

February 21, 2001

MEMORANDUM TO: Susan Shankman, Deputy Director
Licensing and Inspection Directorate
Spent Fuel Project Office, NMSS

FROM: Scott Flanders, Senior Environmental Manager **/RA/ original signed by**
Licensing and Inspection Directorate
Spent Fuel Project Office, NMSS

SUBJECT: NATIONAL HISTORIC PRESERVATION ACT CONSULTATION
PROCESS FOR THE PROPOSED PRIVATE FUEL STORAGE
FACILITY WITH THE TRIBAL COUNCIL OF THE TE-MOAK WESTERN
SHOSHONE INDIANS OF NEVADA, THE CONFEDERATED TRIBES
OF THE GOSHUTE RESERVATION, AND THE SKULL VALLEY BAND
OF GOSHUTE INDIANS

On October 23, 2000, the U.S. Nuclear Regulatory Commission staff, the U.S. Department of Interior's Bureau of Land Management and Bureau of Indian Affairs, and the U.S. Surface Transportation Board met with representatives of the Tribal Council of the Te-Moak Western Shoshone Indians of Nevada, the Confederated Tribes of the Goshute Reservation, and the Skull Valley Band of Goshute Indians in Wendover, Utah. The meeting was noticed on October 12, 2000.

The purpose of this meeting was consultation in accordance with 36 CFR 800.4 regulations on the potential impacts to historic properties resulting from Private Fuel Storage L.L.C.'s proposal to construct and operate an independent spent fuel storage installation on the Reservation of the Skull Valley Band of Goshute Indians and the related development of a transportation facility in Tooele County, Utah. The discussion focused on the eligibility recommendations included in the Class III Cultural Resource Inventory of the Private Fuel Storage Project Area in Skull Valley, Tooele County, Utah (Cultural Resources Report 5125-02-9909) and potential mitigation measures for anticipated adverse impacts to the cultural resources within the Area of Potential Effect. Attached is a summary of the meeting discussion.

Docket 72-22

Attachments:

1. Meeting minutes
2. Handouts

Contact: Melanie Wong, NMSS/DWM
(301) 415-6262

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Attachment 1
Meeting Minutes

MEETING MINUTES ON NATIONAL HISTORIC PRESERVATION ACT CONSULTATION PROCESS FOR THE PROPOSED PRIVATE FUEL STORAGE FACILITY WITH THE TRIBAL COUNCIL OF THE TE-MOAK WESTERN SHOSHONE INDIANS OF NEVADA, THE CONFEDERATED TRIBES OF THE GOSHUTE RESERVATION, AND THE SKULL VALLEY BAND OF GOSHUTE INDIANS

Consultation Meeting Attendees: U.S. Nuclear Regulatory Commission (NRC), U.S. Department of Interior's Bureau of Land Management (BLM) and Bureau of Indian Affairs (BIA), U.S. Surface Transportation Board (STB), and representatives of the Tribal Council of the Te-Moak Western Shoshone Indians of Nevada (Te-Moak Western Shoshone), the Confederated Tribes of the Goshute Reservation (Goshute/Ibapah), and the Skull Valley Band of Goshute Indians (Skull Valley Band).

Date/Location: October 23, 2000/State Line Hotel Cobb Conference Room, Wendover, Utah

Attendees List:

<u>Name:</u>	<u>Organization:</u>	<u>Phone #:</u>
Ken C. Williams	Goshute/Ibapah	435-234-1138
Helen Dave	Te-Moak Western Shoshone (EPA)	775-738-8145
Leon D. Bear, Chairman	Skull Valley Band	801-474-0535
Scott Flanders	NRC	301-415-1172
Melanie Wong	NRC	301-415-6262
Dale S. Hanberg	BIA - Uintah Agency	435-722-4331
Laird Naylor	BLM - Salt Lake Field Office	801-977-4357
Paul Nickens	Pacific Northwest National Laboratory	509-577-6024
Michael J. Scott	Pacific Northwest National Laboratory	509-372-4273
Scott Steinwert	STB (via Conference Call)	415-989-1446 (X 17)

I. Introduction

Ms. Wong opened the meeting by discussing the results of the Private Fuel Storage, L.L.C. (PFS) Class III Cultural Resource Inventory (Report), and soliciting information on historic properties of cultural and traditional significance within the area of potential effects (APE) with representatives of the Tribal Council of the Te-Moak Western Shoshone Indians of Nevada, the Confederated Tribes of the Goshute Reservation, and the Skull Valley Band.

Mr. Flanders gave a brief overview of the PFS undertaking for the construction and operation of an independent spent fuel storage installation (ISFSI) on the Reservation of the Skull Valley Band and the related transportation facility in Tooele County, Utah. Handouts were distributed describing the undertaking and maps of the APE. In response to queries from Mr. Williams, Mr. Flanders discussed the design features of the ISFSI on the Reservation and the storage casks and the alternatives of the proposed action.

II. Discussion of the Cultural Resource Inventory Eligibility Recommendation and Potential Mitigation Measures

Mr. Naylor discussed the eligibility recommendations for each site included in the Report and the potential mitigation measures for anticipated adverse impacts. Handouts were distributed listing the 12 historic sites identified in the Report.

