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14 October 2010

Jan Biella
Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, New Mexico 87501



090631

Re: Proposed Depleted Uranium Processing Facility, Active Land Sale / Exchange, International Isotopes, Inc; Nuclear Regulatory Commission; Lone Mountain Archaeological Services Report # 1224.; New Mexico State Land Office compliance file 10DE277

Dear Ms. Biella:

I have reviewed the captioned document prepared by Lone Mountain Archaeological Services, Inc. (LMAS) on behalf of Gordon Environmental, Inc. (GEI) under contract to International Isotopes, Inc. (III). Enclosed, please find one copy of the report as prepared by LMAS, together with a map I have prepared to supplement their report. Also enclosed herewith for your reference are copies of correspondence between III and the State Historic Preservation Officer (SHPO), and between III and tribal governments, all dating to 2009, and my recent email communications with GEI. I submit this suite of materials to you in support of the larger federal undertaking, but also in order to address the state undertaking consisting of the land exchange / sale itself.

I first became aware of this project on 14 May 2009, via notification from LMAS of impending survey in support of proposed construction of a depleted uranium de-conversion and fluorine extraction processing facility on trust lands. The location surveyed (Section 27, T18S, R36E, N.M.P.M.) is on lands whose surface and subsurface estates are managed by the New Mexico State Land Office (SLO). You will note that there is no mention in LMAS' survey documentation of either an intended land exchange / sale, the role of III, or the involvement of the Nuclear Regulatory Commission (NRC).

Until queried briefly by New Mexico Historic Preservation Division (HPD) staff on 11 August, and contacted on 07 and 08 October 2010 by GEI, I was unaware of completion of the survey, NRC involvement, the apparently already accomplished exchange of the land with Lea County, or the impending sale of same to III. I have not been contacted by anyone previous to 07 / 08 October regarding the exchange / sale. Similarly, I have not been contacted by Lea County, the NRC, or III regarding the federal undertaking. I understand from correspondence with GEI (see email of 08 October, attached) that they believe you have not yet received copies of the tribal consultation letters, so I have provided the copies thereof as forwarded to me by GEI.

-State Land Office Beneficiaries -

Carrie Tingley Hospital • Charitable Penal & Reform • Common Schools • Eastern NM University • Rio Grande Improvement • Miners' Hospital of NM • NM Boys School • NM Highlands University • NM Institute of Mining & Technology • New Mexico Military Institute • NM School for the Deaf • NM School for the Visually Handicapped • NM State Hospital • New Mexico State University • Northern NM Community College • Penitentiary of New Mexico • Public Buildings at Capital • State Park Commission • University of New Mexico • UNM Saline Lands • Water Reservoirs • Western New Mexico University

The report itself indicates that the entire area (640 acres, more or less, within Section 27) was subjected to intensive pedestrian survey using appropriate methods. The results were largely negative, identifying only three isolated occurrences. These isolated occurrences are not thought to be cultural properties worthy of further consideration and protection. The map I prepared shows the location of the parcel, the adjacent pattern of state trust and private ownerships, the areas of previous archaeological surveys, and the locations of the known archaeological sites. The gray ring surrounding the subject parcel illustrates the limits of a five-mile (8000-meter) buffer area. The current survey nearly doubles the total acres of survey that have been conducted within the overall buffer area. Note also that only four sites have been discovered and documented in that area. This area of approximately 64,000 acres has now seen an arbitrary, non-random, surveyed sample of approximately 1500 acres. It is not surprising that the current survey returned negative results, given the observed site density estimated from the findings of previous surveys.

The map also illustrates the location of all state trust lands (regardless of surface or subsurface estates) that are located within five miles of any registered cultural property. This presentation is based on a dataset derived from GIS analysis of data currently displayed by the New Mexico Cultural Resource Information System, Archaeological Records Management Section, in their on-line system. Note that the subject parcel is just outside five miles from a registered cultural property -- LA 43256 (SR #162), a site variously known as Monument Springs, Monument Springs Site, and the HAT Ranch Headquarters.

Given the situation outlined above, the SLO recommends a finding of no effect / no cultural properties / no historic properties for both undertakings. There are no documented cultural properties within the area of potential effect (APE) when considering direct effects. Similarly, there are no registered cultural properties within the assumed, five-mile APE when considering indirect effects.

As always, if any cultural materials are discovered when ground disturbance associated with construction begins, all work in the vicinity of the discovery should cease, and the SHPO should be notified. If you believe that the SLO can be of any assistance at any time, we would be happy to oblige.

If you have questions or require further information, please do not hesitate to contact me.

Sincerely,



David C. Eck
Trust Land Archaeologist
Xc: Compliance file 10DE277cd

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Concur with recommendations as proposed.


for NM State Historic Preservation Officer 10/25/10