



State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas & Mining

JOHN R. BAZA
Division Director

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Refer to Confidential 02062007
file in C0070013, 2007
for additional information

February 6, 2007

Certified Return Receipt
7004 2510 0004 1824 2680

Jonathan Damp, Manager Zuni Cultural Resources
Pueblo of Zuni
P.O. Box 1049
Zuni, New Mexico 87327

Subject: Requesting Comments on Section 106 Determinations and Protection Measures for Lila Canyon Extension, UtahAmerican Energy, Inc. (UEI), Horse Canyon Mine, C/007/0013, Task ID #2741, Outgoing File

Dear Mr. Damp:

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 comments on the proposed 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 of the proposed surface facility site (Montgomery 1998) and transportation and utility corridors (Montgomery 1998). The Division then began consultation and advisement communications with Emery and Carbon counties,

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Jonathan Damp
February 6, 2007

OSM, BLM, Public Lands Policy Coordination Office, Southern Utah Wilderness Alliance (SUWA), Dr. Everett Bassett (Transcon Environmental – the Division's archaeology consultant), Utah State Historic Preservation Office (SHPO), and certain tribes. Since then, we have learned from Dr. John Fritz (Division Chair of Humanities, Salt Lake Community College) that your tribe may also have interest in the area of consideration.

As part of the consultation efforts, the Division identified the *area of potential effect* (APE I and II; Attachment 2), 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.

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). 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. The Division concurs with the previously mentioned determinations.

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

The Division considers that the proposed Lila Canyon Extension would have an "*adverse effect*" on cultural resources. The Division, BLM, and OSM prepared a DRAFT PA (2007; Attachment 3) and a DRAFT MOA (2007; Attachment 4) as measures to protect, avoid, or mitigate known and unknown archaeological resources. Both documents, as well as BLM's coal lease stipulations

Page 3
Jonathan Damp
February 6, 2007

relating to archaeology, would become conditions to the permit. The SHPO concurs that these protection measures are appropriate for this extension.

We have enclosed SHPO's consultation response for the Lila Canyon Extension for your information. We are requesting your comments on the proposed Lila Canyon Extension effects and site eligibility determinations, and review of and comments on the proposed protection measures. We are also requesting any comments or concerns you may have regarding any culturally significant plant, other natural resources, or Traditional Cultural Properties you may have knowledge of in the proposed action area.

If possible, we would appreciate your response within 30 days. If you have any questions or concerns, or would like to request copies of the survey reports, please contact me at (801) 538-5306. If for any reason you are unable to contact me, please feel free to contact Pamela Grubaugh-Littig (801) 538-5268 or Jerriann Ernsten (801) 538-5214.

Sincerely,



Mary Ann Wright
Associate Director, Mining

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State of Utah

**Department of
Natural Resources**

MICHAEL R. STYLER
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**Division of
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JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

February 6, 2007

Certified Return Receipt
7004 2510 0004 1824 2635

Stephen Bloch, Staff Attorney
Southern Utah Wilderness Alliance
425 East 100 South
Salt Lake City, Utah 84111

Subject: Requesting Comments on Section 106 Determinations and Protection Measures for Lila Canyon Extension, UtahAmerican Energy, Inc. (UEI), Horse Canyon Mine, C/007/0013, Task ID #2741, Outgoing File

Dear Mr. Bloch: *Steve*

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 comments (as a consulting party) on the proposed 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.

Previously, we sent you letters requesting information about cultural resources located within the area of this proposed action. The information below provides a description of the action, summary of events leading to this letter, and our findings.

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.

Page 2
Stephen Bloch
February 6, 2007

The Division reviewed reports of archaeological inventories previously conducted on the proposed surface facility site (Montgomery 1998) and transportation and utility corridors (Montgomery 1998). The Division then began consultation and advisement communications with OSM, BLM, Public Lands Policy Coordination Office, numerous tribes, Dr. Everett Bassett (Transcon Environmental – the Division’s archaeology consultant), Utah State Historic Preservation Office (SHPO), Carbon and Emery counties, and your office.

As part of the consultation efforts, the Division identified the *area of potential effect* (APE I and II; Attachment 2), 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.

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). The Programmatic Agreement (PA, 2007) addresses related protection measures for archaeological resources such as these two sites.

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

The Division considers that the proposed Lila Canyon Extension would have an “*adverse effect*” on cultural resources. The Division, BLM, and OSM prepared a DRAFT PA (2007; Attachment 3) and a DRAFT MOA (2007; Attachment 4) as measures to protect, avoid, or mitigate known and unknown archaeological resources. Both documents, as well as BLM’s coal lease stipulations

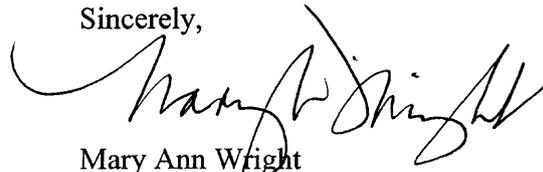
Page 3
Stephen Bloch
February 6, 2007

relating to archaeology, would become conditions to the permit. The SHPO concurs that these protection measures are appropriate for this extension.

