

December 12, 2000

Mr. John D. Parkyn  
Chairman of the Board  
Private Fuel Storage, L.L.C.  
P.O. Box C4010  
La Crosse, WI 54602-4010

SUBJECT: PROPOSED MITIGATION MEASURES DEVELOPED DURING THE  
CONSULTATION PROCESS REQUIRED FOR SECTION 106 OF THE  
NATIONAL HISTORIC PRESERVATION ACT (TAC NO. L22462)

Dear Mr. Parkyn:

By application dated June 20, 1997, as supplemented, Private Fuel Storage L.L.C. (PFS) requested a license to receive, transfer, and possess nuclear power reactor spent fuel and other radioactive material associated with spent nuclear fuel (SNF) storage in an independent spent fuel storage installation (ISFSI) on the Reservation of the Skull Valley Band of Goshute Indians. PFS proposes to transport the SNF to the Reservation by rail. Currently, the closest rail line is 24 miles north of the Reservation. Therefore, to transport the SNF solely by rail, PFS proposes the construction and operation of a rail line from the existing rail line to the proposed site. The proposed rail line would be located along the western edge of Skull Valley and extend from Skunk Ridge (near Low, Utah) to the ISFSI site on the Reservation. The proposed rail line would be 32 miles long and would traverse only land managed by the U.S. Department of Interior's Bureau of Land Management (BLM).

The U.S. Nuclear Regulatory Commission (NRC), in cooperation with the U.S. Department of Interior's Bureau of Indian Affairs (BIA) and BLM and the Surface Transportation Board (STB), has published a Draft Environmental Impact Statement (DEIS) regarding the PFS proposal. To gain efficiencies, the Federal agencies have also agreed to participate jointly in Section 106 of the National Historic Preservation Act. Section 106 requires the cooperating Federal agencies to take into account the effects of the PFS project on historic properties.

In May and June of 1999 and in June 2000, a PFS contractor, P-III Associates, performed a Class III cultural resources inventory to identify historic properties in Skull Valley, Utah. In the cultural resources report, P-III noted that a Treatment Plan was prepared to mitigate the adverse effects on the Hasting Cutoff (page 33). For each site within the area of potential effect (APE), the report included eligibility recommendations for inclusion in the National Register of Historic Places and treatment recommendations for all affected sites.

During the week of October 23-27, 2000, the cooperating Federal agencies met with representatives of the consulting parties to discuss the eligibility recommendations included in

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the report and potential mitigation measures for anticipated adverse impacts to the cultural resources within the APE. Based on these meetings, the cooperating Federal agencies and the consulting parties developed the enclosed list of mitigation measures which outlines agreed-upon measures that PFS would take to avoid, minimize, or mitigate these adverse effects. These mitigation measures should be incorporated into a revised Treatment Plan. In addition, all requirements of the Memorandum of Agreement should be incorporated into the Treatment Plan including a Discovery Plan. By letter dated November 7, 2000, additional analysis was requested for Site 42TO1187. Pending the outcome of this analysis, additional measures may also need to be added to the Treatment Plan. To maintain the schedule of the cooperating Federal agencies, the staff must receive a draft Treatment Plan by January 2, 2001.

Please contact Scott Flanders at (301) 415-1172 if you wish to discuss any questions you may have about this letter. Please reference TAC No. L22462 and Docket No. 72-22 in correspondence related to this request.

Sincerely,

**/RA/ original signed by /s/**

Mark S. Delligatti, Senior Project Manager  
Spent Fuel Licensing Section  
Licensing and Inspection Directorate  
Spent Fuel Project Office  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 72-22  
TAC No.: L22462

Enclosure: Proposed Mitigation Measures

cc w/enclosure: EIS Service List

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Enclosure: Proposed Mitigation Measures

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**MITIGATION MEASURES DEVELOPED DURING THE CONSULTATION PROCESS  
REQUIRED FOR SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION AC,  
DOCKET NO. 72-22**

