

## StrataRossLAPEm Resource

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**From:** John Eddins [jeddins@achp.gov]  
**Sent:** Wednesday, February 19, 2014 1:38 AM  
**To:** Moore, Johari; Monteith, Emily; Richard Currit; Mary Hopkins; 'Benjamin J. Schiffer, P.G. (bschiffer@wwcengineering.com)'; 'Mike Griffin (MGriffin@stratawyo.com)'; 'Tratebas, Alice'; 'kbo@kiowatribe.org'; Olmstead, Joan; Fringer, John; Darlene Conrad; Lynnette Gray; 'Cheyenne River Lakota'; Alvin Windy Boy; Francis Auld; Hubert Two Leggings; Wanda Wells; 'Flandreau Santee Lakota'; Morris Belgard; Darrell 'Curly' Youpee; 'Lower Brule Lakota (clairgreenoffice@gmail.com)'; Conrad Fisher; 'Oglala Lakota'; Russell Eagle Bear; Richard Thomas; 'Shoshone'; 'Sisseton-Wahpeton Lakota (dianned@swo-nsn.gov)'; 'Spirit Lake (malex@spiritlakenation.com)'; 'Standing Rock Lakota'; Terence Clouthier; Elgin Crows Breast; Lyle Miller; 'jmflydown@gmail.com'; 'Ohms, Rene'; 'Ralph@stratawyo.com'; 'Reed Robinson'; Clark, Michael; 'Andrew Willey (awilley@c-a-tribes.org)'  
**Cc:** StrataRossLA Resource; 'Doris Minor (doris@attenuation.us.com)'; 'Brad Noisat'; 'Cheryl Chapman'; Waldron, Ashley; Saxton, John; Hsueh, Kevin; 'Miller, Richard C (rcmiller@blm.gov)'  
**Subject:** RE: Ross Project Draft Programmatic Agreement - FINAL DRAFT FOR COMMENT  
**Attachments:** ACHP comments 20140218 Ross Project Programmatic Agreement\_FINAL DRAFT FOR COMMENT 1-17-14.docx

Attached please find ACHP comments on the most recent version of the draft PA for the Ross project.

John

John T. Eddins PhD  
ACHP  
Phone: 202-606-8553  
Fax: 202-606-5072  
[jeddins@achp.gov](mailto:jeddins@achp.gov)

**Hearing Identifier:** StrataEnergyRoss\_LA\_Public  
**Email Number:** 478

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**Subject:** RE: Ross Project Draft Programmatic Agreement - FINAL DRAFT FOR COMMENT  
**Sent Date:** 2/19/2014 1:37:40 AM  
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**From:** John Eddins

**Created By:** jeddins@achp.gov

**Recipients:**

"StrataRossLA Resource" <StrataRossLA.Resource@nrc.gov>  
Tracking Status: None  
"Doris Minor (doris@attenuation.us.com)" <doris@attenuation.us.com>  
Tracking Status: None  
"Brad Noisat" <bradnac@kci.net>  
Tracking Status: None  
"Cheryl Chapman" <Cheryl.Chapman@respec.com>  
Tracking Status: None  
"Waldron, Ashley" <Ashley.Waldron@nrc.gov>  
Tracking Status: None  
"Saxton, John" <John.Saxton@nrc.gov>  
Tracking Status: None  
"Hsueh, Kevin" <Kevin.Hsueh@nrc.gov>  
Tracking Status: None  
"Miller, Richard C (rcmiller@blm.gov)" <rcmiller@blm.gov>  
Tracking Status: None  
"Moore, Johari" <Johari.Moore@nrc.gov>  
Tracking Status: None  
"Monteith, Emily" <Emily.Monteith@nrc.gov>  
Tracking Status: None  
"Richard Currit" <richard.currit@wyo.gov>  
Tracking Status: None  
"Mary Hopkins" <mary.hopkins@wyo.gov>  
Tracking Status: None  
"Benjamin J. Schiffer, P.G. (bschiffer@wwcengineering.com)" <bschiffer@wwcengineering.com>  
Tracking Status: None  
"Mike Griffin (MGriffin@stratawyo.com)" <MGriffin@stratawyo.com>  
Tracking Status: None  
"Tratebas, Alice" <atrateba@blm.gov>  
Tracking Status: None  
"kbo@kiowatribe.org" <kbo@kiowatribe.org>  
Tracking Status: None  
"Olmstead, Joan" <Joan.Olmstead@nrc.gov>  
Tracking Status: None  
"Fringer, John" <John.Fringer@nrc.gov>  
Tracking Status: None  
"Darlene Conrad" <narapahothpo\_2009@ymail.com>  
Tracking Status: None  
"Lynnette Gray" <lgray@c-a-tribes.org>  
Tracking Status: None

"Cheyenne River Lakota" <cpthpo@lakotanetwork.com>  
Tracking Status: None  
"Alvin Windy Boy" <awindyboy@cccrpd.com>  
Tracking Status: None  
"Francis Auld" <francisa@cstkt.org>  
Tracking Status: None  
"Hubert Two Leggins" <hubertt@crownsations.net>  
Tracking Status: None  
"Wanda Wells" <wandawells@midstatesd.net>  
Tracking Status: None  
"Flandreau Santee Lakota" <Jb.weston@fsst.org>  
Tracking Status: None  
"Morris Belgard" <mbelgarde@yahoo.com>  
Tracking Status: None  
"Darrell 'Curly' Youpee" <cultres@nemontel.net>  
Tracking Status: None  
"Lower Brule Lakota (clairgreenoffice@gmail.com)" <clairgreenoffice@gmail.com>  
Tracking Status: None  
"Conrad Fisher" <conrad.fisher@cheyennenation.com>  
Tracking Status: None  
"Oglala Lakota" <ostnrrathpo@gwtc.net>  
Tracking Status: None  
"Russell Eagle Bear" <rstthpo@yahoo.com>  
Tracking Status: None  
"Richard Thomas" <rick\_thpo02@yahoo.com>  
Tracking Status: None  
"Shoshone" <wjferrisiii@yahoo.com>  
Tracking Status: None  
"Sisseton-Wahpeton Lakota (dianned@swo-nsn.gov)" <dianned@swo-nsn.gov>  
Tracking Status: None  
"Spirit Lake (malex@spiritlakenation.com)" <malex@spiritlakenation.com>  
Tracking Status: None  
"Standing Rock Lakota" <wyong@standingrock.org>  
Tracking Status: None  
"Terence Clouthier" <tclouthier@standingrock.org>  
Tracking Status: None  
"Elgin Crows Breast" <redhawk@mhanation.com>  
Tracking Status: None  
"Lyle Miller" <yst.thpo@gmail.com>  
Tracking Status: None  
"jmflysdown@gmail.com" <jmflysdown@gmail.com>  
Tracking Status: None  
"Ohms, Rene" <rene\_ohms@nps.gov>  
Tracking Status: None  
"Ralph@stratawyo.com" <Ralph@stratawyo.com>  
Tracking Status: None  
"Reed Robinson" <reed\_robinson@nps.gov>  
Tracking Status: None  
"Clark, Michael" <Michael.Clark@nrc.gov>  
Tracking Status: None  
"Andrew Willey (awilley@c-a-tribes.org)" <awilley@c-a-tribes.org>  
Tracking Status: None

