

ARTS. PARKS. HISTORY.

Wyoming State Parks & Cultural Resources

2/11/2010
RDB Reed
8:30 am

State Historic Preservation Office
Barrett Building, 3rd Floor
2301 Central Avenue
Cheyenne, WY 82002
Phone: (307) 777-7697
Fax: (307) 777-6421
<http://wyoshpo.state.wy.us>

January 25, 2010

Chief, Rulemaking and Directives Branch
U.S. Nuclear Regulatory Commission
Mail Stop TWB-05-B01
Washington, D.C. 20555-0001

12/11/09
74FR 65808
(7)

re: Environmental Impact Statement for the Nichols Ranch ISR Project in Campbell and Johnson Counties, Wyoming. Draft Report for Comment (SHPO File # 0708RLC009)

Dear Chief:

Thank you for consulting with the Wyoming State Historic Preservation Office (SHPO) regarding the above referenced project. Review of the document identified several inaccuracies. These are identified below.

Page 3-43, Lines 18-20 indicates that there is a "50-year cutoff for possible inclusion on the NRHP". While the 50 year date is a good rule of thumb, it is not a hard and fast rule which fully excludes sites younger than that for inclusion. Please reference National Register Bulletin 15, "How to Apply the National Register Criteria for Evaluation, Chapter VII, Criteria Consideration G: Properties that Have Achieved Significance Within the Past Fifty Years".

Page 3-47, Lines 7-9 reads, in part, that "The Pumpkin Buttes were determined eligible for the NRHP under Criteria A, B, and C, etc.". This should read "under Criteria A, B and D".

Page 4-51, Lines 28-29, in part (emphasis added), discusses eligibility for the NRHP "under criteria in 36 CFR 60.4(a)-(d) and/or a Traditional Cultural Properties". Per National Register Bulletin 38, "Guidelines for Evaluating and Documenting Traditional Cultural Properties (TCP)", page 9, "Determining Eligibility: Step by Step", in order for a property to be eligible as a TCP it must be eligible under one of the four criteria of eligibility set for in 36 CFR 60.4. This should be stated clearly in this document.

Page 4-51, lines 40-44, addresses discovery situations and notes that (emphasis added) "an NRC licensee would likely be required under conditions in its license, to stop work upon discovery of previously undocumented historic or cultural resources etc.". We recommend that the word "likely" be replaced with "shall".

SUNSI Review Complete
Template = ADM-013

E-RIDS = ADM-03
Add = I.YU (I.WY1)



Dave Freudenthal, Governor
Milward Simpson, Director

January 25, 2010

Environmental Impact Statement for the Nichols Ranch ISR Project

Page 2 of 2

Page 4-52, Lines 12-15. Be aware that the Wyoming Attorney General's Office is not a "signatory" to any agreement document and is not involved in the development of those agreements. Reference to them should be deleted from the document.

Page 4-52, Lines 34-37. The existing PA between the BLM and SHPO concerning Pumpkin Buttes (Pumpkin Buttes PA) sets forth standard mitigation measures to mitigate the adverse effects of certain BLM undertakings. As such, Uranerz cannot become a signatory to that document for this undertaking. Development of a Memorandum of Agreement setting forth mitigation measures for this specific undertaking would be more appropriate.

Page 4-53, Lines 29-32, see above discussion concerning the Pumpkin Buttes PA

Page 5-14, Lines 40-44 indicates that "The potential impact to historic and cultural resources would likely be minimized for projects occurring on federal or state lands or which are funded in part by the government since these projects would be subject to the National Historic Preservation Act (NHPA), Section 106 consultation process, and applicable statutes, whereas actions that are on private land pose the threat of irrevocable loss of cultural resources". Be aware that this project is a federal undertaking per 36 CFR § 800.16(y). As such, the requirements of Section 106 of the NHPA apply regardless of land ownership, and minimization/mitigation of adverse effects is required.

Thank you for the opportunity to comment on this document. We look forward to further consultation with your office concerning this project.

Please refer to SHPO project #0708RLC009 on any future correspondence regarding this project. If you have any questions, please contact me at 307-777-5497.

Sincerely,



Richard L. Currit
Senior Archaeologist



Dave Freudenthal, Governor
Milward Simpson, Director