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Client No. 6999

July 13, 1981

John Nadolski
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Dear John:

Enclosed is the Cultural Resourses section for the Technical and Environmental Analysis of the Sta Point Mines.

Sincerely,

Robert J. EAstmond
Project Manager

RJE/io

cc: John Lovell
File 6999

TECHNICAL-ENVIRONMENTAL ANALYSIS

Star Point Mine
Plateau Mining Company
Carbon County, Utah

(Cultural Resources)

requested by

Office of Surface Mining Region V
Brooks Towers
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Denver, Colorado 80202

prepared for

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July 10, 1981

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Cultural Resource Services

A. Description of Existing Environment (779.12(b))

Two cultural resource inventory reports have been prepared for the Plateau Mining Compnay Star Point Mine area. In 1978, the Archaeological-Environmental Research Corporation (AERC) conducted a combination of intensive inventory and intuitive sample inventory in portions of the S½ S½ Section 9, T15S, R8E. The investigation consisted of intensive inventory of a 100-foot approximate road alignment supplemented by spot-checks of flat benches, overhangs and possible cache areas in surrounding sandstone ledges. No cultural resources were recorded during this examination (Weder and Hauck 1978).

In 1980, intensive inventory of the NW¼ SE¼ Section 14, T15S, R7E, the NW¼ NW¼ Section 7, T15S, R8E and portions of Sections 2, 10, 11, and 15, T15S, R8E was conducted by AERC. A total area of 1300 acres was examined and ten sites (two aboriginal/prehistoric; eight Euroamerican/historic) and nine isolated finds (all aboriginal) were recorded. Historic Euroamerican sites include a camp, a corral, a foundation, a trash midden, a dugout, a prospect and two houses. None of the historic sites are analyzed in terms of precise ages or associations. Both aboriginal sites consist of lithic scatters of unknown cultural or temporal affiliations. Isolated finds consist of seven projectile points or point fragments, a scraper, and a flake. Two isolated projectile points, a McKean Complex specimen and a Desert side-notched point, are believed to represent Middle Archaic and Shoshonean areal utilization between 5000-2500 years BP and from approximately 800 years BP through historic times, respectively.

None of the isolated finds recorded during the 1980 investigation are considered eligible for nomination to the National Register of Historic Places (NRHP). Site significance is assessed in terms of the Utah Cultural Resource Rating System: seven sites are accorded S-2 status (containing important scientific or educational data but not worthy of preservation <u>in situ</u>), two sites are accorded S-3 status (sites whose main worth is their potential for contributing data in regard to solving larger problems) and one site is accorded S-4 status (little or no potential for information retrieval). The applicant further states that none of the ten sites are eligible for nomination to the NRHP. OSM has disagreed with this assessment in the Apparent Completeness Review (ACR) of the Mine Plan, in that S-2 and S-3 sites do have potential for yielding information important to the study of History and Prehistory and are therefore eligible for nomination to the NRHP under criterion (d) of 36 CFR 60.6.

Included in the above-mentioned survey report for the Star Point Mine is documentation of the environmental setting, general history and known cultural resources of the region, which will provide the framework for determining the eligibility of the cultural resources recorded within the area of potential environmental impact.

B. Description of Applicant's Proposal (779.12 (b))

The cultural resource inventories conducted for Plateau Mining by AERC in 1978 and 1980 include all areas for which disturbance is currently proposed. However, OSM's ACR cited numerous deficiencies in the cultural resource documentation. Specifically, OSM expressed concern regarding whether or not all anticipated impact areas had been examined, the nature and location of currently proposed impact to the recorded sites, deficiencies in data submitted for recorded sites, the accuracy of site significance assessments, the adequacy of survey in potential subsidence areas, and several relatively minor omissions of information required in inventory reports submitted to OSM. The applicant's response indicated that, for the most part, information necessary to satisfy the cited deficiencies was not available at that time. Stipulations are being proposed (Section F) to correct the remaining deficiencies following acceptance of departmental approval of the Mine Plan.

