

*Incoming
C/025/0005*

0106

From: Joe Helfrich
To: Daron Haddock; Jim Smith; Lori Hunsaker; Matthew Seddon; OGMCOAL
Date: 6/3/2008 8:06 AM
Subject: Fwd: Alton Coal - Site 42Ka2044
Place: OGMCOAL

Lori and Matt,

I can set up a quick conference call with Chris if need be as to how to proceed or I can advise Chris based on your comments. Lori's first blush comments were that this site could be included with the current CRMP and Data Recovery Plan.....Joe

Please file in C/025/0005 incoming, Thanks

>>> "Chris McCourt" <CMcCourt@altoncoal.com> 6/2/2008 4:32 PM >>>
Joe,

As discussed in our phone conversation, Alton Coal will be unable to avoid site 42Ka2044 as recommended in the Alton Coal - Coal Hollow inventory report (Report No. U-05-MQ-1568b,p). Our first course of action related to these sites is to do everything possible to avoid the areas, but in this case avoidance has been determined to be at too high of a cost to the operation (approximately 100,000 tons of unminable coal). Alton Coal would like to mitigate this site, in order to mine the coal under the site location and for the purposes of rerouting Lower Robinson Creek, as approved by the Utah Division of Water Rights, through this area. Site 42Ka2044 is an Archaic temporary camp with a fire cracked rock feature that has been recommended as eligible to the NRHP under Criterion D. The site is located on both private and BLM land.

Site 42Ka2044 is not addressed in the Coal Hollow Data Recovery Plan, and will likely have to be addressed in a separate data recovery plan. Alton Coal would like to mitigate the site this fall (September or October), so that their mine plan for Coal Hollow can proceed as planned.

Matt Zweifel, BLM GSENM Archaeologist, has indicated to MOAC that full mitigation of the site would be necessary and an ARPA permit will need to be obtained. We propose to write a separate mitigation and data recovery plan for site 42Ka2044 that would tie into the potential testing and mitigation as described in Phases II and III of the Alton Coal CRMP. Mitigation of site 42Ka2044 can be viewed as a dry run of the research questions proposed for possible Phase II and III testing and mitigation efforts. We view this site as an "odd duck" that cannot easily fit into either Phase I or possible subsequent phases. As the site is situated on both BLM and private land it will require separate permitting (an ARPA permit) and full mitigation, thus it cannot be included in to Phase I research. The site can not be incorporated directly into possible Phase II and Phase III, as the impacts will be a result of the private action and treatment/mitigation of the such impacts will need to occur prior to the private action and are not directly associated with the possible federal action. To clarify, at this time Alton Coal Development proposes impacts will be confined to the portion of the site located on private land; however, the whole of the site (both BLM and private) will require treatment.

As time is a concern, we would like to begin writing a mitigation and data recovery plan for site 42Ka2044 shortly. Please provide me and MOAC with any opinions, questions, or concerns as to proceeding with the treatment of this site.

Thanks,

Chris McCourt