

## 11/5 teleconference on HMC-Grants EP3

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**From:** Ron Linton  
**To:** David Mayerson; Jerry Schoeppner; Jon NMENV Goldstein; Laura Watchempino; Theresa Pasqual; Wayne Canon  
**Date:** 11/08/2007 9:39 AM  
**Subject:** 11/5 teleconference on HMC-Grants EP3  
**CC:** Douglas Mandeville; John Buckley; Sai Appaji

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Teleconferees:

Attached is the draft meeting summary for the 11/5 teleconference and meeting summary from the 10/22 teleconference. I also included the response letters NRC received from the Tribes and from the NM SHPO as requested by Theresa. I didn't have e-mail addresses for Myron or Pam so please forward to them.  
Ron

**Mail Envelope Properties** (47331F90.69D : 8 : 11688)

**Subject:** 11/5 teleconference on HMC-Grants EP3  
**Creation Date** 11/08/2007 9:39:12 AM  
**From:** Ron Linton  
**Created By:** RCL1@nrc.gov

**Recipients**

epamail.epa.gov  
 Appaji.Sairam CC (Sai Appaji)

nrc.gov  
 OWGWPO01.HQGWDO01  
 JTB CC (John Buckley)

nrc.gov  
 TWGWPO01.HQGWDO01  
 DTM1 CC (Douglas Mandeville)

puebloofacoma.org  
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state.nm.us  
 david.mayerson (David Mayerson)  
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 wayne.canon (Wayne Canon)

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**Post Office**

OWGWPO01.HQGWDO01  
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**Route**

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 nrc.gov  
 nrc.gov  
 puebloofacoma.org  
 state.nm.us  
 yahoo.com

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	703	11/08/2007 9:39:12 AM
TEXT.htm	601	
Acoma telecon.summary 11-5-07.doc		27136 11/08/2007 8:59:32

AM

Acoma telecon summary 10-22-07.doc 34304 11/08/2007 9:05:44

AM

Acoma 6-4-07 106 letter.pdf 261642 11/05/2007 11:18:34 AM

Hopi letter ML0727100273.pdf 64859 11/05/2007 2:14:38 PM

Isleta response ML0724300930.pdf 40395 11/05/2007 2:16:46

PM

SHPO response letter ML0720504569.pdf 425412 11/05/2007 2:21:54

PM

**Options****Expiration Date:** None**Priority:** Standard**ReplyRequested:** No**Return Notification:**

Send Notification when Opened

**Concealed Subject:** No**Security:** Standard

DRAFT

**Summary of Teleconference on Homestake Mining Company's proposed Evaporation Pond #3, November 5, 2007**

Attendees:

Laura Watchempino, Pueblo of Acoma, Haaku Water Office  
Theresa Pasqual, Director, Acoma Historic Preservation Office  
Ron Linton, Nuclear Regulatory Commission (NRC)  
Doug Mandeville, NRC  
John Buckley, NRC  
Wayne Cannon, New Mexico Office of State Engineer (NM OSE)  
Myron Armijo, NM OSE  
John Goldstein, New Mexico Environment Department (NMED)  
Jerry Schoeppner, NMED  
Pam Homer, NMED  
David Mayerson, NMED

The teleconference started shortly after 12 pm Eastern time.

Topics:

The purpose of this telecom was continued discussions with the Pueblo of Acoma related to Homestake Mining Company's proposed Evaporation Pond (EP3) at their Grants Reclamation Site. This teleconference was a follow-up of a teleconference held October 22, 2007. The topics centered on Pueblo of Acoma's June 4, 2007 letter to the Nuclear Regulatory Commission. These meeting minutes are from notes take during the teleconference and may not reflect a complete set of issues raised.

Laura stressed the agencies present on the phone call the need to be aware of the Pueblo of Acoma water quality standards and the anti-degradation policy. Laura indicated that the Acoma water quality standards can be accessed on the EPA website tribal link for Region VI.

*Ron and Jerry briefly discussed the approved groundwater protection standards and indicated that water down-gradient of the Homestake site would not meet MCL's since background water has been shown to be greater than MCLs. Jerry further discussed the local residents belief that the local water was drinkable, but the regulatory agencies really don't know the historical water quality of private wells in the area. Jerry discussed the two NMED discharge permits DP-75 And DP-200 for the Homestake site. John discussed NMED's general support for the additional pond as a mechanism for reducing and controlling contamination at the site.*

Laura indicated that Pueblo of Acoma is clearly against the proposed Evaporation Pond 3 construction.

*No response needed.*

Laura discussed Pueblo of Acoma's position on senior water rights in the region and that no adjudicatory water rights have been established by the courts. Laura discussed the difference between permitted water rights that are administered by the Office of the State Engineer and Acoma's position on senior water rights in the region that have not been adjudicated.

