

## DeweyBurdPubEm Resource

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**From:** Diaz Toro, Diana  
**Sent:** Monday, January 28, 2019 8:54 AM  
**To:** John Mays  
**Cc:** Baer, Lorraine; Roman-Cuevas, Cinthya; Trefethen, Jean; Monteith, Emily; cpugsley@athompsonlaw.com; ajthompson@athompsonlaw.com; Blake Steele  
**Subject:** NRC's Response to the January 11, 2019 Letter from the Oglala Sioux Tribe (e-mail 1 of 2)  
**Attachments:** OgalalLetter.pdf; OglalaEnclosure1.pdf

Good morning Mr. Mays,

Attached is a copy of the U.S. Nuclear Regulatory Commission (NRC) staff's response to the Oglala Sioux Tribe's January 11, 2019, letter regarding the Dewey-Burdock *in situ* uranium recovery project in Fall River & Custer Counties, South Dakota. Due to its size, I am sending the NRC staff's response in two separate e-mails.

Regards,  
Diana

*Diana Diaz-Toro*  
Project Manager  
NMSS/FCSE  
301-415-0930  
[diana.diaz-toro@nrc.gov](mailto:diana.diaz-toro@nrc.gov)

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**Received Date:** 1/28/2019 8:51:00 AM  
**From:** Diaz Toro, Diana  
**Created By:** Diana.Diaz-Toro@nrc.gov

**Recipients:**

"Baer, Lorraine" <Lorraine.Baer@nrc.gov>  
Tracking Status: None  
"Roman-Cuevas, Cinthya" <Cinthya.Roman-Cuevas@nrc.gov>  
Tracking Status: None  
"Trefethen, Jean" <Jean.Trefethen@nrc.gov>  
Tracking Status: None  
"Monteith, Emily" <Emily.Monteith@nrc.gov>  
Tracking Status: None  
"cpugsley@athompsonlaw.com" <cpugsley@athompsonlaw.com>  
Tracking Status: None  
"ajthompson@athompsonlaw.com" <ajthompson@athompsonlaw.com>  
Tracking Status: None  
"Blake Steele" <blake@azargaresources.com>  
Tracking Status: None  
"John Mays" <jmays@powertechuranium.com>  
Tracking Status: None

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

January 25, 2019

Mr. Tom Brings  
and Mr. Kyle White  
Tribal Historic Preservation Office  
Oglala Sioux Tribe  
PO Box 320  
Pine Ridge, SD 57770

SUBJECT: RESPONSE TO OGLALA SIOUX TRIBE'S LETTER DATED JANUARY 11, 2019, REGARDING THE IMPLEMENTATION OF THE U.S. NUCLEAR REGULATORY COMMISSION'S MARCH 2018 APPROACH TO IDENTIFY HISTORIC, CULTURAL, AND RELIGIOUS SITES AT THE DEWEY-BURDOCK IN SITU URANIUM RECOVERY PROJECT IN FALL RIVER AND CUSTER COUNTIES, SOUTH DAKOTA (DOCKET NUMBER: 40-9075)

Dear Mr. Brings and Mr. White:

On January 11, 2019, the U.S. Nuclear Regulatory Commission (NRC) staff received the Oglala Sioux Tribe's response (Agencywide Documents Access and Management System [ADAMS] Accession Number ML19011A459) to the NRC's November 21, 2018, letter (ADAMS ML18325A029). In its November 21 letter, the NRC staff reaffirmed its commitment to continue discussions with the Tribe to develop a physical site survey methodology to identify sites of historic, cultural, and religious significance that could be affected by the Dewey-Burdock in situ uranium recovery (ISR) project. In the interest of further focusing the important next steps in these negotiations, we provide the NRC staff's perspective on several topics raised in the Tribe's January 11 response.

The November 21 letter provided background information regarding the proposed methodology discussed during the June 2018 teleconference calls and webinars, and meetings in Pine Ridge, South Dakota, as a starting point for ongoing discussion, negotiation, and modification. As that letter explained, the proposed methodology is consistent with the parameters established in the NRC staff's March 16, 2018, approach (March 2018 Approach; ADAMS ML18074A393), which was accepted as reasonable by the Tribe, Consolidated Intervenor, and Powertech (USA), Inc. It is also consistent with the October 30, 2018, Atomic Safety and Licensing Board's (Board's) Order regarding the scope of the discussions and negotiations, which states that "the only aspect of the Approach that is open for discussion is the site survey methodology. That is, any tribal negotiating position or proposal should only encompass the specific scientific method that would fit into the two-week periods set out in the March 2018 Approach for visiting the physical site, i.e., how the contractor and Tribe members will walk the site and mark or record located tribal resources."