**I. Sites eligible for inclusion in the National Register of Historic Places.**

**For All Eligible Sites**

- Acquire a sequence of aerial photos through time beginning with the earliest available from the National Archives, as well as other archives if available.
- Interpret changes through time as shown on the photos (chronology, integrity of location, etc.).
- Acquire an aerial infrared photo, if available.
- Make copies of each photo for each site; file these with the site form.
- Map portion of site in and near the APE using GPS, including all features present in the area that would be destroyed; describe all such features in detail.
- Conduct a metal detector survey of APE; collect, analyze, and curate artifacts in-state.
- Use Chairperson of the Utah Historic Trails Consortium as a contact for important information to be used in implementing treatment, including past research and historical documents, which should be briefly summarized.
- Update site form. Updates should include information based on photo interpretation, copies of relevant aerial photos, GPS data, map data, descriptive data, analysis and curation data for collected artifacts, and brief summary of historical data, with a reevaluation of the applicability of each of the eligibility criteria.
- Prepare a formal report on the results of mitigation.
- Establish in the Treatment Plan which portions of compiled documentation is appropriate to release to various entities. Archive duplicates of this data with the appropriate entities.
- Provide Treatment Plan to Chairperson of the Utah Historic Trails Consortium before mitigation measures begin.
- Avoid as much of the site as possible during construction by barricading.
- Assist the Skull Valley Band of Goshutes in developing educational materials (e.g., brochures/booklet/exhibition) on the Skull Valley to be located at appropriate locations (e.g., proposed Skull Valley Band Cultural Center). Assistance could take the form of monetary funding or providing facilities for a cultural exhibit.

## **Additional Measures at Each Site**

### **42TO709, Emigrant Trail/Hastings Cutoff and 42TO1417, Road to Sulphur Spring or Eight-Mile Spring**

- Archeological survey along length of Trail on all public lands from Hope Wells to Redlum Spring; record and map Trail, artifacts, features, other sites, and photo points using GPS, conduct black and white photo documentation of entire segment.
- Provide appropriate funding for developing, printing and distributing the first 5,000 copies of a brochure describing the California Trail from Salt Lake to Humbolt River to the National Park Service Long Distance Trails Office (NPS). This brochure must meet the NPS standards for inclusion in their series on the California Trail. It is to be distributed by the NPS.
- Provide appropriate funding for printing of an additional 50,000 copies of the existing NPS brochure on the entire California Trail to the NPS for distribution by the NPS.
- Establish a Kiosk for the purpose of interpreting data about the trail at an appropriate location.

### **42TO1409, U.S. Route 40**

- Measures indicated above for all eligible sites should constitute adequate mitigation. Certain portions of the site should be avoided by heavy vehicles and can be avoided if an alternate access route is used.
- Pad the road surface to ensure protection from the impacts of heavy vehicle traffic, used in concert with avoidance of most of the road surface.
- Monitoring of construction access area should be conducted quarterly during rail construction, and reports on the effectiveness of protection measures should be provided to BLM to require additional protection measures if warranted.

### **42TO1410, “New” Victory Highway**

- Measures indicated above for all eligible sites should constitute adequate mitigation.
- Portion of site that cannot be avoided is in very poor condition; avoid segments that can be avoided and that have better integrity.

### **42TO1411, “Old” Victory Highway**

- Measures indicated above for all eligible sites should constitute adequate mitigation.
- Aerial photos are very important at this site to ascertain the correct location for this early highway.

**42TO1412, Western Union Telegraph Line**

- Measures indicated above for all eligible sites should constitute adequate mitigation.

**42TO1413, Western Pacific Railroad (Union Pacific Railroad)**

- Measures indicated above for all eligible sites should constitute adequate mitigation.

**42TO1416, Road to Deep Creek**

- Measures indicated above for all eligible sites should constitute adequate mitigation.
- Aerial photos are very important at this site to ascertain the correct location for this badly damaged wagon trail.

**II. Sites not eligible for inclusion in the National Register of Historic Places.**

**42TO1343, Buried AT&T Telephone Line**

**42TO1414, Historic Habitation/Gas Station**

**42TO1415, Gas Station**

**III. Site to be evaluated for inclusion in the National Register of Historic Places.**

**42TO709, Rock Alignment and Cairns**

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