**Post Office:** BLUPR09MB022.namprd09.prod.outlook.com

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MESSAGE 228 2/19/2014 1:38:20 AM  
ACHP comments 20140218 Ross Project Programmatic Agreement\_FINAL DRAFT FOR COMMENT  
1-17-14.docx 76621

**Options**

**Priority:** Standard

**Return Notification:** No

**Reply Requested:** No

**Sensitivity:** Normal

**Expiration Date:**

**Recipients Received:**

FINAL DRAFT FOR COMMENT

PROGRAMMATIC AGREEMENT  
AMONG  
THE U.S. NUCLEAR REGULATORY COMMISSION,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
THE WYOMING STATE HISTORIC PRESERVATION OFFICE,  
THE BUREAU OF LAND MANAGEMENT-NEW CASTLE FIELD OFFICE,  
AND  
STRATA ENERGY, INC.,  
REGARDING  
THE ROSS IN SITU URANIUM RECOVERY PROJECT  
IN CROOK COUNTY, WYOMING

**WHEREAS**, this Programmatic Agreement (PA or "Agreement") addresses the federal ~~undertaking (Undertaking)~~ action regarding the issuance of a license for the Ross In Situ Uranium Recovery (ISR) Project (Ross Project) pursuant to the U.S. Nuclear Regulatory Commission's (NRC) authority under the Atomic Energy Act of 1954 (AEA), 42 U.S.C. §§ 2011 *et. seq.* for purposes of NRC's compliance with Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. §§ 470 *et. seq.*; and

**Comment [JTE-ACHP1]:** The issuance of the license is not an undertaking. It is a federal action which makes the project requiring the license an undertaking subject to Section 106 for the federal agency.

**WHEREAS**, on January 4, 2011, Strata Energy, Inc. (Strata) submitted to the NRC for review and approval a new source and byproduct materials license for an ISR project at the Ross Project site located in Crook County, Wyoming; and

WHEREAS, NRC is considering issuance of a license for the Ross Project pursuant to its authority under the Atomic Energy Act of 1954 (AEA), 42 U.S.C. §§ 2011 et seq. which makes the project an undertaking requiring compliance by NRC with Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470, and its implementing regulations (36 CFR § 800 (2004)); and

**WHEREAS**, the U.S. Department of the Interior, Bureau of Land Management (BLM), Newcastle, Wyoming Field Office received from Strata on January 21, 2011, a Plan of Operations for the Ross Project for review and approval which requires compliance with Section 106 of NHPA for the Undertaking as defined at 36 CFR § 800.16(y) and pursuant to BLM's authority under the Mining Law of 1872, 30 U.S.C. §§ 22-54 and the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701-1784; and

WHEREAS, review and approval of a Plan of Operations (POO) for the project that meets the requirements of 43 CFR Subpart 3809 by the BLM- Newcastle, Wyoming Field Office makes the project an undertaking requiring compliance by BLM with Section 106 of the NHPA, 16 U.S.C. § 470 and 36 CFR Part 800; and

~~WHEREAS, for the purposes of the Undertaking, the NRC is the lead Federal agency for compliance with Section 106 on behalf of the BLM Newcastle Field Office (36 CFR § 800.2(a)(2)) by letter dated November 21, 2011 and is the primary contact for all parties to this PA and Indian Tribes except as noted elsewhere in this document; and~~  
WHEREAS, the BLM, by letter dated November 21, 2011, has designated the NRC as the lead agency for compliance with requirements of Section 106 of the NHPA regarding the Ross Project pursuant to 36 CFR § 800.2(a)(2) of the Section 106 regulations; and

**Comment [JTE-ACHP2]:** Replace this whereas clause with the next

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**WHEREAS**, upon issuance of a license and approval of a mine plan, the Undertaking would use ISR technology to extract uranium and would process the extracted uranium into yellowcake at the Ross Project site, which consists of 1,721 acres (696 ha) located approximately 38 km (24 mi) north of Moorcroft on County Route 68 in Crook County, Wyoming (in portions of Sections 7, 17, 18, and 19, Township 53 North, Range 67 West and portions of Sections 12, 13, and 24, Township 53 North, Range 68 West), as shown in Appendix A; and

**WHEREAS**, the NRC, by letter dated August 19, 2011, initiated Section 106 consultation with the Wyoming State Historic Preservation Office (WYSHPO); and

**WHEREAS**, the NRC, in consultation with WYSHPO as provided in 36 CFR § 800.4(a) and 36 CFR § 800.16(d), established the area of potential effects (APE) for the Undertaking as the area at the Ross Project site and its immediate environs, which may be impacted by activities associated with the construction and operation of the proposed facility. The direct APE is comprised of the areas within the Ross Project boundary that may be directly affected by physical ground disturbance and construction of the Ross Project, and the indirect APE is comprised of the area within three miles of the Ross Project boundary wherein potential visual and audible effects to historic properties may occur, as described in Appendix A; and

**WHEREAS**, the Phase I area, shown in Figure 3 of Appendix A, encompasses all areas within the direct APE where Strata's physical ground disturbance and construction of the Ross Project is currently proposed to occur; and

**WHEREAS**, identification of cultural properties [that may be eligible for inclusion on the National Register of Historic Places](#) has been completed for the Undertaking, including background research of the existing records and Class III and Tribal field surveys within the APE, as described in Appendix B; and

**WHEREAS**, the NRC has made determinations of eligibility for the National Register of Historic Places (NRHP) for two historic properties within the APE (48CK1603 and 48CK2083) and WYSHPO has concurred with these findings; as described in Appendix B; and

**WHEREAS**, the NRC has yet to make determinations of eligibility for the NRHP for 32 unevaluated cultural properties within the APE as shown in Table 1-D and Table 3 of Appendix B; and

**WHEREAS**, effects on all historic properties within the APE cannot be fully determined prior to approval of the Undertaking (36 CFR § 800.14(b)(1)(ii)); and

**WHEREAS**, the NRC has determined that a phased process for compliance with Section 106 of NHPA is appropriate for the Undertaking, as specifically permitted under 36 CFR § 800.4(b)(2), such that completion of the evaluation of historic properties, determinations of effect on historic properties, and consultation concerning measures to avoid, minimize, or mitigate any adverse effects will be carried out in phases, as set forth in this PA; and

**WHEREAS**, by letter dated April 17, 2013, Strata has submitted an Additional Testing Plan to the NRC to test the two unevaluated sites (48CK2076 and 48CK2073) that are located within

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the Phase I area for NRHP eligibility and to test the two eligible sites (48CK1603 and 48CK2083) that are located within the Phase I area for effects; and

**WHEREAS**, the NRC is coordinating with the BLM to review Strata's Additional Testing Plan and, if accepted by the NRC in consultation with WYSHPO, the Additional Testing Plan will be implemented as necessary; and

