



*Private Fuel Storage, L.L.C.*

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John L. Donnell, P.E., Project Director

U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D.C. 20555-0001

March 20, 2001

**TREATMENT PLAN FOR MITIGATION MEASURES AND DISCOVERY PLAN  
DOCKET NO. 72-22 / TAC NO. L22462  
PRIVATE FUEL STORAGE FACILITY  
PRIVATE FUEL STORAGE L.L.C.**

- Reference: 1. U.S. NRC Letter, Delligatti to Parkyn, "Proposed Mitigation Measures Developed During the Consultation Process Required for Section 106 of the National Historic Preservation Act", dated December 12, 2000  
2. PFS letter, Donnell to Berggren, "Class III Cultural resource Inventory and Treatment Plan for the Hastings Cutoff Trail", dated August 31, 1999

Private Fuel Storage (PFS) has completed a revised Treatment Plan that incorporates the mitigation measures requested in the reference 1 letter. This revised Treatment Plan dated March 2001 is attached for you review. The attached treatment plan supercedes the treatment plan dated August 1999 submitted with reference 2.

If you have any questions regarding this response, please contact me at 303-741-7009.

Sincerely,

John L. Donnell  
Project Director  
Private Fuel Storage L.L.C.

Attachment

NMSSDI Public

U.S. NRC

March 20, 2001

Copy to (with enclosure):

Mark Delligatti – 2 copies

Scott Flanders

John Parkyn

Jay Silberg

Sherwin Turk

Greg Zimmerman

Scott Northard

Denise Chancellor

Richard E. Condit

John Paul Kennedy

Joro Walker

**TREATMENT PLAN FOR  
MITIGATION MEASURES FOR EIGHT HISTORIC PROPERTIES  
AND  
A DISCOVERY PLAN FOR THE  
PRIVATE FUEL STORAGE PROJECT, SKULL VALLEY, UTAH**

Cultural Resources Report 5131-03-20105

by

Alan R. Schroedl

Submitted to  
Stone & Webster Inc.  
7677 East Berry Avenue  
Greenwood Village, Colorado 80111-2102

Submitted by  
P-III Associates, Inc.  
2759 South 300 West, Suite A  
Salt Lake City, Utah 84115-2955

March, 2001

***P-III ASSOCIATES, INC.***



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## ***Introduction***

In 1997, Private Fuel Storage, L.L.C. (PFS) requested a license from the U.S. Nuclear Regulatory Commission (NRC) to store nuclear reactor spent fuel in a storage installation to be located within the boundaries of the reservation of the Skull Valley Band of Goshute Indians (the Project). As part of the licensing process, the NRC must comply with various federal, state, and tribal laws, regulations, policies, and procedures that require the identification, evaluation, protection, and mitigation of cultural resources that could be affected by the Project. These cultural resource responsibilities are addressed by federal legislation such as the National Historic Preservation Act of 1966 (NHPA, Public Law 89-665 as amended); the National Environmental Policy Act of 1969 (NEPA, Public Law 91-190); the Archeological and Historical Preservation Act of 1974 (Public Law 93-291); the Archeological Resources Protection Act of 1979 (Public Law 96-96); the American Indian Religious Freedom Act (16 USC 1996); the Native American Graves Protection and Repatriation Act of 1990 (Public Law 101-601); and the Federal Land Policy Management Act of 1976 (43 USC 1701 et seq.). The implementing regulations for these acts must be followed, including the Curation of Federally-Owned and Administered Archaeological Collections (36 CFR Part 79). Other related obligations can be found in executive memoranda and orders including: the Presidential Memorandum Regarding Government to Government Relations (April 29, 1994); and Executive Orders 11593 and 13007. There are also relevant State laws relating to cultural resources, such as the Utah State Antiquities Act, and various tribal policies and resolutions.

Under the NEPA compliance process, the NRC, the Bureau of Indian Affairs (BIA), the Bureau of Land Management (BLM), and the Surface Transportation Board (STB), agreed to participate as cooperating agencies for the Project. This interagency NEPA cooperation includes cultural resource compliance for the Project. Most importantly for purposes of these mitigation measures, the agencies have agreed to cooperate in ensuring compliance with the NHPA and its implementing regulations (36 CFR 800).

