

Appendix B

Ross Project Cultural Resource Inventories

Cultural Resource Inventory

A Class III Cultural Resource Inventory (Class III Inventory) was conducted in support of the Ross Project in April 2010 and July 2010. The Inventory included a pedestrian survey in transects of 30-m [102-ft] intervals throughout the Ross Project area. Subsurface exposures such as cut banks, anthills, rodent burrows, roads ruts, and cow tracks were examined. Shovel probes were placed at the discretion of the surveyors, primarily in locations where artifacts or features were located or where soil had accumulated. The Inventory focused on landforms where intact sites might be expected, such as intact, stable terraces and their margins, as well as areas of exposure. Site evaluations were not completed for all sites during this Inventory and sites were not assessed for project effect.

In November 2011, additional site evaluation field work was accomplished: A geophysical magnetometer survey was conducted at several sites, but it was found to be ineffective because of the nature of the soils. During the fieldwork, which was conducted in May and June 2012, 6 back-hoe trenches, approximately 27 test pits measuring 0.5 m x 0.5 m [1.6 ft x 1.6 ft], and approximately 44 test pits measuring 1.0 m x 1.0 m [3.3 ft x 3.3 ft] were excavated to further evaluate sites near areas where road construction and other impacts would be expected. The testing report for this fieldwork was submitted in August 2012.

In preparation for the Class III Inventory, a records search was conducted for the Ross Project area in 2010; this search included the records of the Wyoming Cultural Records Office (WYCRO), the WYCRO online data base, and the BLM's Newcastle Field Office. The records search showed that, prior to the 2010 Class III Inventory, no substantial block inventory had been conducted in the Project area. Small-scale investigations, including two associated with power lines and buried telephone cables as well as a drilling-pad and access-road survey, had been conducted in the Ross Project area. One survey, an inventory for a linear buried telephone cable in Section 13, identified one prehistoric campsite, 48CK1603. This site was re-recorded during the 2011 fieldwork and determined to be eligible for the National Register of Historic Places despite damage from a county road that bisects the site.

Buildings and Structures

No buildings or structures eligible for the National Register of Historic Places (NRHP) or Wyoming State Register were identified within the Ross Project area. An earthen structure in the Ross Project area, the Oshoto Dam, did not meet the criteria for eligibility for listing in the NRHP (48 CFR Part 2157). The original dam has been rebuilt numerous times because of flood damage, most recently in 2005, and is considered to be essentially a reconstruction rather than the original dam.

Archaeological Sites

During the Applicant's initial Class III Inventory for the Ross Project, 24 new sites and 21 isolated resources were recorded. Twenty-three of the recorded sites are prehistoric habitations, camps, and stone features, and one is a historic-period homestead. A number of sites produced projectile points that represent Middle Archaic, Late Archaic, and Late Prehistoric occupations. Twenty-one isolated resources were also recorded during the Inventory. All but two of these contain prehistoric artifacts; the two historic isolated resources are historic artifact scatters. In addition to the sites identified during the Class III Inventory, the potential exists for deeply buried sites to be found within the Ross Project area because of its propitious location near the headwaters of the Little Missouri River and the percentage of the Ross Project area that consists of deep alluvium.

As described in the Tribal Consultation section below, a Class III Inventory in the Ross Project area designed to identify and evaluate the NRHP significance of properties of religious and cultural significance to Tribes was performed by representatives of ten Tribes during May and June 2013. During the June Tribal field survey, additional archaeological materials including bone and lithic artifacts were found at 48CK2087, a site identified in the cultural resource inventory as consisting only of a hill-top cairn. The new cultural finds at 48CK2087 extend the boundary of 48CK2087. Additionally, three new archaeological sites were found within the Ross Project Area: 48CK2229, 48CK2230, and 48CK2231.

The 27 sites along with previously identified 48CK1603 are listed in Table 1-A, Table 1-B, Table 1-C, and Table 1-D. Consultations on the eligibility determinations for these sites are documented in the following letters between the NRC and the Wyoming State Historic Preservation Office (WYSHPO): NRC letter to WYSHPO, dated March 8, 2013; WYSHPO letter to NRC, dated March 28, 2013; NRC letter to WYSHPO, dated September 20, 2013; WYSHPO letter to NRC, dated October 22, 2013.

