



## Tribal Historic Preservation Office

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November 6, 2012

Kevin Hsueh, Chief

Environmental Review Branch

Division of Waste Management and Environmental Protection

Office of Federal and State Materials and Environmental Management Programs

**RE: Refusal to Accept Dewey-Burdock In Situ Recovery Project Proposal**

Mr. Hsueh,

On behalf of the Sisseton Wahpeton Oyate (SWO), I am writing to express our deep dismay with, and strong objection to, the Nuclear Regulatory Commission's October 31, 2012, survey proposal for the Dewey-Burdock *In Situ* Recovery Project. The proposal threatens to avoid required consultation with the tribes who have aboriginal ties to the project area by working instead with other Indian tribes who have no understanding of cultural properties of significance to the Sisseton Wahpeton Oyate, Oceti Sakowin (Bands of the Lakota, Dakota and Nakota Nations) and allies of the "Great Sioux Nation". We feel the expertise brought by Turtle Mountain Chippewa and Three Affiliated tribes is inadequate when identifying cultural resources which are significant to the Oceti Sakowin and our allies. The Commission's sole justification for such measures are self-imposed timelines and cost restraints. Apparently Powertech did not have an issue when paying for two Class III archeological surveys for this area and money was not an issue. It is our feeling that Powertech and NRC's intent is to divide the Tribal Nations by causing them to compete against one another. Tribes are well aware of past history where the federal government utilized "divide and conquer" which proved to be an effective strategy in its conquest for territory. The SWO objects to the terms of the proposal and to the tactics of the NRC and would suggest the NRC comply with the requirements of federal law when creating its Environmental Impact Statement ("EIS") and consultation under the National Historic Preservation Act of 1966 (as amended). It is our belief the NRC has not made a good faith effort to consult with tribes under the National Environmental Policy Act (NEPA) as well as the National Historic Preservation Act.

In conclusion, the tribes who have been consulting with the NRC for the past year and a half have persistently requested a TCP survey to be performed by a group of tribes who have aboriginal ties and

concerns to this area. As to who has the expertise, it is only logical that you utilize those that have cultural and traditional knowledge specific to this area. It is comparable to Sisseton Wahpeton requesting to evaluate cultural sites in Alaska on behalf of the Tlingit nation, we do not have their expertise and would not assume to.

Respectfully,

A handwritten signature in black ink, appearing to read "Dianne Desrosiers". The signature is fluid and cursive, with the first name "Dianne" being more prominent than the last name "Desrosiers".

Dianne Desrosiers

Sisseton Wahpeton Oyate

Tribal Historic Preservation Officer