This plan presents the measures that the cooperating agencies, in consultation with the Skull Valley Band of Goshute Indians (the Tribe), the interested public, and the Advisory Council on Historic Preservation (ACHP), have developed to resolve all direct, indirect, and cumulative effects of the Project on historic properties or sacred sites that might be impacted.

## ***Background Information***

In May and June of 1999 and in June of 2000, P-III Associates, Inc. (P-III Associates) performed a Class III cultural resource inventory of the area of potential effects (APE) of the Project in Skull Valley, Tooele County, Utah. The inventory was conducted in compliance with 36 CFR 800. The intensive inventory met the Secretary of the Interior's Standards and Guidelines for Identification and Evaluation, as well as the requirements of the Salt Lake District of the BLM under the provisions of the Department of Interior Antiquities Permit 98UT54616, State of Utah Antiquities Permit U-99-PD, and State of Utah Project-Specific Permit U-98-PD-0213bi. The results of this inventory are presented in *Class III Cultural Resource Inventory of the Private Fuel Storage Project Area in Skull Valley, Tooele County, Utah* (Newsome and Birnie 2000) (the Report).

Based on the Report, the cooperating agencies, in consultation with the Utah State Historic Preservation Officer (SHPO), the Skull Valley Band of Goshute, and other parties including the Confederated Tribes of the Goshute Reservation, the Tribal Council of the Te-Moak Western Shoshone Indians of Nevada, the Paiute Tribe of Utah, the Utah Historic Trails Consortium, and Ohngo Guadadeh Devia, determined that eight of the sites located within the Project APE are eligible for inclusion in the National Register of Historic Places (NRHP) and that these properties will be adversely affected by the Project. Each of these eight properties is described below. The site descriptions include only the portions of the sites and associated features that are located within the APE.

### ***Site No.: 42TO709***

Temporary Site No.: 5126-2

Site Type: Emigrant Trail, Hastings Cutoff

Period: Historic

Site Size: 2000+ ft long by 10-12 ft wide

Site Description: Site 42TO709 is the Hastings Cutoff of the California Trail. Although the trail crosses most of Skull Valley, this description only pertains to the segment in the immediate vicinity of the project corridor. The segment of the Hastings Cutoff recorded in the project corridor is approximately 2000 ft long. The trail segment appears as a shallow swale approximately 10-12 ft wide and 1-2 ft deep. It is partially obscured by greasewood and Russian thistle. The trail segment traverses the area in a northwest-southeast direction. Southeast of the project corridor, the trail is clearly visible for several miles and is easily discernable on 7.5' orthophoto quadrangle maps of the area. Northwest of the project corridor, the trail is less visible. Although no associated artifacts were noted

in the vicinity of the project corridor, a plastic trail marker placed by the Oregon-California Trails Association is located approximately 110 ft northwest of the proposed corridor centerline.

National Register of Historic Places Evaluation: The cooperating Federal agencies have determined that site 42TO709 is eligible for inclusion in the NRHP under criteria a and b for its significant association with important events and persons in American history. The agencies have determined that the site will be adversely affected by the Project. The agencies have determined that the physical remains of the site within the construction corridor will be adversely affected by the Project.

***Site No.: 42TO1409***

Temporary Site No. 5126-3

Site Type: Highway, U.S. Route 40

Period: 1920s-1966

Site Size: 1 3/4 mi long, 20-30 ft wide

Site Description: This site consists of a segment of U.S. Route 40 and includes only the most recent alignment of this highway. Portions of this segment overlie portions of the 1916-to-1925 and 1926-to-mid-1940s alignments of the "old" and "new" Victory Highway (42TO1410 and 42TO1411). In the project area, U.S. Route 40 is a two-lane, asphalt-paved road that is built on graded roadbed, with cut and fill sequences where necessary to maintain grade. The road consists of multiple layers of asphalt and is approximately 20 ft wide. In some areas, it has relatively shallow and broad drainage ditches on both the north and south sides.

