PMTurkeyCOLNPEm Resource

From: Kugler, Andrew
Sent: Wednesday, December 08, 2010 8:22 AM
To: annemullins@semtribe.com; Clouser, Megan L SAJ; Pugh, David W SAJ; Collins, Jeffrey S SAJ; Flanders, Scott; Gordon.A.Hambrick@usace.army.mil; Bruner, Douglas; Bever, Michael; Bryce, Robert W
Cc: TurkeyCOL Resource; Whited, Ryan
Subject: Summary of October 20 2010 Meeting between Seminole Tribe and NRC and Corps
Attachments: 101109-Summary of Meeting with Seminole Tribe and Corps.docx

All

Attached is a summary of our meeting on October 20, 2010. During the meeting we discussed both the Turkey Point and Levy County projects. Participants were from the Historic Preservation Office of the Seminole Tribe of Florida, the Army Corps of Engineers, and the Nuclear Regulatory Commission. I received comments from some of the attendees, which have been addressed. I look forward to continuing to work with you all on the Turkey Point project.

Andrew Kugler
Sr. Environmental Project Manager
NRC/NRO/RAP2
301-415-2828

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From: Kugler, Andrew

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Recipients:
"TurkeyCOL Resource" <TurkeyCOL.Resource@nrc.gov>
Tracking Status: None
"Whited, Ryan" <Ryan.Whited@nrc.gov>
Tracking Status: None
"annemullins@semtribe.com" <annemullins@semtribe.com>
Tracking Status: None
"Clouser, Megan L SAJ" <Megan.L.Clouser@usace.army.mil>
Tracking Status: None
"Pugh, David W SAJ" <David.W.Pugh@usace.army.mil>
Tracking Status: None
"Collins, Jeffrey S SAJ" <Jeffrey.S.Collins@usace.army.mil>
Tracking Status: None
"Flanders, Scott" <Scott.Flanders@nrc.gov>
Tracking Status: None
"Gordon.A.Hambrick@usace.army.mil" <Gordon.A.Hambrick@usace.army.mil>
Tracking Status: None
"Bruner, Douglas" <Douglas.Bruner@nrc.gov>
Tracking Status: None
"Bever, Michael" <MBever@icfi.com>
Tracking Status: None
"Bryce, Robert W" <rw.bryce@pnl.gov>
Tracking Status: None

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101022 Summary of Meeting Between the Seminole Tribe of Florida, U.S. Nuclear Regulatory Commission (NRC), and the U.S. Army Corps of Engineers (USACE)

Seminole Tribe – Willard Steele, Paul Backhouse, Anne Mullins, Jennifer Pietarila, Elliott York
USACE – Megan Clouser, Jeff Collins, Don Hambrick (phone)
NRC – Andy Kugler, Scott Flanders, Doug Bruner (phone)
ICF (NRC contractor) – Michael Bever

The parties met to discuss issues related to cultural resources for both the Turkey Point, Units 6 and 7, combined license (COL) application and the Levy Nuclear Project (Levy) COL application. After introductions, Mr. Steele discussed some recent issues related to consultations with the Seminole Tribe. A common theme relates to how agencies handle unearthing of human remains and inundation. Unearthing of individual remains is usually not too problematic. But the key is to keep the remains together, i.e., ALL of the remains of an individual must be recovered. Doing this can be much more complicated when the site involves multiple burials.

Inundation can also be a big issue. The spirit cannot cross water. So, for example, the path to a burial might specifically be over water so that the spirit cannot return to haunt those left behind. Based on this, what would inundation of a burial site mean to those interred? The Tribe distinguished between human remains washed away due to an act of God (i.e., story of Sonny Billy, Medicine Man) and those flooded by the construction and operation of projects.

In addition, Mr. Steele discussed the possibility of old, deeply buried resources that probably only would be discovered during construction. For this reason, an inadvertent discovery plan is essential.

Mr. Steele also talked about his role as a representative of the Tribe. He is the THPO and is authorized to represent the Tribe. But he also reports to higher levels of the Tribe's Government. Decisions that must be made must be approved by that Government. So just discussing something with him doesn't mean we have a formal decision from the Tribe (if a decision is needed). A mutual expectation that we discussed is that when a decision is needed, the associated communication between the Tribe and the Agency(ies) should be in writing.

Mr. Steele pointed out that he only represents the cultural resources interests of the Tribe. There is a separate department that deals more generally with environmental issues. We also need to coordinate with Craig Tepper, Director, Environmental Resource Management Division, for the more general environmental issues.

We discussed the processes used by NRC (for the licenses) and USACE (for its permit) to evaluate the environmental impacts and consult under the National Historic Preservation Act (NHPA). In particular, NRC would be issuing licenses for the reactors and its regulatory authority is focused on protecting people and the environment in relation to the commercial use of nuclear materials. The USACE role is broader in that it will be issuing a permit that covers the reactor site and all ancillary facilities (e.g., transmission lines and pipelines). All parties will need to keep this distinction in mind as we proceed with consultation. Mr. Steele stated the view that for purposes of NHPA, everything is considered part of the Undertaking (using the Section 106 term) – both onsite and offsite components. However, he also stated that he didn't have a problem with the NEPA approach to separating onsite and offsite components as long as there is a Federal Agency coordinating the Section 106 consultation for the whole undertaking. USACE may take this role because of its broader responsibilities.

We discusssed both projects, including the locations of the sites and of offsite facilties such as transmission lines. The Seminole Tribe representatives were most interested in the transmission lines from the Levy site. These lines pass through areas that were heavily used by the Tribe during the historic period. Mr. Steele recommended using historic maps to try to identify any possible locations that might be impacted by building the lines. He indicated that it can be more difficult to identify historic-era sites because they were occupied for shorter periods of time. Typical archaeological techniques may not be the best approach (e.g., Taylor's site – hundreds of shovel tests failed to indicate resources, but metal detectors found all kinds of artifacts). So it will be important for the Tribe to have an opportunity to review the work plans for the cultural resource surveys of the transmission line alignments. It will also be important to get the Tribe involved in the evaluation of any finds because they may recognize the significance of a find better than most archaeologists (e.g., Trail of Tears site – consultant concluded it wasn't significant but discussions with Don Klima (Advisory Council on Historic Preservation) indicated it would be a Traditional Cultural Property).

We discussed having some sort of joint discussions between the Tribe, the agencies, and the applicant for each project to discuss the plans for the surveys. Probably more important than the survey methods would be a discussion about how finds would be handled.

We also talked about setting up some sort of periodic meetings or calls to make sure that all of the parties remain cognizant of what is happening. This would allow the NRC to provide accumulated information at set points in the process, rather than sending the Tribe information when immediately available (i.e., at irregular intervals). We didn't set a specific timetable. But we need to be sure we talk often enough to ensure our coordination is effective.

Finally, Mr. Steele asked whether we could provide larger scale maps (and possibly shape files) for the transmission lines. This willl help them to better understand the likelihood of impacts from the lines. The NRC staff will determine what it has and provide it to Mr. Steele.