

**ROSS ISR PROJECT, Docket #040-09091**  
**Annual Report on**  
**Implementation of the Programmatic Agreement**  
**Strata Energy, Inc.**  
**January 1, 2016-December 30, 2016**

**I. Introduction**

The Programmatic Agreement (PA) for the Nuclear Regulatory Commission (NRC) compliance with Section 106 of the National Historic Preservation Act (NHPA) was signed in April of 2014. Stipulation H.1. of the PA requires submission of an annual report detailing the implementation of the PA by Strata to NRC staff. The following is the report for calendar year 2016 and addresses Strata's implementation for all relevant stipulations in the agreement.

**II. Implementation of Stipulations A and B, General Stipulations and Continuing Determinations of Eligibility**

Stipulation A.7 and B.1. require the evaluation and determination of eligibility of all of the potentially eligible properties within the license boundary pursuant to 36 CFR § 800.4(c)(1). The following measures were taken during the reporting period to complete these requirements.

1. The Additional Testing Plan (ATP) and Supplements (2) were provided to NRC for review with ultimate concurrence from Wyoming State Historic Preservation Office (WYSHPO) for all unevaluated sites.
2. Evaluative testing was completed on all sites potentially eligible under Criteria B, C and D.
3. A revised site form, results of evaluative testing and eligibility recommendation were provided to NRC staff for site 48CK2078 as part of the Kendrick Expansion Area amendment review.
  - a. NRC provided the determination of eligibility (DOE) to WYSHPO via letter dated November 21, 2016.
  - b. WYSHPO concurrence with the DOE was provided by letter dated December 9, 2016.
4. Revised site forms, results of evaluative testing and eligibility recommendations were provided to NRC for sites 48CK2070, 48CK2076, 48CK2080, 48CK2087, 48CK2089, 48CK2090, 48CK2230 and 48CK2231.
  - a. NRC DOEs for these sites were provided to WYSHPO via letter dated September 30, 2016.

- b. WYSHPO concurrence with DOEs was provided by letter dated October 13, 2016.
5. Revised site forms, results of evaluative testing and eligibility recommendations were provided to NRC staff for sites 48CK2073, 48CK2075, 48CK2079, 48CK2085, 48CK2081, 48CK2082, 48CK2091, 48CK2092 and 48CK2229.
    - a. DOEs for these sites and appropriate consultations are anticipated in the first quarter of 2017.

Stipulation B.1.c calls for consultations between Strata and the NRC on whether any cultural properties or portions thereof can be avoided in mine development. Appendix B of the ATP provided an initial assessment of potential direct effects to cultural sites, upon completion of final DOEs, Strata will revise Table 1 of Appendix B. Pending further consultation and guidance from NRC, Strata will provide additional support including mapping and documentation to support avoidance.

### **III. Implementation of Stipulations C and D, Continuing Assessment of Effects and Resolution of Adverse Effects**

Following DOEs, Stipulation C.2. requires Strata to assess if additional testing is necessary to determine direct effects to NRHP eligible cultural properties. Strata's mine plan does not envision any direct effects to eligible cultural properties and will suggest in writing that testing is not necessary.

Other implementation activities undertaken by Strata included the following:

- Continued avoidance measures of eligible and unevaluated sites through relocation of project infrastructure and implementation of administrative controls prior to surface disturbing activities within 500 feet of any cultural site.
- Continued semi-monthly monitoring of water quality and quantity from [REDACTED] within cultural site 48CK2219 consistent with the interim mitigation plan. The monitoring is conducted remotely, that is electrical power and water discharge are accessed outside of the site boundary.
- Delineated and distributed to NRC staff the second and final project area (Phase II) pursuant to the phased nature of the PA.
- Assisted NRC staff in consideration of indirect effects through photo documentation and consultation during meetings held on June 6, 2016, August 2, 2016 and December 1, 2016.

- Assisted NRC staff in determining if adverse effects can be avoided consistent with Stipulation C.3.
- Assisted NRC staff in evaluating minimization and potential mitigation measures to reduce adverse effects consistent with Stipulation D.2.
- In collaboration with NRC staff, began preparation of the Mitigation and Monitoring Plans required by Stipulation D.2.c.

#### **IV. Implementation of Stipulation E. Curation**

During the reporting period, no records or other archaeological items resulting from identification, evaluation, and data recovery efforts on private, State or BLM land were recovered or developed that required curation as required by Stipulation E.

#### **V. Implementation of Stipulation F. Discoveries**

No inadvertent discoveries of historic or cultural resources were made within the Phase I area during the reporting period. Similarly, no human remains were discovered in the Phase I area during the reporting period.

#### **VI. Implementation of Stipulation G. Confidentiality of Cultural Resource Data**

Stipulation G requires that all data concerning the location and nature of historic properties be treated as confidential by all parties. Strata complied with the stipulation as required by the PA and relevant laws pertaining to the confidential nature of cultural resource information.

#### **VII. Implementation of Stipulation I. Dispute Resolution**

During the reporting period, Strata did not object to any actions or the manner in which the terms of the PA were implemented that would have initiated the process required by Stipulation K.

#### **VIII. Implementation of Stipulation J. Coordination with Other Federal Agency Reviews**

During the reporting period, Strata did not apply for federal funding or approval(s) from other federal agencies that would initiate further compliance with Section 106 of the NHPA.

**IX. Implementation of Stipulation K. Amendment**

In 2015 and early 2016, Strata amended its planned mine development for the Ross Project such that no operations will occur on federally-managed surface. Strata withdrew the Plan of Operations thus relieving BLM of any approval responsibilities for activities related to the Ross Project; BLM subsequently accepted this withdrawal and indicated that the Ross Project mining plan is not subject to BLM approval. In February 2016, Strata proposed an amendment to the PA to remove BLM as a signatory to the PA since the Project is no longer an undertaking requiring BLM review and approval. At the time of this annual report, the amendment to the PA is on hold pending completion of the requirements of Stipulations A and B.