In the November 21 letter, the NRC staff requested that by December 28, 2018, the Tribe document its specific concerns with the proposed methodology in writing, or propose an alternative methodology that the Tribe would consider scientific and reasonable but that would

also fit within the parameters of the March 2018 Approach and the Board's October 30, 2018, Order. At the request of the Tribe, the response date was extended to January 11, 2019. Also in its November 21 letter, the NRC staff acknowledged the Tribe's interest in revising the protective order. On December 12, 2018 (ADAMS ML18347A047), the NRC staff requested the Tribe's views regarding any need for changes to the protective order be submitted by the same date.

The NRC staff remains committed to an open dialogue regarding the development of a site survey methodology and revising the protective order. The NRC staff appreciates that the January 11 response provided the Tribe's views on a variety of matters. The NRC staff is, however, concerned that the Tribe did not detail its concerns with the proposed site survey methodology or specify input on amendments to the protective order that would resolve the Tribe's views regarding confidentiality. It was the NRC staff's intention, using the Tribe's response to effectively focus additional discussions and negotiations, to reach an agreement on a site survey methodology by March 1, 2019, and, in parallel, to begin working with the Tribe on a coordinated motion to modify the protective order before the execution of the site survey, should the Tribe deem such a motion necessary. Consequently, the NRC staff still considers its proposed methodology, as described in the November 21 letter, to be the appropriate foundation for continuing those negotiations.

In light of certain views the Tribe shared in its January 11, 2019 response, the staff offers the following clarifications to help facilitate the upcoming negotiations.

#### Cultural Resource Survey Methodology and Roles of the Tribe and Contractor

The Tribe's January 11 letter appears to suggest that the Tribe is being asked to "voluntarily provide uncompensated contractor services by proposing, preparing, and implementing the survey methodology on the ground." Tribe's Response at Page 5. On the contrary, the March 2018 Approach reflects the NRC staff's ongoing central responsibilities for developing, facilitating, and implementing the survey methodology, including contractor support to enable that effort, while at the same time recognizing the importance of the Tribe's expertise in the development of a site survey methodology. The Tribe's response also asserted that the NRC staff "Has Provided No Cultural Resource Survey Methodology". Tribe's Response at Page 2. However, the NRC staff's November 21, 2018 letter proposed and explained the reasoning for each step of a survey methodology, based on a proposal prepared by Dr. Nickens that was previously discussed during the June 2018 teleconference calls and webinars. The proposal in the letter was intended to be a starting point for further discussion and negotiation.

In its January 11, 2019, response, the Tribe stated that its own June 15, 2018, proposal contains "key elements" and looks forward to an NRC contractor providing "a detailed proposal to address the elements that must be present." Tribe's Response at Page 7. The June 15, 2018, proposal, however, outlines a methodology that is incompatible with the scope, timeline, and costs of the NRC staff's March 2018 Approach (as discussed in the NRC staff's July 2, 2018, response to the Tribe (ADAMS ML18183A304]), and the Board's October 30, 2018, Order.

With regard to the staff's contractor, as previously discussed, the NRC staff awarded a contract to SC&A, Inc. to facilitate implementation of the March 2018 Approach. An SC&A, Inc. employee will work with the Tribe to develop and conduct the survey

because, as reiterated by the Tribe in its letter dated May 31, 2017 (ADAMS ML17152A109), the expertise of the Tribes is essential in the development and implementation of a meaningful and comprehensive tribal cultural survey. The NRC staff recognizes that Tribes have the unique expertise to identify, interpret, and ascribe significance to resources, and there is no substitution for the Tribes' expertise. The NRC staff accordingly awarded a contract to a company experienced in planning, performing, and reporting surveys to assist in developing and implementing the survey methodology and survey report, rather than requesting the Tribe to solely and voluntarily develop, prepare, and implement the site survey methodology.

Additionally, as previously discussed, Mr. Jerry Spangler has replaced Dr. Nickens after he resigned from SC&A, Inc. Enclosed please find Mr. Spangler's most recent resume (Enclosure 1).

#### Confidentiality and Protective Order

In its November 21, 2018, letter, the NRC staff reaffirmed its commitment to protect sensitive and confidential information associated with the tribal field survey and oral history interviews consistent with applicable federal laws and regulations. The NRC staff has also repeatedly invited the Tribe to provide revisions to the protective order if it believes they are necessary. To date, however, the Tribe has not proposed modifications or provided comments on the NRC staff's proposed protective order amendments, which were sent to the Tribe's counsel on June 7, 2018.

