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DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

April 21, 2010

Wilson Martin, Assistant Director
State Historic Preservation Office
300 Rio Grande
Salt Lake City, Utah 84101

Dear Mr. Martin:

This letter is to inform you that the Division of Oil, Gas and Mining has been advised by Alton Coal Development, LLC (ACD) that the Division has failed to include two archeological sites in the previous requests for your concurrence regarding the surveys and mitigation for the Coal Hollow Mine. We recently sent you a formal letter as well as an email seeking clarification of the prior concurrences and wish to make our record clear prior to your reply. It has just been brought to our attention by ACD that a survey dated July 10, 2008 by Montgomery Archeological Consultants of 440 acres in the Alton Amphitheater (that included 80 acres within the proposed Coal Hollow mine permit area) had inadvertently not been submitted to the Division.

The Division and ACD had mistakenly understood that these 80 acres had been included in one of the two prior surveys completed in association with the approval for this mine and the BLM requested cultural resource survey associated with leasing of federal coal in this area. This latest survey has identified another archeological site that is within the permit area. This site is identified as 42Ka6505 in the report. In addition, in researching this discrepancy ACD has determined that the Division failed to include in its identification and request for concurrence a site that had been identified in the previous BLM survey. This site is identified as 42Ka6093. We are adding these two sites to the Determinations of Eligibility and Effect Table that we had previously submitted to you. We believe the following table now provides an accurate account of the sites that could be affected by the proposed mining operation and all of these sites are located within or partially within the proposed permit area.

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 (mitigated)
42KA2043	Eligible	No Effect (will be avoided)
42KA2044	Eligible	Adverse Effect (mitigated)
42KA2068	Eligible	Adverse Effect (mitigated)

1594 West North Temple, Suite 1210, PO Box 145801, Salt Lake City, UT 84114-5801
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42KA6104	Eligible	Adverse Effect (mitigated)
42KA6105	Eligible	Adverse Effect (mitigated)
42KA6106	Eligible	Adverse Effect (mitigated)
42KA6107	Eligible	Adverse Effect (mitigated)
42KA6108	Eligible	Adverse Effect (mitigated)
42KA6109	Eligible	No Effect (will be avoided)
42KA6110	Eligible	No Effect (will be avoided)
42KA6124	Not Eligible	
42KA6126	Eligible	No Effect (will be avoided)
42KA6505	Eligible	Adverse Effect (pending)
42KA6093	Eligible	Adverse Effect (pending)

We are proposing that the SHPO concur with the identification and effect for these two additional sites. Please provide your concurrence with our determination at your earliest convenience. We will subsequently seek concurrence in our proposed mitigation. The mine permit will be conditioned on protecting these two sites either by avoidance or by approved mitigation.

Sincerely,

Daron R. Haddock

Daron R. Haddock
Coal Program Manager

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