

Outgoing
0070047



JON M. HUNTSMAN, JR.
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Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

MICHAEL R. STYLER
Executive Director

JOHN R. BAZA
Division Director

September 23, 2010

Ms. Lori Hunsaker
Deputy State Historic Preservation Officer
Division of State History
300 S. Rio Grande Street
Salt Lake City, Utah 84101

Subject: Decision on No Adverse Effect to Historic Properties, Carbon Resources, Kinney #2 Mine, C/007/0047, Carbon County, Utah, Outgoing File

Dear Ms. Hunsaker:

After the telephone conference held on September 14, 2010, the Division has revised it's determination of Archeological clearance for the above-referenced mine. Please find enclosed a letter and map from Montgomery Archaeological Consultants, (MOAC), prepared by Jody Patterson.

The letter and map provide additional information and clarification about the three eligible sites, (42cb477, 42cb479 and 42cb1032), at the proposed Kinney #2 mine location. Previously a file search was conducted on May 15, 2007 and a class three pedestrian survey identifying these eligible sites was conducted by MOAC between May 16 and 25, 2007.

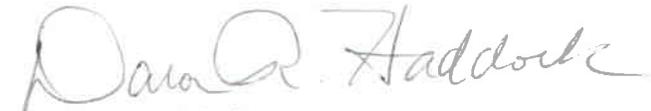
According to the additional information, **Site 42cb477** will be avoided although fencing is recommended. **Site 42cb479**, the original Kinney mine opened in 1920, contains 12 features. All but one of these features will be avoided. Only feature 12, thought to be a tipple area, may be potentially affected by the footprint of the disturbed area. The feature is 7 to 10 feet away from the disturbance area and only 4% of the site may be encroached upon by the proposed mine. **Site 42cb1032** is a minor spur of the Utah and Pleasant Valley Railway. In as much as the adjoining rail system has been continually upgraded and maintained into the 1970's, two minor impacts to the spur would not have an adverse impact on the railroad grade.

MOAC has recommended a "no historic properties adversely affected" determination for the three sites as discussed in the additional information and site map provided.

The Division agrees with MOAC's recommendation and makes a determination of no adverse effect to historic properties. We seek your concurrence with this determination. Please provide your concurrence at your earliest convenience.

Thank you for your comments on this case. Should you have any further questions, please contact me at (801) 538-5325 or Joe Helfrich at (801) 538-5290.

Sincerely,

A handwritten signature in black ink that reads "Daron R. Haddock". The signature is written in a cursive style with a large initial "D" and "H".

Daron R. Haddock
Permit Supervisor

DRH/JCH/sqs
Enclosures:
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MONTGOMERY
ARCHAEOLOGICAL
CONSULTANTS

Box 219, 322 East 100 South, Moab, Utah 84532 (435) 259-5764 Fax (435) 259-5608

Greg Hunt
Carbon Resources, LLC.
16577 Columbine Lane
Cedaredge, Co. 81413

20 September 2010

Dear Mr. Hunt,

As per your request, I have reviewed the site and GIS data to determine potential impacts to sites 42Cb447, 42Cb449, and 42Cb1032 and whether any impacts could be considered as an adverse effect on these sites.

Site 42Cb447 is the old Jones Mine located on the southern end of the Kinney 2 Mine. Originally the site had five features, four of which were destroyed during mine reclamation. All five features, including a hopper, a tipple, a wood frame building, a fan house, and the mine portal, were documented prior to reclamation. The HABS/HAER documentation for the Jones Mine can be found online at http://memory.loc.gov/cgi-bin/query/D?hh:1::/temp/~ammem_jaB5::. The one remaining standing structure, a fan house, is located 40-45 feet south of the nearest disturbance area. Although the feature is avoided, you may want to consider placing environmental fencing at the edge of the proposed disturbance as a safety and avoidance measure. Since the site has been well documented and reclaimed and the only remaining structure is avoided by the undertaking, MOAC recommends a "no historic properties adversely affected" determination for site 42Cb477 pursuant to Section 106, CFR 800.

Site 42Cb479 is the original Kinney Mine opened in 1920. The site consists of 12 features including eight retaining walls, two concrete foundations, and one standing structure, believed to be a powder house. All but one of these features are avoided by the proposed disturbance footprint for the undertaking. The powder house is approximately 50 feet east of the disturbance area. The retaining walls are avoided by a minimum of 45 feet and some by as much as 122 feet. One of the two concrete foundations, thought to represent the remains of a truck scale, is over 100 feet from the nearest disturbance. Only Feature 12, which may be related to the mine's tipple, could be potentially impacted by the undertaking. The feature is only 7 to 10 feet away from the disturbance area. The proposed mine footprint encroaches on approximately 4% of the surface area of 42Cb479. Given the minor amount of disturbance to the existing features at the site and the limited amount of new surface disturbance within the site boundary, MOAC recommends a "no historic properties adversely affected" determination for site 42Cb479 pursuant to Section 106, CFR 800.



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Site 42Cb1032 is a minor spur of the Utah and Pleasant Valley Railway that served the Jones, Kinney, and Columbine Mines, as well as several prospects in U P canyon. The spur left the main line a mile north of Scofield and paralleled the east edge of the valley, passing east of the the Scofield Cemetery and ending in U P canyon. As recorded by MOAC in 2007, the spur has been abandoned since the 1970s. Although some portions still retain ties and rail, most of the segment consists of just the railroad bed. Two small portions of the spur will be impacted by the new mine. Given that the site is a minor spur on a large rail system, has been continually upgraded and maintained into the 1970s, the minor impacts to the railroad grade will not have an adverse effect on the site. A "no historic properties adversely affected" determination is recommended for this segment of 42Cb1032.

Overall, the impacts of the proposed undertaking on eligible cultural resource are negligible and a determination of "no historic properties adversely affected" is recommend for this undertaking.

Based on the telephone conference last week, Ms. Hunsaker is willing to re-examine the determination of effect for this project, but DOGM would have to resubmit a consultation letter. However, it is unclear what DOGM needs from us to be able to do this. I hope this letter may serve as an addendum to our initial recommendations made in the U-07-MQ-0612 report. One item Ms Hunsaker did ask for was a map showing the disturbance area of the mine in relationship to the sites and features. I have attached this map to this letter.

If you or DOGM need additional information or documentation concerning our recommendations, please feel free to contact me at your convenience.

Sincerely,

Jody J. Patterson

Carbon Resources' Kinney Mine 2 Site Impact Assessment

Mine: From Carbon Resources Mine Surface Facilities
Area Autodesk Drawing

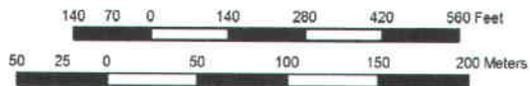
Site and Feature Data: Trimble data collected in 2007 (U-07-MQ-0612p)
+/- 5 meters

Background: NAIP 2009 1 meter Color Aerial Photograph

 Cultural Features

 Site Boundary

 Mine Disturbance



1:4000

19 Sept 2010

