

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF RECLAMATION

****POLICY/PROCEDURE DIRECTIVE****

Underground 89-3

Subject: Protecting Historic and Prehistoric Properties -
Underground Mining Operations

Effective: February 28, 1989

Purpose: To establish a procedure for identification and protection of historic and archeological properties overlying full coal recovery mining operations. See Ohio Administrative Code (O.A.C.) 1501:13-4-13(A)(2) and 1501:13-4-14(J)(1) and (2).

Underground coal mining operators must identify the nature of cultural, historic, and archeological resources, and known archeological sites and either prevent or minimize adverse impacts or mitigate damage to properties listed or eligible for listing on the "National Register of Historic Places" (National Register). Mining operations that include full coal recovery areas shall adhere to the procedures outlined in this directive for those areas above the full coal recovery underground workings. The procedures established by PPD, Permitting 89-1, shall be applicable to the permit area of underground mining operations.

REPORT GUIDELINES AND PROFESSIONAL QUALIFICATIONS

Survey reports must comply with the guidelines stated in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (Standards). Copies of the Standards are available from the Division of Reclamation upon request.

The Division has adopted the Standards to provide specific minimum qualifications for professionals who conduct archeological surveys.

PRE-APPLICATION PROCEDURES

Prior to submission of an application, the operator shall, in accordance with PPD, Underground 89-2, conduct a pre-subsidence survey of all structures proposed to be undermined in the six month period following permit issuance. During the course of the pre-subsidence survey, the operator shall identify all structures fifty (50) years of age or older and then complete Attachment 27A for all such structures. Items 1 through 4 of the Attachment 27A are to be completed even if the applicant has not

identified any historic and/or archeological surveys in the planned subsidence areas or any historic or prehistoric structures.

PERMITTING PROCEDURES

An Attachment 27A, completed by the applicant, is to be included in the two (2) copies of the mining application submitted to the Columbus office for pre-initial review. An additional copy of the completed Attachment 27A and a map (containing the information required by the Attachment 27A) must also be submitted with the applications and is to be sent directly to the Division of Reclamation rather than the State Historic Preservation Office (SHPO).

Item 5 in Attachment 27A requires the submittal of photographs. It should be noted that only the additional Attachment 27A requires labeled black and white, front and rear photographs of each structure fifty (50) years and older. The Attachment 27A submitted as part of the permit application does not require these photographs. The Division will review the Attachment 27A and map for completeness and notify the applicant if revisions are necessary.

To comply with rule 1501.13-5-01(A) and (B), O.A.C., the Division will forward the additional copy of the Attachment 27A, photos, and application map to the SHPO to initiate the 30 day public comment period. The SHPO will keep the application map and return the attachment photos to the Division with its response (items A and P of Attachment 27A) within the 30 day comment period. The Division will consider any SHPO comments and notify the applicant and SHPO that the proposed permit area is either cleared or a survey is required.

If a survey is required and upon completion of a survey, the applicant will send the Division two (2) copies of the survey report. The reports will be reviewed by the Division archeologist for completeness (per the Standards). The Division will notify the applicant if revisions are necessary to meet the guidelines of the Standards.

The Division will keep one copy of each survey report on file in the Columbus office and send the other copy to the SHPO. The Division will solicit comment from the SHPO on all reports that:

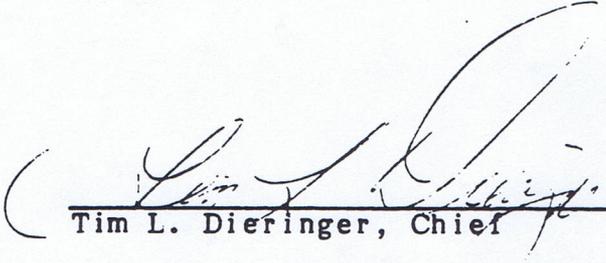
1. identify listed and eligible (including apparently eligible), historic and prehistoric properties to the "National Register of Historic Places," or
2. may need additional investigation.

The Division will inform the applicant and SHPO of its decision (additional investigation, condition the permit, approve or disapprove application, etc.) after timely comment is received from the SHPO.

PROCEDURES SUBSEQUENT TO PERMIT ISSUANCE

The application for full coal recovery operations shall contain further provisions for the identification and protection of historic properties as mining progresses beyond the initial six month period. Such provisions shall require the operator to complete the Attachment 27A for all structures fifty (50) years of age or older simultaneously with the completion of the pre-subsidence survey. The completed 27A shall be forwarded to the Division at least one hundred and eighty (180) days prior to subsidence at a specific structure. The review of the Attachment 27A, determination of a need for a survey, and disposition of survey reports will occur as outlined above for initially submitted applications.

If you have any questions, please contact Shari Zook or Dr. Jeffrey C. Reichwein at the Division's Columbus office (614) 265-6633.



Tim L. Dieringer, Chief

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Enclosure: Attachment 27A