The NRC staff maintains that the current protections in place are sufficient to protect the Tribe's sensitive and confidential information. And consistent with the Board's October 30, 2018, Order, a revision to the protective order is the appropriate mechanism by which the parties may address additional issues regarding sensitive unclassified non-safeguards information (SUNSI) and confidential information. The NRC staff will certainly consider the Tribe's input on the NRC staff's proposed amendment or on modifications the Tribe wishes to develop and share. The NRC staff, however, requests the Tribe's cooperation and consideration in providing timely input so that any motion to modify the protective order is filed with the Board prior to the site survey taking place. The staff will not file a motion to modify the protective order unless it receives feedback from the Tribe, and plans to move forward with negotiations with the existing protections in place.

#### Tribal Liaison Involvement

On December 12, 2018 (ADAMS ML18347A047), the NRC staff informed the Tribe that it was coordinating with the NRC's Federal, State, and Tribal Liaison Branch to seek a tribal liaison's involvement in future meetings. A NRC tribal liaison will be invited to upcoming meetings, as requested by the Tribe, and will facilitate negotiations on the site survey methodology. During these negotiations, the NRC staff will follow the guidance in the NRC's Tribal Policy Statement (January 9, 2017; 82 FR 2402), which established the principles the NRC staff will follow to promote effective government-to-government interactions with Indian and Alaska Native Tribes, and to encourage and facilitate tribal involvement in the areas over which the NRC has jurisdiction.

### The Site Survey Report

Once the site survey has been completed, the contractor will document the findings of the survey based on the input provided by the participating Tribes, and will prepare a report that will be provided to the participating Tribes for review and comment. Input and comments submitted by the Tribe will be considered and included in the report. Sensitive information will be withheld and reported separately.

As summarized above, the NRC staff understands the scope of the resumed negotiations to be defined by the Board's October 30, 2018, Order. Many of the specific matters raised in the Tribe's January 11, 2019, response appear to fall outside of that scope or otherwise appear incompatible with the adjusted timelines underpinning the March 2018 Approach. However, in the interest of cooperation and further efficiency in the negotiations, the NRC staff offers the following responses.

### Scope of the Dewey-Burdock Project

In its January 11, 2019, letter, the Tribe references a report, "NI 43-101 Technical Report Resource Estimate Dewey-Burdock Uranium ISR Project South Dakota, USA," published by Powertech on December 21, 2018, as the basis for its request for additional review of Powertech's project. The NRC staff has not received any notifications, letters of intent, or requests from Powertech to amend the license to expand its uranium recovery activities in South Dakota. Until the NRC staff receives a formal notification from the licensee of an intent to pursue a modification or expansion of its licensed activities, the referenced report does not warrant additional National Environmental Policy Act (NEPA) consideration in this proceeding. Further, any license amendments to expand the facility would require a separate NEPA review, which would be conducted after the licensee officially submits a license amendment request.

### Scope of Work

The Tribe requested a copy of the scope of work describing the work to be conducted by the NRC staff's contractor. Tribe's Response at Page 1. The NRC staff has previously explained why the Tribe was legally precluded from involvement in the NRC staff's contract award process, and the NRC staff does not view its contract award as a subject for discussion during future negotiations on the survey methodology. However, for the Tribe's awareness, the NRC staff has enclosed the publicly available portions of the statement of work issued upon award of the contract (Enclosure 2). The document does not prescribe final details regarding the site survey methodology and elder interviews because, as the NRC staff has explained, the intention of the March 2018 Approach was to develop the site survey methodology with the input of the Tribes during the June 2018 webinars and teleconference calls (and now during the resumed negotiations).

### NRC's Literature Review Report

On June 7, 2018, Dr. Nickens provided the literature review report to the invited Tribes (ADAMS ML18159A191 and ML18159A192). The report summarizes publicly available information in the open literature regarding historic, cultural, and religious resources of significance to the invited Tribes and focused on the Dewey-Burdock project area and its immediate region. The NRC staff was surprised by the Tribe's reaction in its January 11

letter, as this was the first time the NRC staff heard these concerns regarding the literature review report. It was never the NRC staff's intention to offend the Lakota, and for that the NRC staff apologizes. The NRC staff welcomes the Tribe's input to this literature review report, and, consistent with agency practice, will reference the Tribe's input in its NEPA supplemental analysis. Although the literature review report cannot revise what is already in existing literature, the NRC staff can incorporate the Tribe's specific objections.

