

SUBJECT:	Culture and History
DATE:	November 1, 2001 - Revised 09-01-06

Legal Authority: 38-3-3.4.d.

The West Virginia State Historic Preservation Office (SHPO) is authorized pursuant to Chapter 29, Article 1, Section 5 of the Code of West Virginia to review all undertakings permitted, funded, licensed or otherwise assisted in whole or in part by the State in order to carry out its duties and responsibilities under State and Federal laws.

38-3-3.4.d requires approval by the DEP and SHPO of the issuance of permits for quarrying operations which will adversely affect any publicly owned park, any place listed on the national register of historic places or archaeological sites.

SHPO will be contacted by DEP and supplied all elements necessary to perform a review for the following:

- MR-25 (new permit applications),
 - Modifications which involve more than five acres of land disturbance, unless such land disturbance borders along the original permit boundary, and is not a unit extension of the permit boundary as an appendage to the permit.
1. One copy of the completed MR-SHPO with the following attachments will be submitted to DEP to be forwarded to SHPO for review:
 - ◇ One topographic map at a scale of 1" to 500', color coded to show the boundaries and extent of the proposed surface mining operation.
 - ◇ One topographic map of a scale of 1" to 2,000' (standard USGS topographic map) which show the boundaries of the proposed operation.
 - ◇ **Include photographs of all structures** (excluding trailers and temporary buildings, any structure built within the past twenty-five years, and equipment) situated on or adjacent to the proposed operation.
- NOTES: "Adjacent" in this context means within one-thousand feet of the proposed or permitted area. All photographs must be keyed to the*

project map. Indicate places where photographer stood and direction the camera was aimed.

- ◇ Applicant’s statement of the conditions of the proposed quarry site with particular attention given to any known historic, cultural, or archeological resources, and how these resources will be protected.
2. SHPO will review and submit response to DEP within thirty (30) days of receipt. SHPO may request an extension of an additional thirty (30) days. Failure of SHPO to respond within the appropriate time period will constitute a recommendation for approval of the application. Responses received will be handled in the following manner:
- ◇ If SHPO responds that the operation will adversely affect an identified site, the DEP will require applicant to revise application to prevent the adverse impacts, or implement other protection measures jointly approved by DEP and SHPO.
 - ◇ If SHPO responds that the operation, based on the application data and/or field investigations, will impact important historic, cultural, and archeological resources which are not listed or eligible for listing on the state or national registers, SHPO will describe the basis for the findings and make recommendations to DEP for further investigations to be performed by the applicant which will verify the existence or non-existence of historic and cultural resources. In the event that such exist, SHPO will again be provided an opportunity to review the applicant's proposals and provide comments and recommendations.

SHPO comments and/or correspondence will be forwarded to the applicant for appropriate action.

Applicant will include a copy of the Form MR-SHPO for those types of applications specified, along with any correspondence with SHPO, to the DEP Regional Office ***in all copies of the appropriate permitting application.*** Copies of historic field investigation surveys should not be included in permit application folders. A new permit application will not be considered complete without SHPO clearance.

3. SHPO will provide to each DEP regional office a monthly report of each application received and in the review process.