The applicant's 1980 report (included in the Mine Plan) states that, in regard to potential subsidence areas, previous research has shown that only lithic scatters and isolated artifacts, neither of which are seriously affected by subsidence, are likely to be located in upland areas in this region. OSM has taken issue with this statement, and intends to require the applicant to perform a sample inventory of potential subsidence areas (Section F). The mine plan states that certain portions of the potential subsidence areas are to be examined during 1981. The results of any such investigations have not been transmitted to OSM.

The applicant states that the ten sites recorded to date in the area of potential environmental impact will be subject to only indirect impact in the form of vandalism. However, the location of the proposed unit train has not been finalized so direct impacts in this area cannot be addressed at present. Since National Register eligibility is at present unclear for nine of the ten sites, and since the unit train impact area has not been finalized, it is not possible to state the affects of proposed developments upon significant (National Register eligible) sites. This situation will be dealt with through stipulation (Section F).

One site, 42 Cb224, and all isolated finds are considered ineligible for nomination to the NRHP. OSM will forward a request for concurrence with recommendations of ineligibility to the Utah State Historic Preservation Officer (SHPO) after final eligibility assessments for the remaining nine sites are completed and forwarded by the applicant to OSM.

C. Evaluation of Compliance

1. Applicant's Compliance

The applicant has caused to be conducted a cultural resource survey of approximately 1300 acres of the area of potential environmental impact,

including impact areas as currently proposed. OSM has conducted an Apparent Completeness Review of the Star Point Mine Plan cultural resource documentation and has cited twelve deficiencies in the report regarding thoroughness of intensive and sample survey and site recordation, location of proposed impact areas, inadequacy of assessments of site eligibility for nomination to the NRHP and omissions in the inventory report of information required by OSM report standards. The applicant has attempted to correct two of the twelve cited deficiencies. Correction of the remaining deficiencies by the applicant will be required through stipulation (Section F).

To be in compliance, the applicant must submit an addendum to the current documentation correcting the deficiencies identified during the ACR of the Mine Plan. In addition, if any sites identified within the area of potential environmental impact are 1) determined eligible for nomination to the NRHP, and 2) threatened with direct or indirect impact as a result of departmental approval, an impact mitigation plan, designed in accordance with the Advisory Council on Historic Preservation's Guidelines for Making "Adverse Effect" and "No Adverse Effect" Determinations for Archaeological Resources in Accordance with 36 CFR 800 must be submitted to OSM. The applicant must also adhere to the stipulations listed in Section F.

2. OSM Compliance

OSM is not in compliance with Section 106 of the National Historic Preservation Act of 1966, Executive Order 11593 or the "Programmatic Memorandum of Agreement Among the Department of the Interior, Bureau of Land Management, Office of Surface Mining Reclamation and Enforcement, and United States Geological Survey, and the Advisory Council on Historic Preservation Regarding the Federal Coal Management Program"(PMOA) due to the failure of the applicant to provide concise, justified assessments of eligibility for nomination to the NRHP for nine of the ten sites recorded to date within the area of potential environmental impact, apparent failure to record and evaluate certain historic sites within the area (e.g., the town of Wattis, Wattis Junction, Wattis Siding and the Utah Railway), inability to provide the locations of certain impact zones (e.g. unit train), and failure to provide for an adequate assessment of the effects of subsidence upon sensitive sites within the area of potential impact.

OSM will make recommendations of eligibility and will request concurrence with these recommendations from the Utah SHPO when eligibility assessments for all sites have been completed by the applicant. When comments on site eligibility are received from the Utah SHPO, they will be forwarded to the Keeper of the National Register with OSM's recommendations and a request for a Ten-Day Determination of Eligibility as provided for under 36 CFR 63.6. Until these procedures have been completed, stipulations are being proposed to protect the cultural resources located within the Star Point Mine permit area (Section F).

