

## StrataRossLANPEm Resource

---

**From:** Moore, Johari  
**Sent:** Monday, August 26, 2013 5:06 PM  
**To:** 'Ben Schiffer'  
**Cc:** Saxton, John; StrataRossLA Resource; Mike Griffin  
**Subject:** RE: Request Description of Adverse Effects on Ross Project Sites Identified by Tribes as TCPs

Ben,

Please see my responses to your questions below and let me know if you need any further clarifications.

Thank you,

Johari A. Moore  
Project Manager  
U.S. Nuclear Regulatory Commission  
FSME/DWMEP/Environmental Review Branch  
Mail Stop: T-8F05  
Washington, DC 20555  
Office: (301) 415-7694  
Mobile: (301) 832-4919  
Fax: (301) 415-5369  
[johari.moore@nrc.gov](mailto:johari.moore@nrc.gov)

---

**From:** Ben Schiffer [mailto:[bschiffer@wwcengineering.com](mailto:bschiffer@wwcengineering.com)]  
**Sent:** Monday, August 26, 2013 9:41 AM  
**To:** Moore, Johari  
**Cc:** Saxton, John; StrataRossLA Resource; Mike Griffin  
**Subject:** Re: Request Description of Adverse Effects on Ross Project Sites Identified by Tribes as TCPs

Johari--

Thanks for your time this morning. As we discussed please see the questions that we have developed regarding this request.

1. We would propose to provide the response to the request via a letter with a tabulation of the sites and perhaps a figure or two. Please confirm that this is what the NRC is looking for in terms of the administrative record.

Confirmed. We are looking for descriptions of the activities that are planned to take place within the vicinities of the 17 sites. We are also looking for the specific locations where these activities would occur and maps would be helpful.

2. Please provide the descriptions and narratives associated with the 17 sites that we have been requested to analyze for adverse effects. In order to effectively determine effects, we need more information on the properties and in particular the setting associated with these sites. As you well know, avoidance is our highest priority, however, without sufficient information regarding a property's visual, auditory and atmospheric setting, particularly those that contribute to its significance our analysis will be severely limited and potentially compromised.

We are not looking for Strata to conduct or provide the results of an adverse effects analysis. The NRC staff will conduct this analysis based on the information (types and locations of activities that are planned to occur within the vicinities of the 17 sites) that we have requested. The description and the narrative associated with each site are currently being prepared as the NRC staff finalizes its report. The 17 sites primarily consist of stone alignments or stone cairns that are considered traditional sites or ceremonial sites. Auditory effects are not a concern with these sites. With respect to the visual effects analysis, at this point, your providing a description of the activities that will take place within the buffer areas, if any, will be sufficient. It would also be helpful to know if any structures or fixtures would remain within any buffer areas after decommissioning.

3. Similarly, we would hope that some information can be provided supporting the avoidance boundaries. Perhaps as part of the site descriptions or narratives. Fundamentally, there seems to be a change from what the Cheyenne and Arapaho of Oklahoma proposed and we hope that there isn't anything arbitrary about the seemingly significant distances. Moreover, how much flexibility is inherent regarding the avoidance boundaries? We may be capable of easily avoiding the sites as provided by the NRC but could adversely impact portions of the avoidance boundaries, would this be considered an impact? Should we be differentiating adverse impacts to sites and adverse impacts to avoidance boundaries?

The NRC staff has received a survey report from both The Cheyenne and Arapaho Tribes of Oklahoma and The Northern Arapaho tribe. The 150 ft and 450 ft avoidance boundaries take into account the input provided by both tribes. The 150 ft avoidance boundary takes into account the seen and unseen components of the site that contribute to its Criterion A significance. The 450 ft avoidance area takes into account the ceremonial area associated with those sites. Any flexibility regarding the avoidance boundaries or flexibility regarding Strata's project design will be discussed once we have determined that the current project design would impact the current proposed avoidance boundaries of any eligible sites (i.e. during the mitigation discussion). In your response, you do not need to discuss the impacts or effects to any sites. You need only provide a description of the types and locations of activities that are proposed within the vicinities of the sites. The NRC staff will use this information to evaluate the effects.

