

8100 (P010)

July 27, 2017

Ms. Kathryn Leonard  
State Historic Preservation Officer  
Arizona State Parks  
1100 West Washington Street  
Phoenix, Arizona 85007

Dear Ms. Leonard:

We are continuing consultation with you and seeking your comments on the cultural report the Bureau of Land Management (BLM) received regarding a proposed project that would impact three sites recorded by EPG during their project related cultural resource survey in 2017 within the project area in Yavapai County, in the southern portion of Skull Valley, Arizona. We also seek SHPO concurrence with the BLM's determinations of eligibility on the sites recorded in the report. According to the report, two of the three newly recorded sites were recommended eligible for listing on the National Register of Historic Places according to EPG recommendations. One site was recommended not eligible. Of these, only one site might be impacted directly, indirectly, or cumulatively by those actions. BLM agrees with the eligibility recommendations provided in the report.

Kirkland Mining Company (KMC) is proposing mining activities on lands administered by the Bureau of Land Management (BLM). KMC proposes to mine material characterized as Class N High Quality Natural Pozzolan (HQP) from the Capital placer claim and remove a stockpile of screened fines from a previous mining operation within the Kirkland Mine Site. KMC also proposes ancillary activities and facilities associated with the temporary storage and loading for transport of the HQP on privately owned lands adjacent to the Kirkland Mine site. BLM regulations published in the Code of Federal Regulations (CFR) at 43 CFR part 3809, and the BLMs Surface Management Handbook (H-3809-1), revised September 17, 2012 are applicable to KMC's proposed mining activities.

The BLM believes based on this report and the proposed MPO documentation the project as proposed will affect Register-eligible properties as currently proposed. The BLM therefore seeks SHPO concurrence with a finding of effect for the project of potential to affect cultural resources. The BLM will proceed from SHPO concurrence with this determination to inform the proponent that they shall need to develop a data recovery plan of the affected sites, a draft Memorandum of Agreement (MOA) and Historic Preservation Treatment Plan (HPTP) for this project as currently proposed.

The Area of Potential Effects (APE) according to EPG's report is described as 160 acres within the Capital Placer Claims Group under the jurisdiction of the BLM. However, in consultation with you the BLM agrees private lands and areas of proposed structures need to be included in this acreage as well and should include not only the pit area but ancillary structures such as roads, laydowns (if any), and staging areas to the mine located on associated private lands or associated rights-of-way located on private land. The total APE as revised per our conversation is now estimated at approximately 164 acres.). The complete mine description will be discussed in the Kirkland Mining Company Mining and Reclamation Plan (KMC MRPO) in detail but to summarize there will be a 76 acre open pit to the 3870 elevation. All waste rock and pozzolan stockpiles will be located within the 76 acre footprint. Outside of the 76 acre footprint to the west is a road and fueling station located on public lands and multiple ancillary structures located between public lands and Iron Springs Road on KMC's private parcel.

BLM agrees with SHPO that the rock shelter located during EPG's survey needs to have a test pit to determine its potential for site depth and thus subsurface artifacts that could be disrupted by the proposed activity due to the site potentially having been reused over time. EPG did place a five meter diameter Observation Unit in the site and collected artifact counts. These counts do seem to indicate a statistically higher than average presence of tertiary flakes in the site.

Additionally, we agree that the presence of tertiary flakes at AZ N:10:49(ASM) could be indicative of this site's use as a hunting camp where stone tools were sharpened for continued use during a hunt or food processing post hunt. The presence of sherds including two bowl rims, a scraper, a metate fragment and a basalt core further support this site's use for hunting and resource processing.

The completed cultural resources survey report does not meet BLM standards.

The BLM identified consulting parties including the general public, Yavapai Prescott, Hualapai, Hopi, Navajo, Salt River Pima-Maricopa, and Zuni tribes.

The BLM has, in its efforts to identify historic properties and obtain and consider the view of affected local governments, Native American Tribes, the public, and other interested parties held public meetings and has sought input from the tribes. To date, these efforts have resulted in strong public opinion against the proposal being expressed to the BLM and so far no response from the tribes.

The cultural report identifies alternatives to be evaluated and treatment or mitigation proposed specifically designed to avoid or reduce impacts to cultural resources.

Avoidance, the BLM's preferred treatment or mitigation measure for cultural resource concerns, was pursued with the proponent by the BLM but not chosen by the proponent due to the pozzolan to be mined is of a rare quality and not found elsewhere on site.

Alternative actions considered, include data recovery with an associated HPTP and MOA addressing the proposed treatment of any Register-eligible properties in order to reduce the potential adverse effects of the undertaking on those properties.

Tribal consultation efforts, including consultations on identifying Traditional Cultural Properties, sacred sites, traditional use areas, etc., should be provided; government-to government consultations with tribes should be clearly articulated. Letters were sent to the Yavapai Prescott, Hualapai, Hopi, Navajo, Salt River Pima-Maricopa, and Zuni tribes in the process of government-to-government consultation and followed up with phone calls.

The BLM is requesting the SHPO concur with the BLM revised definition of the APE, concurrence on BLM determination(s) of eligibility, and concurrence with a finding of effect).

Rem Hawes  
Field Manager

Cc: Kris Powell, Compliance Specialist/Archaeologist