



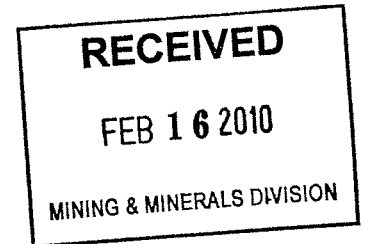
STATE OF NEW MEXICO
DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320 FAX (505) 827-6338

BILL RICHARDSON
Governor

February 12, 2010

James Hollen
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, Roca Honda Resources, LLC's New Mine Permit Application for the Roca Honda Mine, Permit No. MK025RN

Dear Mr. Hollen:

This letter is in response to new mine permit application for Roca Honda Resources, LLC. received on December 16, 2009. According to 19.10.6.602 NMAC, the permit application shall include baseline data, including a list and map indicating all sites on or eligible for listing on the National Register of Historic Places and/or the State Registers of Cultural Properties and known cemeteries and human burials within the proposed permit area. In addition, this list shall include a description of the effects the proposed mining operations may have on these sites and any proposed mitigation measures.

To satisfy the requirement of 19.10.6.602 NMAC, two cultural resource survey reports were submitted; one for the project area within the Cibola National Forest (NF) in Township 13 North, Range 8 West, Sections 9 and 10 (NMCRIS # 101072) and one for the project area within State Trust land in Township 13 North, Range 8 West, Section 16 (NMCRIS # 101380). These surveys were conducted in 2006 and the State Historic Preservation Office (SHPO) received copies for review on May 19, 2009. In addition, the Baseline Data Report (Page 11-1) states that a more recent survey was performed for the access route (LMASI 1233). The SHPO does not have a copy of this report, although we anticipate receiving it from the Cibola NF.

Because land owned and managed by the Cibola NF land is included in the proposed permit area, the Cibola NF is required to comply with Section 106 of the National Historic Preservation Act (NHPA). The SHPO recommends that the Cibola NF consider the entire permit area to be one undertaking for the purposes of consultation under Section 106. As the lead federal agency, the standard process would be for the Cibola NF to consult with the State Land Office for determinations of eligibility for listing in the National Register of Historic Places (National

Register) and effect for the archaeological sites located on State Trust Land. The Cibola NF would then submit their determination of effect for the entire project to the SHPO for review after they have had adequate time to conduct consultations with Native American tribes and review the mining plan of operations.

The Cibola NF submitted the report NMCRIS # 101072 to the SHPO in December 2009 for concurrence on their determinations of eligibility for the 94 archaeological sites documented during the survey of the Cibola NF land. On January 26, 2010, the SHPO concurred with the determinations of eligibility (enclosed). To summarize, 21 archaeological sites are eligible for listing in the National Register of Historic Places, 11 archaeological sites are not eligible, and 62 archaeological sites are of undetermined eligibility and need to be tested before their eligibility for listing in the National Register can be determined.

According to the report for the State Trust land portion (NMCRIS 101380), 54 archaeological sites were recorded with the permit area. The report recommends that 20 sites are eligible for listing in the National Register of Historic Places, 32 archaeological sites are of undetermined eligibility, and 2 sites are not eligible. The State Land Office must review the cultural resource survey report and provide its determinations of eligibility and effect to the Cibola NF.

Although the access route (or haul road) was surveyed, it does not appear as if the utility corridor crossing Section 15 has been surveyed for cultural resources. The Cibola NF should require additional survey of these areas since these corridors are part of the proposed mining plan of operation.

As indicated by the permit application, the permit area is located within the boundaries of the Mount Taylor Traditional Cultural Property (TCP), which was determined to be eligible for listing to the National Register of Historic Places on March 14, 2008 and added to the State Register of Cultural Properties on June 5, 2009. The Cibola NF will determine whether there is an effect to the National Register Mount Taylor TCP and submit its determination to the SHPO for review under Section 106 of the NHPA. Under Section 18-6-8.1 of the Cultural Properties Act, Mining and Minerals Division shall afford the SHPO a reasonable and timely opportunity to participate in planning an undertaking (or project) in order to preserve and protect and to avoid or minimize adverse effects on the State Registered TCP.

