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Wyoming State Parks & Cultural Resources

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May 5, 2014

Kevin Hsueh, Chief
Environmental Review Branch
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

re: Strata Energy, Ross In Situ Uranium Recovery Project, Tribal Field Survey Report (SHPO File # 0313RLC005)

Dear Mr. Hsueh:

Thank you for consulting with the Wyoming State Historic Preservation Office (SHPO) regarding the above referenced undertaking.

Unfortunately we cannot concur with your determinations of eligibility for listing in the National Register of Historic Places (NRHP) at this time. One of the reasons for this is that the documentation submitted to our office is incomplete. In particular, the Wyoming Cultural Properties Forms (forms) are missing required components. Each form is required to have one or more of the "Additional Attachments" to the Core Form (Sections 1 through 8), these attachments are designated attachments 8A through 8J. The only sites for which one of these attachments are provided are previously recorded sites 48CK2070, 48CK2080, 48CK2087 and, 48CK2089 which consist of only attachment 8J. However, the survey resulted in substantial changes to these resources and a new Core Form should also have been completed.

We are also concerned with the methodology used in evaluating these sites for NRHP eligibility. As stated on page 15 of the report;

"If the field notes indicated a consensus that the site was of Tribal religious and cultural significance, the site was considered eligible by inference if it was a site type the Tribes normally evaluated as eligible, such as a prayer circle."

We are not quite sure what this actually means, but it appears to be contrary to 36 CFR § 800.4(c)(1) which requires that sites that have been identified as being of religious and cultural significance to tribes be evaluated for eligibility for listing in the NRHP. Not that being of religious and cultural significance in and of itself makes a site eligible. It also needs to be noted that each site is unique and its eligibility needs to be determined on a case by case basis. "Eligibility by inference" is not acceptable.



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An additional concern is found in the *Survey Results Section* in the discussion of site 48CK2214. It is noted in the discussion of Point #16, a small fasting circle, that the "Northern Arapaho Tribe survey participant believes that attributes of the feature are indicative of Sioux usage". However, none of the Sioux participants provided information on this feature. In the discussion of the eligibility of this site it is further stated that "The Northern Arapaho Tribe as well as the Cheyenne and Arapaho Tribes of Oklahoma believe that fasting circles, whether associated with their Tribes or others, represent traditional and ceremonial sites of ongoing cultural significance to them". Does this mean that this site (as well as many of the following sites) are being considered eligible for listing on the NRHP as Traditional Cultural Properties (TCP) when the actual tribes they are associated with have provided no input or information concerning these resources? We do not believe that this is an adequate justification of eligibility. Also, we do not believe that a brief statement that a site is of "ongoing cultural significance" is adequate to demonstrate that a site is "important in maintaining the continuing cultural identity of a community" (National Register Bulletin 38, Page 1) and therefore a TCP.

While the above discussion relates specifically to site 48CK2214, the NRHP eligibility determinations for the remaining sites are nearly identical, and appear to be built upon the determination of this first site in the report. As such, our concerns are the same for all of the determinations contained in this report.

We recommend that these sites remain unevaluated for NRHP eligibility until these concerns can be addressed.

Please refer to SHPO project #0313RLC005 on any future correspondence regarding this undertaking. If you have any questions, please contact Richard L. Currit, Senior Archaeologist, at 307-777-5497 or myself at 307-777-6311.

Sincerely,



Mary Hopkins
State Historic Preservation Officer



Matthew H. Mead, Governor
Milward Simpson, Director