The west-central and central portion of this road segment, extending from just west of a Western Pacific railroad underpass eastward to an intersection with a gravel access road, is still being maintained and used to access the gravel road to a radio tower; it is in good condition. The remnants of a late 1940s-to-1960s gas station (42TO1415) are present near the intersection with the gravel road. The asphalt from the extreme western portion of this highway segment, extending from just west of the railroad underpass westward to the Interstate 80 right-of-way (ROW), has been removed. In addition, the upper layer of asphalt along the eastern portion of the highway in the project area for approximately 0.9 mi to the Interstate 80 ROW has also been partially removed and is not maintained or used. The portion of the site within the APE consists of the roadbed and a paved surface. The upper layer of pavement has been partially ripped up by heavy equipment.

National Register Evaluation: The cooperating Federal agencies have determined that site 42TO1409 is eligible for inclusion in the NRHP under criterion a for its significant association with important events in American history. The agencies have determined that the site will be adversely affected by the Project. The agencies have determined that the

physical remains of the site within the construction corridor will be adversely affected by the Project.

***Site No.: 42TO1410***

Temporary Site No. 5126-4

Site Type: Highway, "New" Victory Highway

Period: 1925 to mid-1940s

Site Size: 1.15 mi long, 20-30 ft wide

Site Description: This site consists of several segments of the "New" Victory Highway, later designated as U.S. Route 40. This paved road was constructed by 1925, and segments in the project area were used until the mid-1940s, when portions of U.S. Route 40 were realigned to the south and this roadbed was abandoned. This road was an asphalt-paved, two-lane highway that extended from east to west through the project area. It is not continuous in the project area. The eastern segment is 0.3 mi long and consists solely of the graded roadbed from which the asphalt pavement has been removed. The central portion of the road in the APE is approximately 0.7 mi long and is north of U.S. Route 40. The asphalt pavement is still present but is poorly preserved and heavily overgrown by vegetation in some areas. Four trash scatters that date from the late 1920s into the 1940s are present along this segment, as is an historic site (42TO1414) that dates from the 1930s to the mid-1940s. The trash scatters are dumping locations for roadside trash and consist mainly of can and glass scatters. The western segment of the road in the project area is approximately 0.2 mi long and consists of an elevated roadbed with a poorly preserved asphalt pavement. This segment is located approximately 100 yd west of a bridge/underpass and extends to the southwest. The concrete bridge/underpass was constructed in 1926. It was recorded as a feature (a bridge) associated with the Western Pacific Railroad (42TO1413).

National Register Evaluation: The cooperating Federal agencies have determined that site 42TO1410 is eligible for inclusion in the NRHP under criteria a, b, and c for its role in important events in American history, for its association with important persons in American history, and for its design and engineering significance. The agencies have determined that the site will be adversely affected by the Project. The agencies have determined that the physical remains of the site within the construction corridor will be adversely affected by the Project.

***Site No.: 42TO1411***

Temporary Site No. 5126-5

Site Type: Highway, "Old" Victory Highway

Period: 1916-1925

Site Size: 1 1/4 mi long, 10-12 ft wide

Site Description: This site consists of a segment of the "Old" Victory Highway. This road was constructed in 1916 and was a graded and unpaved roadbed through the area. It was used until 1925, when construction of the "New" Victory Highway (42TO1410) was completed. The roadbed consists of a heavily overgrown, shallow (2-8 inches deep), 10-12-ft-wide graded area. Low berms (2-8 inches high and 6-12 inches wide) are discontinuously preserved along the margin of the graded roadbed. This roadbed can be traced from a fence that demarcates the southern ROW for Interstate 80 east of the Low Interchange (Exit 62 on Interstate 80) west for a distance of almost 1 1/4 mi to a location where the roadbed has been destroyed by a series of fiber optic lines and a two-track access road along the southern margin of the fiber optic lines. Vegetation differences (e.g., denser grasses and rabbitbrush) also can be used to define the roadbed's alignment due to slightly greater moisture content in the roadbed depression.

National Register Evaluation: The cooperating Federal agencies have determined that site 42TO1411 is eligible for inclusion in the NRHP under criterion a for its association with important events in American history. The agencies have determined that the historic property will be adversely affected by the Project. The agencies have determined that the physical remains of the site within the construction corridor will be adversely affected by the Project.