DRAFT

*No response needed.*

Laura asked about the design capacity of the reverse osmosis unit and the overall corrective action ongoing at the site.

*Ron and Jerry briefly discussed aspects of the corrective actions at the site.*

Laura indicated to Wayne that the Pueblo of Acoma want to be consulted on future permits or permit renewals related to the site.

*Wayne acknowledged the request.*

Theresa asked why the two sites north of the site were preferred over the onsite location. She indicated that of the alternative sites, alternative B is the most preferred and has fewer cultural sites that may be impacted.

*Ron indicated that the alternatives north of the site were chosen primarily due to residential concerns of odors and perceived contamination blowing from the sprayers used in the evaporation ponds. Ron indicated that air monitoring around the site has not shown exceedances of contaminants and past sampling by NMED at residential homes has not shown contamination. Most of the problem has been related to nuisance odors related to algal blooms in the ponds and subsequent decaying of algae that produces odors.*

Theresa asked what tribes had responded to NRC's request for consultation.

*Ron will send electronic copies of tribal letters to Theresa.*

The teleconference ended at 1:00 pm eastern time.

## Summary of Teleconference on Homestake Mining Company's proposed Evaporation Pond #3, October 22, 2007

### Attendees:

Laura Watchempino, Pueblo of Acoma, Haaku Water Office  
Theresa Pasqual, Director, Acoma Historic Preservation Office  
Ron Linton, Nuclear Regulatory Commission (NRC)  
Doug Mandeville, NRC  
Wayne Cannon, New Mexico Office of State Engineer (NM OSE)  
Myron Armijo, NM OSE

The teleconference started shortly after 12 pm eastern time.

### Topics:

The purpose of this teleconference was to discuss issues with the Pueblo of Acoma related to Homestake Mining Company's proposed Evaporation Pond (EP3) at their Grants Reclamation Site. The topics centered on Pueblo of Acoma's June 4, 2007 letter to the Nuclear Regulatory Commission. These meeting minutes are from notes take during the teleconference and may not reflect a complete set of issues raised.

What is the basis of the request for pond EP3? (question from Theresa)

*Ron indicated that under the current remediation plan, HMC is expected to complete cleanup activities in 2017 by utilizing EP3. The operation of the current remediation system is limited by the evaporative capacity. By constructing EP3, HMC is anticipating being able to decrease the remediation time by several years (i.e., cleanup activities would be complete several years after 2017).*

Is the current remediation system at Homestake containing the contaminant plume?  
(paraphrased question from Laura)

*Ron indicated that based on the current results and performance of the remediation system the contaminant plume at HMC appears to be contained within the monitoring well boundaries. There is contamination outside of the site boundaries, which as been the case for many years. HMC uses a complex system of injection wells, removal wells, and drains to keep the plume contained. The goal of the remediation system is to flush the remaining contaminants out of the tailings pile and reduce contaminants in the surrounding aquifer to at or below established background standards. NMED, EPA, and NRC are reviewing site data and if conditions warrant, additional monitoring wells, remediation, or other action by HMC may be required.*

The footprint of EP3 lies within the San Mateo alluvium, which ultimately feeds Rio San Jose, a source of drinking water for the Acoma (paraphrased statement by Laura)

*No response needed.*

The Acoma water quality standards apply to both surface and groundwater entering the Pueblo of Acoma reservation. They were adopted in 1998 and were last revised in 2005 (paraphrased statement by Laura)

*No response needed.*

What is the source of the water that will be sent to EP3? (paraphrased question from Laura)

*Ron and Wayne discussed the existing remediation system and associated groundwater withdrawal at HMC. The remediation system uses a series of groundwater extraction and injection wells to flush the tailings pile and contain the contaminant plume. The site operates under an approved groundwater extraction permit. This permit is reviewed by the NM OSE and is next up for approval in the fall of 2008. The water that will be sent to EP3 comes from the groundwater extraction wells at the site.*

Laura indicated that the groundwater rights in the vicinity of the HMC site have not been adjudicated yet (paraphrased statement by Laura)

*Wayne indicated that NM OSE follows criteria established by the OSE when deciding on groundwater uses in the Grants/Milan area.*

Laura indicated that there has not been any water flowing from the Ojo del Gallo spring (general concern related to water withdrawal rates)

*No response needed.*

Will there be any air quality impacts in the area resulting from EP3? (paraphrased question from Laura) There were 50 mph winds in the area over the weekend.