If any sites within the permit area are recommended as eligible for nomination to the NRHP, OSM will seek a determination of "No Adverse Effect", in consultation with the Utah SHPO and pursuant to 36 CFR 800 and the PMOA, upon receipt of an adequate mitigation proposal (Section F) from the applicant. Consultation will continue pursuant to 36 CFR 63 and 36 CFR 800, if the Utah SHPO or the Keeper of the National Register does not concur with OSM's recommendations. This would cause further delays in completing the 106 compliance procedures.

OSM will be in compliance with all applicable cultural resources legislation and regulations when comments and concurrence are received from the Utah SHPO and the Keeper of the National Register and are documented in a letter to the Advisory Council on Historic Preservation as specified in the procedures of the PMOA. Until that time, OSM is not in compliance with Section 106 of the National Historic Preservation Act of 1966. Although these procedures should be completed prior to taking any federal action, OSM has proposed stipulations (Section F) to protect all cultural resources until Section 106 compliance procedures can be completed.

D. Revisions to Applicant's Proposal

If the Mine Plan is approved, the applicant will submit: 1) an addendum to "Chapter 5. Historical and Cultural Resources" correcting the remaining deficiencies in the documentation as cited in the OSM Apparent Completeness Review, and; 2) if any sites within the area of potential environmental impact are recommended as eligible for nomination to the National Register, an acceptable mitigation plan which will allow OSM to seek Determinations of No Adverse Effect. These requirements are further elaborated upon in Section F,"Proposed Special Stipulations".

E. Re-Evaluation of Compliance

If the Utah SHPO or the Keeper of the National Register does not concur with OSM's recommendations, a re-evaluation of the procedures will be necessary. The re-evaluation will follow the procedures outlined in 36 CFR 63, 36 CFR 800 and the PMOA.

F. Proposed Special Stipulations

1) Within 60 days of acceptance of departmental approval of the Mine Plan, the applicant shall submit to OSM the following information:

   A) A complete description of each of the ten sites recorded within the area of potential environmental impact (42 Cb 220 through 229) as well as the town of Wattis, Wattis Siding, Wattis Junction and the Utah Railway to include

results of artifact analyses relating to temporal placement and site function, site size (dimensions and/or area), and site recordation forms, maps and discernable photographs;

B) A comprehensive discussion of the history, remains of structures and significance of the Wattis area, including the relationships of 42 Cb220 and 223 through 229 to the town and mine;

C) Concise, justified National Register eligibility assessments for the ten currently recorded sites, the town of Wattis, Wattis Siding, Wattis Junction and the Utah Railway. Specifically, the applicant must justify the recommended ineligibility of sites accorded S-2 and S-3 status in regard to criterion (d) of 36 CFR 60.6;

D) The Forest Service permit number and expiration date applying to the investigation of lands located within the Manti-LaSal National Forest, along with Forest Service comments on the survey report;

E) A statement of ground surface visibility and vegetative cover, as it relates to the potential for unknown sites;

F) A discussion of recorded resources in terms of the research goals stated in the Mine Plan, and;

G) A statement that the NRHP was consulted regarding National Register sites in the area, and the results of that check.

Justification: Pursuant to OSM's "Standards for Reporting Cultural Resources Investigations".

2) Within 120 days of acceptance of departmental approval of the Mine Plan, the applicant shall submit to OSM their plan for completion of sample inventory of areas that may be impacted by the effects of subsidence. This plan should include an indication of areas to be examined and a justification of the size and location of the chosen areas.

Justification: Pursuant to the OSM Draft Cultural Resources Guidelines Manual.

3) Within 365 days of acceptance of departmental approval of the Mine Plan, the applicant shall submit to OSM the results of the sample inventory conducted in potential subsidence areas. The report must conform to OSM's "Standards for Reporting Cultural Resource Investigations" and must contain a professional justification for the survey strategy, including the percentage of the area examined, reasons for particular areas surveyed, recommendations for further survey work and if applicable, recommendations for mitigation of adverse impacts.

