



January 14, 2014

Mr. Kevin Hsueh, Chief
United States Nuclear Regulatory Commission
Mail Stop: T-8F5
Washington, DC 20555-0001

SECTION 106 PROJECT CONSULTATION

Project: 111024005F - Dewey-Burdock Project
Location: Multiple Counties
(NRC)

Dear Mr. Hsueh:

Thank you for the opportunity to comment on the above referenced project pursuant to section 106 of the National Historic Preservation Act of 1966 (as amended). The South Dakota Office of the State Historic Preservation Officer (SHPO) concurs with your determination regarding the effect of the proposed undertaking on the non-renewable cultural resources of South Dakota.

We have made this consensus determination based on the information provided in the following reports:

- *A Level III Cultural Resources Evaluation of Powertech (USA) Incorporated's Proposed Dewey-Burdock Uranium Project Locality within the Southern Black Hills, Custer and Fall River Counties, South Dakota, Volume I, II, III, IV and V.* Archeology Laboratory, Augustana College. 2008
- *A Level III Cultural Resources Evaluation of Powertech (USA) Incorporated's Proposed Dewey-Burdock Uranium Project Locality within the Southern Black Hills, Custer and Fall River Counties, South Dakota, Addendum 1, Volume I and II.* Archeology Laboratory, Augustana College. 2008
- *A Level III Cultural Resources Evaluation of Powertech (USA) Incorporated's Proposed Dewey-Burdock Uranium Project Locality within the Southern Black Hills, Custer and*

Fall River Counties, South Dakota, Addendum 2, Volume I and II. Archeology Laboratory, Augustana College. 2008

- *Evaluative Testing of Four Sites within Powertech (USA) Incorporated's Proposed Dewey-Burdock Uranium Project Locality, Southern Black Hills, Custer and Fall River Counties, South Dakota, Volume 1 and 2.* Archeology Laboratory, Augustana College. 2009
- *Evaluative Testing of 20 Sites in the Powertech (USA) Inc. Dewey-Burdock Uranium Project Impact Areas, Volume 1 and 2.* Archeology Laboratory, Augustana College. 2012.

The National Register criteria have been applied to the following properties identified within the area of potential effects. We concur with the following recommendations for National Register eligibility.

The following properties should be considered **not eligible** under any of the Criteria:

39CU0251 (Tribal Site (TS) 096)	39CU3774	39FA1910
39CU0451	39CU3775	39FA1913
39CU0461	39CU3777	39FA1911
36CU0462	39CU3778	39FA1914
39CU0463	39CU3780	39FA1915
39CU0464	39CU3781	39FA1916
39CU0528	39CU3782	39FA1917
39CU0560	39CU3783	39FA1918
39CU0585	39CU3810	39FA1919
39CU0648	39CU3811	39FA1921
39CU0531	39CU3812	39FA1924
39CU0532	39CU3814	39FA1925
39CU0557	39CU3815	39FA1929
39CU3561	39CU3816	39FA1930
39CU3562	39CU3820	39FA1931
39CU3563	39CU3823	39FA1934
39CU3566	39CU3970	39FA1936
39CU3568	39FA0097	39FA1937
39CU3569	39FA0174	39FA1939
39CU3570	39FA0251	39FA1942
39CU3571	39FA0272	39FA1943
39CU3572 (TS034)	39FA0273	39FA1944
39CU3573	39FA0557	39FA1953
39CU3574 (TS021-022)	39FA0558	39FA1954
39CU3575	39FA0578	39FA1956
39CU3576 (TS020)	39FA0584	39FA1957

39CU3577	39FA1860	39FA1959
39CU3578	39FA1861	39FA1960
39CU3579	39FA1865	39FA1961
39CU3580	39FA1868	39FA1962
39CU3581	39FA1869	39FA1963
39CU3582	39FA1872	39FA1964
39CU3583	39FA1871	39FA1966
39CU3584 (TS025-027, TS029)	39FA1873	TS003
39CU3588	39FA1875	TS005
39CU3589	39FA1876	TS023
39CU3590	39FA1877	TS028
39CU3591	39FA1878	TS030
39CU3593 (TS055)	39FA1879	TS036
39CU3594	39FA1883	TS037
39CU3595	39FA1884	TS048
39CU3596 (TS054)	39FA1885	TS049
39CU3598	39FA1886	TS050
39CU3608	39FA1887	TS051
39CU3609	39FA1888	TS052
39CU3596	39FA1889	TS063
39CU3598	39FA1891	TS064
39CU3608	39FA1895	TS065
39CU3609	39FA1898	TS066
39CU3610	39FA1899	TS090
39CU3613	39FA1900	TS091
39CU3614	39FA1901	TS092
39CU3616	39FA1903	TS093
39CU3617	39FA1904	TS094
36CU3618	39FA1905	TS095
39CU3621	39FA1906	TS097
39CU3622	39FA1907	TS131
39CU3771	39FA1908	TS144
39CU3773	39FA1909	

