

DeweyBurdPubEm Resource

From: Terence Clouthier [tclouthier@standingrock.org]
Sent: Thursday, February 20, 2014 12:21 PM
To: Yilma, Haimanot; Hsueh, Kevin
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Subject: Determinations of eligibility for Dewey Burdock
Attachments: 14-08 Determination letter for Dewey.pdf

Good Morning,

The SRST-THPO has attached comments pertaining to the lack of consultation for determinations of eligibility for the Dewey Burdock project. The request for concurrence from the South Dakota SHPO was requested on the same day that the tribes were solicited for comment. This demonstrates a complete and utter disregard for the concerns of the tribes for our sites of significance. In particular when the current PA outlines in the whereas clauses that SD SHPO concurred with determinations. A process that occurred prior to any meaningful consultation with the tribes for determinations of eligibility.

Have a good afternoon.

Sincerely,
Standing Rock Sioux Tribe

Terry Clouthier
Tribal Archaeologist

Hearing Identifier: Powertech_Uranium_Dewey_Burdock_LA_Public
Email Number: 306

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From: Terence Clouthier

Created By: tclouthier@standingrock.org

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Post Office: SRSTEXCH.standingrock.local

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14-08 Determination letter for Dewey.pdf		596710

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February 20, 2014

Haimanot Yilma
Project Manager
FSME/DWMEP/EPPAD/ERB
U.S Nuclear Regulatory Commission

RE: Determination of eligibility for DEWEY Burdock.

Dear Ms. Yilma

The Standing Rock Sioux Tribe's Tribal Historic Preservation Office (SRST-THPO) provides the following comments for determinations of eligibility for the Nuclear Regulatory Commission (NRC) Dewey Burdock project.

The SRST-THPO provided the following comment in a letter dated February 4th to your office.

The SRST-THPO disagrees with the findings within the document titled NRC NRHP Determinations – Table 1 for PA 12-13-13. The SRST-THPO disagrees that sites of significance to the Tribes are ineligible to the National Register and that no effect will occur to them. The SRST-THPO disagrees that evaluative testing should occur on sites of significance to tribes. The SRST-THPO has informed the NRC of these matters since we became involved in this project in June of 2011.

How will the NRC address these concerns? The SRST-THPO received the request for comments in our office on January 7th, 2014. The SRST-THPO issued our comment within the 30 day window upon receipt of the request.

The SRST-THPO is aware that the request for concurrence for eligibility determinations to the South Dakota State Historic Preservation Office (SDSHPO) occurred by letter dated December 23, 2013. This is the same letter and date that was issued for the tribal letter requesting the tribal comments on eligibility determinations. Why is the NRC implying in their PA that meaningful consultation occurred with the tribes for eligibility determinations when that is not the case? The SDSHPO issued their concurrence on January 14th, 2014 only a week after the request for comments had arrived at the SRST-THPO. The SRST-THPO objected to the eligibility determination by letter February 4th, 2014 and yet no consultation has occurred for these objections. This exemplifies the poor consultation practices of the NRC when dealing with tribes. The SRST-THPO has no confidence that our objections were considered by the NRC in the eligibility determinations; in fact, it is quite evident that they were not considered at all.

Particularly, considering the fact that the NRC requested concurrence for their determinations on the same day they solicited comments for those determinations.

The SRST-THPO continues to maintain that the Section 106 consultation and identification process for this project has failed to address any of the concerns of our office over the last three years. This further enforces our assertion that this project has not been conducted and continues to be conducted in a manner inconsistent with the regulations

We look forward to resolving these issues.

Please refer to THPO file # 14-08 for any comments addressed in this letter.

Sincerely,

STANDING ROCK SIOUX TRIBE

A handwritten signature in black ink, appearing to read "Terry Clouthier", with a long horizontal flourish extending to the right.

Terry Clouthier
Tribal Archaeologist