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State of Utah

Department of Natural Resources

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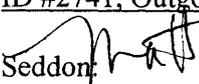
Refer to Confidential 02 02 2007  
file in C0070013, 2007.  
for additional information

JK

February 2, 2007

Matthew Seddon Ph.D., State Historic Preservation Officer  
DCED - State History Division  
300 Rio Grande  
Salt Lake City, Utah 84111

Subject: Decision Memo Requesting State Historic Preservation Office (SHPO) Concurrence on Adverse Effect and Eligibility Determinations, and Review and Comments on Protection Measures for Lila Canyon Extension, UtahAmerican Energy, Inc. (UEI), Horse Canyon Mine, C/007/0013, Task ID #2741, Outgoing File

Dear Dr. Seddon: 

In accordance with 36 CFR Part 800.2 (a), Pete Rutledge, Chief, Program Support Division at the Western Regional Coordinating Center, Office of Surface Mining (OSM), delegated the legal authority to the Utah Division of Oil, Gas & Mining (the Division) to act on behalf of OSM and conduct Section 106 regarding federal undertakings. The Division assumes the role of agency official with the continued assistance from OSM. Accordingly, we are requesting your concurrence with our Lila Canyon Extension effects and site eligibility determinations, and review of and comments on the proposed protection measures as per Section 106 of the National Historic Preservation Act, as amended, and its implementing regulation at 36 CFR Part 800.

The enclosed map (Attachment 1) illustrates that the proposed Lila Canyon Extension of the Horse Canyon Mine is located in Emery County, Utah (7.5 Minute USGS Quadrangle map is Lila Point). The legal description for the proposed extension is: T16S R14E Sections 10, 11, 12, 15, 14, 13, 22, 23, 24, 26, and 25, and in T16S R15E Sections 19 and 30 (SLBM). The proposed extension area is about 4,660 acres, which includes approximately 42 acres of surface disturbance for the facility site. The Bureau of Land Management (BLM), School and Institutional Trust Lands Administration, and Josiah Eardley are surface landowners and BLM is the subsurface owner.

The Division reviewed reports of archaeological inventories previously conducted on the proposed surface facility site (Montgomery 1998; Attachment 2) and transportation and utility corridors (Montgomery 1998, Attachment 3). The Division then began consultation and advisement communications with Emery and

Carbon counties, OSM, BLM, Public Lands Policy Coordination Office, numerous tribes, Southern Utah Wilderness Alliance (SUWA), Dr. Everett Bassett (Transcon Environmental – the Division’s archaeology consultant), and your office - Utah State Historic Preservation Office.

As part of the consultation efforts, the Division identified the *area of potential effect* (APE I and II; Attachment 4), the course of additional identification efforts, and measures that would avoid, minimize, or mitigate possible adverse effects. The Division determined that it was prudent to conduct an additional surface archaeological inventory of the area of potential subsidence (APE II). Montgomery Archaeological Consultants conducted this inventory during the summer of 2006 (Attachment 5).

In summary, there are three prehistoric sites that were previously determined as eligible for inclusion in the National Register of Historic Places within or adjacent to the proposed extension area. One prehistoric site (42EM2517) may be susceptible to impacts caused by vandalism (Montgomery 1998). The BLM would implement the mitigation plan for 42EM2517 as directed in the Memorandum of Agreement (MOA, 2007) prior to construction of the facility site. The other two eligible sites (42EM2255 and 42EM2256) are subject to potential subsidence (Jendresen et al. 2006; Miller 1991 [Attachment 6]). The Programmatic Agreement (PA, 2007) addresses related protection measures for archaeological resources such as these two sites.

There are four recorded sites within or adjacent to the extension area that were previously determined as not eligible. These sites include one prehistoric site (42Em1121) and three historic sites (42Em1335, 42Em1337, and 42Em1339). There are also five isolated finds that exist within or adjacent to the extension area that were previously recommended as not eligible.

There are three newly recorded sites (42Em3623, 42Em3622, and 42Em3659), which are historic in nature and considered common. The Division recommends that these three sites are not eligible because they do not meet any of the National Register Criteria, also the Division concurs with the previous determinations mentioned above. The Division has not identified other sites within the boundaries of APE I or II.

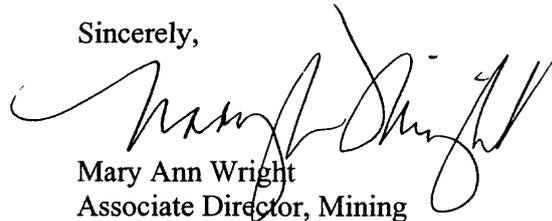
The Division, BLM, and OSM prepared a DRAFT PA (2007; Attachment 7) and a DRAFT MOA (2007; Attachment 8) as measures to protect, avoid, or mitigate known and unknown archaeological resources. Both documents, as well as BLM’s coal lease stipulations relating to archaeology, would become conditions to the permit. Following review by your office, the Division will send the DRAFT PA and DRAFT MOA to the consulting counties, tribes, SUWA, and Advisory Council on Historic Preservation for their comments.

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The Division revises its February 2005 determination of “*no historic properties affected*” for the proposed Lila Canyon Extension to “adverse effect”. The Division requests your concurrence with our eligibility determinations, effect determination that the proposed Lila Canyon Extension would have an “*adverse effect*” on cultural resources, and that the PA and MOA would provide prudent protection measures to address known or unknown effects to known or unknown cultural and historic resources.

If you have any questions or concerns, please contact us - Mary Ann Wright (801) 538-5306, Pam Grubaugh-Littig (801) 538-5268, or Jerriann Ernsten (801) 538-5214.

Sincerely,



Mary Ann Wright  
Associate Director, Mining

an  
Enclosure

cc: James Kohler, BLM  
Steve Rigby, BLM  
Steve Falk, BLM  
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