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**MEMORANDUM OF AGREEMENT FOR
RECOVERY OF SIGNIFICANT INFORMATION**

FOR ARCHEOLOGICAL SITE: 42EM2517

UNDERTAKING: Bureau of Land Management (BLM), Grant of Right of Way (ROW),
Lila Canyon Extension Of The Horse Canyon Mine, Serial No. UTU-77122

STATE: Utah

AGENCIES: Bureau of Land Management, Price Field Office (BLM); Utah State
Historic Preservation Office

RIGHT OF WAY GRANTEE: UtahAmerican Energy, Inc.(UEI)

Whereas, in accordance with 36 CFR Part 800, the BLM acknowledges and accepts the advice and conditions outlined in Advisory Council on Historic Preservation's (ACHP) "Recommended Approach for Consultation on the Recovery of Significant Information from Archeological Sites," published in the Federal Register on May 18, 1999; and

Whereas, the BLM has issued ROW UTU-77122 granting rights of way on public lands related to UEI's surface facilities associated with an underground coal mine, Emery County's road, a telephone line and a power line to be constructed by PacifiCorp; and

Whereas, in accordance with the BLM's ROW conditions and DOGM's requirements at R645-301-411.144, UEI is required to conduct mitigation measures as described in the appended Archeological Data Recovery Plan; and

Whereas, the signatories agree that recovery of significant information from the archeological site listed above will be done in accordance with the published guidance; and

Whereas, the signatories agree that it is in the public interest to expend funds to implement this project through the recovery of significant information from archeological sites to mitigate the adverse effects of the project to 42EM2517; and

Whereas, the signatories agree that Indian Tribes that may attach religious or cultural importance to the affected property have been consulted and have raised no objection to the work proposed; and

Whereas, to the best of signatories' knowledge and belief, no human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001), are expected to be encountered in the archeological work;

Now, therefore, the BLM shall ensure that the following terms and conditions, including the appended Archeological Data Recovery Plan, will be implemented in a timely manner, as designated in the BLM Archaeology Permit and Notice to Proceed, and with adequate resources to be done in compliance with the National Historic Preservation Act of 1966 (16 U.S.C. 470).

OTHER TERMS AND CONDITIONS FOR 42EM2517:

- The BLM will implement the mitigation plan for 42EM2517 as directed in this Agreement.
- Modification, amendment, or termination of this Agreement as necessary shall be accomplished by the signatories in the same manner as the original Agreement.
- Disputes regarding the completion of the terms of this Agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of ACHP to assist in resolving the dispute.
- This Agreement shall be null and void if its terms are not carried out within 5 (five) years from the date of its execution, unless the signatories agree in writing to an extension for carrying out its terms.

Bureau of Land Management:

date:

Regan Banker

7/9/07

Utah State Historic Preservation Officer:

date:

W. M. A.

7/12/07

Utah American Energy, Inc.:

date:

R. Jay Marshall

7/9/07

Utah State Division of Oil Gas and Mining:

date:

John R. Byr

7/16/07

[Archeological Data Recovery Plan Attached]