

Wu, Irene

From: Mike Thomas [mthomas@uranerz.com]
Sent: Thursday, May 20, 2010 2:09 PM
To: Balsam, Briana
Subject: SHPO Consultation Letter Example
Attachments: NRC SHPO consultation letter example.doc

Briana,

Attached is an example of a letter to be used for consultation with SHPO.

Mike

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EX. 6

D/16

Mr. Richard Currit
 Wyoming State Historic Preservation Office
 The Barrett Building
 2301 Central Avenue
 Cheyenne, WY 82002

Re: Consultation Under Section 106 of the National Historic Preservation Act for the Proposed Uranerz Energy Corporation, Nichols Ranch In-Situ Uranium Recovery Project, Campbell and Johnson Counties Wyoming; State Historic Preservation Office File #0708RLC009.

Dear Mr. Currit:

The Nuclear Regulatory Commission (NRC) is requesting consultation with the Wyoming State Historic Preservation Office (SHPO) on the identification, eligibility, and effect on cultural resources for the proposed Nichols Ranch In-situ Uranium Recovery (ISR) project by Uranerz Energy Corporation (Uranerz) in Campbell and Johnson Counties, Wyoming.

~~ADDITIONAL UNDERTAKING BACKGROUND/HISTORY FROM THE NRC. THIS WOULD LIKELY INCLUDE A DISCUSSION OF THE OTHER RELEVANT PERMITTING DOCUMENTS (e.g. the SEIS) AND POSSIBLY PREVIOUS CONSULTATIONS WITH SHPO.~~

The area of potential effects for the proposed undertaking has been completely inventoried and the results are detailed in four reports, or portions thereof, that have been submitted to SHPO. The reports are listed below and consist of three Class III reports for newly inventoried areas and one Class I report for previously inventoried areas:

- I. *Class III Cultural Resource Inventory of the Uranerz Energy Corporation, Hank In-Situ Uranium Project.* Prepared by Frontier Archaeology. November 2007.
- II. *Anadarko Petroleum Corporation Dry Willow Phase 4 POD Class III Cultural Resource Inventory Campbell County, Wyoming.* Prepared by Arcadis U.S., Inc. July 2008.
- III. *A Class III Cultural Resource Inventory for Uranerz Energy Corporation's 80-acre Parcel in the Hank Unit, Campbell County, Wyoming.* Prepared by TRC Environmental Corporation. October 2008.
- IV. *A Class I Literature Review of Uranerz Energy Corporation's Nichols Ranch ISR Project, Campbell and Johnson Counties Wyoming.* Prepared by TRC Environmental Corporation. March 2010.

IDENTIFICATION, ELIGIBILITY, AND EFFECT

The NRC has determined that the identification efforts detailed in the four reports meet the Secretary of Interior's Standards and Guidelines (48 FR 44716) for Archaeology and Historic Preservation. The following table lists the cultural resources within or near the area of proposed effect for the undertaking and includes the eligibility, effect, and treatment determinations made by the NRC. Additional discussions follow the table as necessary.

Site No.	Site Type or Name	Eligibility	Effect	Comments/ Stipulations	Report No.: SHPO Accession No.
48CA268	Pumpkin Buttes TCP	Eligible	Adverse effect?	Mitigation of adverse effect to setting through MOA?	IV: 5-1851
48CA379	Prehistoric lithic scatter	Not eligible	No effect	No further work	IV: 6-1350
48CA5386	Prehistoric lithic scatter/ historic hunting blinds	Not eligible	No effect	No further work	IV: 8-425

