

DeweyBurdPubEm Resource

From: Yilma, Haimanot
Sent: Friday, November 15, 2013 7:14 PM
To: Terence Clouthier; John Eddins; Charlene Vaughn; Valerie Hauser; Waste'Win Young
Cc: Jamerson, Kellee; Hsueh, Kevin; dyandancer@yahoo.com; Steve Vance (steve.vance@crst-nsn.gov); Curly Youpee; Conrad Fisher (conrad.fisher@cheyennenation.com) (conrad.fisher@cheyennenation.com); rick_thpo02@yahoo.com; Darlene Conrad (narapahothpo_2009@ymail.com); Elgin Crows Breast (redhawk@mhanation.com); Wanda Wells (wandawells@midstatesd.net); Ben Rhodd; Russell Eagle Bear (reaglebear@yahoo.com); ostnrrathpo@gwgc.net; timmentzsr@gmail.com; Tim Mentz Jr. (realbighead@hotmail.com); Fesko, Gregory (gfesko@blm.gov); DeweyBurdHrgFile Resource; Luhman, Hope (hluhman@louisberger.com)
Subject: RE: Teleconference to discuss the development of the PA for the Dewey Burdock project is scheduled for Friday November 15, 2013.
Attachments: Waste' Win Young Letter 08012013.pdf

Terry,

Thank you again for your email. The NRC staff continues to consult in good faith with all consulting Tribes since we began our outreach efforts. We have had many interactions with consulting Tribes and provided opportunities for the Tribes to be involved in identification of historic properties between April 2013 and May 2013. Seven of the 23 consulting Tribes were able to participate in the Tribal Survey.

As you stated below, Commissioner Magwood invited Tribes for a meeting on July 18, 2013 (ADAMS No. ML13170A052) to discuss issues related to the U.S. Nuclear Regulatory Commission (NRC) uranium recovery licensing activities and the associated Section 106 Tribal Consultation efforts. The Commissioner was able to meet with representatives from the Oglala Sioux Tribe as well as the Standing Rock Tribe. During the meeting, the Commissioner heard your perspective on i) the potential for Tribal involvement in conducting cultural and historic resource surveys during the pre-application phase, ii) challenges related to conducting traditional cultural property surveys for ongoing UR licensing actions, and iii) the NRC's Section 106 Tribal Consultation efforts under the National Historic Preservation Act.

The Staff has reviewed Commissioner Magwood's letter (attached) to Ms. Young on August 1, 2013. In the letter, Commissioner Magwood states that he found the discussions with the Tribes to be very fruitful. The Commissioner further indicates that the information obtained during this discussion will be very helpful as the NRC strives to improve its processes and enhance engagement with Tribal governments. No specific action items were identified for the ongoing Dewey-Burdock project.

Thank you for taking the time to share your thoughts with us. We value your input and encourage you to join us as we move forward with the remainder of the Section 106 process.

Sincerely,

Haimanot Yilma

From: Terence Clouthier [mailto:tclouthier@standingrock.org]
Sent: Wednesday, November 13, 2013 12:56 PM
To: Yilma, Haimanot; John Eddins; Charlene Vaughn; Valerie Hauser; Waste'Win Young
Cc: Jamerson, Kellee; 'Withrow, Randy' (rwithrow@louisberger.com); Hsueh, Kevin; dyandancer@yahoo.com; Steve Vance (steve.vance@crst-nsn.gov); Curly Youpee; Conrad Fisher (conrad.fisher@cheyennenation.com) (conrad.fisher@cheyennenation.com); rick_thpo02@yahoo.com; Darlene Conrad (narapahothpo_2009@ymail.com); Elgin Crows Breast (redhawk@mhanation.com); Wanda Wells (wandawells@midstatesd.net); Ben Rhodd; Russell Eagle Bear (reaglebear@yahoo.com); ostnrrathpo@gwgc.net; timmentzsr@gmail.com; Tim Mentz Jr. (realbighead@hotmail.com);

Fesko, Gregory (gfesko@blm.gov)

Subject: RE: Teleconference to discuss the development of the PA for the Dewey Burdock project is scheduled for Friday November 15, 2013.