Justification: Pursuant to the OSM Draft Cultural Resources Guidelines Manual and the above-referenced "Standards".

4) The operator shall implement any mitigation procedures in strict adherance with the objectives, methods, and techniques specified in the mitigation proposal approved by the regulatory authority and the Utah SHPO. The plan shall be implemented in accordance with Part II of the Advisory Council's "Guidelines", and any deviations from the approved proposal must first be submitted to the regulatory authority for approval. The report of data recovery shall be submitted for review and approval to the regulatory authority and the SHPO within one year of completion of mitigation efforts.

Justification: Pursuant to the PMOA.

5) If, during the course of mining activites, previously unidentified cultural resources are discovered, the applicant shall ensure that the site is not disturbed and shall cease land disturbing activities in the vicinity, and shall notify the regulatory authority. The operator shall ensure that the resource(s) is properly evaluated in terms of the National Register of Historic Places eligibility criteria (36 CFR 60.6). Should a resource be determined eligible for listing in consultation with the regulatory authority and the SHPO, the operator shall confer with and obtain the approval of the regulatory authority and the Utah SHPO concerning the development and implementation of mitigation measures as appropriate.

Justification: In accordance with Part II, Section F of the PMOA.

6) The applicant shall undertake no surface disturbing activities within 50 feet of cultural resource boundaries as will be described in site description information required under stipulation (1), above, until OSM has completed the Section 106 compliance process and is in compliance with the PMOA.

Justification: Section 106 of the National Historic Preservation Act of 1966 and the PMOA.

7) Following SHPO review and concurrence with eligibility assessments, OSM will provide Plateau Mining Company with a list of eligible sites in which will be specified areas of non-disturbance. The applicant shall undertake no surface disturbing activities which would constitute Adverse Effect within 100 feet of the perimeters of any cultural resource that has been determined eligible for nomination to the NRHP through OSM consultation with the Utah SHPO. Disturbance of these areas will be prohibited until mitigation of adverse effects is completed and the mitigation report has been accepted by the Utah SHPO and OSM.

Justification: Pursuant to Part II, Section C of the PMOA.

8) The applicant shall undertake no disturbance in the areas listed below until 1) cultural resource inventory (inventories) of the areas is completed; 2) OSM receives an acceptable cultural resource inventory report for the area(s); 3) the Utah SHPO concurs with National Register eligibility assessments made for any cultural resources recorded within these areas, and; 4) if cultural resources recorded within these areas are determined to be eligible for nomination to the NRHP, no surface disturbance will occur until: A) an acceptable mitigation plan conforming with the requirements of the Advisory Council's Guidelines for Making "Adverse Effect" and "No Adverse Effect" Determinations for Archaeological Resources in Accordance with 36 CFR 800 is submitted for review and approval to OSM and the Utah SHPO, and; B) mitigation of adverse effects to cultural resources in this area is complete and the mitigation report has been accepted by OSM and the Utah SHPO. This stipulation applies to the following areas:

T15S, R8E

W½ of the SE¼ Section 12
W½ of the SE¼ Section 11
NE¼ of the NW¼ of the NE¼, S½ of the NW¼ of the NE¼, and SW¼ of the NE¼ Section 15
NE¼ of the SE¼ Section 13
NW¼ of the NW¼ of the NW¼ Section 16

T15S, R9E

NW¼ of the SW¼, and E½ of the Se¼ of the NE¼ Section 18
SW¼ of the NW¼ Section 16

Disturbance of the NW¼ of the NW¼ of the NW¼ Section 16, T15S, R8E must be shown to be of recent origin and its insignificance to the cultural development of the area must be demonstrated before it may be deleted from the list of potential survey areas.

Justification: Pursuant to the above-referenced "Guidelines" and Part II Section D of the PMOA.

