

STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

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BILL RICHARDSON
Governor

May 26, 2009

Kathy Economy
Permit Lead
Mining Act Reclamation Program
Mining and Minerals Division
1220 South St. Francis Drive
Santa Fe, NM 87505

Re: Request for Review and Comment of the Sample and Analysis Plan for Roca Honda Resources, LLC in support of Permit No. MK025RN

Dear Ms. Economy:

This letter is in response to the sample and analysis plan for Roca Honda Resources in support of a new uranium mine permit located in McKinley County. I received the plan on April 23, 2009.

According to 19.10.6.602 NMAC, a sampling and analysis plan shall include a list and accompanying map indicating all sites on or eligible for listing on either the National Register of Historic Places and/or the State Register of Cultural Properties and known cemeteries and human burials within the proposed permit area, along with a description of effects the proposed mining operations may have on these sites and any proposed mitigation measures. Although such a list was not provided, to satisfy this requirement, two cultural resource survey reports were submitted: one for the Cibola National Forest Land in Township 13 North, Range 8 West, Sections 9 and 10; and one for the State Trust land in Township 13 North, Range 8 West, Section 16. These surveys were conducted in 2006 although this office just received the reports as part of the sampling and analysis plan. In addition, Section 11, Historic Places and Cultural Properties was submitted as part of the sampling and analysis plan.

Section 11 does not indicate whether there are cultural properties listed on or eligible for listing on either the National Register of Historic Places and/or the State Registers of Cultural Properties. However, 148 archaeological sites were recorded with the permit area during the cultural resource surveys. Please note that this number was generated from a review of the reports, the section 11 sampling and analysis plan has a slightly different total. The cultural resource survey reports recommend that 74 archaeological sites are eligible for listing to the National Register and 62 sites are of undetermined eligibility for listing. The remainder of the sites are recommended as not eligible for listing.

In addition to the above archaeological sites, the Mount Taylor Traditional Cultural Property (TCP) encompasses the portion of the permit area that includes the Cibola National Forest land. The Mount Taylor TCP was added to the State Register of Cultural Properties on June 14, 2008 on a temporary basis and was determined to be eligible for listing to the National Register of Historic Places on March 14, 2008. On June 5, 2009, a decision will be made on whether the Mount Taylor TCP will be

listed on the State Register on a permanent basis. The portion of the permit area that lies on State Trust land in Township 13 North, Range 8 West, Section 16 is located just outside the boundaries of the TCP.

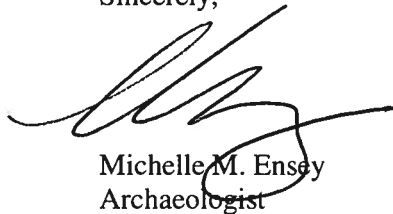
Section 11 also did not include a discussion of the potential effects or any proposed mitigation measures; however, Strathmore's April 13, 2009 letter responding to MMD comments on an earlier draft of the sampling and analysis plan states that the mitigation measures for any archaeological sites either eligible for listing or of undetermined eligibility for listing on either the National Register of Historic Places or State Register of Cultural Properties is avoidance. The Historic Preservation Division (HPD) concurs that avoidance is the best option at this time for activities that will be conducted as part of the sampling and analysis plan. However, it is not clear how Strathmore will ensure that archaeological sites will be avoided. Some of the quality-related work activities in the Field Quality Assurance Plan (FQAP) will include ground disturbance and thus there needs to be a plan in place to ensure avoidance and protection of all of the archaeological sites regardless of whether they are eligible or not. While maps are provided showing the location of each activity proposed under the sampling and analysis plan, to ensure avoidance and protection of sites it would be best to have a single map that shows the locations of archaeological sites in relation to each proposed activity.

HPD would like to see a revised Section 11, one that accurately summarizes the number of archaeological sites that were recorded during the cultural resources surveys, identifies the presence of the Mt. Taylor TCP, provides a map showing the location of archaeological sites in relation to the proposed activities that will be carried out under the sampling and analysis plan, and provides a plan for avoidance of all archaeological sites. As you know, the map showing the locations of archaeological sites will have to be made confidential, and should only be provided to this office for review. Upon receipt of this revised plan we can review the information and determine if the proposed sampling and analysis plan will have an effect on cultural resources.

Lastly, the Cibola National Forest and the State Land Office must be given the opportunity to review and consult on the sampling and analysis plan. These agencies must also review the cultural resource survey report and provide their determinations of eligibility for our concurrence. They may or may not agree with the archaeological consultant's determinations. In addition to providing determinations of eligibility for each archaeological site, the Cibola National Forest must consider the effects on cultural resources under their jurisdiction pursuant to Section 106 of the National Historic Preservation Act.

If you have any questions regarding these comments, please do not hesitate to contact me. I can be reached by telephone at (505) 827-4064 or by email at michelle.ensey@state.nm.us.

Sincerely,



Michelle M. Ensey
Archaeologist

Log: 86738

Cc/Email: David Eck, Trust Land Archaeologist, New Mexico State Land Office
Cynthia Benedict, Forest Archaeologist, Cibola National Forest