



STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

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BILL RICHARDSON
Governor

Michael Raddatz
NRC Project Manager, US Nuclear Regulatory Commission
NMSS/FCSS/FCFB/U
Mailstop 8 F42
11545 Rockville Pike
Rockville, MD 20852

22 November 2005

Re: Ambrosia Lake Uranium Mill Facility - *Docket 40-8905*

Dear Mr. Raddatz,

I am writing in response to your letter requesting comments regarding potential impacts to historic and cultural resources at Rio Algom's Ambrosia Lake uranium mill facility near Grants, New, received in this office on 8 November 2005. As you are aware, the involvement of the Nuclear Regulatory Commission (NRC) requires compliance with Section 106 of the National Historic Preservation Act (NHPA), as well as the National Environmental Policy Act (NEPA). It is the role of our office to represent the interests of the people of New Mexico with respect to compliance with applicable federal historic preservation laws; in practice, this means that our staff can help you to plan for and implement the portions of the compliance process that involve cultural resources.

In order to provide meaningful advice, we will need some additional information regarding the location of the Area of Potential Effects (APE) of the proposed undertaking, as well as specific details regarding project activities, and tribal consultation. I am enclosing an information sheet, "Standard Information Needed for Section 106 Consultation," that lists the kinds of information needed (and formats required) for our federal compliance review. It is particularly important to note that our statewide atlas of archaeological sites and surveys is keyed to the USGS 1:24000 quadrangle maps. All compliance review submittals, including any archaeological survey reports and forms, will need to provide locational information in that format. Also please note that our office does not review electronic submittals; compliance documentation must be submitted as printed matter.

Commonly, agencies and organizations preparing for an undertaking of this nature contact environmental or cultural resources consulting firms to determine the status of historic property inventory in a given APE, complete an archaeological survey if none has been performed, and assist an agency in deciding which, if any, Native American tribes should be consulted. On your agency's behalf, you will need to provide: (1) information indicating someone trained to recognize archaeological materials has inspected the landscape within the APE and found that no cultural resources are present; **OR** (2) information indicating that the ground surface has been so altered as to preclude the existence of archaeological remains (photographs are best); **AND** (3) an evaluation of whether any historic structures that may be listed on, or eligible to, the State and National Registers of historic properties are present in the APE, and will be affected by the activities associated with the undertaking. A list of permitted archaeologists and archaeological firms is available from this office upon request or can be downloaded from our web site << <http://nmhistoricpreservation.org/> >>. Archaeologists or other cultural resources specialists can help you organize and interpret the cultural resources information.

Thank you for providing this office with an opportunity to comment early in the planning process for this undertaking. If you have any questions, please contact me at (505) 827-7824, or Elizabeth Oster at (505) 827-6315.

Sincerely,



Lisa M. Meyer,
Preservation Planning Coordinator
For NM SHPO

Log: 76079

LMM/eao

How to Compile the Requested Information

The locational information is requested to help us determine whether any previous archaeological survey or historic structure documentation has been conducted in the APE. Commonly, agencies and organizations preparing for an undertaking of this nature contact environmental or cultural resources consulting firms to determine the status of cultural property inventory in a given APE, complete an archaeological and/or historic structure survey if none has been performed, and assist an agency in deciding which, if any, Native American tribes should be consulted. A list of permitted archaeologists and archaeological firms is available from this office upon request or can be downloaded from our web site (<http://www.museums.state.nm.us/hpd/>). The cultural resources specialist will write a report of the survey results and recommendations and submit it to your office. Please send us the report for review and consultation regarding any historic properties that might be found during the survey and any effects of the proposed project upon them. The report should be accompanied by a cover letter requesting a formal determination of effect for the undertaking.

Please note that, pursuant to the revised 36 CFR 800 guidelines issued by the Advisory Council for Historic Preservation, Native American tribes that may be culturally affiliated with traditional cultural properties (and other historic properties) in the area of effect must be consulted prior to the beginning of project work. This is true even if the area of effect does not lie within the boundaries of an Indian Reservation; neighboring tribes may have concerns. In order to accomplish this consultation it is not necessary to contact every tribe in New Mexico, but you must make a good faith effort to identify tribes that may have issues in the area of effect and ensure that they are consulted. Some tribes may not wish to provide sensitive information to a consulting firm or local government agency. In these cases, tribes may wish to request that the federal agency be involved, or they may contact our office directly with their concerns. If you need further information about how such consultation should proceed, please contact this office. Staff at the federal offices that are helping you complete your funding application can also provide guidance and assistance regarding tribal consultation. The federal agency that you are working with can also provide the letter that authorizes you to initiate the consultation.