According to the Baseline Data Report (page 11-4), Strathmore proposes to avoid and plan anticipated surface activities around known archaeological site locations to the extent possible. Strathmore provided a "CONFIDENTIAL" Cultural Properties Map that locates the "footprint" of the proposed surface disturbances, including all mine-site construction and the archaeological sites. Strathmore indicates that only two archaeological sites cannot be avoided and they propose to have an archaeological monitor present during all ground disturbing activity. SHPO does not agree with the assessment that all but two sites can be avoided. In some instances, archaeological sites are located in-between areas that will be disturbed by construction activity; thus it appears that more than two sites could potentially be affected, either directly or indirectly, by mining activities. Even if the archaeological sites are avoided by direct impacts from construction, they could be adversely affected by indirect impacts from erosion, drainage, water run-off, etc. Rather than trying to construct their mining operations around archaeological sites,

in these situations Strathmore should consider archaeological testing and/or data recovery to mitigate the effects of the mining operation on the sites before construction. It has been the SHPO's experience that the costs of having an archaeological monitor present during construction exceed the costs of testing and data recovery and after testing and/or data recovery.

If you have any questions regarding these comments, please do not hesitate to contact me at (505) 827-4064.

Sincerely,



Michelle M. Ensey
Archaeologist

Log: 88369

Enc.: SHPO Concurrence with Cibola NF determinations of eligibility

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



File Code: 2360

Date: December 1, 2009

Ms. Jan Biella
State of New Mexico
Historic Preservation Division
Bataan Memorial Building
407 Galisteo St., Suite 236
Santa Fe, NM 87501

DEC - 7
MN

Dear Ms. Biella:

Enclosed is report 2006-03-107 entitled *Cultural Resource Inventory of 1,280 acres on Jesus Mesa, McKinley County, New Mexico*. The survey was conducted in 2006, at the request of Strathmore Minerals Corporation (Strathmore), in anticipation of submitting a Plan of Operation to the Cibola National Forest for exploratory uranium drilling.

Over the last few years, Strathmore has submitted and withdrawn a number of Plans. In June 2009 the company informed the Forest Service of its intent to submit a new Plan of Operation that combines drilling and the development of a mine.

While awaiting the new Plan of Operation, we decided to process this 2006 report as an inventory. This will allow us to get the survey and site information into the system, and complete the National Register eligibility determinations.

Strathmore recently submitted a new Plan of Operation. I anticipate that the company will ask Lone Mountain to prepare a report for Section 106 compliance, based on their current Plan. The compliance report will be based upon the survey and site recording documented in this inventory report.

For your convenience, and to assist us in tracking the eligibility status of all 94 sites, we have enclosed a table for your use. I would appreciate it if you would fill out the HPD eligibility determination, and return the table to us. If you have any questions, please contact Forest Archaeologist Cynthia Benedict directly at (505) 346-3834 or via email at cbenedict@fs.fed.us.

Sincerely,

Nancy Rose

NANCY ROSE
Forest Supervisor

Concur with recommendation of
eligibility ~~and effects~~ as proposed.

Norman Nelson
for NM State Historic Preservation Officer

Enclosures



Forest: Cibola
 District: Mt Taylor
 State Project Number: 101072

INVENTORY STANDARDS AND ACCOUNTING
 (Reference FSM 2361)