**WHEREAS**, the NRC, by letter dated February 9, 2011, invited the following Indian Tribes to participate in Section 106 consultation for the Ross Project: The Apache Tribe of Oklahoma; The Blackfeet Tribe; The Cheyenne and Arapaho Tribes of Oklahoma; The Cheyenne River Sioux Tribe; The Confederated Salish and Kootenai Tribe; The Crow Tribe; The Crow Creek Sioux Tribe; The Eastern Shoshone Tribe; The Flandreau Santee Sioux Tribe; The Fort Belknap Community; The Fort Peck Assiniboine and Sioux Tribes; The Kiowa Indian Tribe of Oklahoma; The Lower Brule Sioux Tribe; The Northern Arapaho Tribe; The Northern Cheyenne Tribe; The Oglala Sioux Tribe; The Rosebud Sioux Tribe; The Santee Sioux Tribe of Nebraska; The Sisseton-Wahpeton Sioux Tribe; The Spirit Lake Tribe; The Standing Rock Sioux Tribe, The Three Affiliated Tribes; The Turtle Mountain Band of Chippewa Indians; and the Yankton Sioux Tribe; and

**WHEREAS**, the following twenty-one tribes are the Ross Project Consulting Tribes: The Blackfeet Tribe; The Cheyenne and Arapaho Tribes of Oklahoma; The Cheyenne River Sioux Tribe; The Confederated Salish and Kootenai Tribe; The Crow Tribe; The Crow Creek Sioux Tribe; The Eastern Shoshone Tribe; The Flandreau Santee Sioux Tribe; The Fort Belknap Community; The Fort Peck Assiniboine and Sioux Tribes; The Lower Brule Sioux Tribe; The Northern Arapaho Tribe; The Northern Cheyenne Tribe; The Oglala Sioux Tribe; The Rosebud Sioux Tribe; The Santee Sioux Tribe of Nebraska; The Sisseton-Wahpeton Sioux Tribe; The Standing Rock Sioux Tribe, The Three Affiliated Tribes; The Turtle Mountain Band of Chippewa Indians; and the Yankton Sioux Tribe; and

**WHEREAS**, the applicable requirements of NHPA, the American Indian Religious Freedom Act, 42 U.S.C. 1996 *et. seq.*, the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 *et. seq.* and 43 CFR § 10 (NAGPRA), and the Archaeological Resources Protection Act, 16 U.S.C 1979 *et. seq.* (ARPA) have been considered in this Agreement and this Agreement does not waive the responsibilities of the Signatories and Invited Signatory under these Acts and regulations; and

**WHEREAS**, in accordance with 36 CFR § 800.6(a)(1)(i)(C), the NRC, by letter dated September 19, 2013, has invited the Advisory Council on Historic Preservation (ACHP ~~or "Council"~~) to participate in Section 106 consultation and development of this PA and the ~~Council~~ACHP, by letter dated October 28, 2013, accepted the invitation and is a Signatory; and

**WHEREAS**, the NRC, by letters dated September 19, 2013, invited each of the Ross Project Consulting Tribes to participate in the development of this PA and representatives from The Cheyenne and Arapaho Tribes of Oklahoma, The Cheyenne River Sioux Tribe, The Chippewa Cree Tribe, The Fort Peck Assiniboine and Sioux Tribes, and The Northern Cheyenne Tribe, participated; and

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**WHEREAS**, each of the Ross Project Consulting Tribes will be invited to sign the PA as a Concurring Party; and

**WHEREAS**, the NRC, by letter dated September 19, 2013, invited the Crook County Museum District and the Alliance for Historic Wyoming, to participate in the development of this PA, and no response was received; and

**WHEREAS**, by email dated November 8, 2013, the National Park Service—Devils Tower National Monument informed the NRC that it would like to be involved with the development of the PA and subsequently participated in the development of this PA; and

**WHEREAS**, Strata has participated in the development of this PA, shall implement the Undertaking in accordance with this PA, and will be invited to sign the PA as an Invited Signatory; and

**WHEREAS**, the NRC, WYSHPO, ACHP, BLM, and Strata are collectively hereafter called “Signatories;” and

**WHEREAS**, the Signatories, Invited Signatory, and Concurring Parties are collectively referred to as the “Parties;” and

**WHEREAS**, the refusal of any Invited Signatory or Invited Concurring Party to sign this PA does not invalidate the PA;

**NOW, THEREFORE**, the NRC, WYSHPO, ACHP, and BLM agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the Undertaking on historic properties.

### STIPULATIONS

**NRC shall ensure that the following measures are carried out:**

#### A. GENERAL STIPULATIONS

1. The NRC will require as a condition of any license issued to Strata, and the BLM will require as a condition of approval of Strata’s Plan of Operations, that Strata complies with all stipulations and other provisions in this PA.
2. Strata shall fund all required fieldwork, analysis, reporting, curation, and mitigation necessary to comply with this PA.
3. The NRC will ensure that all work undertaken to satisfy the terms of this PA, including all cultural resource inventory reports and documentation, meets the Secretary of the Interior’s Standards for Archaeology and Historic Preservation (48 FR 44716-42), WYSHPO standards, and ACHP guidance on archaeology found at [www.achp.gov/archguide](http://www.achp.gov/archguide).
4. Strata shall have a qualified archaeologist, as defined in the Secretary of Interior’s Professional Qualifications and Standards (48 FR 22716), conduct recordation and

**Comment [JTE-ACHP3]:** This is a standard and ***required*** introduction to the stipulations in all PAs and MOAs.

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testing, prepare testing reports, conduct data recovery, and prepare data recovery reports whenever these activities are required.

5. Strata shall direct all of its employees, contractors, subcontractors, inspectors, monitors, and any authorized additional parties involved in the Ross Project not to search for, retrieve, deface, or impact historic and prehistoric materials (e.g., archaeological materials such as, arrowheads, pottery sherds, petroglyphs) and ensure that they receive training regarding the sensitivity of all historic and cultural resources, both Native American and non-Native American. Strata shall cooperate with the NRC, BLM and the WYSHPO to ensure compliance with ARPA of 1979 as amended (16 U.S.C 470) and NAGPRA (25 U.S.C. 3001) on public lands, and with Wyoming Statute § 36-1-115 on state lands.
6. The NRC will continue to consult with the representatives of the Ross Project Consulting Tribes throughout the implementation of the PA. The Ross Project Consulting Tribes will be invited to participate in the determinations of eligibility for the unevaluated properties, the determination of effect to historic properties, and the development of any plans to avoid, minimize, or mitigate adverse effects to historic properties. Any information provided by the Ross Project Consulting Tribes on sites of traditional religious and cultural importance will remain confidential to the greatest extent permitted by law.
7. For each Ross Project Phase, all cultural resources that may be affected by that stage of the Undertaking will be evaluated by the NRC in consultation with the Parties and Ross Project Consulting Tribes pursuant to 36 CFR § 800.4(c)(1) if not previously evaluated.
8. Strata shall provide to the BLM Newcastle Field Office point of contact copies of all reports required to be provided to the NRC pursuant to the PA. The BLM shall review all reports concurrently with the NRC. The NRC will develop schedules and coordinate with the BLM when fulfilling the NRC's PA responsibilities. The NRC may designate the BLM staff as the local point of contact to address unanticipated discoveries or other tasks as needed.