48CA5390	Prehistoric lithic scatter/ historic trash scatter	Not eligible	No effect	No further work	IV: 8-425
48CA5391	Prehistoric lithic scatter/ historic trash scatter	Eligible	No effect	Limit construction; protective fencing	IV: 8-425
48CA5392	Prehistoric lithic scatter	Not eligible	No effect	No further work	IV: 8-425
48CA5393	Prehistoric lithic scatter	Not eligible	No effect	No further work	IV: 8-425
48CA5406	Prehistoric lithic scatter	Not eligible	No effect	No further work	IV: 8-425
48CA6146	Prehistoric stone circles	Eligible	No effect	Limit construction; protective fencing	I
48CA6147	Prehistoric open camp/ historic trash scatter	Eligible	No effect	Limit construction; protective fencing	I
48CA6148	Prehistoric stone circles	Eligible	No effect	Limit construction; protective fencing	I
48CA6149	Prehistoric lithic scatter	Not eligible	No effect	No further work	IV: 6-1350
48CA6151	Prehistoric lithic scatter	Not eligible	No effect	No further work	IV: 6-1350
48CA6342	Prehistoric open camp	Not eligible	No effect	No further work	IV: 6-1850
48CA6343	Prehistoric open camp	Not eligible	No effect	No further work	IV: 6-1850
48CA6344	Prehistoric open camp	Not eligible	No effect	No further work	IV: 6-1850
48CA6345	Prehistoric open camp	Not eligible	No effect	No further work	IV: 6-1850
48CA6475	Prehistoric open camp	Eligible	No effect	Limit construction; protective fencing	II
48CA6490	Prehistoric open camp	Eligible	No effect	Limit construction; protective fencing	II
48CA6491	Prehistoric lithic scatter	Not eligible	No effect	No further work	II
48CA6498	Prehistoric lithic scatter	Not eligible	No effect	No further work	II
48CA6499	Prehistoric lithic scatter	Not eligible	No effect	No further work	II
48CA6748	Prehistoric open camp	Eligible	No effect	Limit construction; protective fencing	I
48CA6749	Prehistoric lithic scatter	Not eligible	No effect	No further work	I
48CA6750	Prehistoric lithic scatter	Not eligible	No effect	No further work	I
48CA6751	Prehistoric open camp	Eligible	No effect	Limit construction; protective fencing	I
48CA6752	Prehistoric open camp	Not eligible	No effect	No further work	I
48CA6753	Prehistoric open camp	Eligible	No effect	Limit construction; protective fencing	I
48CA6754	Prehistoric open camp	Not eligible	No effect	No further work	I
48CA6926	Prehistoric lithic scatter	Not eligible	No effect	No further work	III
48CA6927	Prehistoric open camp	Eligible	No effect	Limit construction; protective fencing	III

48JO2944	Prehistoric lithic scatter/ historic trash scatter	Not eligible	No effect	No further work	IV: 8-425
48JO2946	Prehistoric open camp	Not eligible	No effect	No further work	IV: 8-425
48JO2948	Prehistoric lithic scatter	Not eligible	No effect	No further work	IV: 8-425
48JO2949	Historic trash scatter	Not eligible	No effect	No further work	IV: 8-425
48JO2950	Historic trash scatter	Not eligible	No effect	No further work	IV: 8-425
48JO2953	Prehistoric lithic scatter/ Historic ranch remains	Not eligible	No effect	No further work	IV: 8-425
48JO2957	Prehistoric lithic scatter	Not eligible	No effect	No further work	IV: 8-425

Sites 48CA379, 48CA5386, 48CA5390, 48CA5392, 48CA5393, 48CA5406, 48CA6149, 48CA6151, 48CA6342, 48CA6343, 48CA6344, 48CA6345, 48CA6491, 48CA6498, 48CA6499, 48CA6749, 48CA6750, 48CA6752, 48CA6754, 48CA6926, 48JO2944, 48JO2946, 48JO2948, 48JO2949, 48JO2950, 48JO2953, 48JO2957 are all not eligible for the National Register of Historic Places (NRHP). The proposed project will have **no effect** upon these resources. No further work will be necessary.

Sites 48CA6475, 48CA6490, 48CA6748, 48CA6751, and 48CA6753 are eligible for the NRHP. These sites are all located outside any proposed physical disturbance areas and will be completely avoided by the project. The proposed project will have **no effect** upon these resources. No further work will be necessary.

Sites 48CA5391, 48CA6146, 48CA6147, 48CA6148, and 48CA6927 are all eligible for the NRHP and are located within the projected wellfield. Uranerz has agreed to avoid these five sites as well provide protective fencing to avoid inadvertent disturbance. The proposed project will have **no effect** upon these resources with adherence to the stipulations.