#### Additional Funding

In its response, the Tribe requested to be granted NEPA cooperating agency status, receive "self-determination" grants, or execute cooperative agreements. Tribe's Response at Pages 4-5. These requests fall outside the scope of negotiations on the methodology, and also could not feasibly be achieved within the adjusted timeline of the March 2018 Approach. However, the staff would like to reiterate that in its letter dated December 5, 2018 (ADAMS ML18345A265), Powertech confirmed its willingness to provide reimbursement to the Tribe in the same amount as described in its letter to the NRC dated April 11, 2018, (ADAMS ML18101A223) to facilitate tribal participation. This reimbursement is consistent with reimbursement provided to Tribes during the 2013 tribal field survey and in other NRC projects, and the Tribe has previously agreed that such an amount would be appropriate (ADAMS ML18046A171).

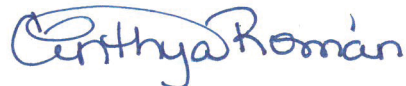
In summary, although the Tribe's January 11, 2019, response addresses a number of issues that are outside the Board's stated scope of negotiations about a site survey methodology consistent with the March 2018 Approach, the NRC staff looks forward to productively continuing negotiations with the Tribe. As we are five weeks away from the March 1, 2019, milestone, and in an effort to conduct timely discussions and negotiations, the NRC would like to propose a teleconference meeting to introduce the NRC staff to the Tribe's new Tribal Historic Preservation Officer and discuss the framework for future negotiation meetings during the week of January 28, 2019 or the first week of February 2019. From there on, the NRC staff invites the Tribe to meet on a weekly basis to discuss and develop the site survey methodology. Weekly meetings would provide the appropriate time to discuss and develop the methodology as a group, but also provide reasonable time for each party to confer internally about the information developed.

Weekly meetings would also allow the parties to be prepared for the planned meeting of the Oglala Sioux Tribe Tribal Historic Preservation Advisory Council on February 22, 2019, in Rapid City, South Dakota, which the NRC staff anticipates attending in response to the Tribe's counsel's January 18, 2019, e-mail invitation (ADAMS ML19022A061). The NRC staff looks forward to a productive discussion at this meeting, but would like to emphasize that given the adjusted timeline of the March 2018 Approach, substantive discussions regarding a site survey methodology will also need to take place in advance of that meeting.

In accordance with Title 10 of the Code of Federal Regulations (CFR) 2.390, 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 ADAMS. ADAMS is accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

If you have any questions or concerns, please contact Ms. Diana Diaz-Toro of my staff. Ms. Diaz-Toro can be reached at (301) 415-0930 or via e-mail at [Diana.Diaz-Toro@nrc.gov](mailto:Diana.Diaz-Toro@nrc.gov).

Sincerely,



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

Docket No. 40-9075  
License No. SUA-1600

Enclosures:

1. Spangler's Resume
2. SC&A Contract Statement of Work

cc:

Mr. Troy "Scott" Weston, President  
Oglala Sioux Tribe  
Mr. Jeff C. Parsons, Counsel  
for the Oglala Sioux Tribe  
Mr. Travis E. Stills, Counsel  
for the Oglala Sioux Tribe  
Mr. Steve Vance, Tribal Historic Preservation Office  
Cheyenne River Sioux Tribe  
Mr. Garrie Kills A Hundred, Tribal Historic Preservation Officer  
Flandreau-Santee Sioux Tribe  
Mr. Ben Rhodd, Tribal Historic Preservation Officer  
Rosebud Sioux Tribe of Indians  
Mr. Jon Eagle, Tribal Historic Preservation Officer  
Standing Rock Sioux Tribe  
Ms. Clair Green, Cultural Resources Office  
Lower Brule Sioux Tribe  
Mr. Kip Spotted Eagle, Director  
Tribal Historic Preservation Office  
Yankton Sioux Tribe  
Mr. Merle Marks, Tribal Historic Preservation Office  
Crow Creek Sioux Tribe



Enclosure 1

## JERRY SPANGLER

<b>PROPOSED ROLE</b>	Senior Technical Reviewer	<b>COMMITMENT</b>	75%
<b>EDUCATION</b>	<ul style="list-style-type: none"> <li>• M.S., Anthropology, Brigham Young University, 1993</li> </ul>		
<b>PROFESSIONAL EXPERIENCE</b>	<ul style="list-style-type: none"> <li>• 2014–present: SC&amp;A, INC.: Associate</li> <li>• 2005–Present: COLORADO PLATEAU ARCHAEOLOGICAL ALLIANCE: Executive Director</li> <li>• 1995–Present : UINTA RESEARCH: Owner and Principal Investigator</li> </ul>		

### SUMMARY OF PROFESSIONAL ACCOMPLISHMENTS

Jerry D. Spangler is a registered professional archaeologist and currently holds statewide archaeological permits issued by the State of Utah and the U.S. Bureau of Land Management (BLM). Mr. Spangler has extensive experience developing and implementing Programmatic Agreements (PAs) and collaborating with government, industry, conservation, and educational interests to develop strategies for the protection and preservation of historic properties through the Section 106 and 110 processes and through proactive measures outside the mandates of government regulations.