## B. CONTINUING DETERMINATIONS OF ELIGIBILITY

1. Testing Phase I Area Properties for NRHP Eligibility
  - a. Strata shall complete recordation and evaluation of 48CK2087, 48CK2229, 48CK2230, and 48CK2231 (see Table 1-A of Appendix B) and prepare a report on this inventory. If any of these sites are located within the Phase I area of the Ross Project, then Strata shall submit a Supplement to the Additional Testing Plan to the NRC to include those sites.
  - b. Upon receipt of Strata's Supplement to the Additional Testing Plan, the NRC and BLM will review the plan and request any corrections or modifications from Strata within 30 days of receipt. If no Supplement to the Additional Testing Plan is necessary, the NRC in coordination with BLM will review the existing plan and request any corrections or modifications from Strata within 30 days following notification that a Supplement is not required. During review of the testing plan, the NRC will consult with Strata concerning whether any sites or portions of sites may be avoided. If avoidance is possible, the testing plan shall be revised to include a map and documentation to support this avoidance.

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- c. The NRC will then distribute the Additional Testing Plan to the Parties (excluding WYSHPO) and Ross Project Consulting Tribes for a 30 day review and comment period. The NRC will consider any comments received in writing from the Parties or the Ross Project Consulting Tribes within the specified review period.
- d. The NRC will then submit the final Additional Testing Plan to the WYSHPO for a 30 day review and concurrence. Copies of this correspondence will be sent to the other Parties and Ross Project Consulting Tribes.
- e. If the WYSHPO concurs with the NRC's final Additional Testing Plan or fails to respond within 30 days, the NRC will notify Strata in writing that it may proceed with the final Additional Testing Plan.
- f. The NRC will consult to resolve any comments or objections regarding the final Additional Testing Plan received in writing from the WYSHPO within the 30 day review period. If [NRC determines that](#) a dispute ~~arises~~[cannot be resolved through consultation](#), it will be resolved in accordance with Stipulation I (Dispute Resolution).

### 2. Testing New Phase Area Unevaluated Properties for NRHP Eligibility

- a. Strata shall not conduct ground disturbance activities beyond the boundaries of the Phase I area (see Appendix A, Figure 3) without first notifying the NRC and fulfilling the relevant requirements set forth in this Agreement.
- b. If ground disturbance activities will occur beyond the boundaries of the Phase I area, then, consistent with the phased process for Section 106 compliance under this PA, Strata shall submit a Notice of Intent (NOI) to the NRC. The NOI shall state Strata's intent to prepare a plan for testing the eligibility of any unevaluated properties within the New Phase area or the NOI shall demonstrate that all the previously identified properties within the New Phase area will be avoided by Strata. The NOI shall be submitted at least three months prior to the testing plan's proposed submission date so that the NRC and BLM can appropriately allocate staff resources to the extent possible, acknowledging that additional time may be necessary in the event that NRC and BLM staff resources are limited due to conditions beyond the staff's control. If the NOI demonstrates that all the previously identified properties within the New Phase area will be avoided by Strata and the NRC staff, in coordination with BLM, agree, the NRC will notify Strata within 120 days of receipt of the NOI that it may proceed with its proposed activities.
- c. Strata's NOI shall include a description of the area of ground disturbance activities for the New Phase. Strata shall delineate the New Phase area with township/section/range, GPS data points, GIS map, or other land survey techniques such that the New Phase area can be reproducibly defined and illustrated with appropriate graphic materials and sufficient documentation to enable any reviewer to readily understand its scope and basis.
- d. Upon receipt of Strata's testing plan, the NRC in coordination with the BLM will review the plan and request any corrections or modifications from Strata within 30 days of receipt.

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- e. Prior to accepting Strata's testing plan, the NRC will consult with Strata to determine if the unevaluated properties can be avoided in the proposed project phase. If any properties in the original testing plan can be avoided, Strata shall submit a revised testing plan, including a map and sufficient documentation to support this avoidance determination.
  - f. The NRC will distribute the revised testing plan to the Parties (excluding WYSHPO) and Ross Project Consulting Tribes for a 30 day review and comment period. The NRC will consider any comments received in writing within the specified review period.
  - g. The NRC will then submit the final testing plan to the WYSHPO for a 30 day review and concurrence, copying the other Parties and Ross Project Consulting Tribes on this correspondence.
  - h. If the WYSHPO concurs with the NRC's final testing plan or fails to respond within 30 days, the NRC will notify Strata in writing that it may proceed with the testing plan.
  - i. The NRC will consult to resolve any comments or objections received in writing from WYSHPO within the 30 day review period regarding the final testing plan. If [NRC determines that a dispute arises cannot be resolved through consultation](#), it will be resolved in accordance with Stipulation I (Dispute Resolution).
3. Determination of Eligibility
- a. In accordance with an approved final testing plan from Sections B.1 or B.2, Strata shall evaluate and make NRHP eligibility recommendations for unevaluated properties.
  - b. Upon receipt of Strata's eligibility recommendations, the NRC in coordination with BLM will review the recommendations and request any corrections or modifications from Strata within 30 days of receipt.
  - c. The NRC will then distribute revised eligibility determinations to the Parties (excluding WYSHPO) and Ross Project Consulting Tribes for a 30 day review period. The NRC will consider any comments received in writing from the Parties and the Ross Project Consulting Tribes within the specified review period.
  - d. The NRC will then provide its eligibility determinations to the WYSHPO for a 30 day review and concurrence, copying the other Parties and Ross Project Consulting Tribes on this correspondence. The NRC will consult to resolve any objections regarding eligibility determinations received from the WYSHPO or the [Council ACHP](#) in writing within the specified review period.
  - e. If the WYSHPO concurs with the NRC's eligibility determinations, or if no written objections are received within the 30 day review period, the NRC's eligibility determinations are final.
  - f. If the WYSHPO and NRC agree that a cultural resource is not eligible for the NRHP, no further review or consideration under this PA will be required for the cultural resource. If, after appropriate consultation, the WYSHPO and NRC agree that the property is eligible, then a determination of effect will be made in accordance with Stipulation C.

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- g. In accordance with 36 CFR § 800.4(c)(2), if there is disagreement regarding eligibility between the NRC and the WYSHPO, and that disagreement cannot be resolved after further consultation, or if the ACHP so requests, the NRC will refer the property(ies) in question to the Keeper of the National Register ([Keeper](#)) and request a formal determination of eligibility. The Keeper's decision is final.

#### 4. Sites of Traditional [Religious](#) and Cultural Importance

- a. The NRC, in consultation with the WYSHPO, will make NRHP eligibility determinations and effects determinations for the 18 properties identified during the Tribal field survey (see Table 3 of Appendix B).
- b. The NRC will prepare a report documenting its eligibility determinations for the 18 properties and submit it to the WYSHPO for a 30 day review and concurrence, copying other Parties and the Ross Project Consulting Tribes on this correspondence.
- c. If the WYSHPO concurs with the NRC's eligibility determinations, or if the WYSHPO or [Council/ACHP](#) do not object to the NRC's eligibility determinations within the 30 day review period, the NRC's eligibility determinations are final.
- d. The NRC will consult to resolve any written objections from the WYSHPO or the [Council/ACHP](#) received during the 30 day review period regarding eligibility determinations.
- e. For any unevaluated cultural resources that are of concern to the Ross Project Consulting Tribes, the NRC will conduct further consultation with Ross Project Consulting Tribes, and, if needed, schedule additional site visits in order to complete eligibility assessments.
- f. If the WYSHPO and NRC agree that a cultural resource is not eligible for the NRHP, no further review or consideration under this PA will be required for the cultural resource. If the WYSHPO and NRC agree that the property is eligible, then a determination of effect will be made in accordance with Stipulation C.
- g. In accordance with 36 CFR § 800.4(c)(2), if there is disagreement regarding eligibility between the NRC and the WYSHPO, and that disagreement cannot be resolved after further consultation, or if the ACHP so requests, the NRC will refer the property(ies) in question to the Keeper ~~of the National Register~~ and request a formal determination of eligibility. The Keeper's decision is final.

