

40-8964

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Docket No. 40-8964
04008964014E

Thomas Marceau, Deputy SHPO
Wyoming State Historic Preservation Office
1825 Carey Avenue
Cheyenne, Wyoming 82002-0240

Dear Mr. Marceau:

Rio Algom Mining Corp. (Rio Algom) has applied to NRC for a license to conduct in situ leach mining of uranium at its Smith Ranch site, Converse County, Wyoming. Rio Algom's proposed State permit area includes segments of the Bozeman Trail listed on and eligible for the National Register of Historic Places.

In accordance with the National Historical Preservation Act, NRC has consulted with your office and other interested parties. Rio Algom provided the consulting parties with an updated evaluation of the historical sites, changes to their proposed facility's design, and an analysis of effect in a report prepared by Rosenberg Historical Consultants. The following information describes the consultations held by NRC:

1. A detailed description of the Smith Ranch project, and the original cultural resource inventory, taken from Rio Algom's license application are already contained in your Agency's files.
2. A copy of the Rosenberg report was submitted to your office by the U.S. Bureau of Land Management (BLM). It includes updated detailed descriptions and evaluations of the historical properties that may be affected, a methodology section describing the effort made to identify properties, and a site-by-site description including maps, ground and aerial photographs, and IMACS site forms.
3. The criteria of adverse effect contained in 36 CFR 800.9 were applied to this project, as documented in the Rosenberg report, by revisiting each eligible and listed property, and comparing its integrity and setting with the proposed activity. In our submittal dated March 26, 1991, NRC considered that adverse-effect Criterion No. 3 regarding visual intrusion could be applied to this project. To the contrary, the consulting historian found that Rio Algom's activities would not result in an adverse

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effect, based on Rio Algom's proposed changes to facilities, including relocation and/or reorientation of some facilities, and use of natural colors and minimized size for others.

4. NRC has coordinated a consultative process with the BLM, the Advisory Council on Historic Preservation, your office, and other interested parties. Documentation and results of the consultation are enclosed with this letter.

Based upon the consultation, NRC has applied the Criteria of Effect and Adverse Effect found in 36 CFR 800.9 to this undertaking. We find the proposed undertaking will have No Effect or No Adverse Effect on historic properties. Our specific findings are:

Site 48C0165: Bozeman Trail; Segments A, B, and E.

These trail segments are contributing segments to the Bozeman Trail corridor eligible for the National Register. Rio Algom proposes to relocate its satellite ion exchange plant, pipelines, and power lines as recommended in the Rosenberg report, and to minimize the height of wellheads and header houses. Wellheads and their protective covers will nominally be only 30 inches tall. Each cover will be lowered as much as possible over its well by removing soil around the well head. Header houses are prefabricated with 8-foot eaves and are 10 feet high at the peak. Each is supported on 6- or 8-inch steel beams. Considering that topsoil will be removed and each site must be leveled, no header house will exceed 10 feet in height and many will be significantly lower. These structures cannot be lowered below grade due to potential radiological and occupational hazards to Rio Algom employees. All other well-field structures have been relocated in accordance with the Rosenberg report, are partially masked by topography, and lie outside BLM's quarter-mile exclusion zone. Based upon Rio Algom's proposed changes and the Rosenberg analysis, NRC finds the proposed project will have No Adverse Effect on these three segments.

Site 48C0165: Bozeman Trail Segments C and D.

These segments are considered noncontributing elements of the Bozeman Trail, due to lack of physical integrity. Therefore, based on the Rosenberg report, NRC finds the proposed project will have No Effect on these two segments.

Site 48C0165: Bozeman Trail, Holdup Hollow Segment.

This trail segment is listed on the National Register. Rio Algom has relocated the proposed evaporation ponds and center pivot irrigation system. The new location was marked by flags and field checked by the applicant and Rosenberg consultants to verify it is not visible from Holdup Hollow. A topographic map in the Rosenberg report documents that the new locations are not visible from the trail segment. NRC's review

verifies the locations are adequately hidden from the Holdup Hollow Segment. In addition, the proposed well field nearest this segment is located more than 1 mile away and also is masked topographically from Holdup Hollow. No other proposed facilities will have an effect on the trail segment. Therefore, NRC finds that the proposed project will have No Effect on the Holdup Hollow Segment.

Site 48C01226 and 48C01296: Smith's Cutoff - Richard's Bridge Branch

Site 48C01226 was identified by Frontier Archeology for the applicants' original submittal as a suspected remnant of Richard's Bridge Branch, which is said to have provided a shortcut from the Platte River to the Bozeman Trail. The segment is classified as potentially eligible for the National Register. No evidence is cited to show that the shortcut is known to have existed, nor that it was found near this location.

Rosenberg Consulting makes a connection between this segment and site No. 48C01296. 48C01296 is interpreted in the Rosenberg report as a local freight route used by local settlers and ranchers. The local freight route is shown as a "wagon road" on the Government Land Office plat of 1883. It appears questionable whether this route provided access southward as far as the Platte. In any case, assuming a through route existed here, Rosenberg states that these segments display none of the significant features associated with the Bozeman Trail, such as a chain of military posts and stage stations. Rosenberg concludes that the wagon road represents an historically insignificant site. Therefore, NRC finds that segments 48C01226 and 48C01296 are not eligible for the National Register, and the proposed project will have No Effect on the sites.

In making our determination, we propose the following stipulation be included as a condition to the applicant's license to ensure that adverse effects will be avoided:

Rio Algom, as proposed in its license application, will be required by license condition to provide buffer zones around each eligible historical site identified in the 1985 Frontier Archeology and 1991 Rosenberg reports, within the State permit area, preventing physical intrusion onto historical properties. In addition, the license condition will require the applicant to conduct its activities in accordance with recommendations in the Rosenberg report, to minimize the visibility of mine facilities. This will be accomplished by size reduction, relocation, or color selection, or combinations of these techniques.

Rio Algom will be required to provide an updated description and map of proposed facilities to assure that all changes comply with the recommendations in the Rosenberg analysis and this finding. In addition, the applicant will be required to consult with BLM on the selection of color schemes and patterns to reduce visibility of structures.

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Therefore, in accordance with 36 CFR Part 800.5(d)(1), please review this finding, and provide this office with your concurrence. After your response, NRC will issue this Finding of No Effect and No Adverse Effect to the Advisory Council on Historic Preservation and proceed with issuance of a source material license based on their concurrence. If you have any questions about our finding, please contact Mr. Joel Grimm of this office at (303) 231-5800.

Sincerely,

EFH
for

Ramon E. Hall
Director

Enclosure:
As stated

cc: w/o encl.
D. Benoit, BLM
M. Freeman, Rio Algom
J. Hough, RCPD, WY
WDEQ. (2)

bcc: w/o encl.
PDR/DCS
URFO r/f
EJButcher, Jr., RIV
LLUR Branch, LIWM
JGrimm
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