The following is a list of issues/concerns raised during the discussion:

- **Emigrant Trail/Hastings Cutoff:** Additional mitigation measures for the Emigrant Trail/Hastings Cutoff were proposed. Chairman Bear suggested the construction of an overpass for preservation purposes. Mr. Naylor disclosed that the Utah Historic Trails Consortium members have suggested a longer segment of the Trail be mitigated.
- **Rock Alignment and Cairns:** Mr. Naylor inquired if the representatives were aware of any cultural and traditional significance attached to this historic property for their tribes. Neither of the representatives were aware of any significance.

III. Conclusion

The representatives indicated that they were not aware of any information on properties of cultural and traditional significance within the APE. However, Ms. Dave and Mr. Williams indicated that they would further discuss the Project, the Report, and the potential mitigation measures with the other members of the Tribes to confirm the information they provided. Ms. Dave suggested that a brief presentation be made to the Tribal Council at one of their monthly meetings. Mr. Williams indicated that he would contact NRC regarding the Elders' Review as soon as possible. Chairman Bear indicated that he would contact PFS to see if a site visit of the Rock Alignment and Cairns would be possible by the Tribes.

The representatives were in general agreement with the eligibility recommendations and the potential mitigation measures as presented by the cooperating agencies. The meeting concluded at approximately 12:30 p.m.

Attachment 2

Handouts

**Section 106 Consultation Process
Monday, October 23, 2000
Confederated Tribes of the Goshute Reservation and Te-Moak Tribe of Western Shoshone
Wendover, UT**

AGENDA

10:00 am	Opening Remarks/Introductions	All
10:15 am	Discussion of the eligibility recommendations included in the Class III cultural resource inventory report and potential mitigation measures for anticipated adverse impacts to the cultural resources within the Area of Potential Effect.	All
12:00	Break	
12:45 pm	Continue discussion	All
01:45 pm	Closing remarks	All
02:00 pm	Adjourn	

Section 106 Consultation Process

<u>Site #</u>	<u>Site Name</u>	<u>NRHP Status</u>
42TO709	Emigrant Trail/Hastings Cutoff	Eligible
42TO1187	Rock Alignment and Cairns	Unevaluated
42TO1343	Buried AT&T telephone line	Not Eligible
42TO1409	U.S. Route 40	Eligible
42TO1410	“New” Victory Highway	Eligible
42TO1411	“Old” Victory Highway	Eligible
42TO1412	Western Union telegraph line	Eligible
42TO1413	Western Pacific Railroad	Eligible
42TO1414	Historic habitation/gas station	Not Eligible
42TO1415	Gas Station	Not Eligible
42TO1416	Road to Deep Creek	Eligible
42TO1417	Road to Sulphur Spring or Eight-Mile Spring	Eligible

Proposed Mitigations

All eligible sites

- Acquire a sequence of aerial photos through time beginning with the earliest available from the National Archives as well as other archives if available
- Interpret changes through time as shown on the photos
- Acquire infrared photos, if available
- Update site form based on photo interpretation (chronology, integrity of location, etc.) as well as other data collected during site specific activities below
- Make copies of each photo for each site; file these with the site form
- Map portions of site in and near the APE using GPS
- Avoid as much of the site as possible during construction

42TO709: Emigrant Trail/Hastings Cutoff

- Archeological survey along length of trail on all public lands from Hope Wells to Redlum Spring; map trail, artifacts, features, other sites, and photo points using GPS, conduct black and white photo documentation of entire segment
- Conduct a metal detector survey of APE; collect and curate artifacts

42TO1187: Rock Alignment and Cairns

- Avoided
- Have PFS provide map detailing avoidance
- Barricade site to ensure avoidance
- Possibly test and evaluate for significance
- Conduct oral history with tribal groups

42TO1343: Buried AT&T telephone line **Not Eligible**

42TO1409: U.S. Route 40

- Measures indicated above for all eligible sites should constitute adequate mitigation
- Certain portions of the site should be avoided by heavy vehicles and can be avoided if an alternate access route is used
- Construct at-grade crossing of existing railroad from frontage road into siding area to facilitate avoidance

42TO1410: "New" Victory Highway

- Measures indicated above for all eligible sites should constitute adequate mitigation
- Portion of site that cannot be avoided is in very poor condition; avoid segments that can be avoided and that have better integrity

42TO1411: "Old" Victory Highway

- Measures indicated above for all eligible sites should constitute adequate mitigation
- Airphoto work is very important at this site; as it can be used to ascertain that we have found the correct location for this early highway

42TO1412: Western Union telegraph line

- Measures indicated above for all eligible sites should constitute adequate mitigation

42TO1413: Western Pacific Railroad

- Measures indicated above for all eligible sites should constitute adequate mitigation

42TO1414: Historic habitation/gas station **Not Eligible**

42TO1415: Gas Station **Not Eligible**

42TO1416: Road to Deep Creek

- Measures indicated above for all eligible sites should constitute adequate mitigation
- Airphoto work is very important at this site; as it can be used to ascertain that we have found the correct location for this badly damaged wagon trail
- Conduct a metal detector survey of APE; collect and curate artifacts

42TO1417: Road to Sulphur Spring or Eight-Mile Spring

- Archeological survey along length of trail on all public lands from Hope Wells to Sulphur/Eight-Mile Spring; map trail, artifacts, features, other sites, and photo points using GPS, conduct black and white photo documentation of entire segment
- Conduct a metal detector survey of APE; collect and curate artifacts