

From: Travis Stills
To: [Monteith, Emily](#); [Diaz Toro, Diana](#); ostnrranrd@gwtc.net
Cc: [Baer, Lorraine](#); [Jamerson, Kellee](#); [Paul Nickens](#); [Jeffery C. Parsons](#)
Subject: [External_Sender] Re: Dewey-Burdock ISR Activities
Date: Friday, June 15, 2018 3:14:25 PM

Emily,

I think there is a misunderstanding. The attached proposal addresses the entire survey effort, though the September field visits.

The schedule sent on June 8 included time for the NRC consultants to get together with the Tribe(s) and develop a survey methodology, as was discussed in NRC's March proposal. The first such interaction was the June 4 Webinar, which not surprisingly, identified several issues that required resolution.

OST still plans to conduct the "windshield tour" with NRC Staff and Paul on Monday, as was discussed. Paul's "flexible" approach is still appropriate for the THPO(s) and others to go into the field next week, and will provide important information to help prepare for oral interviews and the September field visits.

Travis

On 6/15/2018 12:39 PM, Monteith, Emily wrote:

Hi Travis,

The NRC staff has determined that it is unable to move forward with any field survey activities next week. It seems we have a significantly different understanding about the progress that has been made this week toward final agreement on a survey methodology. The proposal that the Tribe presented to the Advisory Council this week contemplates a wide range of activities and milestones that were not part of the approach previously negotiated with the Tribe and parties and presented to the Board. The Tribe's proposal would entail dramatically different scope, estimated costs, and completion times. This contrast is highlighted by the Tribe's description of the activities to be conducted during this June field survey effort as just a preliminary element of the Tribe's proposed approach.

Those elements of the Tribe's proposal – which the Tribe has described as required for an adequate survey – would represent structural differences, rather than minor details that could be promptly resolved. Although you have indicated that the Tribe is preparing further updates to the proposal, the staff does not expect that those would represent a fundamental change in what the Tribe outlined earlier in the week, particularly in light of the concerns the Advisory Council expressed to the NRC staff during the meeting on Wednesday. Those changes to the substance of the overall approach are in addition to the concerns about confidentiality that you have said must be resolved before you would be willing to permit discussions between the Staff and any Tribal representatives other than the THPO.

For these reasons, the NRC staff believes the most appropriate course of action is to discontinue field survey activities for next week.

-

The NRC staff appreciates the opportunity it has had to meet with Mr. Kyle White and the Tribe this week. The NRC staff will need time to reflect and evaluate the next steps and will inform the Tribe when those steps have been formulated.

Regards,
Emily

From: Travis Stills [<mailto:stills@frontier.net>]

Sent: Friday, June 15, 2018 11:36 AM

To: Monteith, Emily <Emily.Monteith@nrc.gov>; Diaz Toro, Diana <Diana.Diaz-Toro@nrc.gov>; ostnrranrd@gwtc.net

Cc: Baer, Lorraine <Lorraine.Baer@nrc.gov>; Jamerson, Kellee <Kellee.Jamerson@nrc.gov>; Paul Nickens <pnickens@scainc.com>; Jeffery C. Parsons <wmap@igc.org>

Subject: [External_Sender] Re: Dewey-Burdock ISR Activities

Emily,

Please note, again, that NRC came to the Webinar and Pine Ridge with an open site survey approach and no plan for protecting the Tribes' confidential cultural resources information. This week has seen progress toward a viable survey methodology, due largely to the first substantive involvement of NRC contractor's meaningful engagement with the Tribe(s).

We are working on Mountain time, and will get something as soon as we've incorporated NRC's input and the input of the Advisory Council. Also, please note that I just arrived in my office and left early yesterday due to the 416 Fire. Among other things, I was removing family photos from our house as a precaution due to the pre-evacuation zone that is set just 1.3 miles north of our house and the Red Flag Warnings in today's forecast.

NRC's ultimatum and pressure to provide the update by an artificial 10 am Mountain time deadline is not well taken. There was never any "promise" or hard deadline set, and both accusations are also not well-taken. These ultimatums are consistent with problems identified in the attached Inspector General's criticism of NRC Staff's interactions with Tribes. As we go forward, please reconsider the involvement of FSTB, a Tribal Liaison, and other available NRC resources to ensure the survey efforts run more effectively and efficiently.

As Paul stated last Tuesday, flexibility is an important element of the effort to design and carry out the surveys. Although a detailed proposal is forthcoming, and some details may remain unresolved for the oral interviews and September surveys, the Tribe intends to carry out field surveys next week based on the previous correspondence and in person discussions.

