

From: [Yilma, Haimanot](#)
To: [Yilma, Haimanot](#)
Subject: Information Related to Section 106 Activity for Dewey-Burdock Proposed Project
Date: Thursday, August 30, 2012 2:55:33 PM

Dear Tribal Historic Preservation Officers:

The NRC staff wishes to thank all who participated in the teleconference held on August 21, 2012, to discuss the Applicant's revised Statement of Work (SOW). The consulting parties represented, included, the Oglala Sioux, Cheyenne River Sioux, Northern Cheyenne, Rosebud Sioux, Santee Sioux, Sisseton-Wahpeton Oyate, Standing Rock Sioux, Yankton Sioux tribes, EPA Region 8, BLM, NRC, Powertech Inc, Cameco Inc, SRIF (Powertech and Cameco's consultant) and Louis Berger (NRC contractor)

Participating Tribes requested an opportunity to further discuss and revise the SOW. The consulting parties agreed on the need to focus identification efforts on areas of potential ground disturbance (approximately 2637 acres). The parties also proposed developing a programmatic agreement (PA) to address any future ground disturbance.

Tribal Representatives agreed to meet with Mr. Randy Withrow (NRC contractor) and Mrs. Jean Trefethen (NRC staff), in Bismarck, North Dakota on September 5-6, 2012 to further discuss, and revise the SOW for the proposed Dewey Burdock project.

In the August 21, 2012 teleconference, tribal representatives requested adequate time be provided to record identified sites. Since majority of the sites, that might be present are confidential in nature, detailed description of the sites is not warranted. The NRC staff only requires enough information to determine eligibility pursuant to the NHPA regulations at 36 CFR 800.4 (c)(1). For these reasons, the NRC recommends the revised SOW be designed to meet, but not exceed, these information needs.

On August 29, 2012, the applicant sent a letter to the NRC that states "[in the absence of a mutually acceptable SOW, Powertech cannot contract with the Tribes or their representatives to secure the information requested by the NRC to complete identification phase of the section 106 process." (See, ML12243A158.) The applicant recognizes that "places of significance to the Tribes within Powertech's proposed Project area . . . may be affected by Project activities" and that through identification "Powertech can, to the extent possible, protect them from disturbance." The applicant is willing to provide funds up to \$100,000.00 for site identification, as long as work is completed by fall 2012. The applicant will coordinate access to the project area with NRC and the Tribes.

It is the NRC staff's understanding that the working group will develop a revised SOW during the September 5-6, 2012 meeting that will ensure completion of a field survey in the fall of 2012. The NRC requires the following information:

- Estimated coverage rate for field identification (# of acres per person day).
- Start date and estimated duration of the field identification effort.

- Proposed report content and confidentiality requirements.
- Number of people required for the field identification, with labor classifications (e.g., surveyor, crew leader, traditional cultural expert) and associated hourly rates.
- Report deliverable schedules.

The NRC staff encourages the Tribal Representatives to consider the offer provided by the applicant when revising the SOW (which should include the above requested information). If Tribal Representatives are unable to provide the requested information by the end of the September 5th and 6th, 2012 meeting to support completion of a field survey in the fall of 2012, the NRC and BLM staff will develop an alternative approach for identifying historic properties, and will move the Section 106 process forward.

If you have any question regarding this email, please contact me or Mr. Withrow.
Thank you.

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