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file Coal
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United States Department of the Interior

OFFICE OF SURFACE MINING
Reclamation and Enforcement
BROOKS TOWERS
1020 15TH STREET
DENVER, COLORADO 80202

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DIVISION OF OIL, GAS, & MINING

Mary Ann Wright
Reclamation Biologist
U.S. Geological Survey
Division of Oil, Gas and
Mining
1588 West North Temple
Salt Lake City, Utah 84116

Dear Mary Ann:

Our staff has reviewed the cultural resources report for the area of proposed disturbance at Consolidation Coal Company's PCB transformer structure located at the Emery Mine.

We find the report and recommendations, for such a small area, to be acceptable. However, instead of the applicant's proposed stipulation number 3, we would prefer the following language, which OSM uses as a Standard Stipulation.

"3) If, during the course of mining operations, previously unidentified cultural resources are discovered, the applicant shall ensure that the site is not disturbed and shall cease land disturbing activities in the vicinity, and shall notify the regulatory authority. The operator shall ensure that the resource(s) is properly evaluated in terms of the National Register of Historic Places eligibility criteria (36 CFR 60.6). Should a resource be determined eligible for listing in consultation with the regulatory authority and the SHPO, the operator shall confer with and obtain the approval of the regulatory authority and the Utah SHPO concerning the development and implementation of mitigation measures as appropriate. The operator shall not commence operations until authorized to do so."

We believe that the above language is more specific and provides for the protection of a newly discovered cultural resource until it is properly evaluated and the appropriate clearances have been obtained from the SHPO.

Because the Company would have to contact the regulatory authority, prior to relocating or otherwise altering the construction area, the later portion of the applicant's recommended stipulation number 3 appears unnecessary. Should such a relocation be necessary the applicant would have to provide documentation of an adequate inventory. Also the Section 106 consultations must be completed prior to approval.

Sincerely,

John Hardaway
Chief, Technical
Analysis Branch