



# THE NAVAJO NATION

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**BEN SHELLY**  
PRESIDENT

**REX LEE JIM**  
VICE-PRESIDENT

November 6, 2013

Mr. Andrew Persinko  
Deputy Director Decommissioning and  
Uranium Recovery Licensing Directorate  
Division of Waste Management and  
Environmental Protection  
Mail Stop #T8F5 Washington, D.C.

RE: License Number # SVA-1580, Hydro Resources, Inc. Crownpoint Uranium Project, Church Rock Site, New Mexico

Dear Mr. Persinko :

The intent of this letter is to clarify, two issues; The first being that Tony Joe, Traditional Culture Program Manager, for the Navajo Nation Historic Preservation Department, is not the Tribal Historic Preservation Officer, as listed on the agenda for the government to government on September 25, 2013 at the Navajo Nation Department of Justice, the field meeting on September 25, 2013. Nor is he the contact for National Historic Preservation Act, of 1968 as amended, 36 CFR Part 800, Section 106 reviews for properties and undertakings within the exterior boundaries of the Navajo Nation, which is inclusive of the Eastern Agency boundary

I Ron Maldonado, Program Manager / Compliance Officer for the Navajo Nation Historic Preservation Department , Cultural Resource Compliance Section was designated as Acting THPO on May 22, 2013. ( see attached memo).

The second issue that needs to be clarified is, the Traditional Cultural Property (TCP) issue. In my research of the proposed undertaking, I have determined that the NNHPD, concurred with the determination of "no Effect" as noted in the " United States of America Nuclear Regulatory Commission Atomic Safety and Licensing Board Panel ( Docketed 9-16-05)". In all Previous work since the 1996 there has been no mention of traditional cultural properties in or near the proposed undertaking. However on October 10, 2013, Mr. Frederick White, Division Director for the Navajo Nation Division of Natural Resources asked that I look into a claim made by Mr. Tony Joe at a closed NRC meeting with the Navajo Nation

Department of Justice on September 25, 2013. It is my understanding that Mr. Joe mentioned a feather and corn field in the area and explained that it pointed to Chaco Canyon.

As directed by Mr. White I visited the site of the proposed undertaking. I met with Mr. Henry, Church Rock Chapter President, Deswood Tome with the Office of the President, Navajo Nation and, with representatives of the licensee. I saw no evidence of an extant corn field.

I have reviewed the following reports/documents :

1. Report on Sacred and Traditional places for HYDRO Resources Inc. , it states : No significant scared and traditional sites were found".
2. The report prepared by the Museum of New Mexico Office of Archaeological Studies (OAS), titled : Cultural Resource inventory of proposed Uranium Solution Extraction and Monitoring Facilities at the Church Rock Site and of the proposed Surface Irrigation Facilities North of the Crown Point site, McKinley County , New Mexico
3. Letter to Joseph J. Holonich, Chief , Uranium Recovery Branch. dated June 24, 1988, stating that Navajo Nation concurs with the findings in the OAS report.
4. The Affidavit of Ernest C. Becenti, Sr. Tony Johnson, and Art Willie Yazzie, Sr. testifying that past mining had no negative effects on Traditional Navajo Religious Ways .
5. The " United States of America Nuclear Regulatory Commission Atomic Safety and Licensing Board Panel ( Docketed 9-16-05). held up the " no effect Determination"

The Nation Historic Preservation Act ( NHPA) Section 800.6 (6) does refer to a discover clause. The Navajo Nation Historic Preservation Department and the New Mexico State Historic Preservation Office, also reference discovery clauses which are used when non identified ( burials, buried archaeological sites, misidentified resources or Traditional cultural Properties). Such discoveries must be quantifiable by research, field work, literature search, record check ( NN-TCP files) or interviews with qualified person or persons. Mr. Joes Statement cannot be quantified by any of the noted research methods.

The previous field work, does not note any corn field in the area nor does the ethnographic interviews. The mention of the feather and its relation to Chaco could be found and any of the noted research methods. A check of the records kept by the NN-TCP program, list three traditional cultural properties within a 5 to 10 mile radius of the area in question. the NN-TCP files represent the best information on Navajo Sacred sites the information gathered was for and used in the Navajo Nation Aboriginal Land Claims case. The three noted TCP's are Rock Spire (Church Rock) Cotton wood Grove and Brittle Earth ( Hard Ground Flats). I focused my research on Rock Spire ( church Rock) as it is closest to the area, and is noted as a feather in the literature. The references notes that Rock Spire is mentioned in the creation story . Navajo Places, History, Legend, Landscape by Laurence D. Linford.

I also met with Mr. Becenti on October 23, 2013, and asked about the corn field and the feather ( Mr. Joe had given Mr. Becenti a ride home on September 24, 2013, after a field visit to the area of the proposed undertaker, with the NRC. I asked Mr. Becenti ,whether he had told Mr. Joe anything about the area. He replied no. He stated that Mr. Joe was an apprentice, and may be confused.

Since there is no evidence, in the Traditional Knowledge of Mr. Becenti a Navajo Medicine man of over 50 years, the connection to "feather " is within the files of the NN-TCP and the above noted published



references , which all refer to Church Rock ( aka Rock Spire). The Navajo Nation, hereby once again concurs with the determination of " no effect".

If you have any questions regarding this matter, please contact me at (928) 871-7139 or by email, [ronpmaldonado@navajo-nsn.gov](mailto:ronpmaldonado@navajo-nsn.gov)

Sincerely,



Ronald P. Maldonado,  
Tribal Historic Preservation Officer

XC: David Taylor, Navajo Nation Department of Justice  
Deswood Tome, Office of the President/Vice President Navajo Nation  
Frederick H. White, Department Director, Navajo Nation Division of Natural Resources

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## M-E-M-O-R-A-N-D-U-M

**TO:** WHOM IT MAY CONCERN

**FROM:**

  
Frederick H. White, Executive Director  
DIVISION OF NATURAL RESOURCES

**RE:** Delegation of Signature Authority for the Cultural Resources Compliance Section  
and Signature Delegation as the Navajo Nation Tribal Historic Preservation  
Officer (THPO)

**DATE:** May 20, 2013

Effective immediately, Ronald P. Maldonado, Supervisory Archaeologist/Manager, Cultural Resources Compliance Section is delegated authority to sign all CRCS forms as well as related correspondence for the Historic Preservation Department as stated herewith,

1. All technical preservation and cultural resources management documents including CRPA, NHPA, ARPA, and NAGPRA, etc. without limitation and regardless of funding source;
2. "SASs" pertaining to cultural resources clearances regardless of property or effect finding, when cultural resources documentation has been previously reviewed and properly approved by CRCS/HPD;
3. Cultural Resources Investigation Permits and related correspondence;
4. All documents pertaining to actions specific to the Navajo Nation as the Tribal Historic Preservation Officer (THPO); including the review of documents that are statements of Navajo Nation policy or that commit the Navajo Nation to a position that are subject to the SAS process as established by Title 2 §164 and Executive Order 07-2013.

This delegation pertains to all routine documents in these categories, except those that he feels need to be brought to my attention. This is a standing delegation of signature authority and is without a set termination date and does not provide authorization to re-delegate any authority addressed in this memorandum.



**A-C-K-N-O-W-L-E-D-G-E-D:**

A handwritten signature in black ink, appearing to read 'Ronald P. Maldonado', written over a horizontal line.

**Ronald P. Maldonado, Supervisory Archaeologist  
Cultural Resources Compliance Section**

**xc:     Evangeline Curley-Thomas, Deputy Division Director/DNR  
        Audrey Roberts, Assistant Department Manager/HPD**