1. Report Number:				2. Report Date:		
Year	Forest	Number	Series	Month	Day	Year
2006	03	107		09	26	2006
3. Routing: Copies to						
<input checked="" type="checkbox"/> District	<input type="checkbox"/> RO	<input checked="" type="checkbox"/> SHPO	<input type="checkbox"/> 2360	<input checked="" type="checkbox"/> SO:	<input checked="" type="checkbox"/> Other: <u>D.Tafoya/J.Velasquez</u>	
4. Author:						
A.	<u>Walley</u>	S		B.	<u>Allison</u>	P
5. Project Name/Report Title (Abbreviate if Necessary):						
<u>Cultural Resource Inventory of 1,280 acres on Jesus Mesa, McKinley County, NM</u>						
6. Abstract/Summary of Report and Findings:						
<p>Lone Mountain Archaeological Services Inc. completed a 1,280 acre survey on the Mt. Taylor Ranger District in 2006. The survey was conducted at the request of Strathmore Minerals Corporation, in anticipation of submitting a Plan of Operation to the Forest for exploratory uranium drilling. This report is being treated as an inventory only. A total of 94 archaeological sites were documented, 69 of which are newly recorded, and the remaining 25 are updates of previously recorded sites. All National Register eligibility determinations are listed in an attached table.</p>						
						Continued Page 2 <input type="checkbox"/>
7. Consultation/Clearance						
A. Conditions of Clearance:						
<input type="checkbox"/>	None (No potentially eligible sites in project area)			<input type="checkbox"/>	Avoid sites specified below	
<input type="checkbox"/>	Monitor sites specified below			<input type="checkbox"/>	Report new sites to Forest Archeologist	
<input checked="" type="checkbox"/>	Other/additional comments					
<p>This is an inventory report documenting 1,280 acres of survey and documentation of 94 sites. This is not a clearance report.</p>						
						Continued Page 2 <input type="checkbox"/>
B. Additional Fieldwork Required:						
<input type="checkbox"/>	Evaluate sites specified below			<input checked="" type="checkbox"/>	Other, see below	
						Continued Page 2 <input type="checkbox"/>
C. Report Accepted:						
<input checked="" type="checkbox"/>	Yes		<input type="checkbox"/>	No		
D. Clearance Recommended:						
<input type="checkbox"/>	Yes		<input type="checkbox"/>	No		<input checked="" type="checkbox"/> N/A
Forest Archaeologist: <u>Cynthia Benedict</u>				Date: <u>12/1/09</u>		
E. Effect:						
<input type="checkbox"/>	No Effect		<input type="checkbox"/>	No Adverse		<input type="checkbox"/> Adverse <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Beneficial
F. Consult SHPO on:						
<input type="checkbox"/>	Effect		<input checked="" type="checkbox"/>	Eligibility		<input type="checkbox"/> Info Only <input type="checkbox"/> Other
Forest Supervisor: <u>(for) [Signature]</u>				Date: <u>12/2/09</u>		
G. SHPO Concurrence:						
<input checked="" type="checkbox"/>	Yes		<input type="checkbox"/>	Yes, per comment below		<input type="checkbox"/> No, per comment below
<input type="checkbox"/> Case-by-case concurrence not required per R-3 Programmatic Agreement						
SHPO: <u>[Signature]</u>				Date: <u>1/26/10</u>		
H. Clearance Approved:						
<input type="checkbox"/>	Yes		<input type="checkbox"/> No			
Forest Supervisor:				Date:		

National Register Eligibility Table

New Sites

Site Number	Lone Mtn Recommendation	Forest Service Determination	HPD
03-03-02-2697/LA154027	undetermined	undetermined	
03-03-02-2698/LA154028*	eligible, d	undetermined	UIC
03-03-02-2699/LA154029	undetermined	undetermined	UIC
03-03-02-2700/LA154030	ineligible	ineligible	UIC
03-03-02-2701/LA154031	eligible, d	eligible, d	UIC
03-03-02-2702/LA154032	undetermined	undetermined	
03-03-02-2703/LA154033	undetermined	undetermined	
03-03-02-2704/LA154034	undetermined	undetermined	
03-03-02-2705/LA154035	ineligible	ineligible	UIC
03-03-02-2706/LA154036	undetermined	undetermined	
03-03-02-2707/LA154037	undetermined	undetermined	
03-03-02-2708/LA154039*	eligible, d	undetermined	UIC
03-03-02-2709/LA154040	ineligible	ineligible	UIC
03-03-02-2710/LA154041	eligible, d	eligible, d	UIC
03-03-02-2711/LA154042	undetermined	undetermined	
03-03-02-2712/LA154043	undetermined	undetermined	
03-03-02-2713/LA154044	ineligible	ineligible	UIC
03-03-02-2714/LA154045	undetermined	undetermined	UIC
03-03-02-2715/LA154046	ineligible	ineligible	UIC
03-03-02-2716/LA154047	undetermined	undetermined	UIC
03-03-02-2717/LA154048	undetermined	undetermined	UIC
03-03-02-2718/LA154049	undetermined	undetermined	UIC
03-03-02-2719/LA154050	undetermined	undetermined	UIC
03-03-02-2720/LA154051	undetermined	undetermined	UIC
03-03-02-2721/LA154052	undetermined	undetermined	UIC
03-03-02-2722/LA154053	undetermined	undetermined	UIC
03-03-02-2723/LA154054	ineligible	ineligible	UIC
03-03-02-2724/LA154055*	eligible, d	undetermined	UIC
03-03-02-2725/LA154056	eligible, d	eligible, d	UIC
03-03-02-2726/LA154057	undetermined	undetermined	UIC
03-03-02-2727/LA154058	undetermined	undetermined	UIC
03-03-02-2728/LA154059	undetermined	undetermined	UIC
03-03-02-2729/LA154060	undetermined	undetermined	UIC
03-03-02-2730/LA154061	eligible, d	eligible, d	UIC
03-03-02-2731/LA154062	undetermined	undetermined	UIC
03-03-02-2732/LA154063	undetermined	undetermined	UIC

