

August 26, 2009

Mr. Richard L. Currit  
Senior Archaeologist  
Wyoming State Historic  
Preservation Office  
2301 Central Avenue  
Barrett Building, Third Floor  
Cheyenne, WY 82002

SUBJECT: URANERZ ENERGY CORPORATION, NICHOLS RANCH IN-SITU URANIUM RECOVERY PROJECT – SECTION 106 CONSULTATION – STATE HISTORIC PRESERVATION OFFICE FILE #0708RLC009

Dear Mr. Currit:

By letter dated July 1, 2008, the U.S. Nuclear Regulatory Commission (NRC) staff initiated consultation with the Wyoming State Historic Preservation Office concerning the proposed Nichols Ranch In-situ Uranium Recovery (ISR) project by Uranerz Energy Corporation (Uranerz) in Campbell and Johnson Counties, Wyoming. As part of its application to the NRC, Uranerz conducted a Class I literature search, two Class III cultural resource surveys, and a paleontological survey. In accordance with the provisions in 10 CFR Part 51, NRC's regulations that implement the National Environmental Policy Act of 1969 and 36 CFR 800.8(c) of the National Historic Preservation Act, the NRC is currently developing a Supplemental Environmental Impact Statement (SEIS) of Uranerz's request to construct and operate ISR operations, which includes a central processing plant, satellite facility, well fields, and access roads.

As part of its environmental review and development of SEIS for the proposed Nichols Ranch ISR project, NRC staff discussed with the Bureau of Land Management (BLM) concerning the inventoried cultural sites in the vicinity of the proposed project. Mr. Clint Crago, Archaeologist from the BLM-Buffalo Field Office, reviewed the cultural surveys for the project and concluded that "the project will be an adverse effect to the setting of the Pumpkin Buttes traditional cultural property and mitigation measures must be developed to lessen the visual impact." In addition, Mr. Crago acknowledged that "there are a few (recommended) eligible sites in the lease boundary, as well as on top of the ore locations."

NRC staff also corresponded with several Native American tribes concerning the inventoried cultural sites in the vicinity of the proposed project. The NRC received a response from Mr. Conrad Fisher of the Northern Cheyenne Tribal Historic Preservation Office (dated February 12, 2009). Mr. Fisher noted that the "Pumpkin [B]uttes are considered spiritual and ceremonial areas" and that "contaminants from extraction, traffic, noise and dust pollution may effect [sic] the overall condition of the area." To date, no other responses have been received.

After a review of the information provided by Uranerz, potential impacts from the proposed project, and discussed/corresponded with the BLM and Native American Tribes, NRC staff has determined that the proposed action has the potential to adversely impact four cultural sites in the vicinity of the proposed project. Specifically, these are as follows:

- Site 48CA5391 (identified in the Class III survey conducted by Western Land Services for the Tex Draw CBM POD);
- Sites 48CA6146/6147 (identified in the Class III survey by James A. Brunette for Uranerz);
- Site 48CA6148 (identified in the Class III survey by SWCA for the Dry Willow 1 POD and in the Class III survey by James A. Brunette for Uranerz); and
- Site 48CA6927 (identified in the Class III survey by Russell Richard for Uranerz).

NRC staff also concurs with BLM's assessment that the proposed action has the potential to adversely impact the setting of the Pumpkin Buttes.

The cultural resource survey and paleontological survey reports provided by Uranerz in their application to the NRC are enclosed. As part of these survey reports, mitigation measures such as avoidance and/or development of a recovery plan were recommended by the contractor.

NRC staff requests your comments and recommendations on mitigation and the path forward within 30 days of receipt of this letter and associated materials. If you have any questions or require additional information, please contact the Environmental Project Manager, Ms. Irene Yu at (301) 415-1951, or at [irene.yu@nrc.gov](mailto:irene.yu@nrc.gov).

Sincerely,

**/RA/**

Andrea L. Kock, Chief  
Environmental Review Branch  
Environmental Protection  
and Performance Assessment Directorate  
Division of Waste Management  
and Environmental Protection  
Office of Federal and State Materials  
and Environmental Management Programs

Docket No.: 40-9067

Enclosure: Uranerz Cultural Resource  
Survey and Paleontological Survey Reports

cc w/o enclosure: D. McKenzie, DEQ, Cheyenne  
G. Mooney, DEQ, Sheridan  
C. Crago, BLM, Buffalo  
P. Beels, BLM, Buffalo  
M. Thomas, Uranerz  
C. Fisher, Northern Cheyenne THPO

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