

September 28, 2016

MEMORANDUM TO: Lydia W. Chang, Chief
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Reviews
Office of Nuclear Material Safety
and Safeguards

FROM: Jessie Muir Quintero, Project Manager */RA/*
Environmental Review Branch
Division of Fuel Cycle Safety, Safeguards,
and Environmental Reviews
Office of Nuclear Material Safety
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SUBJECT: KENDRICK TRIBAL SITE VISIT AND CONSULTATION TRIP REPORT
(DOCKET NUMBER 040-09091)

During July 25, 2016 through July 29, 2016, the U.S. Nuclear Regulatory Commission (NRC) staff and its contractor conducted National Historic Preservation Act Section 106 consultation activities related to its review of Strata Energy Inc.'s (Strata) proposed Kendrick expansion uranium recovery project. During the week, the NRC staff and its contractor met with Strata and private landowners, and consulted with Tribes on eligibility of potential cultural sites. Enclosure 1 is a summary of the landowner meeting and tribal site visit and consultation and enclosure 2 is a handout provided to the Tribes at the site visit. The handout is non-public because it contains excerpts from the Kendrick Class III Survey Report, which is a non-public document.

Enclosures:

1. Visit and Consultation Summary
2. Site Visit Handout (Non-Public)

CONTACT: Jessie Muir Quintero, NMSS/FCSE
(301) 415-7476

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ADAMS Accession Number: ML16266A007

OFC	FCSE/ERB	FCSE/ERB	FCSE/ERB	FCSE/ERB
NAME	JMuir-Quintero	AWalker-Smith	LChang (JRubensstone for)	JMuir-Quintero
DATE	9/21/16	9/23/16	9/28/16	9/28/16

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SUMMARY OF THE NRC'S MEETING WITH LANDOWNERS MONDAY, JULY 25, 2016

Participants

Jessie Muir Quintero, NRC
Dr. Paul Nickens, SC&A
David Ferguson, GCM Services
Mike Griffin, Strata Energy
Ralph Knode, Strata Energy
Mr. Randell Otwell, private landowner
Mr. & Mrs. Stormy Burch, private landowners

Summary

On the evening of July 25, 2016, the U.S. Nuclear Regulatory Commission (NRC) staff and its contractor, met with Strata and two private landowners. Strata had previously informed all of the landowners with property within the Kendrick project area of an opportunity to meet with the NRC and ask questions about its review. Two landowners attended the meeting. A third landowner was interested but was unable to attend the meeting due to another commitment. The NRC staff gave a brief overview of the environmental review, including its obligations under Section 106 of the National Historic Preservation Act (NHPA). The landowners expressed general frustration with the idea that they were unable to access information about data collected on their properties, as it related to cultural resources. Information collected during cultural and archeological surveys on their land was not provided to them, by Strata or the NRC because of confidentiality concerns under the NHPA.

Both landowners own property where cultural sites had been identified during the Class III Survey. These include sites that the NRC wished to consult on with the Tribes. One of the landowners (Mr. Otwell) ultimately did not give his permission for the NRC, the Tribes, or Strata to go onto his property to view the site. He asked the NRC for a copy of the un-redacted version of the Class III Survey, at a minimum the portions of the survey that involved his property. The NRC staff agreed to take that question back to management and legal counsel and committed to providing a response back to the landowner.

**SUMMARY OF SITE VISIT AND SECTION 106 CONSULTATION WITH
PARTICIPATING TRIBES
JULY 26 – 29, 2016**

By letter dated May 26, 2016, Agencywide Documents Access and Management System (ADAMS) Accession No. ML16137A556, the U.S. Nuclear Regulatory Commission (NRC) invited 14 Tribes to consult on the eligibility of seven sites identified in the Kendrick Class III Survey.

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|--------------------------|---------------------|
| • Absentee Shawnee | • Northern Arapaho |
| • Cheyenne River Sioux | • Northern Cheyenne |
| • Chippewa Cree | • Oglala Sioux |
| • Crow Creek Sioux | • Rosebud Sioux |
| • Eastern Shoshone | • Santee Sioux |
| • Flandreau Santee Sioux | • Turtle Mountain |
| • Fort Belknap Community | • Yankton Sioux |

Thirteen of the fourteen Tribes expressed interest in attending the site visit. The NRC staff held two teleconferences on July 12, 2016 and July 13, 2016 to answer any questions about the consultation or logistics of the site visit. Seven Tribes called in to at least one of the teleconferences. Overall, ten Tribes attended the site visit. Due to the number of participants, the site visit had to be split into two sessions, the first session on July 26-27, 2016, the second on July 28-29, 2016. Five Tribes attended each session.

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| <p><u>Session #1</u></p> <ul style="list-style-type: none"> • Crow Creek Sioux • Fort Belknap Community • Northern Arapaho • Rosebud Sioux • Santee Sioux | <p><u>Session #2</u></p> <ul style="list-style-type: none"> • Chippewa Cree • Eastern Shoshone • Cheyenne River Sioux • Northern Cheyenne • Oglala Sioux |
|--|---|

The names of the representatives for each Tribe and their role, are provided in the table below.