03-03-02-2733/LA154064	undetermined	undetermined	un
03-03-02-2734/LA154065	undetermined	undetermined	un
03-03-02-2735/LA154066	undetermined	undetermined	un
03-03-02-2736/LA154067*	eligible, d	undetermined	un
03-03-02-2737/LA154068	eligible, d	eligible, d	(d)
03-03-02-2738/LA154069	eligible, d	eligible, d	(d)
03-03-02-2739/LA154070	undetermined	undetermined	un
03-03-02-2740/LA154071	undetermined	undetermined	un
03-03-02-2741/LA154072	undetermined	undetermined	un
03-03-02-2742/LA154073	undetermined	undetermined	un
03-03-02-2743/LA154074	undetermined	undetermined	un
03-03-02-2744/LA154075	undetermined	undetermined	un
03-03-02-2745/LA154076*	eligible, d	undetermined	un
03-03-02-2746/LA154077	undetermined	undetermined	un
03-03-02-2747/LA154078	undetermined	undetermined	un
03-03-02-2748/LA154079	undetermined	undetermined	un
03-03-02-2749/LA154080	ineligible	ineligible	in
03-03-02-2750/LA154081	ineligible	ineligible	in
03-03-02-2751/LA154082	undetermined	undetermined	un
03-03-02-2752/LA154083	undetermined	undetermined	un
03-03-02-2753/LA154084	undetermined	undetermined	un
03-03-02-2754/LA154085	undetermined	undetermined	un
03-03-02-2755/LA154086	undetermined	undetermined	un
03-03-02-2756/LA154087	ineligible	ineligible	in
03-03-02-2758/LA154088	undetermined	undetermined	un
03-03-02-2759/LA154089	ineligible	ineligible	in
03-03-02-2760/LA154090	undetermined	undetermined	un
03-03-02-2761/LA154091	eligible, d	eligible, d	(d)
03-03-02-2762/LA154092	eligible, d	eligible, d	(d)
03-03-02-2763/LA154093	undetermined	undetermined	un
03-03-02-2764/LA154094	undetermined	undetermined	un
03-03-02-2765/LA154095*	eligible, d	undetermined	un
03-03-02-2766/LA154096*	eligible, d	undetermined	un

National Register Eligibility Table				
Previously Recorded Revisited Sites				
Site Number	Eligibility Status	Lone Mtn Recommendation	Forest Service Determination	HPD
02-003/LA13167 (03-009/LA13173)	eligible, d	no change	concur	d)
02-004/LA13168	eligible, d	no change	concur	d)
02-005/LA13169	undetermined	no change	concur	un
02-006/LA13170	undetermined	eligible, d	eligible, d	d)
02-007/LA13171	undetermined	eligible, d	eligible, d	(d)
02-008/LA13172	undetermined	eligible, d	eligible, d	(d)
02-011/LA13175	undetermined	eligible, d	eligible, d	(d)
02-012/LA13176	undetermined	eligible, d	eligible, d	(d)
02-016/LA13180	undetermined	ineligible	ineligible	(d)
02-026/LA13190	undetermined	eligible, d	eligible, d	in
02-027/LA13191	undetermined	eligible, d	eligible, d	(d)
02-028/LA13192	undetermined	no change	concur	(d)
02-029/LA13193	undetermined	no change	concur	un
02-030/LA13194	undetermined	eligible, d	eligible, d	un
02-031/LA13239	undetermined	no change	concur	(d)
02-033/LA13241	undetermined	no change	concur	un
02-034/LA13242	undetermined	no change	concur	un
02-035/LA13243	undetermined	eligible, d	eligible, d	un
02-036/LA13244	undetermined	no change	concur	(d)
02-037/LA13245	undetermined	eligible, d	eligible, d	un
02-038/LA13246 (02-039/LA13247) 03-040/LA13248)	undetermined	eligible, d	eligible, d	(d)
02-041/LA13249	undetermined	no change	concur	un
02-043/LA13251	undetermined	no change	concur	un
02-061/LA13269	undetermined	no change	concur	un
02-062/LA13270	undetermined	no change	concur	un

FS review by Cynthia Benedict 11/30/2009
 HPD review