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State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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June 19, 1995

TO: Daron Haddock, Permit Supervisor

FROM: Paul Baker, Reclamation Biologist

Handwritten initials, possibly 'PAB', in black ink.

RE: Concerns about Cultural Resources in the Area of the Proposed Willow Creek Mine, Cyprus Plateau Mining Corporation, PRO/007/038, Working File, # 2
Carbon County, Utah

This memorandum is intended to explain concerns about making a determination of completeness for the cultural resources section of the Willow Creek mining and reclamation plan application.

Within the proposed disturbed area, there are two groups of cultural resources sites area that the application indicates may be eligible for listing in the National Register of Historic Places. One consists of three pictograph panels near a vertical sandstone wall. The other is a group of several features associated with the Castle Gate Mine and townsite.

The application says official site listing forms have been submitted to the State Historic Preservation Office (SHPO) for review and determination of eligibility. The application says Cyprus met with SHPO to review cultural resources considerations and potential mitigation requirements. It also says the results of the meeting and subsequent discussions were incorporated in the mining and reclamation planning process to minimize or mitigate potential mining-related impacts.

Although the application describes coordination efforts that were undertaken with SHPO, it does not describe what mitigation or protection measures were incorporated into the mining and reclamation plan. Volume 15 of the application contains a confidential cultural resources report that describes cultural resources in the area of the proposed mine. However, this report does not give mitigation or protection recommendations.

On June 7, 1995, the Division received a letter from Cyprus's consultant discussing how or whether cultural resources would be protected. The letter says Exhibit 8 describes basic resource protection measures that may be implemented. It also says SHPO is currently evaluating available information. Upon receipt of SHPO's recommendations, a mitigation plan will be developed and submitted to the Division for insertion into Exhibit 8.

Exhibit 8 does not describe basic resource protection measures or potential mitigation or protection methods as the letter says. There is no indication in the application of any protection or mitigation methods that might be used.



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R645-301-411.142 requires the application to describe coordination efforts with and present evidence of clearances by SHPO. R645-301-411.143 indicates the Division may require the applicant to identify and evaluate historic and archaeological resources that may be eligible for listing on the National Register of Historic Places.

A few different approaches can be used to obtain a clearance from SHPO. The normal procedure is for the applicant to present cultural resource information to the Division, usually with a consultant's and/or the applicant's recommendations for protection and mitigation. The Division then either recommends approval or requests comments. Based on SHPO's clearance given to the Division, not the applicant, the Division can proceed with permit issuance. The clearance should be included in the application, however.

In the case of Willow Creek, the consultant and applicant did not provide recommendations to the Division. Instead, Cyprus is still working with SHPO to determine what mitigation and protection measures to include in the application. The application does not present evidence of clearances (given to the Division) as required.

If the Division determines the application administratively complete, it can send a copy of the application to SHPO and ask for its recommendations. Based on those recommendations, the Division can require the procedures given in R645-301-411.143. If Cyprus incorporates SHPO's recommendations as required, the Division can recommend and SHPO can give its clearance which should then be inserted in the application.

RECOMMENDATIONS

The Division should determine this portion of the Willow Creek mining and reclamation plan application administratively complete based on the cultural resources information presented in the application. The Division will need to request mitigation and protection recommendations from SHPO. The Division has the authority to require these of the applicant. When Cyprus has incorporated the recommendations in the application, the Division can recommend a clearance from SHPO which can be included in the application.

Most of the cultural resources information in Section 3.4, including Map 11, should be considered confidential. The information in this part of the application contains enough detail for someone to locate the identified cultural resources.