***Site No.: 42TO1412***

Temporary Site No. 5126-6

Site Type: Telegraph line

Period: Late 1800s-early 1900s

Site Size: Low Interchange Segment-0.9 mi long, Timpie Segment-0.6 mi long.

Site Description: This site consists of two segments of a telegraph line in the project area. One segment is located south of the Low Interchange (Exit 62) on Interstate 80, and the second is north and west of the Timpie Exit (Exit 77) on Interstate 80. The Timpie segment is relatively well preserved, with most of the telegraph posts still standing. Most of the original posts in the Low Interchange area are missing or have been replaced by more recent posts. Original posts are present in the Low Interchange area south of U.S. Route 40. In both segments, the telegraph line is on the south side of and parallel to a set of railroad tracks (the Western Pacific Railroad). None of the original wire remains attached to the crossbeams on the posts; however, in many areas, there are still pieces of wire lying on the ground between posts or stretching from the post to the ground surface. Few insulators remain on the crossbeams; most have fallen off due to decay or have been removed by collectors or used for target practice. However, insulators that are present include glass (clear and blue-green) and Bakelite. The telegraph poles are 10-12 inches in diameter and have 3- by 4-inch crossbeams that are approximately 8 1/2 ft long.

National Register Evaluation: The cooperating Federal agencies have determined that site 42TO1412 is eligible for inclusion in the NRHP under criterion a for its association with important events in American history, and that it will be adversely affected by the Project. The agencies have determined that the physical remains of the site within the construction corridor will be adversely affected by the Project.

***Site No.: 42TO1413***

Temporary Site No. 5126-7

Site Type: Western Pacific Railroad

Period: 1907-present

Site Size: Low Interchange Segment-0.9 mi; Timpie Segment-0.65 mi

Site Description: The portions of the Western Pacific Railroad in the APE consist of the modern railbed and tracks in both the Low Interchange and Timpie segments and a railroad bridge/road underpass in the Low Interchange area. The modern railbed is well maintained, and old rails, railroad ties, etc., have been replaced as needed since the railroad was originally completed across the region in 1907. In addition, the railbed in the Timpie segment has been raised twice, once in 1912 and again (approximately 6 ft) between 1983 and 1987 (Blanthorn 1998). The Timpie segment extends across the mud flats to the east and west and cuts through a 6-9-ft-high dune in the central portion of the segment. At its eastern end, the Low Interchange segment begins in a railroad cut underneath and at the intersection of Interstate 80 and the railroad line; it extends southwest for approximately 0.9 mi. The eastern 0.7 mi of this segment is in a deep (up to 50 ft in places) railroad cut. This cut is approximately 100-200 ft wide. Backdirt from excavation of this cut is piled along the ground surface on both sides of the cut, along its entire length. This indicates that much of the excavated material from this area was not used as fill for constructing other raised roadbed segments. The western portion of the railroad is on grade with the modern ground surface as the railroad crosses the pass between the Cedar Mountains to the south and Skunk Ridge to the north. The western end of the railroad segment in this area extends across a concrete bridge that was constructed in 1926 and then beyond the project area to the southwest. The railbed west and southwest of the bridge/underpass is on a raised grade.

The bridge/underpass is made of poured concrete and provides a railroad route over U.S. Route 40. The bridge is not perpendicular to U.S. Route 40 but is offset to the southwest. The base of the bridge is approximately 17 ft above the roadbed of U.S. Route 40 and provides a road ROW approximately 30 ft wide. The bridge span is made of 3 1/2-ft-thick concrete, upon which the railroad bed is constructed. The bridge has "WESTERN PACIFIC 1926" in large block letters cut into the concrete on both the east and west sides. The Timpie segment consists of a straight line of railroad track on a well-maintained railbed that extends along a west-northwest to east-southeast axis for approximately 0.65 mi through the project area.

National Register Evaluation: The cooperating Federal agencies have determined that site 42TO1413 is eligible for inclusion in the NRHP under criterion a for its association with important events in American history and under criterion c for its design and engineering significance. They have also concluded that it will be adversely affected by the Project. The agencies have determined that the physical remains of the site within the construction corridor will be adversely affected by the Project.

