202-5733
Mine Health and Safety Administration
215 East Main
Price, Utah 84501