*Ron discussed the air quality monitoring that HMC performs around the site. HMC continuously samples suspended particulates at 6 locations around the site. Radon gas is monitored on a continuous basis at 8 locations around the site. Gamma exposure rate are continuously monitored at 7 locations around the site. It is anticipated that the proposed location of EP3 will minimize any potential odor impacts. These results are reported by HMC in their Semi -Annual Monitoring Report that are publicly available.*

What will happen to soil excavated during pond construction? (paraphrased question from Laura)

*Doug talked briefly about the EP3 construction. The Kleinfelder design calls for an above grade surface impoundment. The soil excavated at the site will be used to form the sides of the impoundment and no soil will need to be relocated off-site.*

*Ron also discussed the previous removal of wind blown tailings near the HMC site. In 1995 the windblown tailing clean up project began, and involved mechanical removal of windblown tailings. A bulldozer was used to remove this material to a point where soil meet the cleanup criteria. Some excavations were over 3 feet in depth. The wind blown tailings were relocated to the tailings pile.*

Laura talked about a "dead zone" around Homestake and up towards Rio Grande Resources and requested that more monitoring, including off-site monitoring, be performed. She also asked for assistance in compiling and summarizing the monitoring data (paraphrased comments from Laura)

*Ron discussed the existing monitoring network and how that is designed to identify sources of contamination before it leaves the site. Ron also stated that the without evidence of off-site contamination from HMC beyond the site boundaries, the NRC has no basis to require additional off-site monitoring.*

The Taschek cultural resources survey – is it possible to send another copy?

*Ron indicated that he will make sure that a copy of the Taschek report is sent to the Pueblo of Acoma.*

Are copies of Homestake's documents available at the local public library?

*Ron indicated that he will check with HMC on the availability of their documents at the local public library.*

What monitoring will be performed for EP3? (paraphrased Laura question)

*HMC will perform groundwater monitoring, radiation monitoring, and air quality monitoring in the vicinity of EP3.*

Laura asked if inspection reports are available for the site.

*Ron responded that all inspection reports are public record and can be found on the NRC web site, "electronic reading room", and searching using the docket number 04008903*

Laura questioned if the existing evaporation ponds were inspected following the 2005/6? monsoon season to verify that no releases had occurred.

*Doug and Ron discussed the inspection program at HMC. HMC performs daily inspections to verify the condition of the site. In addition, an outside registered professional engineer is required to perform an annual inspection and submit a written report. Wayne, Ron, and Doug briefly discussed the features of the design for EP3. As an above grade surface impoundment, an embankment will be constructed and will be up to 15 ft high. This will prevent any storm water runoff from entering the evaporation pond. Wayne also indicated that the pond design had been submitted to the OSE and was approved.*

Laura inquired about the Status of the Rio Algom purchase by URI.

*Ron briefly discussed the status of the Rio Algom site. The facility is currently a licensed facility and is undergoing reclamation. The license is currently in decommissioning mode. The mill has been removed and the majority of the tailings pile has been covered. Currently, they are in the process of completing surface reclamation of the evaporation ponds. The NRC's knowledge of the sale of Rio Algom to URI is consistent with what has been identified in a series of newspaper articles. The NRC does not currently have a licensing action or request from Rio Algom or URI.*

The teleconference ended at 1:30 pm eastern time.



P.O. BOX 309  
ACOMA, NEW MEXICO 87034

**PUEBLO OF ACOMA**  
**OFFICE OF THE GOVERNOR**

TELEPHONE: (505) 552-6604  
FAX: (505) 552-7204

June 4, 2007

Mr. Ron C. Linton, Project Manager  
Decommissioning and Uranium Recovery Licensing Directorate  
Division of Waste Management and Environmental Protection  
Office of Federal and State Materials and Environmental Management Programs  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

RE: *Section 106 Consultation for the Homestake Mining Company of California Proposed Evaporation Pond #3.* Docket No.: 040-08903, License No.: SUA-1471

Dear Mr. Linton:

The Pueblo of Acoma is herein responding to your request for consultation pursuant to 36 CFR Part 300. Specifically, the NRC requested information regarding Acoma's affiliation with any traditional, cultural, or historic, or archaeological sites in the area of Homestake's proposed groundwater remediation activities.

As described in the Acoma Tribal Council Resolution of November 22, 2006 provided to you on April 25, 2007, the Pueblo of Acoma, a sovereign Indian Nation, is authorized to protect its traditional cultural properties and sacred sites affiliated with the Acoma Cultural Province, including our sacred vessel of life, the Rio San Jose watershed.