Table 1-A. Summary of Ross Project Cultural Properties

Site Number	NRHP Eligibility
48CK1603	Eligible
48CK2070	Unevaluated
48CK2071	Not Eligible
48CK2072	Not Eligible
48CK2073	Unevaluated
48CK2074	Not Eligible
48CK2075	Unevaluated
48CK2076	Unevaluated
48CK2077	Not Eligible
48CK2078	Unevaluated
48CK2079	Unevaluated
48CK2080	Unevaluated
48CK2081	Unevaluated
48CK2082	Unevaluated
48CK2083	Eligible

Site Number	NRHP Eligibility
48CK2084	Not Eligible
48CK2085	Unevaluated
48CK2086	Not Eligible
48CK2087	Unevaluated
48CK2088	Not Eligible
48CK2089	Unevaluated
48CK2090	Unevaluated
48CK2091	Unevaluated
48CK2092	Unevaluated
48CK2093	Not Eligible
48CK2229	Unevaluated
48CK2230	Unevaluated
48CK2231	Unevaluated

Table 1-B. Summary of NRHP Eligible Ross Project Cultural Properties

Site Number	NRHP Eligibility
48CK1603	Eligible
48CK2083	Eligible

Table 1-C. Summary of NRHP Not Eligible Ross Project Cultural Properties

Site Number	NRHP Eligibility
48CK2071	Not Eligible
48CK2072	Not Eligible
48CK2074	Not Eligible
48CK2077	Not Eligible
48CK2084	Not Eligible
48CK2086	Not Eligible
48CK2088	Not Eligible
48CK2093	Not Eligible

Table 1-D. Summary of Unevaluated Ross Project Cultural Properties

Site Number	NRHP Eligibility
48CK2070	Unevaluated
48CK2073	Unevaluated
48CK2075	Unevaluated
48CK2076	Unevaluated
48CK2078	Unevaluated
48CK2079	Unevaluated
48CK2080	Unevaluated

Site Number	NRHP Eligibility
48CK2081	Unevaluated
48CK2082	Unevaluated
48CK2085	Unevaluated
48CK2087	Unevaluated
48CK2089	Unevaluated
48CK2090	Unevaluated
48CK2091	Unevaluated
48CK2092	Unevaluated
48CK2229	Unevaluated
48CK2230	Unevaluated
48CK2231	Unevaluated

Tribal Consultation

According to Executive Order (EO) No. 13175, *Consultation and Coordination with Indian Tribal Governments*, the NRC is encouraged to promote government-to-government consultation and coordination with Federally-recognized Tribes that have a known or potential interest in existing licensed uranium-recovery facilities or applications for new facilities. The BLM is required to comply with this Order. Although the NRC, as an independent regulatory agency, is explicitly exempt from the Order, NRC remains committed to its spirit. The agency has demonstrated a commitment to achieving the Order’s objectives by implementing a case-by-case approach to interactions with Native American Tribes. The NRC’s case-by-case approach allows both the NRC and the Tribes to initiate outreach and communication with one another.

As part of its obligations under Section 106 of the NHPA and the regulations at 36 CFR 800.2(c)(2)(ii)(A), the NRC must provide Native American Tribes “a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties and evaluation of historic properties, including those of religious and cultural importance, articulate its views on the undertaking’s effects on such properties, and participate in the resolution of adverse effects.” Tribes that have been identified as potentially having concerns about actions near Devils Tower were formally invited by the NRC staff, by letter dated February 9, 2011, to participate in the Section 106 consultation process for the proposed Ross Project (see Table 2). The NRC staff invited the Tribes to participate as consulting parties in the NHPA Section 106 process and sought their assistance in identifying Tribal historic sites and cultural resources that may be affected by the Undertaking.

Table 2. Tribes Invited to Participate in Section 106 Consultation for the Ross Project

1	Apache Tribe of Oklahoma ^a
2	Blackfeet
3	Cheyenne and Arapaho Tribes of Oklahoma
4	Cheyenne River Sioux
5	Chippewa Cree ^b
6	Confederated Salish & Kootenai Tribes
7	Crow Tribe
8	Crow Creek Sioux Tribe

9	Eastern Shoshone Tribe
10	Flandreau Santee Sioux Tribe
11	Fort Belknap Community
12	Fort Peck Assiniboine and Sioux Tribes
13	Kiowa Tribe of Oklahoma ^c
14	Lower Brule Sioux Tribe
15	Northern Arapaho Tribe
16	Northern Cheyenne Tribe
17	Oglala Sioux Tribe
18	Rosebud Sioux Tribe
19	Santee Sioux Tribe of Nebraska
20	Sisseton-Wahpeton Sioux Tribe
21	Spirit Lake Tribe ^b
22	Standing Rock Sioux Tribe
23	Three Affiliated Tribes
24	Turtle Mountain Band of Chippewa Indians
25	Yankton Sioux Tribe

^aThe Apache Tribe of Oklahoma notified the NRC by email dated August 19, 2011 that it did not wish to participate in consultation on the Ross Project.

^bThe Chippea Cree Tribe was not among the recipients of the NRC's February 9, 2011 consultation invitation letter. This Tribe informed the NRC of its interest in consulting on the Ross Project during the NRC's planning for the November 2011 site visit and consultation meeting with the Tribes.

^cNo response was received from the Kiowa Tribe of Oklahoma or the Spirit Lake Tribe.

Culturally Significant Locations

No Native American heritage, special interest, or sacred sites were previously formally identified or recorded to date that are in the Ross Project APE. The geographic position of the Project area between mountains considered sacred by various Native American cultures (the Big Horn Mountains to the west and the Black Hills including nearby Devils Tower to the east), however, creates the possibility that the Project area could have sites and locations of special religious or sacred significance to Native American groups.

