



JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

Outgoing
C0150025
3213
OK

March 25, 2009

Elliot Finley
Hiawatha Coal Company
P.O. Box 1240
Huntington, Utah 84528

Nathaniel Finley
Hiawatha Coal Company
P.O. Box 1240
Huntington, Utah 84528

J.O. Kingston, President
C.O.P. Coal Development
3212 South State Street
Salt Lake City, Utah 84115

J.D. Kingston Jr., Vice-President
C.O.P. Coal Development
3212 South State Street
Salt Lake City, Utah 84115

Luanna Kingston, Secretary/Treasurer
C.O.P. Coal Development
3212 South State Street
Salt Lake City, Utah 84115

Subject: Notification of Cessation Order, Hiawatha Coal Company, Bear Canyon Mine,
C/015/0025

Dear Sirs/Madam:

Records provided to the Division of Oil, Gas and Mining by Hiawatha Coal Company, identify you as an Owner or Controller of Hiawatha Coal Company, LLC. In accordance with R645-400-319, the Division is required to notify any person identified as an owner or controller that a Cessation Order has been issued to Hiawatha Coal Company, LLC.



Page 2
Notification of Cessation Order
March 25, 2009

The Division issued a Cessation Order (attached) to Hiawatha regarding the operation of the Bear Canyon Mine without a permit or bond.

As an owner and/or controller you may be subject to individual civil penalties, in accordance with Utah Administrative Code R645-402-300.

If you have any questions regarding this matter, please contact me at (801)538-5334 or Dana Dean at (801)538-5320.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Baza". The signature is stylized with a large initial "J" and a long horizontal stroke at the end.

John R. Baza
Director

DD/ss
Enclosure
cc: Price Field Office
O:\015025.BCNA\FINAL\Notification of CO.doc



Citation for Non-Compliance Utah Coal Regulatory Program

1594 West North Temple, Salt Lake City, UT 84114

Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: 10034

Permit Number: C0150025

Date Issued:

NOTICE OF VIOLATION CESSATION ORDER (CO) FAILURE TO ABATE CO

Permittee Name: Hiawatha Coal Company, Inc.

Inspector Number and ID: 50 DDEAN

Mine Name: Bear Canyon Mine

Date and Time of Inspection: 01/26/2009 10:30 am

Certified Return Receipt Number:

Date and Time of Service: 02/05/2009 4:00 pm

Nature of condition, practice, or violation:

Since November 20, 2008, or earlier you have been in violation of: R645-301-812.700, adequate bond coverage required at all times; R645-303-323 prior to approval of a transfer of a permit the operator shall obtain an adequate surety; and R645-303-310, no assignment or transfer of a permit will be made without the prior approval of the Division. The consequence of these violations is that Hiawatha has been conducting mining operations without a permit.

Provisions of Act, regulations, or permit violated:

R645-301-812.700
R645-303-323
R645-303-310

This order requires Cessation of ALL mining activities. (Check box if appropriate.)

Condition, practice, or violation is creating an imminent danger to health or safety of the public.

Permittee is/has been conducting mining activities without a Permit.

Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

Permittee has failed to abate Violation(s) included in Notice of Violation or Cessation Order within time for abatement originally fixed or subsequently extended.

This order requires Cessation of PORTION(S) of mining activities.

Mining activities to be ceased immediately: Yes No

Abatement Times (if applicable).

See attached letter for cessation requirements.

Action(s) required: Yes No

See attached letter for abatement requirements.

Elliot Finley

(Print) Permittee Representative

DANA DEAN

(Print) DOGM Representative

Permittee Representative's Signature - Date

[Signature] 2/5/09
DOGM Representative's Signature - Date

SEE REVERSE SIDE Of This Form For Instructions And Additional Information