#### C. CONTINUING ASSESSMENT OF EFFECTS

- 1. The NRC, in consultation with the Parties and Ross Project Consulting Tribes will make determinations of the effects of the proposed Undertaking on the viewshed of historic properties within the three-mile indirect APE.
- 2. The NRC, in consultation with the Parties and Ross Project Consulting Tribes will make determinations of the visual and audible adverse effects of the proposed Undertaking ~~of~~ [on](#) historic properties within the three-mile indirect APE of the Undertaking.
- 3. Testing Historic Properties for Direct Adverse Effects

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- a. Following eligibility determinations, if additional testing is needed to assess the effects of the proposed Project Phase on a historic property, Strata shall submit to the NRC a testing plan to determine the direct (i.e., physical disturbance) adverse effects to historic properties that cannot be avoided.
  - b. Upon receipt of Strata's testing plan, the NRC in coordination with the BLM will review the plan and request any corrections or modifications from Strata within 30 days of receipt.
  - c. Prior to accepting Strata's testing plan, the NRC will consult with Strata to determine if the historic properties can be avoided. If any historic properties in the testing plan can be avoided, Strata shall submit a revised testing plan, including a map and sufficient documentation to support this avoidance determination.
  - d. The NRC will distribute the revised testing plan to the Parties (excluding WYSHPO) and the Ross Project Consulting Tribes for a 30 day review period. The NRC will consider any comments received in writing within the specified review period.
  - e. The NRC will then distribute the final testing plan to the WYSHPO for a 30 day review and comment period, copying the other Parties and the Ross Project Consulting Tribes on this correspondence.
  - f. If the WYSHPO concurs with the NRC's final testing plan or fails to respond within 30 days, the NRC will notify Strata that it may proceed with the testing plan, and Strata shall submit the results of the testing to the NRC.
  - g. The NRC will consult to resolve any comments or objections received in writing from the WYSHPO within the 30 day review period regarding the testing plan. If [NRC determines that a dispute cannot be resolved through consultation arises](#), it will be resolved in accordance with Stipulation I (Dispute Resolution).
4. Assessment of Effects
- a. Strata shall have a qualified archaeologist conduct the testing in accordance with the approved adverse effects testing plan from Stipulation C.3 and shall submit a report to the NRC that documents Strata's evaluation and recommendations, which the NRC may use in making determinations of effect on identified historic properties within the area of ground disturbance activities for each Ross Project phase.
  - b. Upon receipt of Strata's recommended determinations of effect, the NRC in coordination with the BLM will review those determinations and request any corrections or modifications from Strata within 30 days of receipt.
  - c. The NRC will then distribute its determinations of effect and the associated documentation [pursuant to 36 CFR §§ 800.5 and 800.6(a)(3)] to the Parties (excluding WYSHPO) and the Ross Project Consulting Tribes for a 30 day review period. The NRC will consider any comments received in writing within the specified review period.
  - d. The NRC will then distribute the determinations of effect to the WYSHPO for a 30 day review period, copying the other Parties and the Ross Project Consulting Tribes on this correspondence.

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- e. If the WYSHPO concurs with NRC's determinations of effect, or if no written objections are received from the Parties or the Ross Project Consulting Tribes within the 30 day review period, the effects determinations are final.
- f. The NRC will consult to resolve any written objections received from the Parties or the Ross Project Consulting Tribes regarding determinations of effect. If a dispute arises cannot be resolved through consultation, it will be resolved in accordance with 36 CFR § 800.5(c)(2) or Stipulation I (Dispute Resolution).
- g. If any eligible properties will be adversely affected, plans to avoid, minimize, or mitigate the adverse effects will be developed in accordance with the Stipulation D of this PA.

### D. AVOIDANCE, MINIMIZATION and MITIGATION of ADVERSE EFFECTS

#### 1. Avoidance of Adverse Effects:

Once the assessment of adverse effects to a historic property has been finalized per Stipulation C, Strata shall notify the NRC within 30 days if it can avoid the historic property that would be adversely affected within the area of ground disturbance activities for each Ross Project Phase, including properties of traditional religious and cultural significance to the Tribes. Potential avoidance measures include, but are not limited to, relocating pipelines, roads, facilities, monitoring wells, and other disturbances.

**Comment [JTE-ACHP4]:** Decisions to avoid adverse effects to specific historic properties by use of an avoidance measure should be documented and shared with the other consulting parties and tribes in some way.

#### 2. Development of Plan for the Minimization and Mitigation of Adverse Effects

- a. If the NRC determines adverse effects to historic properties within the area of ground disturbance activities for any Ross Project Phase cannot be avoided, for each Phase of the Undertaking, the NRC will consult with the Parties and Ross Project Consulting Tribes to identify those measures to be implemented by Strata to minimize and/or mitigate adverse effects to affected historic properties. A wide range of options to minimize and/or mitigate adverse effects shall be considered, including but not limited to the following:
  - i. For historic properties that are archaeological in nature and significant for their research data potential (Eligibility Criterion D, National Register of Historic Places), the treatment measures may follow standard mitigation through data recovery. Mitigation plan(s) for data recovery shall include, at a minimum, a research design with provisions for data recovery and recordation, analysis, reporting, and curation of resulting collection and records, and shall be consistent with the *Secretary of Interior's Standards and Guidelines* (48 FR 44734-44737). Mitigation plan(s) must be consistent with easement and permit requirements of other agencies, when applicable. To the extent possible, mitigation plan(s) should group related sites or areas, so that treatment of related resources can be considered in context, and to minimize the burden of review and approval by agencies.
  - ii. Mitigation plan(s) for those resources relating to properties eligible under Criteria A, B and C, or that are significant for values other than their potential research value, if warranted, shall specify approaches for treatment or mitigation of the

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property in accordance with the principles, standards, and guidelines appropriate to the resource. This may include, but not be limited to, use of such approaches as relocating the historic property, re-landscaping to reduce effects, public interpretation, ethnographic recordation, oral history, archival research, or prescribing use of a component or activity of this Undertaking in such a way as to minimize effects to historic properties or to those concerned about the effects of that component or activity. Methods of recordation and documentation described in the mitigation plan(s) shall conform with the *Secretary of the Interior's Standards for Architectural and Engineering Documentation* (48 FR 44730-44734) or other standards specified by NRC.