G. Summary of Compliance

The applicant will be in compliance with OSM regulations if all stipulations in Section F are adhered to. OSM will begin the compliance process by submission of final eligibility assessments to the Utah SHPO for review and concurrence, and by enforcing compliance with Proposed Special Stipulations (Section F).

OSM is not in compliance with the PMOA since the SHPO has not been consulted regarding concurrence with eligibility recommendations. OSM is not in compliance due primarily to the applicant's failure to correct

deficiencies cited in the Apparent Completeness Review. OSM will be in compliance when eligibility assessments for sites located within the area of potential environmental impact are complete and review and concurrence by the Utah SHPO has been obtained, and when an adequate mitigation plan, if necessary, has been approved by OSM and the Utah SHPO and is documented in a letter to the Advisory Council on Historic Preservation.

H. Proposed Departmental Action

The Secretary could approve with proposed special stipulations, which would provide protective measures for cultural resources until completion of the Section 106 compliance process.

I. Environmental Impacts of Proposed Departmental Action

Ten recorded historic and prehistoric sites may be directly or indirectly affected by the proposed departmental approval of the Mine Plan. Up to nine of these currently recorded sites may be eligible for nomination to the NRHP, but additional information is required before final eligibility recommendations can be made. In addition, such sites as the town of Wattis, Wattis Junction, Wattis Siding and the Utah Railway have apparently not yet been recorded and evaluated in terms of eligibility for nomination to the NRHP. Therefore, mining operations are currently considered to threaten up to 13 historic resources which may be of significance to the history of the area. Since a sample inventory to project the potential effects of subsidence upon sensitive sites has apparently not yet been conducted, it is possible that an unknown number of additional significant sites will be adversely affected. Although a mitigation program will be implemented to minimize adverse effects to any sites within the area of potential environmental impact, there will be some data loss nonetheless. No data recovery program currently used can be expected to recover 100% of the information a cultural resource may contain.

The cultural resources that are not considered eligible at this time may contain information that would be recoverable at some point in the future. These sites may be disturbed or destroyed with no possibility for future data recovery. There would be the physical loss of sites, as well as the loss of potential information. The nine isolated finds recorded during the 1980 inventory of the Star Point Mine potential impact area are considered ineligible for nomination to the NRHP and therefore, mining operations are currently considered to to entail No Adverse Effect to these resources. Since the artifacts have been collected and since locational and environmental data have presumably been recorded for these resources, minimal, if any, loss of data from these items is expected to result from disturbance of their original locations.

Unknown sites with potential information may also be destroyed by mining activities or as a result of increased cultural activity in the vicinity. Adverse impacts to unknown cultural resources through vandalism and unauthorized collection can be anticipated in the region due to probable increases in the number of persons in the immediate vicinity of the mine.

An anticipated beneficial impact from implementation of a data recovery program, if one is considered necessary, would be the addition of information to the existing data base regarding prehistoric and historic lifeways in the Price, Utah area. The data collected from any mitigation measures and disseminated in the final report should add to the technical data base, as well as provide a clearer picture of the area's cultural history.

J. Resource Alternatives to Proposed Action

One alternative would be not to mine and thus, no cultural resources would be directly impacted. Another alternative would be to avoid all cultural resources during mining operations. Because in-place preservation of the known cultural resources does not seem warranted (based upon National Register criteria), neither of these alternatives are at present considered prudent or feasible.

K. Environmental Impacts of Alternatives to Proposed Action

The beneficial impacts of data recovery through impact mitigation, if it is considered necessary, would not be realized if mining activites are prohibited or if avoidance of all known cultural sites is enforced. Disapproval or avoidance cannot eliminate data loss through unauthorized disturbance or vandalism, not can it slow on-going natural processes such as erosion, weathering and decay. Since approval of the Mine Plan with stipulations will allow for any necessary data recovery prior to additional site disturbance by cultural or natural agents, it is considered to be the alternative that will entail the minimum adverse impact and maximum beneficial impact to cultural sites.