Acoma's water and cultural resources are interconnected, similar to the intimate connectivity between surface and groundwater in the arid desert southwest. Recent hydrologic studies have documented the fragile and dynamic connection between the shallow alluvial aquifer and stream flow in the Rio San Jose near Acoma. Since the late nineteenth century, surface flows have been reduced and the once perennial river typically dries out prior to entering Acoma lands. Groundwater mining from the alluvial and bedrock aquifers upstream for irrigation, municipal and the mining industry has lowered the water table, adversely impacting regional springs and river flow. Ojo del Gallo spring, located near the community of San Rafael, has dried up due to these new demands for water. The construction of Bluewater Dam in 1927 also diminished surface flows from Bluewater Creek into the Rio San Jose.

Historically, the Rio San Jose had several sources of water flow. Prior to 1900, water from Bluewater Creek flowed unhindered down the Rio San Jose for Acoma's use, providing water to the river and shallow alluvial aquifer that supplies Horace Springs, just west of the Acoma Grant. Another source of water emanated from the San Mateo subwatershed located on the western slope of Mt. Taylor. At San Rafael, the San Andres-Glorieta aquifer discharged water at Ojo del Gallo that provided a third major source of water to the Rio San Jose and shallow alluvial aquifer.

Horace Springs is a culturally significant site within the Acoma Cultural Province and has been since time immemorial. Flow from Horace Springs has declined over the last decade and a half, making it difficult to maintain traditional cultural practices. Further decline may destroy the ability of Acoma to continue those uses. Acoma has invested monetary resources to acquire the necessary easements to maintain its cultural practices even though the spring is not located within the Acoma Grant.

Designated uses for the Rio San Jose under the Pueblo of Acoma Water Quality Standards (1998, Revised 2005) include:

- Fish culture and consumption
- Agricultural irrigation
- Livestock watering
- Primary contact recreation (upstream of Acomita Lake)
- Partial body contact (below Acomita Lake)
- Aquatic and wildlife habitat
- Groundwater recharge
- Domestic water source

Each designated use at Acoma has been threatened by both declining stream flows, erosion and pollution. Rising TDS (total dissolved solids) and sulfate levels threaten aquatic and wildlife uses of the Rio San Jose.

The Pueblo of Acoma's Unified Watershed Assessment (2000) classified that the Rio San Jose watershed as a Category I watershed in need of restoration due to:

- Water quality exceedances
- Wetlands losses
- Erosion impacts to the watershed

It should be noted that the Acoma water quality standards were enacted to protect *all* the waters of Acoma, including groundwater. The bulk of domestic water supply for the Acoma population is obtained from wells drilled into the Dakota, Zuni and Entrada Formations.

The issuance of permits for uranium and coal mining, processing and other water-intensive use permits upstream of Acoma threatens further degradation and impairment to Acoma's water and

cultural resources within the Acoma Cultural Province, as well as other natural ecosystems within Acoma's exterior boundaries.

Homestake's long-term groundwater restoration effort attests to the difficulty of containing groundwater contamination in one of the most important groundwater supply sources in northwestern New Mexico. The protection of areas within and related to the Acoma Cultural Province, on the other hand, is essential to assure the health, safety and cultural welfare of the Acoma community now and into the future. Homestake's Corrective Action Plan proposes to expand the NRC-licensed site boundary and use of the region's valuable groundwater resources. The plan is likely to have a significant effect on the air, land and cultural significance of the area as well. Health impacts to area residents in the form of cancer, genetic and immune system disorders, represent an environmental justice issue that has yet to be adequately addressed. Other natural resource damages resulting from Homestake's mining activities are only now becoming apparent and will most likely require an Environmental Impact Statement with opportunities for public comment and the involvement of the affected communities.

Additionally, the water resources of the Bluewater Basin and associated Rio San Jose watershed are the subject of pending litigation to quantify the water rights of senior water users, in the Thirteenth Judicial District of New Mexico. (*State of New Mexico ex rel. v. Kerr-McGee et al., Nos. CB-83-190-CV and CB-83-220-CV*) Initial proceedings in the litigation will determine Acoma's federally protected senior water rights and rights to continue its cultural practices within the Rio San Jose watershed.

### ***Tribal Consultation***

Acoma was not notified of the survey conducted by Taschek Environmental Consulting last June, 2006. A total of 51 isolated occurrences were surveyed within the proposed project area. Eleven new sites were identified during the survey in addition one previously recorded site. Three archaeological sites have been recommended for inclusion in the National Register of Historic Places (NRHP). Another three have an undetermined eligibility status pending further testing. The remaining six have been determined ineligible due to their lack of integrity. These prolific cultural sites provide unmistakable evidence of Acoma's prehistoric presence in the region and aboriginal title area known as the Acoma Cultural Province, a presence which has been continuously maintained. Acoma culture is inextricably tied to the place where it is located, as demonstrated by the Acoma Cultural Province.