Properties of Religious and Cultural Significance to Tribes

As required by Section 106 of the NHPA, the NRC requested information about places of cultural, religious, and traditional significance that could be affected by the Ross Project from various interested Tribes in order to complete government-to-government consultation efforts. Places of cultural, religious, and traditional significance that meet the NRHP criteria are included in the definition of Historic Property under 36 CFR Part 800.16(l)(1).

The NRC invited the Tribes listed in Table 2 (excluding The Apache Tribe of Oklahoma) to participate in a field survey of the Ross Project area under an "Open-Site approach" and a "Tribal Working Group" approach. A detailed description of the NRC's efforts to provide an opportunity for Consulting Tribes to conduct a field survey of the Ross Project area is provided in the NRC's letter to the Advisory Council on Historic Preservation (ACHP), dated August 14, 2013. A Class III Inventory in the Ross Project area designed to identify and evaluate the

NRHP significance of properties of religious and cultural significance to Tribes was performed by representatives of six Tribes on May 13 – 16, 2013. The six Tribes participating in the May Tribal field survey included:

- Santee Sioux Tribe of Nebraska (Niobrara, Nebraska)
- Crow Creek Sioux Tribe (Fort Thompson, South Dakota)
- Rosebud Sioux Tribe (Rosebud, South Dakota)
- Yankton Sioux Tribe (Wagner, South Dakota)
- Northern Cheyenne Tribe (Lame Deer, Montana)
- Turtle Mountain Band of Chippewa Indians (Belcourt, North Dakota)

A second Tribal field survey was performed by representatives of four Tribes on June 3 – 6, 2013. The four Tribes participating in the May Tribal field survey included:

- Cheyenne and Arapaho Tribes of Oklahoma (Concho, Oklahoma)
- Northern Arapaho Tribe (Fort Washakie, Wyoming)
- Fort Belknap Indian Community (Harlem, Montana)
- Eastern Shoshone Tribe (Fort Washakie, Wyoming)

The entire 697 ha [1,721-ac] Ross Project area was inventoried using current Class III-inventory methods during both Tribal field surveys. Crew members performed the surveys using transects spaced no greater than 30 meters (m) [100 ft]. Parallel transects were walked across the Ross Project area, guided by GPS bearings in addition to natural and cultural features, and the transects were adjusted in direction when major obstacles, such as Oshoto Reservoir, were met. Because of the large numbers of personnel involved in the two surveys, radio communications were provided by Strata to Tribal leaders to facilitate survey communications and coordination. In most instances, a limited time was spent at previously recorded archaeological sites. To facilitate relocation and recording, newly discovered archaeological sites were located by a single GPS point and briefly noted as to the site's general content and setting. Newly discovered prehistoric isolated resources were also mapped and recorded during both surveys.

When sites of potential religious and cultural significance to Tribes were noted during the May Tribal field survey, the pedestrian survey was brought to a halt, and the find was recorded by the NRC archaeological consultant supporting the survey in consultation with leaders of the May Tribal crew. Sites of potential religious and cultural significance to Tribes noted during the June Tribal field survey were briefly identified and plotted by GPS location. The survey then resumed. Once the walkover was completed, the June crew returned to the mapped sites and recorded and evaluated them.

As a result of the May and June Tribal field surveys, 18 properties of religious and cultural significance to Tribes were located, recorded, and evaluated for NRHP eligibility in the Ross Project area (see Table 3). A *Tribal Field Surveys in the Ross Project Area* report documenting these findings, based on the eligibility and effects recommendations provided by the Northern Arapaho Tribe, the Cheyenne and Arapaho Tribes of Oklahoma, and the NRC archaeological consultants that supported the survey, was submitted to the Wyoming SHPO for review and comment by letter dated March 6, 2014. A copy of this letter was provided to the Ross Project

Consulting Tribes. By letter dated August 27, 2012, Strata provided to the NRC the results of its analysis to identify and assess the potential visual effects to properties located within 3 miles of the Ross Project boundary. The NRC, in coordination with the BLM, utilized this analysis and additional records search information to analyze indirect effects and incorporated this analysis into the *Tribal Field Surveys in the Ross Project Area* report.

Table 3. Summary of Ross Project Properties of Religious and Cultural Significance to Tribes

Site Number	NRHP Eligibility
48CK2070	Unevaluated
48CK2080	Unevaluated
48CK2087	Unevaluated
48CK2089	Unevaluated
48CK2214	Unevaluated
48CK2215	Unevaluated
48CK2216	Unevaluated
48CK2217	Unevaluated
48CK2218	Unevaluated
48CK2219	Unevaluated
48CK2220	Unevaluated
48CK2221	Unevaluated
48CK2222	Unevaluated
48CK2223	Unevaluated
48CK2224	Unevaluated
48CK2225	Unevaluated
48CK2226	Unevaluated
48CK2227	Unevaluated