3.8 HISTORIC AND CULTURAL RESOURCES

3.8.1 Extent of Historical and Cultural Resource Analysis

The proposed National Enrichment Facility (NEF) at the Lea County, New Mexico site had not been surveyed for cultural resources prior to site selection. Given the lack of this survey, LES, in consultation with the New Mexico State Historic Preservation Officer (SHPO), determined that a survey would be conducted to identify and evaluate any cultural resource properties that may be present within the 220-ha (543-acre) area of land. The initial survey of this site was performed in September 2003.

3.8.2 Known Cultural Resources in the Area

Southeastern New Mexico has been an area of human occupation for the last 12,000 years. Prehistoric land use and settlement patterns include short- and long-term habitation sites and are generally located on flood plains and alluvial terraces along drainages and on the edges of playas. Specialized campsites are situated along the drainage basins and playa edges. European interactions began in 1541 with a Spanish entrada into the area in search of great riches in "Quivira" by Francisco Vasquez de Coronado. Colonization of New Mexico began in 1595, though settlement in the NEF region did not occur until the late nineteenth century. The real boom to the region began with the discovery of oil and gas in the region and most settlement of the region began after the 1930's.

Prior to the survey of the NEF site, three cultural resource surveys had been conducted in the area. These included a survey by the New Mexico Highway and Transportation Department (NMSHTD) in 1984 of 8.4 ha (20.7 acres) (New Mexico Cultural Resource Information System [NMCRIS]) Activity No. 2934), a survey in 1997 by the University of New Mexico Office of Contract Archeology for the Lea County Landfill on the south side of New Mexico Highway 234 just south of the NEF site of 142 ha (350 acres) (UNM, 1997), and a survey in 2001 of 16 ha (40 acres) of private land north of the project for Marron and Associates by Archaeological Services (NMCRIS Activity No. 75255). The survey by NMSHTD recorded no cultural evidence on 3.7 ha (9.2 acres) of private land and 4.3 ha (10.5 acres) of State of New Mexico land (NMSHTD, 1984). A total of 13 isolated (non-connected) occurrences were recorded, but no prehistoric or historic archeological sites were encountered at the Lea County Landfill site (UNM, 1997). The survey of private land in 2001 recorded two isolated occurrences (Michalik, 2001).

3.8.3 Archaeological or Historical Surveys

3.8.3.1 Physical Extent of Survey

The physical extent of the survey of the NEF included the entire site, i.e., 220 ha (543 acres). An intensive pedestrian survey was conducted within the 220 ha (543 acres) of the APE. Survey findings revealed potentially eligible archaeological sites within 18.5 ha (46.3 acres) of this area.

3.8.3.2 Description of Survey Techniques

The survey of the 220-ha (543-acre) area included a pedestrian surface inventory of the area at 15-m (49-ft) intervals. Cultural resource sites were recorded by mapping the surface remains,

plotting the sites on an aerial photograph and topographic USGS 7.5' map of the area, and testing cultural feature remains with a trowel to determine subsurface integrity of the features.

A facility layout map of the 220-ha (543-acre) study area was overlain on the USGS 7.5' map of the area and onto USGS orthographic aerial images to assist in locating and assessing the area.The survey was performed in zigzag transects spaced 15 m (49 ft) apart. Special attention was given to depressions, rodent burrows, and anthills. When an isolated occurrence was encountered, its attributes were recorded and a global positioning system (GPS) measurement was taken. Cultural resource sites were recorded on sketch maps produced by compass and pace with assistance from the GPS. The study sites were recorded on Laboratory of Anthropology Site Record forms, and photographs of the site and study area were taken. No artifacts were collected.

3.8.3.3 Cultural Resource Specialist Qualifications

The survey at the Lea County, New Mexico proposed NEF plant was performed by a six-member survey crew. All crew members have professional experience in historical and prehistoric archaeology in the American Southwest. Crew experience ranged between 2 and 23 years. The crew was supervised in the field by a degreed anthropologist.

3.8.3.4 Survey Findings

The survey of approximately 220 ha (543 acres) in the eastern portion of Lea County east of Eunice, New Mexico at the proposed location of a NEF resulted in the recording of seven prehistoric sites and 36 isolated occurrences (finds). Four sites (LA 140704–LA 140707) are potentially eligible for listing on the National Register of Historic Places (NRHP). Three of these sites (LA 140704, LA 140705, and LA 140706) are campsites consisting of lithic scatters and thermal features. The fourth potentially eligible site, LA 140707, is a lithic scatter with potential for intact thermal features. Each of the four sites contains or has the potential to contain data regarding the prehistory of the region. Only one of these sites considered potentially eligible for the NRHP (LA 140705) is within the proposed location of the facility. The results of the survey will be submitted to New Mexico State Historic Preservation Officer (SHPO) in 2004 for a determination of eligibility. On the advice of the SHPO, the location of these sites will not be included in this ER so the sites will remain protected from curiosity seekers or vandals.

