

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

December 3, 2003

TO: Internal File

FROM: Priscilla Burton, Environmental Scientist, III

RE: Relocation of Appendix A, Consol Energy, Emery Mine, C/015/0015 Task #1761

SUMMARY:

The report included in Appendix 5-7 Part A of Chapter X was previously submitted with amendment AM03B, Emery Deep Mine Boundary Modification (Abatement N03-39-1-1) and was reviewed by Jerriane Ernstsens in the technical analysis dated June 9, 2003. Ms. Ernstsens determined that the information provided was adequate to meet the minimum Historic and Archeological Resource Information of the Environmental Resource Information requirements. As there are no differences in content between this submittal and that previously reviewed, Ms. Ernstsens's review is reprinted below.

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TECHNICAL ANALYSIS:

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.12; R645-301-411.

Analysis:

There are no differences in content between this submittal and that received and previously reviewed (TA_03B.doc dated 6/09/03). Appendix 5-7 Part A Chapter X containing the Montgomery Archeological Consultant's report (March 26, 2003) was considered adequate as analyzed in the Technical Analysis dated June 9, 2003:

“Montgomery Archeological Consultants surveyed 40 acres of the Emery Mine including the 4th east portal as well as powerline corridor in 2002. The same firm surveyed the 1.45 acre expansion area in March 2003. The 2003 Montgomery results show a site east of the Emery permit boundary. The site number is 42EM2961 and consists of lithic debitage and tools of rock and stone (survey, pg. 6). This site is considered eligible to the NRHP (survey, pg. 7). Emery Mine installed a fence along the site boundary to help protect the site. The consultants determined that with the installation of the fence, there is “No Historic Properties Affected”. In accordance to R645-301-411.142, the Division will seek to obtain clearance by SHPO (State Historic Preservation Officer) for the site.

It is not clear whether the consultants revisited the site following installation of the protective fence. The Division will visit the site to evaluate the level of protection the fence may provide from vandilizm [sic]. The historic site is near two county roads and may be easily seen. The area of impact caused by coal fines possibly includes this historic site. The Division will also evaluate possible impacts to the site caused by fugitive coal fines.

The Permittee discusses that a part of the Emery mine permit area was placed under the National Trails System in 2002. The amendment refers to Plate X-A-1 to see this designated trail. The map provides a narrative piece discussing this trail.”

The Division discussed the need for the ribboning with the consultant on October 14, 2003. The consultant stated that ribboned-off areas are less susceptible to vandalism than unribboned areas (personal communication with Ms. Ernstsen on December 3, 2003).

The current submittal also includes revised Plate X-A-1 reflects the addition of archaeological site 42EM2961 and County Road 907. The submittal also has new Table of Contents for Chap X, and revised pages 1 and 1a of Chapter X, reflecting the addition of Appendix 5-7 to Part A of Chapter X. A couple of details in the narrative on pages 1 and 1a were reviewed with Mr. Kirschbaum and the changes discussed will be made to the "clean" copies supplied with the approved application (personal communication with Mr. Tim Kirschbaum on December 5, 2003).

The letter accompanying the submittal (dated October 30, 2003) requests that Appendix A of Appendix 5-7 be placed in the Confidential file. Appendix A is the Intermountain Antiquities Computer System (IMACS) Site Form. Since other portions of the Montgomery Archaeological Consultants, Inc. report (Appendix 5-7) are sensitive as well, the Division confirmed with Mr. John Gefferth that the entire Part A of Chapter X should be placed in the Confidential file (personal communication on December 3, 2003).

Findings:

Information provided in the application is considered adequate to meet the minimum Historic and Archeological Resource Information of the Environmental Resource Information requirements. The entire Part A of Chapter X will be placed in the Confidential Folder.

RECOMMENDATIONS:

The application should be approved, pending clean copies of the Table of Contents and pages 1 and 1a. The entire Part A of Chapter X should be placed in the Confidential file as requested.