Hi Haimanot,

It is apparent from the lack of response from tribes regarding the PA for the Dewey Burdock project that the Section 106 process by the NRC was and remains unsuccessful. Please refer to our letters beginning in 2011 to see exactly how this went from a consultation process that started really well and rapidly slid down hill to the point that tribes won't even consult with your agency on such an important project that has the potential to affect water supplies critical to specific reservations. This, in itself, should make your agency really re-examine how they have proceeded through the 106 process.

This summer Commissioner Magwood, along with Mark Sartorius met with the Oglala Sioux Tribe THPO and the Standing Rock Sioux Tribe THPO in Kyle, SD regarding the incomplete Section 106 process for the NRC projects we have been consulting on. Commissioner Magwood assured the tribes that we would have an opportunity to address our concerns and to revisit the Dewey Burdock site if we felt it was necessary. We still have not heard any word from the NRC regarding a follow-up to that meeting.

Sincerely,

Standing Rock Sioux Tribe

Terry Clouthier

Tribal Archaeologist

From: Yilma, Haimanot [<mailto:Haimanot.Yilma@nrc.gov>]

Sent: Tuesday, November 12, 2013 2:50 PM

To: Terence Clouthier; John Eddins; Charlene Vaughn; Valerie Hauser

Cc: Jamerson, Kellee; 'Withrow, Randy' (rwithrow@louisberger.com); Hsueh, Kevin; dyandancer@yahoo.com; Steve Vance (steve.vance@crst-nsn.gov); Curly Youpee; Conrad Fisher (conrad.fisher@cheyennation.com); conrad.fisher@cheyennation.com; rick_thpo02@yahoo.com; Darlene Conrad (narapahothpo_2009@ymail.com); Elgin Crows Breast (redhawk@mhanation.com); Wanda Wells (wandawells@midstatesd.net); Ben Rhodd; Russell Eagle Bear (reaglebear@yahoo.com); ostnrrathpo@gwtc.net; timentzsr@gmail.com; Tim Mentz Jr. (realbighead@hotmail.com); Fesko, Gregory (gfesko@blm.gov)

Subject: RE: Teleconference to discuss the development of the PA for the Dewey Burdock project is scheduled for Friday November 15, 2013.

Good afternoon Terry,

Thank you for your email. As you know, we have been consulting with many Tribes on this project since 2010. Throughout the consultation process, we have had 3 face to face meetings, 3 teleconferences, and many letters and email exchanges discussing issues raised by consulting Tribes. More specifically, the NRC staff summarized issues raised by consulting Tribes and provided responses on September 18, 2012 and December 14, 2012 (ML12264A594 and ML12335A175).

Since August 30, 2013, we offered the opportunity to all consulting parties including ACHP, SD SHPO, BLM, Consulting Tribes, and the applicant to provide feedback on the draft Programmatic Agreement (PA) outline that was developed. Since August, we sent reminders to all consulting parties asking for feedback, to which we only received comments from the applicant. We are still interested in hearing from you should you have comments on the revised draft PA outline that was disseminated on Friday, November 8, 2013. If you provide me with your comments before the call on November 15, 2013, I will incorporate your suggestions and send a revised draft PA outline before the call. We value your input and we hope to continue dialogue with you as we move through the rest of the Section 106 process beginning with the development of a PA in the near future.

Sincerely,

Haimanot Yilma

From: Terence Clouthier [<mailto:tclouthier@standingrock.org>]
Sent: Friday, November 08, 2013 5:42 PM
To: Yilma, Haimanot; John Eddins; Charlene Vaughn; Valerie Hauser
Cc: Jamerson, Kellee; 'Withrow, Randy' (rwithrow@louisberger.com); Hsueh, Kevin; dyandancer@yahoo.com; Steve Vance (steve.vance@crst-nsn.gov); Curly Youpee; Conrad Fisher (conrad.fisher@cheyennenation.com) (conrad.fisher@cheyennenation.com); rick_thpo02@yahoo.com; Darlene Conrad (narapahothpo_2009@ymail.com); Elgin Crows Breast (redhawk@mhanation.com); Wanda Wells (wandawells@midstatesd.net); Ben Rhodd; Russell Eagle Bear (reaglebear@yahoo.com); ostnrrathpo@gwtc.net; timentzsr@gmail.com; Tim Mentz Jr. (realbighead@hotmail.com)
Subject: RE: Teleconference to discuss the development of the PA for the Dewey Burdock project is scheduled for Friday November 15, 2013.