3.8.4 List of Historical and Cultural Properties

A review of existing information revealed that no previously recorded historical or cultural properties are located within the study area, i.e., the entire NEF site.

3.8.5 Agency Consultation

Consultation will be performed with all appropriate federal and state agencies and affected Native American Tribes. Copies of all response letters are included in Appendix A.

3.8.6 Other Comments

None.

3.8.7 Statement of Site Significance

Seven archaeological sites (LA 140701, LA 140702, LA 140703, LA 140704, LA 140705, LA 140706, LA 140707) have been identified in the 220-ha (543-acre) parcel of land. Four of these (LA 140704, LA 140705, LA 140706, LA 140707) are potentially eligible for listing on the NRHP based on the presence of charcoal, intact subsurface features and/or cultural deposits, or the potential for subsurface features (USEC, 2003c). Only one of these sites (LA 140705) is within the proposed location of the NEF plant. The results of the survey will be submitted to the New Mexico SHPO in 2004 for a determination of eligibility.

4.8 HISTORIC AND CULTURAL RESOURCE IMPACTS

4.8.1 Direct Impacts

A pedestrian cultural resource survey of the 220-ha (543-acre) parcel of land where the NEF is to be located was conducted from September 10 through 12, 2003. Seven potential prehistoric archaeological sites (LA 140701 through LA 140707) were recorded during the survey of the study area; three of these (LA 140701, LA 140702, and LA 140705) are located in the Area of Potential Effect (APE). The APE consists of the site and area that includes the building(s) footprints and temporary lay-down areas. Two sites that are considered not to be eligible for the National Register of Historic Places (NRHP) (LA 140701 and LA 140702) will be impacted by the facility. Four of the recorded sites (LA 140704 through LA 140707) are considered potentially eligible to the NRHP. One potentially eligible archaeological site (LA 140705) will be affected by the proposed location of the access road to the facility. Based on surface findings, this site does contain the potential to contribute significant data to the prehistory of the region. This site will either be avoided or a mitigation plan will be developed and implemented if required. (See ER Section 4.8.6, Minimizing Adverse Impacts on mitigative actions.)

Based on recommendation for the New Mexico State Historic Preservation Officer (SHPO) and standard practice, LES has not identified the locations of the seven potential prehistoric archaeological sites on a map so that the sites would not be disturbed by curiosity seekers or vandals.

4.8.2 Indirect Impacts

Based on the survey results as stated in ER Section 4.8.1, one potentially eligible archaeological site and two sites considered not eligible are known to exist within the APE of the proposed NEF. The potentially eligible sites will either be avoided or a mitigation plan will be developed and implemented, if required, to minimize the potential for indirect impacts. LES has no knowledge of any acts of vandalism on historical and cultural artifacts near the NEF site. LES will provide the New Mexico SHPO with the survey report in 2004 in lieu of providing the locations in the ER to further preclude potential for vandalism. (See ER Section 4.8.6 on mitigative actions.)

4.8.3 Agency Consultation

Consultation has been initiated with all appropriate state agencies and affected Native American Tribes. Letters of response are included in ER Appendix A.

4.8.4 Historic Preservation

Site LA 140705, located within the Area of Potential Effect (APE), is potentially eligible for nomination to the NRHP. This site will either be avoided or a mitigation plan will be developed and implemented. The remaining archeological sites located within the NEF will either be avoided or a mitigation plan will be developed and implemented, if required. The results of the

survey will be submitted to the New Mexico SHPO in 2004 for a determination of eligibility. Based on the New Mexico SHPO determination, LES will implement, if necessary, appropriate measures. New Mexico's implementation of the Federal National Historic Preservation Act is contained in NMAC 4.10.2 (NMAC, 2001b). (See ER Section 4.8.6 on mitigative actions.)