### SELECTED PROJECTS

- Worked with the Lakota Oglala Sioux Tribes in the late 1990s and early 2000s, related to archaeological-ethnographic research on maize farming by highly mobile bison hunters who arrived in the Missouri River Country in the 15th century from their ancestral homelands in the Ohio Valley. During the course of this research, interviewed Tribal elders and Tribal historians of various Siouan-speaking Tribes about their oral traditions as to the importance (or lack thereof) of domesticated food crops, and how high-cost farming might be compatible with high-mobility bison hunting. Those interviewed included Siouan-speaking Mandan and Hidatsa Tribal members in North Dakota and Sioux Tribal members living at that time at the Pine Ridge Agency in South Dakota. Results of this research published in “Paradigms and Perspectives Revisited: An Updated Class I Overview of Cultural Resources in the Uinta Basin,” Bureau of Land Management Cultural Resource Series (2002).
- Conducted a long-term research project with the Grand Staircase-Escalante National Monument to perform baseline inventories and assessments of adverse anthropogenic impacts in the Paria River corridor and the Kaiparowits Plateau and Johnson Canyon areas (2011 –2018). Collaborating partner with the Monument to assist and advise as to its Section 106 and 110 responsibilities under terms of an Assistance Agreement with BLM (2009–present). Past member of Monument Advisory Committee.
- Lead researcher in an effort to use historic photographs (1928–1932) to identify legacy sites and determine the nature and extent of adverse impacts on archaeological sites over the past 80 years, in collaboration with the Peabody Museum at Harvard University and others (2006–2018). Findings were published by University of Utah Press in 2018.
- Collaborating with BLM and conservationists to resolve a legal dispute over off-highway vehicle routes and damage to cultural resources, to bring BLM into compliance with Section 106 under a Federal court order. Synthesized a vast amount of complex data to analyze vehicle impacts to archaeological sites along more than 600 miles of disputed dirt roads in southern Utah.
- Lead negotiator on behalf of the Southern Utah Wilderness Alliance to settle an appeal of BLM’s authorization of a Jeep Safari without adequate Section 106 compliance. Currently developing an implementation plan to ensure phased compliance (2012–present).
- With input from the Hopi Tribe, provided detailed Section 106 analysis on six regional Resource Management Plans and Travel Management Plans (five in UT and one in CO).

- Collaborating with BLM to refine NEPA alternatives to cultural resource management under the Moab Master Leading Plan, and to implement a formal consulting party process (2015–2017).
- Helped develop model language for the National Historic Preservation Act Responsibilities for Small-Scale Undertakings Statewide PA and the Arizona-Utah Off-Road Vehicle Management Plan for Glen Canyon National Recreation Area PA. Working with BLM to develop model language for a Utah statewide Travel Management PA and Fire Rehabilitation PA. Travel PA support includes development of a phased implementation plan for full Section 106 compliance (2014–present).
- Collaborated with industry (Bill Barrett Corporation) and BLM to develop and implement the West Tavaputs Plateau PA for oil and gas development. Organized and facilitated a teleconference of consulting parties concerned that BLM was not complying the PA and is now working with BLM to resolve consulting party concerns (2010–present).
- Developed, wrote and implemented (after peer review) testing plans for three sites adversely affected by construction of the Wide Hollow Reservoir Project, on behalf of the U.S. Army Corps of Engineers. Developed and implemented the first phase of data recovery plans for one of those sites, a massive Archaic and Formative residential site (2011–2013; reported in 2015).
- Developed, wrote and implemented testing and data recovery plans for three high-elevation Archaic camp sites and one historic cabin in the Buckskin area of the West Tavaputs Plateau (2010–2012).
- Organized and facilitated a public meeting for more than 300 citizens concerned about the management of archaeological resources in the Canyonlands region.
- Organized meetings in Washington, DC, with the Department of Interior, Department of Agriculture, National Park Service, and Council on Environmental Quality to discuss the management of cultural resources in the West and to seek Administration support for special management designations.
- Organized and facilitated annual public outreach events in Nine Mile Canyon to highlight landmark collaborations between conservationists and industry to protect world-class rock art sites. More than a dozen statewide and regional news outlets regularly participate.
- Provided expertise to the Bill Barrett Corporation to resolve conflicts with preservationists seeking to litigate. Efforts resulted in the largest voluntary commitment to archaeological preservation in Utah history.
- Provided expertise to The Wilderness Society to address Section 106 concerns in the Red Cliff National Conservation Area. The research, conducted in collaboration with BLM, provided baseline data to allow land managers to evaluate proposals to construct new highways in the area. Efforts to protect Red Cliffs NCA for multiple uses is ongoing with additional projects planned for 2019.
- For the National Trust for Historic Preservation, synthesized cultural resource data and analyzed potential adverse effects to more than 1,000 sites to support the proposed designation of Bears Ears National Monument.
- For the BLM Moab Field Office, developed a treatment plan for prehistoric quarry sites adversely affected by the Marathon Oil pipeline project. Working in cooperation with the cultural resources management contractor to apply new and innovative approaches to quantitative analysis.
- Working with a Northern Ute representative to identify cultural properties of Tribal significance that are at risk of degradation due to recreation, oil/gas development, and looting (2012–present).
- Working with the Navajo Nation, Hopi Tribe, and others to provide cultural resource arguments in support of proposals for national monuments at Dine' Bikeyah, Cedar Mesa, and the Greater Canyonlands (2014–2017). Currently working with Utes and Navajo interests to protect the Bears Ears National Monument from being diminished.