The protection and restoration of impaired ecology within the Acoma Cultural Province, including the Rio San Jose watershed and related groundwater is essential to the continued viability of the Acoma people within their tribal homeland.

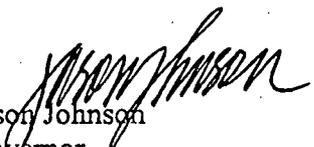
Numerous studies have confirmed that the San Andres-Glorieta aquifer and alluvial basalt aquifer are the principal water-bearing units in the region. An early hydrogeology report compiled by E.D. Gordon in 1961 concluded that the water supply in the Grants-Bluewater area is greater than any area in northwestern New Mexico. This critical area lies within the upstream portion of the Acoma Cultural Province and migration corridor, which forms a lifeline connecting Acoma with its past, present, and future.

Acoma requires consultation with all regulatory agencies regarding Alternatives B, C, and D in order to determine probable impacts to regional groundwater, the San Mateo Creek drainage area, and Horace Springs within the Acoma Cultural Province resulting from each of Homestake's proposed alternatives.

Please contact my office or Laura Watchempino, Water Quality Specialist at (505) 552-6604, extension 256 to schedule a consultation meeting at your earliest convenience. If you should have any questions or require additional information, please feel free to contact us at the above number.

Sincerely,

**PUEBLO OF ACOMA**

  
Jason Johnson  
Governor

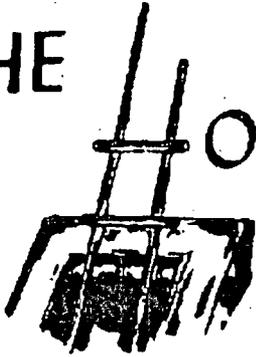
*References:*

Frenzel, P.F. 1992. *Simulation of Groundwater Flow in the San Andres-Glorieta Aquifer in the Acoma Embayment and Eastern Zuni Uplift, West-Central New Mexico*, U. S. Geological Survey Water Resources Investigation Report 91-4099

Gordon, E.D., 1961, *Geology and Groundwater Resources of the Grants-Bluewater area, Valencia County, New Mexico*

cc: Randall Vicente, 2<sup>nd</sup> Lieutenant Governor  
Acoma Historic Preservation Office  
Haaku Water Office  
NMED, Groundwater Quality Bureau, Mining & Minerals Division  
EPA, Region 6  
ATO Files

THE



OPI TRIBE

**Benjamin H. Nuvamsa**  
CHAIRMAN

**Todd Honyaoma Sr.**  
VICE-CHAIRMAN

September 10, 2007

Ron C. Linton, Project Manager  
Decommissioning and Uranium Recovery Licensing Directorate  
Division of Waste Management and Environmental Protection  
Office of Federal And State Materials and Environmental Management Programs  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Re: Homestake Mining Company of California Proposed Evaporation Pond #3  
Docket No.: 040-08903, License No.: SUA-1471

Dear Mr. Linton,

This letter follows up on our May 18, 2007 letter regarding Homestake Mining Company of California proposed Evaporation Pond #3 on a 33-acre site in Cibola, County, New Mexico. Because the Hopi Tribe claims ancestral and cultural affiliation to prehistoric cultural groups in New Mexico, the Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties, we appreciate your continuing solicitation of our input and your efforts to address our concerns.

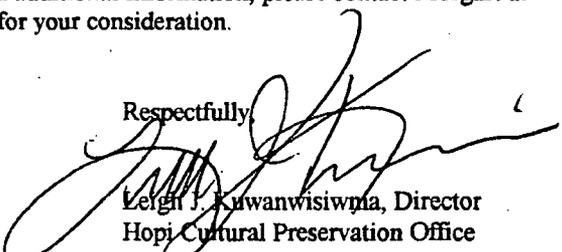
In our May 18<sup>th</sup> letter, the Hopi Cultural Preservation Office stated that if archaeological monitoring is implemented this project should result in no effect to *prehistoric* National Register eligible properties.

We have received a copy of the Pueblo of Acoma's June 4, 2007, letter to you including their water and cultural resource concerns. Therefore, this letter is to advise you that our previous concurrence with a determination of effect on *prehistoric* cultural resources significant to the Hopi Tribe does not extend to living traditional cultural properties and water concerns of the Pueblo of Acoma.

And therefore, this letter is in unqualified support of the Pueblo of Acoma's June 4<sup>th</sup> letter and their concerns regarding Homestake Mining Company of California proposed Evaporation Pond #3. We also support the enclosed All Indian Pueblo Council Resolution *Support for the Protection of Mt. Taylor and all Sacred Sites and Cultural Properties Related to the Pueblos of Acoma, and Laguna, and Nineteen Pueblos of New Mexico.*

If you have any questions or need additional information, please contact Morgart at [tmorgart@hopi.nsn.us](mailto:tmorgart@hopi.nsn.us). Thank you again for your consideration.