The following properties should be considered **unevaluated**:

39CU0032	39CU3623	39FA1892
39CU0456	39CU3624	39FA1902
39CU0457	39CU3772	39FA1912
39CU0460	39CU3776	39FA1920
39CU0530	39CU3779	39FA1927
39CU0554	39CU3813	39FA1928
39CU0556	39CU3817	39FA1932
39CU0558	39CU3818	39FA1933
39CU0561	39CU3819	39FA1935
39CU0653	39CU3821	39FA1938

39CU3564	39CU3822	39FA1940
39CU3565	39FA0110	39FA1955
39CU3574 (TS021-022)	39FA0270	39FA1958
39CU3584 (TS025-027,TS029)	39FA0274	39FA1964 (TS099-105)
39CU3585	39FA0275	39FA1965
39CU3586	39FA0556	TS024
39CU3587	39FA0740	TS027
39CU3597	39FA0777	TS061
39CU3599	39FA0778	TS062
39CU3601	39FA1859	TS075
39CU3603	39FA1863	TS079
39CU3605	39FA1864	TS125
39CU3606	39FA1870	TS126
39CU3611	39FA1874	TS127
39CU3612	39FA1880	TS128
39CU3615	39FA1882	TS129
		TS145

Properties 39CU3602 (TS119), 39CU3607 (TS116-117), 39FA1862 (TS112-113), 39FA1881, 39FA1890 (TS012), 39FA1927, 39FA1952 (TS123-124), TS002, TS118, and TS120 should be considered **eligible** under **Criteria A**.

Properties 39CU2000 and 39FA2000 should be considered **eligible** under **Criteria A and C**.

Properties 39CU0584 (TS043-046, TS53 and TS132-140), 39FA2530 and 39FA2531 should be considered **eligible** under **Criteria A and D**.

Properties 39CU0459 (TS108-111), 39CU3567 (TS031-033 and TS141), 39CU3600 (TS114-115), 39CU3604 (TS121-122), 39CU3620 (TS106-TS107), 39FA1926 (TS067-074 and TS076-078), TS006, TS007-011, TS040, TS041-042, TS047, TS080-089 and TS098 should be considered **eligible** under **Criteria A**. However, should your agency wish to pursue the assessment of these properties under Criteria C and/or D, additional information will need to be submitted.

Properties 39CU0271 (TS019, TS035 and TS130), 39CU0577, 39CU0586, 39CU0588, 39CU0590, 39CU0593, 39CU2733, 39CU2735, 39CU2738, 39CU3592 and 39FA1941 should be considered **eligible** under **Criteria D**.

Property 36CU3619 represents the archaeological component of the Richardson Homestead. The homestead contains four standing structures: CU-025-00001, CU-025-00002, CU-025-00003, and CU-025-00004. The standing structures are related and should be taken into consideration as a district. In this context, the district should be considered **eligible** under **Criteria A**. Given that the Richardson Homestead is one of oldest intact homesteads in South Dakota, the archaeology

component should be reassessed. Therefore, property 36CU3619 should be considered **unevaluated** for listing until additional information is submitted.

Finally, properties 39FA0096, 39FA0269, 39FA0578, 39FA1896, 39FA1893, 39FA1894, 39FA1897, 39FA1922 (TS18 and TS142-143) and 39FA1923 (TS114-117) are located on lands for which the Bureau of Land Management (BLM) is either partially or fully responsible. BLM has not submitted determinations of eligibility for these properties. Once this information is provided we shall provide comments on these properties.

Given the above, we concur with the determination of “Adverse Effect” for this undertaking. We look forward to working with your agency and other consulting parties on the development of a programmatic agreement to address the effects of the undertaking on historic properties.

Concurrence of the SHPO does not relieve the federal agency official from consulting with other appropriate parties, as described in 36CFR Part 800.2(c).

Should you require additional information, please contact Paige Olson at (605) 773-6004. Your concern for the non-renewable cultural heritage of South Dakota is appreciated.

Sincerely,

Jay D. Vogt
State Historic Preservation Officer



Paige Olson
Review and Compliance Coordinator

Cc: Ms. Haimanot Yilma, Nuclear Regulatory Commission
Ms. Jane Watts, Archaeological Research Center
Mr. John Eddins, Advisory Council on Historic Preservation
Ms. Marian Atkins, Bureau of Land Management