***Site No.: 42TO1416***

Temporary Site No. 5126-11

Site Type: Road, Deep Creek Road

Period: Mid-1800s-early 1900s

Site Size: 4000 ft<sup>2</sup>

Site Description: The site consists of several interwinding alignments of a road to Deep Creek. This road is depicted on an 1871 General Land Office (GLO) map on file at the Utah State BLM Office. This road may also have been the Beckwith Route, which was defined in 1854 and used by freighters for many years. There are three segments of this road in the APE north of a modern gravel road and one possible road segment south of the gravel road. Each segment is 8-10 ft wide and 6-10 inches deep. Low berms are present along the lateral margins of the segments north of the modern gravel road. Of the three segments north of the road, two are roughly parallel to the modern road and join just west of the APE; a smaller segment that is truncated by the modern gravel road is in the eastern portion of the APE. This smaller alignment intersects the southern alignment of the two other alignments in this area just east of the APE. The possible road segment south of the modern road parallels the road. It is also 8-10 ft wide but has been rangeland drilled and is poorly defined. It is uncertain whether this road segment is associated with the Beckwith/Deep Creek road or with the modern gravel road. It merges with the modern gravel road approximately 200 ft northeast of the APE.

National Register Evaluation: The cooperating Federal agencies have determined that site 42TO1416 is eligible for inclusion in the NRHP under criteria a and b for its significant association with important events and persons in American history. The agencies have determined that the site will be adversely affected by the Project. The agencies have determined that the physical remains of the site within the construction corridor will be adversely affected by the Project.

***Site No.: 42TO1417***

Temporary Site No. 5126-12

Site Type: Road segment, Road to Sulphur Spring/Eight-Mile Spring

Period: Mid-1800s to early 1900s

Site Size: The segment in the APE is 400 ft long and 10 ft wide

Site Description: This site consists of a segment of a road that is illustrated on an 1871 GLO map as the road to Sulphur Spring. It is also known as the Eight-Mile Spring Road. The portion of the road segment in the APE consists of an unpaved and ungraded roadbed that is approximately 10 ft wide and 6-10 inches deep. It is overgrown by vegetation and has been impacted by erosion and livestock grazing, but it is still well defined in the APE. It is oriented along a 102°-282° axis and can be observed extending to the west. The road is not as well defined east of the APE. Roy Tea, President of the Oregon-California Trails Association, indicated that this road was used on at least one occasion for westward migration (personal communication with Robert I. Birnie, September 19, 2000).

National Register Evaluation: The cooperating Federal agencies have determined that site 42TO1417 is eligible for inclusion in the NRHP under criterion a for its significant association with important events. They have also concluded that it will be adversely affected by the Project. The agencies have determined that the physical remains of the site within the construction corridor will be adversely affected by the Project.

## ***Mitigation Measures***

After reviewing and consulting regarding the potential direct, indirect, and cumulative effects of the Project to the eight NRHP-eligible properties located within the APE, the cooperating Federal agencies jointly developed a series of measures or stipulations to mitigate the adverse effects of the Project on these historic properties in the public interest (TAC No: L22462). These measures are presented below by topic.

### **Interim Protection During Construction**

During construction of the rail line, PFS will ensure that all vehicles avoid driving on or over the historic properties outside the construction corridor. PFS will ensure that the portion of site 42TO1409, U.S. Route 40, under the Western Pacific railroad bridge, will be padded during the construction phase of the rail line to prevent any possible damage to or deterioration of the remaining intact surface of the structure. This mitigation measure is designed to eliminate any loss of integrity of materials that might result from driving on or over the historic properties.

PFS will erect temporary construction fences along the edges of the Project construction corridor through sites 42TO709, 42TO1409, 42TO1410, 42TO1411, 42TO1416, and 42TO1417 prior to the start of construction in these areas. These fences are designed to prevent any loss of integrity to any of the eligible properties. The

construction fences will be removed upon completion of construction in the area of the historic properties.

## **Public Outreach and Education**

### **Reprint Existing Brochure on the California Trail**

PFS will pay the National Park Service (NPS) for one reprinting of the existing California Trail brochure. This reprint is designed to make the general public aware of the historic importance of the California Trail, which the Project will directly impact by crossing it in one location. The NPS will store the reprinted brochure and distribute it from their Long-Distance Trails Office in Salt Lake City. Copies will be made available for the Skull Valley Band to distribute if they desire to do so. The number of copies to be printed shall be no more than the number that can be stored and distributed by the NPS over a three-year period. This number is not to exceed 50,000 (Approximately \$8,000).