Respectfully,

  
Leigh J. Kuwanwisiwma, Director  
Hopi Cultural Preservation Office

xc: New Mexico State Historic Preservation Office  
Laura Watchempino, Haaku Water Office, P.O. Box 309, Acoma, NM 87034



40-8903

505-869-3111 / 6333  
FAX: 505-869-4236

## PUEBLO OF ISLETA

P.O. BOX 1270 ISLETA, NM 87022

August 17, 2007

United States  
Nuclear Regulatory Commission  
Ron C. Linton, Project Manager  
Washington, DC 20555-0001

Dear Mr. Linton:

This letter is in response to your correspondence dated May 11, 2007 regarding the proposed Section 105 consultation for the homestake mining company of California proposed evaporation pond #3.

I am pleased to inform you that this project will not have an impact on religious or cultural sites affiliated with the Pueblo of Isleta. However, in the event that discoveries are found during construction, we would appreciate being advised of such findings. Please forward all environmental assessment plans to our office.

Thank you for your consideration in contacting this office to express our concerns.

Sincerely,

PUEBLO OF ISLETA

Robert Benayides,  
Governor

cc: files

**From:** "Meyer, Lisa, DCA" <lisa.meyer@state.nm.us>  
**To:** "Ron Linton" <RCL1@nrc.gov>  
**Date:** 06/08/2007 1:21:48 PM  
**Subject:** RE: Homestake Mining Co. Evap Pond #3 Cibola County, NM HPDLog 81253

Good morning Ron,  
Yes, I found it! That project was sent to one of our new reviewers last July and he concurred with site eligibility and effect recommendations (attachment 1). Looking at the file, however, I see that the consultation letter had not come from NRC, the agency responsible for consultation. So, I have provided a new concurrence on the NRC letter and attached a discovery clause (attachment 2). Nothing else is needed. This fulfills NRC's Section 106 responsibility.

Thank you,  
Lisa M. Meyer, M.A., RPA  
Manager, Preservation Planning & Compliance Program  
For the State Historic Preservation Officer

State of New Mexico  
Department of Cultural Affairs  
Historic Preservation Division  
Bataan Memorial Building  
407 Galisteo Street, Ste 236  
Santa Fe, NM 87501  
505.827.7824; fax-827.6338  
[www.nmhistoricpreservation.org](http://www.nmhistoricpreservation.org)

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From: Ron Linton [mailto:RCL1@nrc.gov]  
Sent: Tuesday, June 05, 2007 5:31 AM  
To: Meyer, Lisa, DCA  
Subject: Re: Homestake Mining Co. Evap Pond #3 Cibola County, NM-HPDLog 81253

Lisa:  
I spoke to Louis Bridges with Kleinfelder Inc, a consultant to Homestake Mining, and he indicated that an original of the Cultural Resources Inventory (CRI) was sent to the NM Historic Preservation Division on July 24, 2006. Attached is a transmittal letter that went along with that submission he provided to me. I didn't realize that this report was previously sent directly by Kleinfelder. Can you look to see if you have the original in your files? We didn't get the application for the pond license amendment until early November 2006 and haven't been able to begin the full technical review until this spring, which accounts for the time lapse on our part. The attachment to the CRI as noted in the transmittal letter may have the other documentation on the 11 newly recorded sites and the 1 updated site record you requested, but I'm not sure.

Let me know if you have success or not. Thanks.

Ron C. Linton  
Senior Groundwater Hydrologist/Project Manager  
U.S. Nuclear Regulatory Commission  
Office of Federal and State Materials  
and Environmental Management Programs  
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11545 Rockville Pike  
Rockville, Maryland 20852-2738.  
301-415-7777 phone  
301-415-5398 fax  
rcl1@nrc.gov

>>> "Meyer, Lisa, DCA" <lisa.meyer@state.nm.us> 06/04/2007 9:50 AM >>>

Good morning Ron,  
The State Historic Preservation Officer (SHPO) is in receipt of your  
submittal for the above referenced undertaking. Unfortunately the  
submittal is incomplete. The report submitted appears to be a copy and  
the photographs cannot be seen. We will need original photographs or the  
original report with clean digital photos to review. Also, missing are  
site records for the 11 newly recorded sites, and the 1 updated site  
record for the previously recorded site. In addition, we will need the  
results of your tribal consultation efforts before providing comment, as  
the tribes are, like the archaeologists, assisting NRC with its historic  
property identification efforts and it is necessary for the SHPO to  
consider that information for the overall project effects.