- Worked with the Hopi Cultural Preservation Office to protect ancient Hisatsinom shrines threatened by oil/gas development in Utah's White River area when BLM dismissed the shrines as insignificant.
- Worked informally with the Hopi Cultural Preservation Office to ensure sacred items discovered in Arch Canyon were properly recovered and repatriated, and that BLM more aggressively engage the tribe in Section 106 consultation to resolve adverse effects in Arch Canyon (2008–2010).
- Provided expert Section 106 advice to the Wampanoag Tribe of Gay Head, Narragansett Indian Tribe, Mohegan Tribe, and Mashantucket Pequot Tribal Nation (through the Narragansett Tribal Historic Preservation Office) that prompted the Federal Energy Regulatory Commission to implement more robust Section 106 consultation with the tribes (2015 to 2017), as consultant to tribal coalition representative Rebecca Wetzel.
- For the National Trust for Historic Preservation and the Nine Mile Canyon Coalition, prepared the nomination for the Nine Mile Canyon National Register District, and for the National Trust and the Utah Division of State History, prepared the nomination for the Range Creek Canyon National Register District, both encompassing approximately 100,000 acres in eastern Utah. More than 300 of these sites have now been listed on the National Register.
- Implemented an overview of grazing practices in the West, especially when it involves remarkable landscapes, and to engage public lands stakeholders (ranchers) in a public recognition of traditional land-use practices and involve them in proactive grazing reforms to ensure continued traditional uses. The results of these efforts will be published in 2019 under the title "Beauty and the Beasts" by the U.S. Government and affiliated scholarly press (TBD).
- Assisted the Arizona BLM to identify proactive land management strategies for Vermilion Cliffs National Monument and Parashant National Monument, as well as other special management areas, in fulfillment of the agency's Section 110 responsibilities (2017 to present).

## RELEVANCE TO THE TASK ORDER STATEMENT OF WORK

For the past decade, Mr. Spangler has been immersed in all facets of Section 106, from initial data collection and analysis (Class I, Class II, and Class III) to the final preparation of National Register documentations and monitoring of historic properties for their continued preservation. He has spent countless hours reviewing Section 106 documents and eligibility recommendations, developing and commenting on PAs, and working with others entities, including Tribes, in the preparation of formal comments on plans to avoid, minimize, or mitigate adverse effects in facilitating Section 106 consultations, and interacting with tribes, as shown in the projects in his resume, is directly relevant to this task order:

- Secretary of the Interior Standards: Mr. Spangler meets or exceeds all the standards established by the National Park Service for minimum professional qualifications and for archaeology and historic preservation. Currently working collaboratively with private entities, consulting parties, and government, Mr. Spangler has devoted the past 25 years to archaeological research and public outreach with the express purpose of furthering the protection and preservation of cultural resources in the western United States and fostering greater public awareness of tribal interests, perspectives, and concerns. He is a recognized expert on prehistoric peoples of the northern Colorado Plateau and has published widely in peer-reviewed journals, monographs and books. Significant experience as a nongovernmental organization reviewing Section 106 inventory reports, testing plans, data recovery plans, assessments of direct and indirect adverse effects to historic properties, and plans to avoid, minimize and/or mitigate those adverse effects.
- Facilitation: Brings a collaborative approach to conflict resolution based on a firm belief that development interests and conservation interests can be compatible. Ten years of experience facilitating scores of site visits to educate industry/development officials on how best to avoid adverse effects and avoid conflict with interested parties (e.g., conservationists, tribes, historic preservationists).
- NHPA Section 106 consultation: Recognized expert on Section 106 compliance issues, sought consistently by business interests, government agencies, tribes, and conservationists. Heavily involved in Section 106 meetings and site visits, usually as an expert consulting party that is versed in the Section 106 process and the specific details of the cultural resources at risk. Planned, coordinated, and facilitated dozens of unofficial meetings and teleconferences with consulting parties and project proponents to resolve conflicts outside the more-formal context of Section 106 consultation, resulting in greater trust and respect among parties otherwise at odds.
- Interactions with tribes: Mr. Spangler has experience working in close collaboration with Native American tribes (primarily Northern Ute, Southern Paiute, Hopi, and occasionally Navajo) to ensure tribal interests are adequately represented in the consulting party process, and that the voice of cultural resource preservation is consistent with tribal interests. This process also involves working with federal agencies to encourage more robust consultation with the tribes.
- Technical reviewer: Mr. Spangler is a recognized expert in writing eligibility recommendations, reviewing and commenting on eligibility recommendations of others, and working with state historic preservation offices to resolve differences on those recommendations. Mr. Spangler has also expertise in analyzing, reviewing, and commenting on adverse effects, as defined in 36 CFR Part 800. He has reviewed scores of plans to avoid, minimize, or mitigate adverse effects to significant historic properties. Mr. Spangler has reviewed dozens of major Cultural Resources Management Class III reports for technical completeness, the professional standards applied, and efficacy of the method and theory. As a principal investigator, he has also prepared countless fieldwork reports that met this same standard.

## TEACHING EXPERIENCE, SELECTED PUBLICATIONS, AND LECTURES

### **1. Teaching Experience:**

2008-2012 – Associate instructor, The Archaeology of Utah, Osher Institute, University of Utah.

2002-2006 – Project coordinator for the Range Creek Archaeological Project, a cost-sharing endeavor with the Utah Museum of Natural History, the University of Utah, College of Eastern Utah, Salt Lake Community College and others.

1994-2007 – Adjunct instructor, College of Eastern Utah, Price, Utah. “The Archaeology of the Northern Colorado Plateau” and “Introduction to Archaeological Survey.”

1990 to present – Volunteer instructor/lecturer to various chapters of the Utah Statewide Archaeological Society, the Utah Rock Art Research Association, the Colorado Historical Society, the Colorado Archaeological Society and other community and school groups.

### **2. Major Publications and Monographs**

2018 – Hisatsinom of the High Plateaus. Grand Staircase-Escalante National Monument Cultural Resource Series (in press).

2018 – The Crimson Cowboys: The Remarkable Odyssey of the 1931 Claflin Emerson Expedition to Eastern Utah. University of Utah Press, Salt Lake City. Winner of the prestigious Don D. and Catherine Fowler Book Award.

2017 – Beauty and the Beasts: A History of Livestock Grazing in Southern Utah. Grand Staircase-Escalante National Monument Cultural Resource Series (in press).

2017 – Short Creek Serenade: Class III Inventories on Lost Spring Mountain near Colorado City, Arizona. Colorado Plateau Archaeological Alliance, Ogden, Utah. Report on file, Arizona Strip Field Office, Bureau of Land Management, St. George, Utah.

2017 – Snap Shot: Class III Inventory in Lower Snap Draw, Grand Canyon-Parashant National Monument. Colorado Plateau Archaeological alliance, Ogden, Utah. Report on file, Arizona Strip Field Office, Bureau of Land Management, St. George, Utah.

2016 – Last Chance Byway: A History of Nine Mile Canyon. University of Utah Press, Salt Lake City. Winner of the Clarence Dixon Taylor Book Award.

2016 – Fire on the Mountain: Class III Inventories in the Lake Canyon Area, Kaiparowits Plateau, Kane County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.

2016 – From Meadow to Mesa: Class III Inventories in the Meadow Canyon Area in the Grand Staircase, Kane County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.

2014 – The Flat Canyon Archaeological Project: Report of 2013 Investigations in Desolation Canyon, Carbon County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.