### **Design, Publish, and Distribute a Brochure on Site 42TO709, Emigrant Trail/Hastings Cutoff and Site 42TO1417, Road to Sulphur Spring or Eight-Mile Spring**

PFS will provide funding to the NPS Long Distance Trails Office for developing, printing, and distributing a Brochure on 42TO709, Emigrant Trail/Hastings Cutoff and 42TO1417, Road to Sulphur Spring or Eight-Mile Spring. The brochure will contain approximately 4 pages, with illustrations as appropriate, describing the trail's significant historical associations and characteristics and promoting preservation and use of the undisturbed portions of the trail. This brochure will be made available to the general public by distribution in the BLM Salt Lake Field Office and the NPS. If interested, copies shall be made available to the Skull Valley Band of Goshute for their distribution. The number of copies to be printed shall be no more than the number that can be stored and distributed by the NPS over a three-year period. This number is not to exceed 5,000 (Approximately \$8,000).

### **Develop Educational Materials for the Goshute**

PFS will assist the Skull Valley Band of Goshutes in developing educational materials to be located at an appropriate location (eg: proposed Skull Valley Band of Goshute/PFS Visitor Center). Assistance could take the form of monetary funding or providing facilities for a cultural exhibit.

### **Produce and Install an Interpretive Kiosk or Wayside Exhibit for Site 42TO709, Emigrant Trail/Hastings Cutoff**

PFS will consult with BLM or NPS Recreation Planners to obtain their standard design for a single wayside interpretive kiosk or other standardized design used in the Salt Lake Field Office and will pay for the development of an interpretive kiosk. The

kiosk shall be located on reservation land until such time as the Skull Valley Band of Goshute/PFS Visitor Center is available. If reservation land is not temporarily available, PFS shall also consult on possible locations (on BLM land) to erect the kiosk until it can be relocated to the Visitor Center. The kiosk shall contain at least one wayside exhibit panel. The panel shall be in the standard format of the BLM Salt Lake Field Office (i.e., colors, fonts, materials, etc.) The brochures described above shall be displayed within the kiosk to inform the general public of the historic importance of the Emigrant Trail and Hastings Cutoff. PFS shall maintain the kiosk if built on reservation land. If built and installed on BLM land, the BLM shall maintain the kiosk in the public interest.

## **Recordation and Documentation**

P-III Associates on behalf of PFS will carry out the following documentation and recordation measures on those portions or segments of the eight historic properties that the cooperating Federal agencies have determined will be adversely impacted by the Project. This work will be completed prior to any alteration of the properties as a result of the Project.

Using a Global Positioning System (GPS) unit, Universal Transverse Mercator (UTM) coordinates will be collected for the length of site 42TO709 from Hope Wells to Redlum Springs. Associated features and artifacts dating to the period of significance, as determined by the cooperating agencies, will be mapped and recorded in plan view. The associated features and artifacts will also be documented using black and white photographs.

Using a GPS unit, the portion of each of the other seven historic properties and associated features within the APE will be mapped.

Using a metal detector, P-III Associates will survey or inventory the portion or area of each historic property located within the APE. All unique, distinctive, and/or temporally diagnostic artifacts will be recorded. Based upon the BLM's Scope of Collection Statement to be provided to P-III Associates, appropriate artifacts will be collected for permanent curation.

The portion of each property that will be affected by the Project will be documented with 35-mm black and white photographs. These photos will denote important features on the site, the relationship of the site to local landmarks, etc.

P-III Associates will provide an addendum or continuation sheet to each Intermountain Antiquities Computer System (IMACS) site form containing a narrative description of change through time in the integrity of each site (as defined per National Register Bulletin 15). This description of change through time will be based upon an

analysis of existing aerial photographs or color infrared images of each site at particular times in each site's history or other available documentation.