Unfortunately the SHPO will not be able to provide comment at this time.  
The SHPO will be happy to review the submittal under the mandated 30-day  
review period when all information has been received. If you have any  
questions please feel free to call me. Thank you.

Sincerely,

Lisa M. Meyer, M.A., RPA  
Manager, Preservation Planning & Compliance Program  
For the State Historic Preservation Officer

State of New Mexico  
Department of Cultural Affairs  
Historic Preservation Division  
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[www.nmhistoricpreservation.org](http://www.nmhistoricpreservation.org) <file://www.nmhistoricpreservation.org>

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81253  
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**From:** "Meyer, Lisa, DCA" <lisa.meyer@state.nm.us>  
**Created By:** lisa.meyer@state.nm.us

**Recipients**

nrc.gov  
TWGWPO01.HQGWDO01  
RCL1 (Ron Linton)

**Post Office**

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**Route**

nrc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
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**Options**

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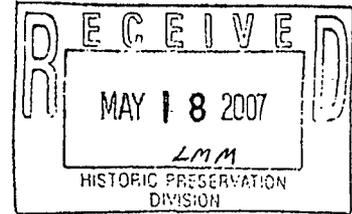
**Concealed Subject:** No  
**Security:** Standard



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

May 11, 2007

081253



Katherine Slick, Director  
State Historic Preservation Office  
Department of Cultural Affairs  
Historic Preservation Division  
Bataan Memorial Building  
407 Galisteo Street, Suite 236  
Santa Fe, NM 87501

**SUBJECT: SECTION 106 CONSULTATION FOR THE HOMESTAKE MINING COMPANY  
OF CALIFORNIA PROPOSED EVAPORATION POND #3, CIBOLA COUNTY,  
NEW MEXICO**

Dear Ms. Slick:

The Homestake Mining Company of California (HMC) is proposing to build an evaporation pond on a 33-acre site in Cibola County, New Mexico, as part of a long-term groundwater restoration effort at the facility. The purpose of the pond is to add evaporative capacity, allowing HMC to extract contaminated groundwater at higher pumping rates; this will expedite the groundwater cleanup. The proposed location for the pond and alternatives is on private land adjacent to the HMC facility, located north of the City of Grants, in Section 26, T12N, R10W (Figure 1). HMC currently manages a groundwater restoration program subject to U. S. Nuclear Regulatory Commission (NRC) License SUA-1471, and New Mexico Environment Department Discharge Plans, DP-200 and DP-725.

HMC has applied for an amendment to the NRC Site License to add a new evaporation pond and expand the NRC-licensed site boundary. HMC has prepared an Engineering Design Package and Environmental Report in support of the amendment request that can be found at <http://www.nrc.gov/reading-rm/adams/web-based.html>, and by searching under ML063050641. The Environmental Report for the proposal can be found by searching under ML070850561. If you have difficulty accessing this information, you may contact the Public Document Room Librarian at 1-800-397-4209. Additionally, HMC provided pre-consultation information to you in a letter dated July 24, 2006, outlining the proposed amendment request.

As required by 36 CFR Part 800, the NRC is requesting the views of the State Historic Preservation Officer on further actions to identify historic or cultural properties that may be affected by the NRC-proposed action of granting the proposed license amendment to construct a third evaporation pond and expand the NRC-licensed site boundary. The area of potential effects includes areas in the immediate area of the HMC-licensed area and areas surrounding the facility. HMC has conducted a cultural resource survey based on the proposed alternatives for the evaporation pond locations (enclosed). Please note that the Cultural Resources Survey is not an NRC publicly available document. HMC has also recommended an archaeological monitoring plan be designed and implemented if the evaporation pond is located at Alternative B. HMC and NRC have initiated consultation with the seven Native American Tribes listed on the New Mexico Department of Cultural Affairs website. Those tribes are: Acoma Pueblo; Hopi Tribe; Isleta Pueblo; Mescalero Apache Tribe; Navajo Nation; White Mountain Apache Tribe;

K. Slick

- 2 -

and Zuni Pueblo. There are no structures associated with any of the evaporation pond alternatives listed. NRC would appreciate any information that you can provide with respect to any traditional religious or cultural sites, or other historic or archaeological sites of importance to the State that may be within the area.

After assessing the information provided by you, we will determine what additional actions are necessary to comply with the Section 106 process. If you have any questions, please contact me at 301-415-7777, or by e-mail, at rcl1@nrc.gov.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of the NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

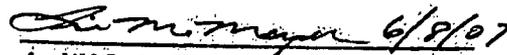


Ron C. Linton  
Project Manager  
Decommissioning and Uranium Recovery  
Licensing Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Docket No.: 040-08903  
License No.: SUA-1471

Enclosure: Survey

This undertaking will not have an adverse effect on  
registered or eligible properties.

