



United States Department of the Interior  
OFFICE OF SURFACE MINING  
Reclamation and Enforcement  
BROOKS TOWERS  
1020 15TH STREET  
DENVER, COLORADO 80202

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FEB 11 1980

RECEIVED

FEB 13 1980

DIVISION OF  
OIL, GAS & MINING

Ron Daniels  
Division of Oil, Gas & Mining  
1588 West North Temple  
Salt Lake City, Utah 84116

Dear Mr. Daniels:

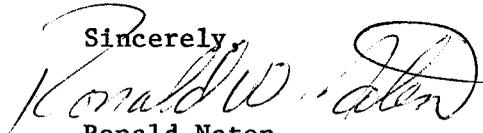
This letter is in response to the concerns raised by the state relating to 100% coverage for archeological resources required by OSM permanent regulations at the proposed Eureka Energy mine site. I would like to respond to your specific questions briefly below.

1. This office and those agencies who participated in the development of the Programmatic Memorandum of Agreement (the Office of Surface Mining, Bureau of Land Management, Geological Survey and the Advisory Council on Historic Preservation) discussed the matter of inventories on subsurface mines at length and determined that an inventory only over the mine plan area and not adjacent areas was appropriate and that this inventory was one of the pre-requisites for plan approval. This office sent the state a copy of OSM's Draft Guidelines for Cultural Resources compliance on September 18, 1979 wherein this requirement was identified and discussed.
2. The selection of drill site locations (20 acres) does not constitute a valid sampling mechanism for cultural resources, especially when the entire mine plan includes more than five square miles.
3. The Office of Surface Mining's Regulations (30 CFR Part 700) specify that for subsurface mines, the survey shall be conducted over the entire mine plan area and not just areas of potential ground disturbing activities (30 CFR 783.12 and 783.24). Sections 102 and 522(e) of the SMCRA and the National Historic Preservation Act of 1966 protect important cultural and historical resources from all adverse effects of underground mining activities. In particular, subsidence from underground mining could cause harm to structures overlying those workings and possible intra-sites displacement of artifactual material on surface sites.
4. No comment.
5. Since I do not know how many acres were surveyed in locating the two sites which were eligible or listed on the National Register of Historic Places, I can not determine whether 2 sites constitute a low or high site density for the area.

Since mining is prohibited or limited (30 CFR 761.11(c)) on lands which may adversely affect properties eligible for or listed on the National Register of Historic Places, unless it is jointly approved by OSM, the land managing agency and the State Historic Preservation Officer, OSM could not permit an area without a comprehensive inventory and an acceptable report. The latter must describe the measures to be used to minimize or prevent probable impacts to sites which may be adversely affected by the proposed mining operation (30 CFR 784.17).

If you have any further questions contact Judy Shafer. Should you wish to meet for further discussion, we are most willing to do so.

Sincerely,

A handwritten signature in cursive script that reads "Ronald Naten". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Ronald Naten  
Wildlife Biologist