P-III Associates will update the IMACS site form for each property based on photo interpretation and analysis of GPS data, recorded features, and collected artifacts. P-III Associates will provide the BLM with two copies of the updated or revised IMACS site form for each property. The forms will be printed on acid-free paper and accompanied by original black and white photographs and a copy of the U.S.G.S. 7.5' topographic map showing the site location in relation to the Project. Photographs will be provided to the BLM in acid-free sheets designed for three-ring binders, and the photographic log of photographs will also be provided on acid-free paper. The BLM will also be provided with a catalog of collected artifacts and an electronic copy of all collected GPS locational data.

### **Curation and Record Dissemination**

Any artifacts or objects collected under these mitigation measures will be curated in accordance with the Utah BLM's agreement with the Utah Museum of Natural History and in compliance with 36 CFR 79. P-III Associates will prepare the materials according to the museum's requirements. The BLM Salt Lake Field Office will curate all documentary materials and records generated by these mitigation measures.

The BLM will submit copies of revised or updated IMACS forms to the SHPO for inclusion in their hardcopy files. The BLM will also provide IMACS forms to any interested person or party upon request, including but not limited to the ACHP, subject to the restrictions in ARPA and NHPA regarding disclosure of site locations and character.

### ***Discovery Plan***

The Discovery Plan for the Project consists of three components: (1) training of construction personnel to recognize and avoid cultural resources, (2) periodic monitoring of construction activities in the vicinity of the eight properties, and (3) an emergency data recovery program for previously undiscovered cultural resources. PFS will provide the construction contractor with written notification of the proper protocol for reporting the discovery of previously unencountered sites or cultural items subject to Native American Graves Protection and Repatriation Act (NAGPRA) compliance.

### **Training Activities**

Before the start of construction, staff from P-III Associates will conduct an on-site meeting with construction personnel to alert them to the possibilities of buried cultural resources. The construction personnel will be given information about how to recognize cultural remains in the construction areas. They will also be informed about the proper procedures for avoiding historic properties or cultural items and minimizing damage to

any such remains. Construction personnel will be specifically educated and trained in the measures necessary for the Federal agencies to ensure compliance with NAGPRA and its implementing regulations, should such cultural items be identified during the Project. The cooperating agencies will provide P-III Associates with a list of appropriate agency contacts and telephone and FAX numbers to ensure full compliance on the part of the contractors.

## **Monitoring Activities**

During the initial construction (earthwork activities) of the rail line at the northern end of Skull Valley, staff from P-III Associates will conduct a weekly visual inspection of various construction areas, looking for any evidence of cultural features or artifact concentrations. Inspection will focus on identifying buried cultural features, pit structures, or artifact concentrations.

Any newly discovered cultural resources will be handled according to the data recovery procedures discussed below. Additionally, the staff will be available for immediate cultural resource evaluation in the event that construction personnel uncover or identify any cultural resources, including cultural items as defined by NAGPRA.

## **Emergency Recovery Procedures**

If human remains are encountered, all construction within 200' of the remains will cease immediately, and the appropriate federal, state, and local agency personnel, on the list of appropriate agency contacts and telephone and FAX numbers provided to the construction contractor by the cooperating agencies via P-III Associates, will be immediately contacted. If a contractor encounters a previously undiscovered archeological, historical, or cultural property or cultural item during construction, or if it is determined that previously known historic properties will be affected in an unanticipated manner, all Project work will cease within 200 feet of the locality, property, or NAGPRA cultural item. The contractor will immediately notify the designated federal representative of the discovery and will provide as much specific information as possible regarding the identification, location, and condition of the item or property. The designated Federal agency representative will evaluate the situation within 48 hours of notification and, if appropriate, describe the steps necessary to evaluate the property and to mitigate any adverse effects; the representative will also authorize PFS or its designated representative to undertake the required steps. For finds subject to NAGPRA, the procedures for inadvertent discovery situations under NAGPRA and its implementing regulations will be immediately adhered to by the federal representative.

For standard archeological or historical finds that are not subject to NAGPRA compliance and that were previously unrecorded and unevaluated, P-III Associates will implement the following procedures. Culturally or temporally diagnostic isolated finds discovered during monitoring or other Project-associated activities will be collected for

laboratory analysis and possible curation, subject to BLM's Scope of Collection Statement. The location of such isolated finds will be plotted as accurately as possible on a 1:24,000-scale U.S.G.S. topographic map of the area in relation to existing or previously documented historical properties.