 6/8/07  
for NM State Historic Preservation Officer

\* On July 31, 2006 our office concurred that  
3 sites are eligible, 6 are not eligible and 3 are  
undetermined for eligibility to the National Register,  
as discussed in the report.

\* Please see attached "Discovery Clause".

Thank you.



BILL RICHARDSON  
Governor

STATE OF NEW MEXICO  
**DEPARTMENT OF CULTURAL AFFAIRS**  
**HISTORIC PRESERVATION DIVISION**

BATAAN MEMORIAL BUILDING  
407 GALISTEO STREET, SUITE 236  
SANTA FE, NEW MEXICO 87501  
PHONE (505) 827-6320 FAX (505) 827-6338

**DISCOVERY CLAUSE**

In the event that bones or prehistoric or historic archaeological materials are uncovered during construction or earth-disturbing activities, cease work immediately and protect the remains from further disturbance. If bones are found, immediately notify local law enforcement and the Office of the Medical Investigator pursuant to 18-6-11.2C (Cultural Properties Act NMSA 1978).

In accordance with 18-6-11.2C and/or 36 CFR 800.13(b) (Protection of Historic Properties), notify the State Historic Preservation Officer (SHPO) or the State Archaeologist immediately.

In either case, the Agency and the SHPO, in consultation with an archaeologist who holds state unmarked human burial excavation and survey permits, will determine the necessary steps to evaluate significance, document, protect or remove the material or remains, in compliance with law. Call the SHPO or State Archaeologist at (505) 827-6320.



GRANTS OFFICE

Alan D. Cox  
Project Manager - Grants

24 July 2006

State of New Mexico  
Department of Cultural Affairs  
Historic Preservation Division  
Bataan Memorial Building  
407 Galisteo Street, Suite 236  
Santa Fe, NM 875501

Attn: Ms. Katherine Slick, State Historic Preservation Officer

RE: **Homestake Mining Company of California**  
**Grants Reclamation Project**  
– Archaeological / Cultural Resources Inventory for Proposed Alternative Siting  
Locations associated with Pond Construction Project

Dear Ms. Slick:

Homestake Mining Company of California (HMCo) is in the early planning and design engineering / siting process to construct an additional evaporation pond at the Grants Reclamation Project north-northeast of Milan, NM to assist in final project reclamation and closure at a uranium milling complex that was operated by HMCo and others from the late 1950's through the early 1990's. As part of the process, HMCo is required to submit design plans and other documentation to the Nuclear Regulatory Commission (NRC) to facilitate the review and approval process for the pond as required under our federal NRC Radioactive Materials License. Due to the fact that the review process involves a federal action pursuant to the National Environmental Policy Act (NEPA), the NRC must follow the requirements of the Act during review and evaluation of the proposal. As part of that process, NRC will be required to enter into a formal consultation process with other agencies and entities that have interest in the proposed project.

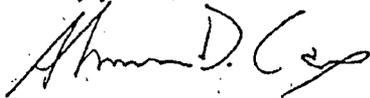
Enclosed please find the following documents that are intended to facilitate the NRC NEPA review and consultation process that will include formal consultation and communications with your office:

1. **"Cultural Resources Inventory of 350 Acres for the Homestake Mining Company in Cibola County, New Mexico"** – July 2006; and
2. **Attachments** for the above document that includes: a) NMCRIS Investigation Abstract Form; b) Laboratory of Anthropology Site Forms; and c) Archival Photographs

I look forward receiving your input through the consultation process with NRC to assure that any required or necessary measures are taken during the construction project to protect archaeological or cultural resources of importance. We trust that our "early-on" communication activities, and provision of these documents at this time, will assist your office in working with NRC during that process.

Thank you for your time and attention on this matter. If you or any staff members in the SHPO office have any questions, please contact me at the Grants site (505) 287-4456 ext. 25 or via cell phone at (505) 400-2794.

Sincerely yours,



HOMESTAKE MINING COMPANY OF CALIFORNIA  
Alan D. Cox  
Project Manager  
- Grants Reclamation Project

Cc: R. Linton - U.S. Nuclear Regulatory Commission - Rockville, MD (w/o enclosure)

A. Kuhn - Kleinfelder, Inc., Albuquerque (w/o enclosure)

L. Bridges - Kleinfelder, Inc., Hotchkiss, CO (w/o enclosure)

R. Chase - SLC (w/o enclosure)

D. Deisley - SLC (w/o enclosure)

B. Ferdinand - SLC (w/o enclosure)

RECEIVED  
JUL 26 2006