- iii. In lieu of standard mitigation approaches described above, mitigation plan(s) may adopt other alternative approaches to avoid, minimize or mitigate effects to historic properties, including, but not limited to, assisting in the development of Tribal historic preservation plans, developing detailed historic contexts for the region, developing educational materials, purchasing properties containing historic resources, or developing historic property management plans.
- b. The NRC shall consult with the Ross Project Consulting Tribes regarding minimization and/or mitigation of indirect effects to historic properties of traditional religious and cultural importance.
- c. Meetings and conference calls shall be scheduled as needed to develop mitigation measures for the Undertaking. Meetings and telephone conferences shall involve all or part of the Parties and Ross Project Consulting Tribes, as appropriate.
- d. Following the development of measures to minimize and/or mitigate adverse effects, Strata shall prepare a Mitigation Plan. The Mitigation Plan shall identify minimization and/or mitigation measures to address the adverse effects of the Undertaking on each individual historic property.
  - i. The Mitigation Plan shall contain a map of all proposed effects for that Project Phase, a description of the effects on each historic property, and a description of the proposed treatment for each historic property.
  - ii. If monitoring by a qualified archaeologist and/or by Tribal monitors is part of the strategy for identifying and resolving-minimizing? adverse effects, the Mitigation Plan shall include a Monitoring Plan. The objective of monitoring is to protect extant sites from construction impacts, identify at the time of discovery any archaeological materials exposed during ground disturbance, and protect such resources from damage until the procedures for Discoveries per Stipulation E are implemented.
  - iii. If data recovery is part of the strategy for resolving adverse effects, the Mitigation Plan shall specify all details of the research design, field and laboratory work methodology (including mapping, geomorphological studies, controlled scientific excavation methods, analyses of data recovered, and photographic documentation), and report preparation.
- e. The NRC in coordination with the BLM will review the Mitigation Plan developed by Strata and request any corrections or modifications within 30 days of receipt.

**Comment [JTE-ACHP5]:** Is this one mitigation plan per phase? Or for the whole project???

**Comment [JTE-ACHP6]:** Seems like we're talking about one plan per phase, is that correct?

**Comment [JTE-ACHP7]:** Monitoring is introduced here, in the section focused on mitigation plans, as part of the strategy for identifying and resolving adverse effects, but I thought at this point in the PA, we had already identified adverse effects. The nature and status of monitors is unclear in the PA. Will there only be monitors if a Mitigation Plan developed later calls for them? This needs to be clarified.



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- f. The NRC will distribute the Mitigation Plan to the Parties (excluding WYSHPO) and the Ross Project Consulting Tribes [for a thirty day review period?](#). The NRC will consider any comments received in writing from the Parties (excluding WYSHPO) and the Ross Project Consulting Tribes within the specified review period.
  - g. The NRC will then distribute the final Mitigation Plan to the WYSHPO for a 30 day review period, copying the other Parties, the Ross Project Consulting Tribes on this correspondence.
  - h. Upon final concurrence by the WYSHPO, or if WYSHPO fails to respond in writing within 30 days, and no other objections from the Parties or the Ross Project Consulting Tribes are received, the final Mitigation Plan will be appended to this PA.
  - i. The NRC will consult to resolve any written comments or objections received from the Parties and the Ross Project Consulting Tribes regarding the final Mitigation Plan within the WYSHPO's 30 day review period. If [NRC determines that](#) a dispute ~~arises cannot be resolved through consultation~~, it will be resolved in accordance with ~~36 CFR § 800.7 or~~ Stipulation I (Dispute Resolution).
  - j. The NRC will notify the Parties and the Ross Project Consulting Tribes of the approval of any Mitigation Plan.
3. Implementation of Mitigation Plan
- a. For any data recovery on BLM-administered lands, the archaeologist shall have a BLM Cultural Resource Use permit for Excavation and/or Removal.
  - b. For data recovery on State lands, the archaeologist shall have an Authorization for Archaeological Investigations on State Lands.
  - c. Upon completion of data recovery fieldwork, Strata shall submit a data recovery report documenting implementation and results.
  - d. The NRC in coordination with the BLM will review the data recovery report developed by Strata and request any corrections or modifications within 30 days of receipt, allowing additional time if NRC/BLM fieldwork inspection is needed and is not feasible within the 30 day review period.
  - e. The NRC will then distribute the data recovery report or revised report to the Parties (excluding WYSHPO) and Ross Project Consulting Tribes for a 30 day review and comment period. The NRC will consider any written comments received from the Parties and the Ross Project Consulting Tribes.
  - f. The NRC will submit the final data recovery report to WYSHPO for a 30 day review and concurrence, copying the other Parties and Ross Project Consulting Tribes on this correspondence.
  - g. If the WYSHPO concurs with NRC's data recovery report or fails to respond within 30 days, the NRC shall notify Strata that the data recovery report is final. After such notification, Strata may proceed with implementation of that Phase of the Undertaking.
  - h. The NRC will consult to resolve any comments received in writing from the WYSHPO during the WYSHPO's 30 day review period. If [NRC determines that](#) a dispute

Comment [JTE-ACHP8]: Not sure why this was used here.



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[arises cannot be resolved through consultation](#), it will be resolved in accordance with Stipulation I (Dispute Resolution).

- i. For other mitigation measures specified in the Mitigation Plan that result in a product or process that requires review and acceptance, the process of review and acceptance shall be specified in the Mitigation Plan. [Strata shall not proceed with implementation of ground disturbance activities outside of the Project Phase area prior to completion of such review and acceptance.](#)

### E. Curation

- a. BLM will ensure that curation of all records and other archaeological items resulting from [identification](#) and data recovery efforts on public (BLM) and State land is completed in accordance with 36 CFR § 79 and the provisions of 43 CFR § 10 (NAGPRA). All archaeological materials recovered from Federal and State land shall be curated at the University of Wyoming Archaeological Repository. Strata shall provide documentation of the curation of the materials to the NRC, BLM, and WYSHPO within 60 days of acceptance of the final cultural resource inventory report and/or data recovery report.
- b. BLM will encourage private landowners to curate archaeological materials recovered from their lands in accordance with Federal curation policies. If private landowners agree to curate archaeological materials recovered from their lands, the curation shall be done in accordance with Federal curation policies. Materials from private lands to be returned to private landowners shall be maintained in accordance with 36 CFR § 79 until all necessary analysis has been completed. Strata shall provide documentation of the disposition of private collections to the NRC, BLM, and WYSHPO.

**Comment [JTE-ACHP9]:** Not sure I understand this. Is this saying Strata won't proceed with ground disturbance outside the current project phase area prior to completion of review and acceptance of a mitigation plan for adverse effects in the current project phase area? That doesn't seem to make sense.

**Comment [JTE-ACHP10]:** Should this be identification, evaluation, and data recovery?

### F. DISCOVERIES

#### 1. [Inadvertent Discoveries of Historic and Cultural Resources](#)

- a. If previously unknown cultural resources, including archaeological [sites](#), are discovered during implementation of the Ross Project, or previously known [historic](#) properties will be affected in an unanticipated manner, all construction activities will cease within 150 feet of the area of discovery to avoid or minimize harm to the resource, and Strata shall immediately notify the NRC and the WYSHPO. Activity in the area will cease until NRC, in consultation with the Parties and Ross Project Consulting Tribes, can evaluate [the eligibility of the properties](#), and [any adverse effects on historic properties](#), and, if necessary, authorize steps to [mitigate impacts to the new discovery](#) [resolve the adverse effects](#). Strata shall have any discovered materials evaluated for NRHP eligibility by a professional cultural resource specialist meeting the Secretary of Interior's Standards for Archaeology and History. Documentation of the discovery and evaluation will be promptly provided to the NRC in order for the NRC, in consultation with the WYSHPO, ACHP, BLM, and the Ross Project Consulting Tribes, to make a determination of eligibility and effect. [Inadvertent discoveries may include artifacts, bone, features, or concentrations of these materials outside previously identified sites or in and adjacent to previously identified eligible and not eligible sites. Discoveries may also include stones and groups of](#)

**Comment [JTE-ACHP11]:** Need to include time frames for notification and response in this stipulation

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stones that are out of place in their sedimentary contexts and may be parts of stone features. Discoveries may also include changes in soil color, texture, or content suspected to be of anthropic? origin, such as burned soil, ash, or charcoal fragments.