Small features such as hearths or ash stains will be described, mapped (plan view if exposed during right-of-way grading or profile if exposed in a trench wall), photographed using black-and-white images, and sampled for radiocarbon dates (if applicable), and their locations will be plotted on a 1:24,000-scale U.S.G.S. topographic map of the area. Treatment or mitigation of any adverse effects to such small features will be conducted as quickly as possible. In most cases, such features may be documented and samples may be collected in less than six hours in the field. Additional laboratory time will, of course, be necessary to finalize a plan and profile or cross-section map of such features.

If discoveries involve relatively large features such as occupation surfaces, house pits, or buried artifact concentrations, more substantial documentation and treatment in the form of additional testing and/or excavation will be undertaken. Such data recovery efforts will start immediately after notification of the appropriate land managing agency personnel. It is anticipated that complete mitigation or data recovery can be completed within 48-72 hours, depending upon the complexity or stratigraphic positioning of the large features. Given the high intensity of the original survey of the APE, it is highly unlikely that such cultural features will be found.

## ***Construction Scheduling***

Upon approval of these mitigation measures and Discovery Plan, the NRC will permit PFS to begin construction in those portions of the APE that have been subjected to the intensive Class III inventory and do not contain eligible historic properties. Specifically, there will be no construction within 200 feet of the eligible historic properties until the mitigation measures have been completed and approved.

Where eligible properties are present within the APE, PFS will initiate and ensure completion of the mitigation measures described above. Upon completion of these measures, PFS will notify the cooperating Federal agencies when treatment is completed for each subarea within the APE. Within 45 calendar days of notification, BLM will determine whether the treatment or mitigation measures completed by PFS or their designated contractor, P-III Associates, has been completed to the Secretary of the Interior Standards or other applicable standards and guidelines, and BLM or the respective Federal agency will notify PFS of its determination. If BLM or the Federal agency does not notify PFS within the 45 calendar day time period, PFS will presume

BLM or agency concurrence and proceed with construction in that subarea within the APE.

## ***Personnel Qualifications and Permits***

The Secretary of the Interior Standards and Guidelines for Archeology and Historic Preservation establish minimal professional standards for supervisory cultural resource personnel. P-III Associates will ensure that its personnel for this Project meet or exceed the Secretary of the Interior's Professional Standards and Qualifications (48 Fed. Reg. 44738-39). P-III Associates currently holds Utah State BLM Cultural Resource Use Permit 00UT54616. This permit, coupled with the Federal agencies' agreement with this plan, will constitute the ARPA permit for this Project. P-III Associates has the requisite experience working on historic sites in this culture area to undertake these mitigation measures and produce the required documentation.

### **Principal Investigator**

Dr. Alan R. Schroedl, President of P-III Associates, will serve as the Principal Investigator, coordinating administrative details and overseeing the data recovery project to ensure quality work and timely completion. He has served as the Principal Investigator on numerous projects involving historic resources, including several involving historic trails.

### **Personnel**

P-III Associates has a core staff of full- and part-time professional cultural resource and technical support specialists. All of the staff are highly trained professionals, many with advanced degrees; collectively, they have expertise and experience in a wide range of geographic areas and multidisciplinary specialties. Several have held cultural resource positions with government agencies before coming to work for P-III Associates. This previous experience has made them sensitive to Federal agency needs and requirements and intimately familiar with the laws governing cultural resources. All P-III Associates staff working on this Project will have the technical knowledge, skills, abilities, and expertise to perform these mitigation measures in the best interest of the public and the cultural resource profession.

## **References Cited**

Blanthorn, O.

1998 *A History of Tooele County*. Utah State Historical Society, Salt Lake City.

Newsome, D. K., and R. I. Birnie

2000 *Class III Cultural Resource Inventory of the Private Fuel Storage Project Area in Skull Valley, Tooele County, Utah*. Cultural Resources Report 5126-02-9909. P-III Associates, Salt Lake City. State Antiquities Project No. U-98-PD-0213bi. Submitted to Bureau of Land Management, Salt Lake Field Office, Salt Lake City.