Site 48CA268 (Pumpkin Buttes Traditional Cultural Property [TCP]) is eligible for listing on the NRHP. The TCP is located outside any proposed physical disturbance areas and will be completely avoided by the project. The proposed project will have **no effect** on the physical remains of the Pumpkin Buttes TCP.

Effects to the setting of the Pumpkin Buttes TCP were determined in consultation with Native American Tribes. DISCUSS RESULTS OF TRIBAL CONSULTATION AND DETERMINATION OF EFFECT AS WELL AS INDICATE THAT MITIGATION MEASURES WILL BE OUTLINED IN A SEPARATE DOCUMENT (THE MOA WHICH IS IN PROGRESS).

The NRC is consulting on the finding of adverse effect on Site 48CA268 (Pumpkin Buttes TCP). Pending your concurrence, the mitigation of adverse effects to the Pumpkin Buttes TCP will be addressed in a subsequent document that will be consulted on separately.

Following SHPO concurrence, the NRC intends to allow implementation of the undertaking with the following stipulations.

STIPULATIONS

The NRC will require the following stipulations for the proposed undertaking. These stipulations are included in Section 2.4 of the NRC Technical Report license application. Any stipulations associated with the document outlining the treatment of Site 48CA268 (Pumpkin Buttes TCP) will be added to the consultation letter for that document.

1. Uranerz will not conduct any ground-disturbing work in areas that have not been previously inventoried and cleared for cultural resources.
2. Uranerz will protect all cultural properties that have been determined eligible to the NRHP within the permit area from ground-disturbing activities. To protect those eligible sites that are located within or near the projected well field (specifically Sites 48CA5391, 48CA6146, 48CA6147, 48CA6148, and 48CA6927),

Uranerz will delineate these sites and will mark them with green colored plastic snow fence material. The fencing material will not be highly visible and no signs will be installed but the fencing material will protect these sites from inadvertent disturbance. Uranerz will also provide small openings (6-8 ft) in the fencing to allow livestock and wildlife to move freely in, out, and through the site.

3. If Uranerz determines that it must conduct ground-disturbing activities within the boundaries of an eligible site, Uranerz will notify NRC, SHPO, and WDEQ-LQD and Uranerz will prepare an appropriate cultural resource mitigation plan and submit said plan to the NRC and SHPO for review and approval. Once approved the mitigation plan will be implemented before any ground-disturbing activities are undertaken. Any such approved mitigation plan(s) will be subsequently incorporated into the permit document.
4. If cultural resources are discovered during operations, Uranerz will immediately stop ground-disturbing activities in the area of the discovery and will immediately notify the WDEQ-LQD, NRC, and the SHPO. Within two (2) working days of notification, the WDEQ-LQD, the NRC, and the SHPO will evaluate or have evaluated any discovered cultural resources and will determine if any action may be required to protect or preserve such discoveries.
5. All cultural resources will remain under the jurisdiction of the private landowner or the United States government depending on the where the cultural resource(s) were discovered.
6. Uranerz will instruct all employees, contractors, subcontractors and any additional parties involved in the project that they are not to search for archaeological materials (i.e., arrow head hunting).
7. If Native American human remains, funerary objects, or objects of cultural patrimony are encountered, Uranerz will stop all work in the immediate area and will immediately notify NRC and WDEQ-LQD and the NRC will comply with Section 3 of the Native American Graves Protection and Repatriation Act and its implementing regulations at 43 CFR Part 10. If Native American human remains, funerary objects, or objects of cultural patrimony are encountered as a result of a NRC undertaking on private surface, the remains will be evaluated as a historic property and procedures. Existing state and local laws will be followed pertaining to discovery of Native American human remains, funerary objects, or objects of cultural patrimony on private surface.

Your cooperation in this matter is appreciated. Should you have any questions, please contact?

Sincerely,

Enclosures

Cc: Mr. Mike Thomas
Uranerz Energy Corporation
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Casper, WY 82605-0850