We have enclosed SHPO's consultation response for the Lila Canyon Extension for your information. We are requesting your comments on the proposed Lila Canyon Extension effects and site eligibility determinations, and review of and comments on the proposed protection measures.

We would appreciate your response within 30 days. If you have any questions or concerns, please contact us - Mary Ann Wright (801) 538-5306, Pamela Grubaugh-Littig (801) 538-5268, or Jerriann Ernstsens (801) 538-5214.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Ann Wright". The signature is fluid and cursive, with a large initial "M" and "W".

Mary Ann Wright
Associate Director, Mining

an
Attachments
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OK



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Governor

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Lieutenant Governor

February 6, 2007

Certified Return Receipt
7004 2510 0004 1824 2642

Bryant Anderson
Emery County Planning & Zoning
P.O. Box 417
Castle Dale, Utah 84513

Subject: Requesting Comments on Section 106 Determinations and Protection Measures for Lila Canyon Extension, UtahAmerican Energy, Inc. (UEI), Horse Canyon Mine, C/007/0013, Task ID #2741, Outgoing File

Dear Mr. Anderson:

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 comments (as a consulting party) on the proposed 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.

Previously, we sent you letters requesting information about cultural resources located within the area of this proposed action. The information below provides a description of the action, summary of events leading to this letter, and our findings.

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The Division reviewed reports of archaeological inventories previously conducted on the proposed surface facility site (Montgomery 1998) and transportation and utility corridors (Montgomery 1998). The Division then began consultation and advisement communications with OSM, BLM, Public Lands Policy Coordination Office, numerous tribes, Dr. Everett Bassett (Transcon Environmental – the Division’s archaeology consultant), Utah State Historic Preservation Office (SHPO), Southern Utah Wilderness Alliance (SUWA), Carbon County, and your office.

As part of the consultation efforts, the Division identified the *area of potential effect* (APE I and II; Attachment 2), 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.

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The Division considers that the proposed Lila Canyon Extension would have an “*adverse effect*” on cultural resources. The Division, BLM, and OSM prepared a DRAFT PA (2007; Attachment 3) and a DRAFT MOA (2007;

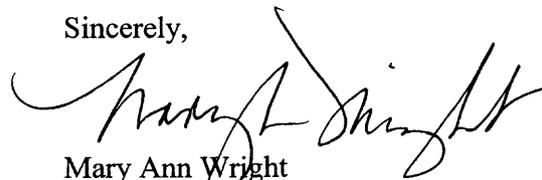
Page 3
Bryant Anderson
February 6, 2007

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Mary Ann Wright
Associate Director, Mining

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Attachments
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Lieutenant Governor

February 6, 2007

Certified Return Receipt
7004 2510 0004 1824 2659

David Levanger
Carbon County Planning & Zoning
120 East Main Street
Price, Utah 84501

Subject: Requesting Comments on Section 106 Determinations and Protection Measures for Lila Canyon Extension, UtahAmerican Energy, Inc. (UEI), Horse Canyon Mine, C/007/0013, Task ID #2741, Outgoing File

Dear Mr. Levanger:

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 comments (as a consulting party) on the proposed 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.

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David Levanger
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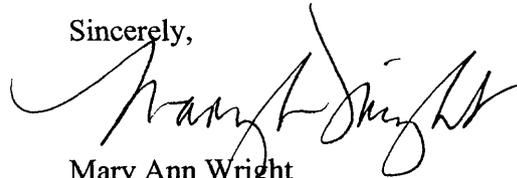
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Sincerely,

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Mary Ann Wright
Associate Director, Mining

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OK

February 6, 2007

Certified Return Receipt

«NAME»«JOB TITLE»
 «COMPANY» *mailing list attached*
 «ADDRESS»
 «CITY», «STATE» «ZIP»

Subject: Requesting Comments on Section 106 Determinations and Protection Measures for Lila Canyon Extension, Utah American Energy, Inc. (UEI), Horse Canyon Mine, C/007/0013, Task ID #2741, Outgoing File

Dear «SALUTATION»:

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Sincerely,

Mary Ann Wright
Associate Director, Mining

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BETSY CHAPOOSE
UNITAH & OURAY UTE INDIAN TRIBE
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FORT DUCHESNE UT 84026

TERRY KNIGHT
UTE MOUNTAIN UTE TRIBE
P O BOX JJ
TOWAOC CO 81334

NEIL CLOUD
SOUTHERN UTE TRIBE
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IGNACIO CO 81137

ELAYNE ATTCITY
WHITE MESA UTE INDIAN TRIBE
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CARLOYN SMITH
SHOSHONE BANNOCK TRIBE
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FORT HALL ID 83202

PATTY MADSEN
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JEANINE BORCHARDT
INDIAN PEAKS BAND OF PAIUTES
P O BOX 975
CEDAR CITY UT 84721

RON MALDONADO
NAVAJO NATION
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