2014 -- The Devil's Due: Class III Cultural Resources Inventory in the Devils Canyon area of Nine Mile Canyon, Carbon County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.

2013 – Devil's Playground: Site Documentation and Comparative Analysis of 42Cb3162 With Complete 1931 Claflin Emerson Expedition Field Notes. Colorado Plateau Archaeological Alliance, Ogden, Utah.

- 2013 – Two Block Surveys in the Rock House Bottom and Long Bottom Areas, Green River Corridor, Desolation Canyon National Historic Landmark. Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2013 – Dart Points, Dugways, and Life on the Northern Fringe of the St. George Basin: A Class III Cultural Resource Inventory in the T Bone Hill and Black Gulch Areas of the Red Cliffs National Conservation Area, Washington County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah
- 2013 – Nine Mile Canyon: The Archaeological History of an American Treasure. University of Utah Press, Salt Lake City.
- 2012 – The Archaeology of Desolation Canyon, Utah. In *An Archaeological Legacy: Essays in Honor of Ray T. Matheny*, edited by Deanne G. Matheny, Joel C. Janetski and Glenna Nielsen, pp. 99-124. Occasional Paper No. 13, Museum of Peoples and Cultures, Brigham Young University, Provo, Utah.
- 2012 – Risky Business: Farming and Travel in the Upper Paria River Corridor (lead author). Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2012 – Fremont, Freighters and Flagpoles: An Archaeological Inventory of the North Side of Nine Mile Canyon Between Gate Canyon and Pete's Canyon. Ogden: Colorado Plateau Archaeological Alliance, 2012.
- 2012 – "Samuel H. Gilson." *Outlaw Trail Journal* (Summer 2012): 43-52.
- 2012 – The Upper Fringe: Archaeological Inventory in Upper Nine Mile Canyon, Carbon County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2012 – Preliminary Report on Two Block Surveys in the Steer Ridge Canyon and Lower Range Creek Areas, Desolation-Gray Canyon Corridor, Eastern Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2011 -- Formal Site Documentation and Analysis of Visitor Impacts at Warrior Ridge (42Dc1), Duchesne County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2011 -- Of Owls and Cranes: A Cultural Resource Inventory of Section 35, Township 11 South, Range 14 East, Middle Nine Mile Canyon, Duchesne County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2011 -- The Pete's Canyon Complex: Formal site Documentation and Analysis of Visitor Impacts in Nine Mile Canyon, Duchesne County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2011 -- 2009 Test Excavations at Fish Creek Cove (42Wn503): Revisiting the Legacy of Noel Morss and the Peabody Museum Investigations of 1928. Colorado Plateau Archaeological Alliance, Ogden, Utah.
- 2011 -- The Nutter Ranch Project: Investigations in the Gate Canyon Area of Nine Mile Canyon, Duchesne County, Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah (in prep.)
- 2011 – Nine Mile, Minnie Maud and the Mystery of a Place Name. *Utah Historical Quarterly* 79(1):42-51.

2010 -- Cultural Resources Inventories Along OHV Routes in Kane, Wayne, and San Juan Counties, Southern Utah. Colorado Plateau Archaeological Alliance, Ogden, Utah.

### **3. Invited Lectures:**

2002 -- Categories, Conundrums and Radiocarbon Dates: Temporal Perspective for the Northern Colorado Plateau. Paper presented at the 63rd annual meeting of the Society for American Archaeology, Denver, Colorado.

2002 -- Living on the Edge: Late Formative Storage Strategies and Their Implication for Societal Conflict. Paper presented at the Great Basin Anthropological Conference, Elko, Nevada.

1997 -- Invited lecture, "Reinterpreting Chronological Sequences on the Northern Colorado Plateau," Utah Humanities Council/ Brigham Young University Symposium, Provo, Utah.

1995 -- Old Paradigms and New Perspectives: A Reinterpretation of Cultural Chronology in the Uinta Basin. Paper presented at the Rocky Mountain Anthropological Conference, Steamboat Springs, Colorado.

1994 -- One Pot Pithouses and Fremont Paradoxes: A Case for Itinerant Aceramic Fremont Horticulture in Northeastern Utah. Paper presented at the Great Basin Anthropological Conference, Elko, Nevada.

1993 -- Site Distribution in Lower Nine Mile Canyon. Paper presented at the Rocky Mountain Anthropological Conference, Jackson, Wyoming.

1993 -- The Tavaputs Adaptation: Additional Evidence for Cultural Variability Among Formative Peoples of the Northern Colorado Plateau. Paper presented at the Rocky Mountain Anthropological Conference, Jackson, Wyoming.