

CBRMarslandPEm Resource

From: CBRMarsland Resource
Sent: Wednesday, August 28, 2013 3:53 PM
To: CBRMarsland Resource
Subject: RE_ Reply from Nathan Goodman1_Redacted.pdf
Attachments: RE_ Reply from Nathan Goodman1_Redacted.pdf

Hearing Identifier: CrowButte_Marsland_Public
Email Number: 52

Mail Envelope Properties (0AA17736E4C4154CA37233EEBFC8DEB20158D3D4DD7A)

Subject: RE_ Reply from Nathan Goodman1_Redacted.pdf
Sent Date: 8/28/2013 3:53:21 PM
Received Date: 8/28/2013 3:53:25 PM
From: CBRMarsland Resource

Created By: CBRMarsland.Resource@nrc.gov

Recipients:
"CBRMarsland Resource" <CBRMarsland.Resource@nrc.gov>
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MESSAGE	4	8/28/2013 3:53:25 PM
RE_ Reply from Nathan Goodman1_Redacted.pdf		1406814

Options
Priority: Standard
Return Notification: No
Reply Requested: No
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Recipients Received:

From: [Terence Clouthier](#)
To: [Trefethen, Jean](#); [Charlene Vaughn \(cvaughn@achp.gov\)](#); [Valerie Hauser](#); [John Eddins \(jeddings@achp.gov\)](#); [Yilma, Haimanot](#); [Moore, Johari](#)
Cc: [Goodman, Nathan](#); [Shoemaker, Mirabelle](#); [Hsueh, Kevin](#); [Waste"Win Young](#); [dianne desrosiers](#); [REDACTED]; [Conrad Fisher \(conrad.fisher@cheyennenation.com\)](#); [\(conrad.fisher@cheyennenation.com\)](#); [Russell Eagle Bear](#); [REDACTED]; [Ben Rhodd](#); [Tim Mentz Jr.](#); [REDACTED]; [Mary Wilson](#); ["Tim Mentz"](#); [Paige.Olson@state.sd.us](#); [Bruce Nadeau](#); [REDACTED]; [Elgin Crows Breast \(redhawk@mhanation.com\)](#); [Rick Thomas](#); [\(rickthomas_06@yahoo.com\)](#); [\(rickthomas_06@yahoo.com\)](#); [Lana Gravatt](#); [REDACTED]; [Curly Youpee](#); [Clair Green](#); [REDACTED]; [Wanda Wells \(wandawells@midstatesd.net\)](#); [Darlene Conrad \(narapahothpo_2009@ymail.com\)](#); [hubertt@crownations.net](#); [James Weston \(jb.weston@fsst.org\)](#)
Subject: RE: Reply from Nathan Goodman
Date: Tuesday, March 26, 2013 10:33:40 AM
Attachments: [Crow Butte nov 5th response.pdf](#)
[THPO Letter 01032013from NRC regarding Crow Butte.pdf](#)

Good Morning Jean,

To say that I'm more than a little disappointed in that response would be a complete understatement. There is no mention at all to the fact that some of the consulting tribes have been objecting entirely with the applicants approach to conducting fieldwork. In fact, almost the entire Oceti Sakowin have objected to this. I'd say it's the NRC's approach but let's be honest – it is not! Your agency continues to improperly conduct 106 consultation and identification efforts. There is no provision in the regulations for the applicant to decide how the tribes will conduct fieldwork which is what all of these proposals have allowed (Crow Butte, Dewey Burdock and Ross projects). Your agency has messed this entire process up ever since the letter of August 2011 asking the applicant how they will address sites of significance to tribes. I don't know who is advising you that is acceptable but it simply is not. I love how Kevin intentionally neglects to mention that we sent a letter on November 5th 2012 in opposition to this plan by the applicant. I have attached the November 5th letter to this email. There is no way your agency can say that they conducted this in good faith as proper negotiations for the Crow Butte facility were supposed to be based off the SOW developed for Dewey Burdock (this was arranged and talked about at the Feb. 2012 Rapid City meeting). There have been no negotiations on a scope of work since August of 2012 when your agency, the applicant and their third party consultant stopped talking to the consulting tribes and decided to solo effort it by issuing ultimatum after ultimatum. We have continued to maintain our position supported by the law. Every one of your agencies actions since August have been to eliminate the tribes from 106 process. Your agency tried unsuccessfully to move on without the tribes in September, 2012. That went over really well didn't it.

The Standing Rock Sioux Tribe objected to this proposal as it was entirely developed without the consulting tribes input and runs contrary to the entire 106 process by setting a precedent of allowing applicants to dictate tribal fieldwork. These fieldwork plans, or a lack thereof in this case, would not be acceptable by Wyoming or South Dakota SHPO for archaeological fieldwork but somehow the tribes are just supposed to accept a ten thousand dollar price tag from the applicant to account for our sites of significance. This amounts to little more than a bribe. We refuse to take part in actions that are arbitrary and capricious.

Thanks for demonstrating that your agency does not believe that the tribes sites of significance should be looked at with the same amount of weight as the archaeological sites. A lithic scatter or

a building apparently is more important than Native American traditional and religious sites according to your agency. The 1992 amendments to the NHPA changed that. I guess it didn't for your agency. 20 years have gone by since those amendments were put into law. It's about time your agency caught up with the law and stopped using ignorance or unfamiliarity with the law as an excuse to defend your actions. Prior to the amendments, the law had been on the books since 1966 so ignorance is unforgivable here.

We are still waiting on a letter from Randy Withrow (the NRC's third party consultant) explaining his strong arm tactics of including tribes as accepting this "bribe" for Dewey-Burdock that did not. I'd call it methodology but there is none. I know of at least two on the list that was sent to Lana Gravatt (Yankton THPO) that did not accept it or stated that they wanted to be kept informed and that was misinterpreted as accepting the "proposal". I tend to wonder how many other tribes were coerced into accepting by these tactics. I know that this misleading email was instrumental in at least one THPO accepting this "proposal".

Please make sure this email gets posted to ADAMS so that the public can know exactly how your agency truly considers tribal input and their sites in the 106 process. In which, your agency ignores tribes in favor of the applicants recommendations entirely.

Standing Rock Sioux Tribe
Terry Clouthier
Tribal Archaeologist

From: Trefethen, Jean [mailto:Jean.Trefethen@nrc.gov]
Sent: Tuesday, March 26, 2013 8:20 AM
To: Terence Clouthier
Cc: Goodman, Nathan; Shoemaker, Mirabelle
Subject: Reply from Nathan Goodman

Terry,

Thanks for your e-mail. Staff did receive your letter dated November 5th and responded to that letter with a status update sent out to all the consulting parties on January 3rd. I have attached a copy of this letter for you. The proposal to conduct an open site approach allowing Tribes to complete a TCP survey was written by NRC Staff. As stated in the January 3rd letter, two Tribes participated in the survey and both of those Tribes did attend consultation meetings and were consulting parties from June of 2011 through 2012. Staff is currently in the process of sending out the next section 106 consultation status update for the Crow Butte projects to all the consulting THPOs and you should be receiving that update within the next few weeks. If you have any additional questions, please let me know.

Thanks,
Nathan Goodman
U.S. NRC
Project Manager
Nathan.Goodman@nrc.gov

301-415-2703