



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

July 5, 2017

Dr. Brian Molyneaux  
Tribal Archaeologist  
Lower Brule Sioux Tribe  
187 Oyate Circle  
Lower Brule, SD 57548

SUBJECT: SUMMARY OF CONSULTATION ON MITIGATION MEASURES FOR  
INADVERTENT ADVERSE EFFECTS ON 48CK2219 UNDER THE  
PROGRAMMATIC AGREEMENT FOR THE ROSS IN SITU URANIUM  
RECOVERY PROJECT IN CROOK COUNTY, WYOMING

Dear Dr. Molyneaux:

The U.S. Nuclear Regulatory Commission (NRC) requests your input on the proposed measures to mitigate the inadvertent adverse effects of the Ross in situ uranium recovery (ISR) Project in Crook County, Wyoming on Traditional Cultural Property (TCP) 48CK2219. The NRC is requesting your input as part of the consultation process pursuant to Stipulation D.2., "Development of Plan(s) for the Minimization and Mitigation of Adverse Effects," of the Programmatic Agreement (PA) for the Strata's Ross ISR Project.

The NRC began consultation regarding the effects of the Ross ISR Project on TCP 48CK2219 and mitigation of the adverse effects in July 2015, when notified by Strata that they had inadvertently disturbed the TCP. To date, this consultation has included telephone calls, webinars, letters, e-mails, and a face-to-face meeting. Potential mitigation strategies discussed during these multiple consultation meetings are summarized below. On June 7, 2017, the Wyoming State Historic Preservation Officer (WY SHPO) concurred with NRC's adverse effect determination to TCP 48CK2219.

**Potential Mitigation Measures Discussed During Consultation**

**Revegetation with Traditional and Ceremonial Plants**

As part of the ISR process Strata will reseed areas disturbed by the ISR operations. The seed mixtures have been approved by the State of Wyoming; however, changes to the seed mixtures to add traditional and ceremonial plants may be possible via request to the State of Wyoming. The plants grown would not be available for harvest or use by tribal members as they would be grown on inaccessible private land. However, such plants would contribute to and preserve the traditional environment, which would provide for a larger network of traditional plants and resources. The NRC welcomes additional input from the Consulting Tribes regarding interest in this measure and specific species that would be desirable. The specific species could then be compared to the approved list and inquiry could be made to the State of Wyoming regarding the addition of species to the approved seed mix.

### **Tribal Visit to the TCP**

A tribal site visit by tribal elders and tribal youth would provide an opportunity for educational and ceremonial purposes. Visits are highly unlikely given that the property is under private ownership. During consultation meetings, tribal members and other consulting parties indicated that the complexities of private land ownership and accommodating various tribal schedules make this strategy challenging and that other mitigation measures may be more viable. The NRC agrees but welcomes input from the Consulting Tribes regarding this measure.

### **Ethnographic e-library**

A publically available website that contains non-sensitive ethnographic and/or educational materials relevant to the tribes and history of the area could be developed and maintained by Strata for the life of the mine. Each Consulting Tribe could contribute content for the website, which may include interviews, stories, language, etc. This website would provide a forum useful for disseminating information the tribes feel is important to tribal members, the public, and researchers. An e-library could expand tribal understanding of heritage and history and could provide an opportunity to cultivate inter- and intra-tribal relationships. In particular, the e-library would be a form of tribal expression that can assist in the connecting to and teaching of younger tribal generations.

During consultation meetings, tribal members and other consulting parties indicated that this strategy would be a feasible option and could easily be paired with the development of offsite interpretive materials. The NRC agrees that this strategy is feasible, particularly if developed in an online forum. The NRC welcomes additional input from the Consulting Tribes regarding their interest in this strategy and the topic(s) of the library.

### **Develop Offsite Interpretive Materials and Educational Information**

This strategy can be combined with the development of the ethnographic e-library whereby information obtained for the e-library could be developed into offsite interpretive materials such as pamphlets or a sign. Providing information regarding tribal heritage and history would facilitate sharing of such tribally important information. The subject of these materials and how they would be distributed and otherwise made available would be determined through consultation. Strata has suggested erecting and maintaining a sign near the entrance to the Ross ISR Project, which would be accessible to the tribal members and the general public. Strata would be responsible for the maintenance of the interpretive materials. The NRC welcomes additional input from the Consulting Tribes regarding their interest in this strategy and the topic(s) of the interpretive materials.

### **Future PA Implementation Activities**

#### **Mitigation Plan**

In accordance with Stipulation D.2.c of the PA, Strata plans to develop the draft Mitigation Plan based on the consultation performed to date. Using the results of the consultation outlined above, Strata intends to propose offsite interpretive materials and an ethnographic e-library as measures to mitigate the adverse effects. The specific content of the interpretive materials and e-library could be developed through additional telephone calls, webinars, letters and e-mails. To be most meaningful and effective for mitigation, the content of these materials and website require significant input from the Consulting Tribes. The types of input could include recorded stories from elders, tribal legends, tribal language studies, discussions of tribally significant plants, or other forms of expression that the tribes would deem significant.

Strata proposes to use the Ethnographic Context for the In-Situ Uranium Recovery Project Area, Crook County, Wyoming and a redacted version of the Tribal Field Surveys of the Ross Project Area to identify information for inclusion in the interpretive materials and the e-library. Both of these documents were developed under NRC contract with Attenuation Environmental Company in 2013 and 2014, respectively. While both documents contain pertinent information regarding history and tribal activities that could be included on the website, this information may not represent what the tribal representatives would consider most meaningful or significant.

Please provide your comments on the potential mitigation strategies outlined above to the NRC within 30 days of receipt of this letter (on or about August 5, 2017). As appropriate, your comments to this letter will be considered in conjunction with NRC's review of Strata's draft Mitigation Plan. The NRC will provide corrections or modifications to Strata for inclusion in a revised draft Mitigation Plan prior to distributing to the PA Parties. The review and comment period for the draft Mitigation Plan will proceed as indicated in Stipulation D.2 of the PA. In addition, while Stipulation D.2.e of the PA indicates that the WY SHPO would be excluded from the Consulting Parties 30-day review period of the draft Mitigation Plan, at the request of the WY SHPO and to facilitate the development of an acceptable Mitigation Plan, the NRC intends to send the draft Mitigation Plan to the WY SHPO during the Consulting Parties 30-day review period. The NRC also intends to include the WY SHPO on all calls and webinars scheduled to discuss the Mitigation Plan and its implementation. If you have any questions regarding the enclosed information or this request, please contact Ms. Jean Trefethen by phone at (301) 415-0867 or via e-mail at [Jean.Trefethen@nrc.gov](mailto:Jean.Trefethen@nrc.gov).

In accordance with Title 10 of the *Code of Federal Regulations* Section 2.390 of the NRC's "Agency Rules of Practice and Procedure," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

*/RA/*

Cynthia I. Román, Chief  
Environmental Review Branch  
Division of Fuel Cycle Safety, Safeguards,  
and Environmental Review  
Office of Nuclear Material Safety  
and Safeguards

Docket No. 40-9091  
License No. SUA-1601

cc: Mr. Kevin Wright, Vice-Chairman

**SUBJECT: CONSULTATION ON MITIGATION MEASURES FOR INADVERTENT ADVERSE EFFECTS ON 48CK2219 UNDER THE PROGRAMMATIC AGREEMENT FOR THE ROSS IN SITU URANIUM RECOVERY PROJECT IN CROOK COUNTY, WYOMING**

**DATE:**

**Distribution:**

J. Saxton, NMSS/DUWP

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**\*via email**

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