Travis

On 6/15/2018 8:55 AM, Monteith, Emily wrote:

Travis,

We are concerned that it is now a full week into this crucial site survey period – where we had expected to have made significant process in actually implementing the survey activities - and the staff still does not have complete information regarding the Tribe's position on the survey effort. The staff accommodated the Tribe's request last Friday afternoon to change the schedule and activities for the field survey efforts. The staff is concerned that the Tribe expects the staff to do so again today, again without a complete understanding of the Tribe's position.

The staff will be making a decision about whether to proceed with any further fieldwork efforts next week by noon ET today. If we don't have the Tribe's updated cultural resources survey proposal by noon ET today, the staff will have to base that decision on the version presented to the staff on Tuesday evening and the comments provided to the staff by the Tribe's advisory council on Wednesday afternoon. Either way, we expect we will be in touch with you again this afternoon, hopefully with this promised new information in hand.

Emily

From: Travis Stills [<mailto:stills@frontier.net>]
Sent: Thursday, June 14, 2018 5:35 PM
To: Diaz Toro, Diana <Diana.Diaz-Toro@nrc.gov>; ostnrranrd@gwtc.net
Cc: Monteith, Emily <Emily.Monteith@nrc.gov>; Baer, Lorraine <Lorraine.Baer@nrc.gov>; Jamerson, Kellee <Kellee.Jamerson@nrc.gov>; Paul Nickens <pnickens@scainc.com>; Jeffery C. Parsons <wmap@igc.org>
Subject: [External_Sender] Re: Dewey-Burdock ISR Activities

Diana, Emily,

I need to leave the office to attend to threats posed by the 416 Fire and Kyle has been in the field today on other matters. We expect to have the updated draft to you tomorrow morning.

Perhaps we can schedule a time in the early afternoon Friday to discuss NRC's response on the updated OST proposal. On the call,

we can also discuss adjustments to the June 8 schedule for the week of June 18 to reflect the progress made this week.

My schedule is open Friday, so I will leave it to others' availability to set a call.

Thanks,

Travis

On 6/14/2018 2:02 PM, Diaz Toro, Diana wrote:

Hello Mr. White,

I understand that you will be providing us this afternoon with a new version of the Tribe's June 12 cultural resources survey proposal for the Dewey-Burdock ISR site. Because the NRC staff is still determining how to respond to the June 12 proposal, we would like to consider your revised document before doing so. Given our expectation of this new information from the Tribe this afternoon, and without knowing the nature of those changes, we do not plan to conduct any activities at the Dewey-Burdock ISR site tomorrow. We are letting the other invited Tribes know this as well. We look forward to receiving the information you have indicated you will be sending us today.

Thank you,
Diana

Diana Díaz-Toro
NRC Project Manager
301-415-0930
Diana.Diaz-Toro@nrc.gov

--

~~~~~  
Travis E. Stills  
Energy & Conservation Law  
1911 Main Avenue, Suite 238  
Durango, Colorado 81301  
[stills@frontier.net](mailto:stills@frontier.net)  
phone: (970) 375-9231

This is a transmission from a law office and may contain

information which is  
privileged, confidential, and protected. If you are not  
the proper addressee, note that  
any disclosure, copying, distribution, or use of the  
contents of this message or any  
attachment is prohibited. If you have received this  
transmission in error, please  
destroy it and notify this office immediately.  
~~~~~

--

~~~~~  
Travis E. Stills  
Energy & Conservation Law  
1911 Main Avenue, Suite 238  
Durango, Colorado 81301  
[stills@frontier.net](mailto:stills@frontier.net)  
phone:(970)375-9231

This is a transmission from a law office and may contain  
information which is  
privileged, confidential, and protected. If you are not the proper  
addressee, note that  
any disclosure, copying, distribution, or use of the contents of  
this message or any  
attachment is prohibited. If you have received this transmission in  
error, please  
destroy it and notify this office immediately.  
~~~~~

--

~~~~~  
Travis E. Stills  
Energy & Conservation Law  
1911 Main Avenue, Suite 238  
Durango, Colorado 81301  
[stills@frontier.net](mailto:stills@frontier.net)  
phone:(970)375-9231

This is a transmission from a law office and may contain information which is  
privileged, confidential, and protected. If you are not the proper addressee,  
note that  
any disclosure, copying, distribution, or use of the contents of this message  
or any  
attachment is prohibited. If you have received this transmission in error,  
please  
destroy it and notify this office immediately.  
~~~~~