Tribe	Representative	Role	Representative	Role
Crow Creek Sioux	Odell C. St. John	Elder	Londell Seaboy	Cultural Advisor
Fort Belknap Community	Norman Bell		Gordon Gray	Elder
Northern Arapaho	Brian Soundingsides	Arch tech	Therin Soldier Wolf	Arch tech
Rosebud Sioux	Russell Eagle Bear	THPO	Ben Rhodd	Arch tech
Santee Sioux	Doug Widow	Elder	Chris Boyd	Arch monitor
Cheyenne River Sioux	Steve Vance	THPO	James Pine	THPO rep
Chippewa Cree	Duncan Standing Rock	Elder		
Eastern Shoshon	Floyd Osbourne	Elder	Wyman Weed	Elder
Northern Cheyenne	Teanna Limpy	THPO	Gilbert Whitedirt	Elder
Oglala Sioux Tribe	Loni Weston	THPO rep	Dorothy Tobacco	Elder

The Tribes were reimbursed by Strata for their travel at federal government per diem rates. The elders were given a stipend of \$250 per day for a total of 4 days.

The purpose of the trip was for the NRC staff to consult with the Tribes on the eligibility, under Criterion A, of seven sites identified during the Kendrick Class III Survey.

- 48CK2260
- 48CK2261
- 48CK2262
- 48CK2270
- 48CK2272
- 48CK2273
- 48CK2303

When the NRC submitted the Kendrick Class III Survey to the Wyoming State Historic Preservation Office (WY SHPO), the WY SHPO responded that three of the sites – 48CK2261, 48CK2262 and 48CK2270, should remain ‘unevaluated’ until tribal consultation with the appropriate Native American Tribes. In addition to those sites, the NRC staff identified four other sites that the Tribes might wish to consult on.

Strata informed the NRC that we would be unable to visit 48CK2273 because the landowner had refused to give permission for access to their property. Therefore, the participants were unable to visit the site. Strata’s archeologist pointed out the location of the site from the roadway and discussed the site characteristics, although no cultural features were discernible from that distance.

Session #1 (July 26-27, 2016)

Participants

- Jessie Muir-Quintero, NRC
- Dr. Paul Nickens, SC&A
- David Ferguson, GCM Services
- Mike Griffin, Strata Energy
- Ralph Knode, Strata Energy [Tues only]
- Odell St. John
- Londell Seaboy
- Norman Bell
- Gorden Gray
- Brian Soundingsides
- Therin Soldier Wolf
- Russell Eagle Bear [Tues only]
- Ben Rhodd
- Doug Widow
- Chris Boyd

Summary

On Tuesday morning (July 26, 2016), the NRC staff and Tribes met at the hotel and caravanned to the Strata Ranch House. The NRC staff did a quick roll call, Strata gave a brief welcome, a tribal representative gave an opening prayer, and then Dr. Nickens, NRC’s contractor, provided an outline of the activities for the two days. He addressed the goal of the site visit – to consult with and gather information from the Tribes on the eligibility of the seven sites under Criterion A.

The Tribes went to 4 sites (2260, 2261, 2262 and 2270) on Tuesday. In the initial attempt to see Site 2270, we went to the wrong ridge and were therefore unable to find the features. The group was taken back to Site 2270 the next day.

After visiting the 4 sites, all the participants went back to the Strata Ranch House. Most tribal members said they would prefer to see all 7 sites before discussing any details. Participants left shortly after.

On Wednesday morning (July 27, 2016), all the participants checked in and we headed out to see the remaining 3 sites (2270, 2273 and 2303). Site 2273 was only viewable from the roadside due to landowner access issues. At the last site, 2303, the participants shared watermelon and a tribal representative gave a small talk and offered a prayer.

Once back at the Ranch House, Crow Creek Sioux and Northern Arapaho departed. Fort Belknap, Rosebud Sioux, and Santee Sioux requested to speak to the NRC Project Manager in private. Rosebud Sioux expressed their desire to be part of the process earlier. All 3 Tribes stated they would provide a letter requesting a tribal cultural property survey.

Session #2 (July 28-29, 2016)

Participants

- Jessie Muir-Quintero, NRC
- Dr. Paul Nickens, SC&A
- David Ferguson, GCM Services
- Mike Griffin, Strata Energy
- Ralph Knode, Strata Energy [Thurs only]
- Steve Vance
- James Pine
- Duncan Standing Rock
- Floyd Osbourne
- Wyman Weed
- Teanny Limpy
- Gilbert Whitedirt
- Loni Weston
- Dorothy Tobacco

Summary

On Thursday morning (July 28, 2016), due to weather conditions, the NRC staff and tribal representatives did not get to the Strata Ranch House until approximately 9:30am. After the NRC staff roll call, a brief welcome by Strata, an opening prayer by a tribal representative, and opening remarks by Dr. Nickens, all participants watched a Strata video (animation) on uranium in situ recovery activities. Tribal representatives asked questions and provided insights on tribal consultation.

As all the participants headed out to the first site, the weather conditions worsened and we were forced to return back to the Ranch House. Participants ate lunch, worked out payments, and talked amongst themselves. Early in the afternoon the weather cleared and participants were able to head out again to the sites. The participants went to 2272, 2260, 2262, 2261 and 2273. Site 2273 was only seen from the roadside due to landowner access issues.

On Friday, (July 29, 2016), the participants went to see Sites 2270 and 2303. At the last site, the group shared some watermelon and Mr. Standing Rock told a story of why the term “pow-wow” is offensive to some Native Americans.

All the participants went back to the Ranch House and one by one, left to return home. Several of the Tribes stated they would send a letter with their findings (Cheyenne River Sioux and Oglala Sioux).