Hi Haimanot,

Can you please explain to me why we should participate in developing a PA when every comment we have made for the last two years pertaining to this project has been ignored?

It doesn't surprise me at all that **ONLY** Powertech has supplied comments since they will continue to get whatever they want for this project and the tribes will continue to be left out.

Currently, our office refuses to participate in enabling applicants to dictate to the tribes how the tribes participate in projects or in the development of a PA that is an attempt to circumvent the continuing Section 106 issues that this project has.

Please forward this response as necessary.

Thank You
Standing Rock Sioux Tribe

Terry Clouthier
Tribal Archaeologist

From: Yilma, Haimanot [<mailto:Haimanot.Yilma@nrc.gov>]
Sent: Friday, November 08, 2013 3:56 PM
To: Yilma, Haimanot
Cc: Jamerson, Kellee; 'Withrow, Randy' (rwithrow@louisberger.com)
Subject: Teleconference to discuss the development of the PA for the Dewey Burdock project is scheduled for Friday November 15, 2013.

All,

The NRC staff is holding a teleconference to discuss the development of a PA for the Dewey-Burdock Project on **Friday, November 15, 2013 from 9:00am to 11:00am (MDT)**. Consulting parties will also be able to follow changes to the draft PA outline during the call by logging on the webinar link that is included in this email.

Dial in Number:
888-913-9205

Participant Passcode:

Link to webinar:

<https://www1.gotomeeting.com/register/942527593>

The NRC staff requested feedback on the draft PA outline from all consulting parties when it was first distributed on August 30, 2013. To date, the staff has only received comments from Powertech, Inc. The NRC staff has now reviewed Powertech's comments and developed a revised draft PA outline in preparation for the November 15, 2013 call. The NRC staff has included a clean version as well as a marked-up version of the revised draft PA outline for your review. Should you have any question or feedback on the revised draft PA outline, please forward them to me.

Sincerely,

Haimanot Yilma
Project Manager
FSME/DWMEP/EPPAD/ERB
U.S Nuclear Regulatory Commission
Phone: 301-415-8029
email: haimanot.yilma@nrc.gov
Mail Stop : T8F05

Hearing Identifier: Powertech_Uranium_Dewey_Burdock_LA_Public
Email Number: 300

Mail Envelope Properties (2C5246E2C48F77418DF2EE22F3C7DE972E287DD91E)

Subject: RE: Teleconference to discuss the development of the PA for the Dewey Burdock project is scheduled for Friday November 15, 2013.
Sent Date: 11/15/2013 7:13:47 PM
Received Date: 11/15/2013 7:13:49 PM
From: Yilma, Haimanot

Created By: Haimanot.Yilma@nrc.gov

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Files	Size	Date & Time
MESSAGE	10951	11/15/2013 7:13:49 PM
Waste' Win Young Letter 08012013.pdf		67746

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

August 1, 2013

Ms. Waste' Win Young, Tribal Historic Preservation Officer
Tribal Historic Preservation Office
Standing Rock Sioux Tribe
Administrative Service Center
North Standing Rock Avenue
Fort Yates, ND 58538

Dear Ms. Young,

We very much appreciated the participation of you and many others in our meeting on July 18, 2013, during which we discussed the perspectives of Tribal governments regarding uranium recovery activities in the region. We found the discussions to be very fruitful, especially regarding the potential for Tribal involvement during pre-application in conducting cultural and historic resource surveys; issues related to conducting traditional cultural property surveys, and the U.S. Nuclear Regulatory Commission (NRC) Section 106 Tribal consultation efforts under the National Historic Preservation Act. I appreciated the candid feedback provided by you and others who attended the meeting. The information we obtained during this discussion will be very helpful as we strive to improve our processes and enhance engagement with Tribal governments.

Again, thank you for sharing your views and insights. The NRC looks forward to continuing to strengthen our working relationship with the Standing Rock Sioux Tribe and other Tribal governments and we appreciate your efforts to engage with us.

If you have any questions or require any assistance, please do not hesitate to contact me at 301-415-8420.

Sincerely,

/RA/

William D. Magwood, IV

cc: Mark Satorius, FSME
Blair Spitzberg, RGN IV