- b. If a cultural resource monitor or Tribal monitor is present, the monitor shall have the authority to temporarily halt construction operations within 150 feet of the find or exposed resource and shall flag or otherwise mark the area of avoidance. If a monitor is not present, Strata shall halt work and mark the location for avoidance.
  - c. Strata shall have a qualified archaeologist and, if needed, a Tribal monitor, inspect the area for additional resources, document the discovery, make recommendations concerning eligibility, and submit the findings to the NRC. The Parties and Ross Project Consulting Tribes shall consult to determine what data recovery or other mitigation may be needed.
  - d. Work may continue in other areas of the site; however, construction shall not resume in the area of discovery unless the NRC has issued a written Notice to Proceed.
  - e. Evaluation and mitigation will be carried out by NRC in consultation with the WYSHPO, Ross Project Consulting Tribes, BLM, ACHP, and Strata as expeditiously as possible in accordance with 36 CFR § 800.13(b).
2. Inadvertent Discoveries of Human Remains
- a. In the event human remains are discovered on private land during implementation of the Ross Project, all work within 300 feet of the discovery will cease, the area will be secured, and Strata shall immediately contact NRC, who will notify the Crook County Sheriff's Office and Coroner's Office of the discovery per W.S. 7-4-104.
  - b. Native American human remains, funerary objects, sacred objects, or items of cultural patrimony found on Federal land will be handled according to Section 3 of NAGPRA and its implementing regulations (43 CFR § 10). In the event that human remains are discovered on Federal land during implementation of the Ross Project, all work within 300 feet of the discovery will cease, the area will be secured, and BLM shall be contacted immediately. BLM will be responsible for compliance with the provisions of NAGPRA on Federal land. Native American human remains, funerary objects, sacred objects, or items of cultural patrimony found on state or private land will be handled in accordance with procedures agreed upon by the NRC and WYSHPO for State and private land. If non-Native American human remains are found on Federal land, Strata shall immediately notify the NRC and BLM and BLM will treat such remains in accordance with applicable law. The NRC, BLM, and Strata recognize that any human remains, funerary objects, sacred objects, or items of cultural patrimony encountered during construction should be treated with dignity and respect.

**Comment [JTE-ACHP12]:** Not sure this list of examples is needed in the PA.

**Comment [JTE-ACHP13]:** Where does this Tribal monitor come from?

**Comment [JTE-ACHP14]:** F.1.b. and c. seem to be out of place. Already in F. 1. A., Strata has had to provide documentation including an evaluation of eligibility to NRC so that NRC can consult with BLM, SHPO, tribes, etc. to determine eligibility and effect.

**Comment [JTE-ACHP15]:** By referencing 800.13(b) are you intending that NRC will notify ACHP and tribes, etc. in 48 hours of the discovery and they must respond back in 48 hours?

**Comment [JTE-ACHP16]:** Might be more appropriate for Strata to notify Sheriff and Coroner, and then NRC too

**Comment [JTE-ACHP17]:** Probably best to divide this paragraph into several, one for federal, one for state.

## G. CONFIDENTIALITY OF CULTURAL RESOURCE DATA

Cultural resource data, including data concerning the location and nature of historic properties and properties of religious and cultural significance, will be treated as confidential by all Parties and any additional parties involved in the Ross Project, including but not limited to employees, contractors, and subcontractors of Strata. These data shall be

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protected from public disclosure to the greatest extent permitted by law, including conformance with Section 304 of the NHPA, as amended, Section 9 of the ARPA, and Executive Order No. 13007 on Indian Sacred Sites (Federal Register, Vol. 61 No. 104, May 24, 1996). Confidentiality concerns for properties that have traditional religious and cultural importance to the Ross Project Consulting Tribes will be respected and will remain confidential to the greatest extent permitted by law. Duplication or distribution of cultural resource data from BLM-managed lands by any Party requires written authorization from the BLM Newcastle Field Manager.

### H. ANNUAL REPORT AND EVALUATION

1. On or before January 1 of each year, beginning in 2015, unless the Parties agree in writing that the terms of this PA have been fulfilled, Strata shall prepare and provide a letter report to the NRC detailing how the applicable terms of the PA are being implemented. Upon acceptance, Strata shall provide this annual report to the Parties and Ross Project Consulting Tribes. The Parties may provide comments on the report to Strata within 30 days of receipt, and Strata shall distribute all comments to the Parties.
2. Strata shall coordinate a meeting or conference call of the Parties and Ross Project Consulting Tribes, in coordination with the NRC, within 60 days after providing the annual report for the first five (5) years, and (if the PA is still in effect) every third year after that, unless the Parties agree to another timeframe. ~~As appropriate, Parties may request a separate meeting to discuss the annual report.~~ The purpose of the meeting/conference call is to review implementation and achieved outcomes of the terms of this PA and to discuss the annual report, as needed. As appropriate, Parties may request a separate meeting to discuss the annual report.

### I. DISPUTE RESOLUTION

1. Any Signatory to this PA who objects to an action under this PA, or the implementation of the measures stipulated ~~to~~ in this PA, shall provide written notice to the NRC within 30 days of becoming aware of an action. The NRC will consult with the objecting Signatory to this PA to resolve the objection, unless otherwise specified in this document. If the NRC determines that the objection cannot be resolved, the NRC will forward all documentation relevant to the dispute to the ACHP as well as the other Parties and Ross Project Consulting Tribes, including NRC's proposed response to the objection. The objecting Signatory must provide reasons for, and a justification of, its objection at the time it initially submits its objection to the NRC. Within 30 days after receipt of all pertinent documentation, the ACHP shall either:
  - a. Advise the NRC that the ACHP concurs with the NRC's proposed final decision, whereupon the NRC will respond accordingly;
  - b. Provide the NRC with recommendations, which the NRC will take into account in reaching a final decision regarding the dispute; or
  - c. Notify the NRC that it will comment within an additional 30 days, in accordance with 36 CFR § 800.7(c)(4). Any ACHP comment provided in the response to such a

**Comment [JTE-ACHP18]:** The following standard language would work better:

Should any signatory object at any time to any actions proposed or the manner in which the terms of this PA are implemented, NRC shall consult with such party to resolve the objection. If NRC determines that such objection cannot be resolved, NRC will:

A. Forward all documentation relevant to the dispute, including the NRC's proposed resolution, to the ACHP. The ACHP shall provide NRC with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NRC shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. NRC will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, NRC may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, NRC shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA, and provide them and the ACHP with a copy of such written response.

