

0060

C041 002 Incoming  
CC: Susan, Jemiana  
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Supervisor's Office  
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United States  
Department of  
Agriculture

Forest  
Service

Manti-La Sal  
National Forest

File Code: 1580/2360-3  
Date: October 16, 2003

Ken May  
General Manager  
Canyon Fuel, L.L.C.  
397 South, 800 West  
Salina, UT 84654

Dear Mr. May:

We are in receipt of your letter dated October 10, 2003, which outlined logistical details of implementing your mitigation plan for archaeological site 42SV2430, Elusive Peacock Shelter. The mitigation plan was agreed to by all parties to the *Memorandum of Agreement between the USDA Manti-La Sal National Forest, The Utah State Historic Preservation Officer, Canyon Fuel Company, L.L.C., and Utah Division of Oil Gas and Mining Regarding SUFCO Mine* in a meeting held on October 6, 2003.

The mitigation plan is required to address potential adverse effects (subsidence and escarpment failure) because site 42SV2430 was determined to be eligible for listing in the National Register of Historic Places in 1997. Subsequent visits to the site suggest that further evaluation of its potential is appropriate. However, the recently modified mining plan does not permit sufficient time to complete formal consultation on a data recovery plan to provide additional data necessary to establish full potential of the site prior to mining.

SUFCO mine personnel presented a phased mitigation plan that consists of installing cribbing in the alcove directly beneath 42SV2430. In theory, this will ensure that the roof of the lower alcove will not collapse when the area subsides. By preventing the collapse of the roof of the lower alcove, the deposits in 42SV2430 would be preserved. However, the proposal is not entirely without risk and some spalling and cracking within both alcoves may still occur. The predictions associated with this plan suggest that a complete collapse of the upper alcove (42SV2430) is unlikely.

Enclosed are three original copies of a Collection Agreement No. 04-CO-11041000-002 to provide funds for Forest Service personnel to implement this project. Please sign all three and return them to this office. A fully executed copy with original signatures will be returned to you.

Regarding the logistical details, you are proposing to use a helicopter to transport cribs to an area directly in front of the lower alcove. The helicopter would pick up bundles of cribs off of flat bed trucks parked near existing drill site 03-12-2. We agree your present Road Use Permit (# 0410-02-8) authorizes commercial use on National Forest System Roads (NFSR) to the helicopter pick up area; the additional traffic is negligible. All Road Use Permit terms/conditions remain in effect.

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You are herein authorized to use the existing two-track road (unclassified) from NFSR 50028 to the termini near the worksite in it's present condition; no improvements to the two-track road are authorized.

It is understood that field crews will hand carry the individual crib blocks from the helicopter drop off area into the lower alcove for placement. The floor of the lower alcove will be excavated to rock at the individual crib locations. While it is not anticipated that cultural materials will be encountered, a Forest Service archaeologist will monitor the excavation activity to ensure no cultural materials are damaged/destroyed.

With respect to your proposal to leave the cribbing in place after mining, we believe it would pose a long-term liability for the federal government. Therefore, we require that the cribs be removed and/or be made non-functional after cultural investigation/recovery activities are completed in the upper alcove.

Please contact Bruce Ellis at this office or Tom Lloyd at the Ferron office if you need additional clarification relative to these matters.

Sincerely,

A handwritten signature in black ink, appearing to read "Alice B. Carlton". The signature is fluid and cursive, with a large initial "A" and "C".

ALICE B. CARLTON  
Forest Supervisor

cc:

Mary Ann Wright, Utah Division of Oil, Gas and Mining  
Wilson Martin, Utah Division of State History  
Tina Moynier