4. We understand that eligibility determinations for these sites may be forwarded to WYSHPO in the near future, is this analysis integral to the eligibility determination that will go to WYSHPO? If so, what is the schedule for this determination as we'll need to allocate sufficient resources to provide the analysis in a timely manner. Fundamentally, we want to focus our efforts on protecting eligible sites. Does the NRC believe all 17 of these sites are eligible for the National Register under the specific TCP criteria listed in Bulletin 38 and elsewhere, and will NRC therefore propose eligibility for all these sites to SHPO? The request would assume that all are eligible for protection however, based on the information provided in the Cheyenne and Arapaho Report, we would vigorously disagree with this determination for at least some of the sites as described by those tribes.

The NRC staff is currently finalizing its National Register of Historic Places eligibility determinations for these sites and preparing a report for WYSHPO. We anticipate that these determinations will be completed in a day or so. As requested by WYSHPO, our report will also include a discussion of adverse effects. Therefore, your response is necessary in order to allow the NRC staff to complete its report for WYSHPO. The eligibility determinations will not be final until we have WYSHPO concurrence. However, when requesting WYSHPO concurrence, we also need to provide adverse effects information. Therefore, we are asking at this time that you provide a description of the proposed activities that could affect any of the 17 sites even though the NRC and WYSHPO could find that some of these sites are not eligible.

Give me a call if you would like to discuss in more detail. Take care.

Ben

On 8/22/2013 3:13 PM, Moore, Johari wrote:

Ben,

Attached, please find a map and shape files depicting the locations of the seventeen sites identified as Traditional Cultural Properties (TCPs) by the tribes that participated in the field survey of the Ross Project area. The NRC staff is currently finalizing its National Register of Historic Places eligibility determinations for these sites. However, in order to move the Section 106 process forward and to support the NRC staff's development of a TCP survey report for the Wyoming State Historic Preservation Office, we would like to gather adverse effects information about these sites at this time.

Therefore, I am requesting that you provide a description of the Ross Project's potential adverse effects on each of the seventeen sites. This description should include the types and locations of activities that would occur in the vicinity of these sites. Please indicate whether any of the sites can be avoided and to what extent. As indicated by the color of the sites shown on the attached map, the tribes that submitted survey reports are recommending that the sites be avoided by a buffer area of either 150 feet or 450 feet.

Please contact me if you have any questions regarding this request and please be aware that the attached files contain sensitive information that is confidential per 10 CFR 2.390 and 36 CFR 800.11(c).

Thank you,

Johari A. Moore  
Project Manager  
U.S. Nuclear Regulatory Commission  
FSME/DWMEP/Environmental Review Branch  
Mail Stop: T-8F05  
Washington, DC 20555  
Office: (301) 415-7694  
Mobile: (301) 832-4919  
Fax: (301) 415-5369  
[johari.moore@nrc.gov](mailto:johari.moore@nrc.gov)



Benjamin J. Schiffer, PG  
WWC Engineering  
1849 Terra Ave.  
Sheridan, WY 82801  
Ph. (307) 672-0761 ext. 148  
fax (307) 674-4265  
[www.wwcengineering.com](http://www.wwcengineering.com)

**Hearing Identifier:** StrataEnergyRoss\_LA\_NonPublic  
**Email Number:** 814

**Mail Envelope Properties** (2BE05B77CE8C0F4B976DC472236ABD34183E2CF000)

**Subject:** RE: Request Description of Adverse Effects on Ross Project Sites Identified by Tribes as TCPs  
**Sent Date:** 8/26/2013 5:05:50 PM  
**Received Date:** 8/26/2013 5:05:52 PM  
**From:** Moore, Johari

**Created By:** Johari.Moore@nrc.gov

**Recipients:**  
"Saxton, John" <John.Saxton@nrc.gov>  
Tracking Status: None  
"StrataRossLA Resource" <StrataRossLA.Resource@nrc.gov>  
Tracking Status: None  
"Mike Griffin" <MGriffin@stratawyo.com>  
Tracking Status: None  
"Ben Schiffer" <bschiffer@wwcengineering.com>  
Tracking Status: None

**Post Office:** HQCLSTR02.nrc.gov

<b>Files</b>	<b>Size</b>	<b>Date &amp; Time</b>
MESSAGE	8293	8/26/2013 5:05:52 PM
image001.jpg	14770	

**Options**  
**Priority:** Standard  
**Return Notification:** No  
**Reply Requested:** No  
**Sensitivity:** Normal  
**Expiration Date:**  
**Recipients Received:**