C. NRC's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

**Comment [JTE-ACHP19]:** This is drastic for dispute resolution

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request will be taken into account, and responded to, by the NRC in accordance with 36 CFR § 800.7(c)(4) with reference to the subject of the dispute.

- d. Should the ACHP not exercise one of the above options within forty-five (45) days after receipt of all pertinent documentation, the NRC may proceed with its proposed response to the objection.
2. Any recommendation or comment provided by the ACHP will be understood to pertain only to the subject of the dispute. The responsibility to carry out all actions under this PA that are not the subject of the dispute shall remain unchanged.

### J. AMENDMENT

Any Signatory to this PA may request that it be amended, whereupon the Signatories will consult to reach agreement. Such amendment shall be effective upon the signature of all Signatories to this PA, and the amendment shall be appended to the PA as an Appendix.

### K. TERMINATION

1. Any Signatory to this PA may initiate termination by providing written notice to the other Signatories of their intent. After notification by the initiating Signatory, the remaining Signatories shall have 60 business days to consult to seek agreement on amendments or any other actions that would address the issues and avoid termination. If such consultation fails, the termination will go into effect at the end of the 60-day period, unless all the Signatories agree to a longer period.
2. In the event of termination, the Signatories will comply with any applicable requirements of 36 CFR §§ 800.4 through 800.6 with regard to the original Undertaking covered by this PA.

#### ?? Coordination with Other Federal Reviews

In the event that the [applicant] or other agency applies for additional federal funding or approvals for the [undertaking] and the undertaking remains unchanged, such funding or approving agency may comply with Section 106 by agreeing in writing to the terms of this [MOA or PA] and notifying and consulting with SHPO and ACHP. Any necessary modifications will be considered in accordance with [Stipulation (amendments)].

### L. DURATION OF AGREEMENT

This PA shall remain in effect for 20 years from its date of execution by the Signatories (last date of signature), or until completion of the work stipulated, whichever comes first, unless extended by agreement among the Signatories.

### M. ANTI DEFICIENCY ACT

The stipulations of this Agreement are subject to the provisions of the Anti-Deficiency Act (31 U.S.C. §1341). If compliance with the Anti-Deficiency Act alters or impairs the NRC's ability to implement the stipulations of this Agreement, the NRC will consult in accordance with the amendment and termination procedures found in this Agreement.

**Comment [JTE-ACHP20]:** Again, the standard language would be better:

If any signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation J, above. If within sixty (60) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories.

Once the PA is terminated, and prior to work continuing on the undertaking, NRC must either (a) execute a PA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. NRC shall notify the signatories as to the course of action it will pursue.

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**Comment [JTE-ACHP21]:** Add this stipulation, now standard and required by ACHP.

**Comment [JTE-ACHP22]:** Standard language:

This PA will be null and void if its stipulations are not carried out within five (5) years [or specify other appropriate time period] from the date of its execution. At such time, and prior to work continuing on the undertaking, NRC shall either (a) execute a PA pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. Prior to such time, NRC may consult with the other signatories to reconsider the terms of the PA and amend it in accordance with Stipulation J above. NRC shall notify the signatories as to the course of action it will pursue.

## FINAL DRAFT FOR COMMENT

### N. GENERAL PROVISIONS

1. **Entirety of Agreement.** This PA, consisting of twenty (20) pages, represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral, regarding compliance with Section 106 of NHPA.
2. **Prior Approval.** This PA shall not be binding upon any party unless this PA has been reduced to writing before performance begins as described under the terms of this PA, and unless the PA is approved as to form by the Wyoming Attorney General or his representative.
3. **Severability.** Should any portion of this PA be judicially determined to be illegal or unenforceable, the remainder of the PA shall continue in full force and effect, and any party may renegotiate the terms affected by the severance.
4. **Sovereign Immunity.** The State of Wyoming, the WYSHPO, the NRC, the BLM, the ACHP, and Ross Project Consulting Tribes do not waive their sovereign or governmental immunity by entering into this PA and each fully retains all immunities and defenses provided by law with respect to any action based on or occurring as a result of the PA.
5. **Indemnification.** Each Signatory to this PA shall assume the risk of any liability arising from its own conduct. Each Signatory agrees they are not obligated to insure, defend or indemnify the other Signatories to this PA.

Execution of this PA by the NRC, BLM, ACHP, WYSHPO, Strata, ~~Ross Project Consulting Tribes~~, the submission of documentation and filing of this PA with the ACHP pursuant to 36 CFR § 800.6(b)(1)(iv) prior to the Signatories' approval of the Undertaking, and implementation of its terms, are evidence that the NRC has taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment.

**Comment [JTE-ACHP23]:** Only the signatories execute the PA. concurring parties do not execute the pa.

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**SIGNATURES:** In witness thereof, the Signatories to this PA through their duly authorized representatives have executed this PA on the days and dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this PA as set forth herein.

The effective date of this PA is the date of the last signature affixed to this page.

#### Federal Agencies

The U.S. Nuclear Regulatory Commission

**FINAL DRAFT FOR COMMENT**

\_\_\_\_\_  
NRC Official Date

The U.S. Department of the Interior, Bureau of Land Management, Newcastle Field Office

\_\_\_\_\_  
BLM Official Date

**Wyoming State Historic Preservation Officer**

\_\_\_\_\_  
Mary Hopkins, SHPO Date

**Advisory Council on Historic Preservation**

\_\_\_\_\_  
John M. Fowler, Executive Director Date

**Strata Energy, Inc.**

\_\_\_\_\_  
Name and title Date

**Approval as to Form:  
Wyoming Attorney General's Office**

\_\_\_\_\_  
S. Jane Caton, Date  
Senior Assistant Attorney General

**Concurring Parties:**

**Blackfeet Tribe**

\_\_\_\_\_

**FINAL DRAFT FOR COMMENT**

Name and title Date

**Cheyenne and Arapaho Tribes**

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Name and title Date

**Cheyenne River Sioux Tribe**

---

Name and title Date

**Confederated Salish and Kootenai Tribe**

---

Name and title Date

**Apsaalooke (Crow) Nation**

---

Name and title Date

**Crow Creek Sioux Tribe**

---

Name and title Date

**Eastern Shoshone Tribe**

---

Name and title Date

**Flandreau-Santee Sioux Tribe**

---

Name and title Date

**Fort Belknap Community**

---

Name and title Date

**Fort Peck Assiniboine/Sioux**

**FINAL DRAFT FOR COMMENT**

Name and title Date

**Lower Brule Sioux Tribe**

---

Name and title Date

**Northern Arapaho Tribe**

---

Name and title Date

**Northern Cheyenne Tribe**

---

Name and title Date

**Oglala Sioux Tribe**

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Name and title Date

**Rosebud Sioux Tribe**

---

Name and title Date

**Santee Sioux Tribe of Nebraska**

---

Name and title Date

**Sisseton-Wahpeton Oyate Tribes**

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Name and title Date

**Standing Rock Sioux Tribe**

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Name and title Date

**Mandan, Hidatsa & Arikara Nation  
Three Affiliated Tribes**



**FINAL DRAFT FOR COMMENT**

Name and title	Date
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**Turtle Mountain Band of Chippewa**

Name and title	Date
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**Yankton Sioux Tribe**

Name and title	Date
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