Division's Historic Resources Exhibit 11

0003

Outgoing
C0250005
OK

State of Utah

DEPARTMENT OF NATURAL RESOURCES

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Division of Oil, Gas and Mining

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March 30, 2010

Wilson Martin, State Historic Preservation Officer
Division of State History
300 South Rio Grande Street
Salt Lake City, UT 84101

Subject: Clarification of State Historic Preservation Office (SHPO) Concurrence on CRMP and Data Recovery Plan Determination, Alton Coal Development Company, LLC, Coal Hollow Mine, C/025/0005, Outgoing File

Dear Mr. Martin:

There have been some questions as to the scope of our determinations and your concurrences on this project. This letter is a follow-up to our previous correspondence in order to clarify our understanding regarding the prior SHPO actions.

On November 2, 2007, the Division of Oil, Gas, and Mining requested your concurrence on the eligibility and effect determination for the proposed Coal Hollow Mine. The request for concurrence identified 15 sites described on the table below. These 15 sites were all at least partially located within the permit area for the proposed Coal Hollow mine.
A second request for concurrence was sent to you on July 10, 2008 regarding the mitigation determinations for seven of the 15 sites that were listed on the prior request. In both cases, your office timely responded and provided the SHPO's concurrence with our determinations.

Table 1 – Determinations of Eligibility and Effect

Site Number	NRHP Determination	Effect Determination
42KA1313	Eligible	No Effect (will be avoided)
42KA2041	Eligible	No Effect (will be avoided)
42KA2042	Eligible	Adverse Effect
42KA2043	Eligible	No Effect (will be avoided)
42KA2044	Eligible	No Effect (will be avoided)
42KA2068	Eligible	Adverse Effect

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UTAH DNR OIL, GAS & MINING

42KA6104	Eligible	Adverse Effect
42KA6105	Eligible	Adverse Effect
42KA6106	Eligible	Adverse Effect
42KA6107	Eligible	Adverse Effect
42KA6108	Eligible	Adverse Effect
42KA6109	Eligible	No Effect (will be avoided)
42KA6110	Eligible	No Effect (will be avoided)
42KA6124	Not Eligible	
42KA6126	Eligible	No Effect (will be avoided)

In October of 2008 it was determined that site 42KA2044, one of the originally identified 15 sites, could not be avoided as originally planned and a data recovery plan was implemented. In all, eight sites were identified as being adversely effected and mitigation was completed on all of these sites.

It has been suggested that these SHPO reviews and concurrence may have been limited to the lands within the permit area and may not have considered possible effects of the coal mining on the identified sites on the adjacent area. The lands adjacent to the proposed mine permit area had also been surveyed during the cultural resource inventory completed by Montgomery Archeological Consultants prior to these requests for concurrence. Other historic sites had been identified in that inventory. It is correct that these sites on the adjoining lands were not listed in our requests for concurrence. The Division believes that since they are located outside of the mining area and there are no other expected impacts to this area as a result of the coal hollow project, they would not be impacted by coal mining and reclamation activities. The Division's understanding of its requests for concurrence is that the requests included by implication the determination that these other sites were not going to be affected. The CRMP plan for the survey and mitigation did not anticipate any additional clearances or mitigation until it was decided if the adjacent federal coal would be leased.

In summary, our determination is that there is adequate mitigation for the sites that were identified as being adversely affected and that no adverse effect on the other sites within the proposed permit or adjacent areas will occur because they will be avoided by the current proposed coal mining and reclamation operation. The Division specifically requests that the SHPO confirm that this is its understanding. If we have not communicated clearly and this was not the intention when you provided the prior concurrences, please consider the matter now and advise us of your concurrence with the Division's determination that the identification of the 15 sites and the mitigation on the 8 sites includes the necessary determination and mitigation for the mine project including effects on the adjacent lands.

If you have any question regarding this letter or our determination, please contact me at (801) 538-5325.

Sincerely,

Daron R. Haddock
Permit Supervisor

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