4.8.5 Potential For Human Remains

There is low potential for human remains to be present on the NEF site. Based on previous work in the region, burials tend to occur in rockshelters and on sites with structures. Should an inadvertent discovery of such remains be made during construction, LES will stop construction activities immediately in the area of discovery and notify the New Mexico State Historic Preservation Officer (SHPO). The SHPO will determine the appropriate measures to identify, evaluate, and treat these discoveries. If the remains are potentially from Native American sites, LES will, in addition to the above actions, contact the Federal Agency that has primary management authority and the appropriate Native American tribe, if know or readily ascertainable. LES will also make reasonable effort to protect the items discovered before resuming the construction activities in the vicinity at the discovery. The construction activity will resume only after the appropriate consultations and notifications have occurred and guidance received.

4.8.6 Minimizing Adverse Impacts

One potentially eligible historic property (LA 140705) is located within the APE of the proposed location of the NEF. LA 140705 is located within the proposed access road to the facility. This site will either be avoided or a mitigation plan will be developed and implemented, if required. LA 140704, LA 140706, and LA 140707 should not be affected by the construction of the proposed facility given their location outside the construction zone. These three sites will either be avoided or a mitigation plan will be developed and implemented during the construction phase. Mitigation measures will be in place to minimize any potential impact on historical and cultural resources. In the event that any inadvertent discovery of human remains or other item of archeological significance is made during construction, the facility will cease construction activities immediately in the area of discovery and notify the New Mexico State Historic Preservation Officer to make the determination of appropriate measures to identify, evaluate and treat these discoveries.

Mitigation of the impact to eligible sites within the NEF project boundary can take a variety of forms. Avoidance and data collection are the two most common forms for sites considered eligible based on NRHP criterion (d), their data content, which is the basis for the eligibility of these particular sites (USC, 2003c). When possible, avoidance is the preferred alternative because the site is preserved in place and mitigation costs are minimized. When avoidance is not possible, data collection becomes the preferred alternative. Data collection proceeds after the sites have been determined eligible. A treatment plan is submitted to the appropriate regulatory agencies. The plan describes the expected data content of the sites and how data will be collected, analyzed, and reported.

Options to deal with unexpected discoveries are defined. In the case of these sites, a phased approach may be appropriate. This type of approach would define a process of data recovery that begins with the recovery of the significant information present in the site features and the

surface artifact assemblage combined with some level of subsurface exploration to identify the presence of other significant data to be present.

The next phase is predicated upon the results of the subsurface exploration. If other significant remains are located, additional excavation is used to extract this information. Generally, some maximum amount of excavation is specified and the additional excavation does not exceed that amount unless unexpected discoveries are made.

Alternatively, a testing phase can be inserted into the process prior to data collection. In this approach, a testing plan is prepared and submitted for regulatory review. Once approved, the site (in this case, either eligible or potentially eligible) testing plan is implemented. Recovered materials and spatial data are analyzed, and a testing report and treatment plan are prepared and submitted for regulatory review. Upon approval, the treatment plan is then implemented.

The recovered materials include artifacts and samples that include bone, charcoal, sediments, etc. Samples are usually submitted to outside analytical laboratories, these include radiocarbon dates. Artifacts, bones and perhaps some of the remaining samples are then curated. Curation is usually at the Museum of New Mexico. The museum charges a fee for curation in perpetuity.

Given the small number of potential archaeological sites and isolated occurrences located on the site, and LES's ability to avoid or mitigate impacts to those sites, the NEF project will not have a significant impact on historic and cultural resources.

4.8.7 Cumulative Impacts

Given the small number of archaeological sites located in the study area, there will be no cumulatively significant impacts to cultural resources.

4.8.8 Comparative Historical and Cultural Resource Impacts of No Action Alternative Scenarios

ER Chapter 2, Alternatives, provides a discussion of possible alternatives to the construction and operation of the NEF, including an alternative of "no action," i.e., not building the NEF. The following information provides comparative conclusions specific to the concerns addressed in this subsection for each of the three "no action" alternative scenarios addressed in ER Section 2.4, Table 2.4-2, Comparison of Environmental Impacts for the Proposed Action and the No-Action Alternative Scenarios.

Alternative Scenario B – No NEF; USEC deploys a centrifuge plant and continues to operate the Paducah gaseous diffusion plant (GDP): The historical and cultural impacts would be the same or less because of similar capacity of the new plant.

Alternative Scenario C – No NEF; USEC deploys a centrifuge plant and increases the centrifuge plant capability: The historical and cultural impacts would be the same or less because only one plant site would be disturbed.

Alternative Scenario D – No NEF; USEC does not deploy a centrifuge plant and operates the Paducah GDP at an increased capacity: The historical and cultural impacts are less since no new facility is constructed.