

StrataRossLANPEm Resource

From: Bjornsen, Alan
Sent: Wednesday, August 17, 2011 10:09 AM
To: 'Joseph Baron'
Cc: Moore, Johari; Hsueh, Kevin; Saxton, John; Davis (FSME), Jennifer
Subject: RE: Tribal Site Walkover and Meeting

NHPA, Section 106.

From: Joseph Baron [mailto:JoeB@crookcounty.wy.gov]
Sent: Wednesday, August 17, 2011 10:05 AM
To: Bjornsen, Alan
Cc: Moore, Johari; Hsueh, Kevin; Saxton, John; Davis (FSME), Jennifer
Subject: RE: Tribal Site Walkover and Meeting

That's to bad. I was planning on attending.
I doubt that the County Commissioners would attend.
What does it take to be a consulting party? What is the statutory or CFR authority?

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From: Bjornsen, Alan [mailto:Alan.Bjornsen@nrc.gov]
Sent: Wednesday, August 17, 2011 5:21 AM
To: Joseph Baron
Cc: Moore, Johari; Hsueh, Kevin; Saxton, John; Davis (FSME), Jennifer
Subject: RE: Tribal Site Walkover and Meeting

Joe,

I'm afraid that I have to withdraw my invitation to the County for the Ross site walkover and consultation. The NRC can have open or closed meetings with other governments to give them background information about the NRC, and we can use the meeting to gather information for the NRC. However, as a general rule we can't discuss the specifics of a licensing application during a closed meeting, but if sensitive information is going to be exchanged, the meeting should be closed. If the Tribes agree to have County representatives there, it might be okay. But because the County isn't a consulting party, as the SHPO would be, if sensitive information is exchanged, we are probably waiving our ability to redact the transcript of the meeting. That happened, recently, at the Powertech meeting in South Dakota – non-THPO Tribe members were at the meeting, so the staff determined it couldn't redact what it considered sensitive information from the transcripts. Therefore, our attorneys suggest that we hold a separate meeting with the County. It can be either open or closed. It's our understanding that the Tribes clam up when non-Tribal members are in meetings, so having the County at the meeting might interfere with the consultation process. So, we intend to keep the consultation meeting among only the consulting parties.

Thank you for being understanding.

Alan

From: Joseph Baron [mailto:JoeB@crookcounty.wy.gov]
Sent: Tuesday, August 09, 2011 4:36 PM
To: Bjornsen, Alan
Cc: Moore, Johari; Hsueh, Kevin; Saxton, John; Davis (FSME), Jennifer
Subject: RE: Tribal Site Walkover and Meeting

Thank you for the invitation.

I have a few questions.

These are not meant to be mean spirited or have any type of agenda.

I do not deal with this type of federal agency and just need to be able look up the law so that I can advise my clients as to whether or not they can attend these meetings.

1. Is either meeting the 13th or 14th a public meeting?
2. By what legal authority is the NRC and Tribal Governments granted the right to have "government to government" meetings?
3. Do County's have the right to have Government to Government meetings?
4. Is there a federal law that allows a non public meeting with the Board of County Commissioners?
5. State law allows for them in an executive (private) session "to consider or receive any information classified as confidential."

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From: Bjornsen, Alan [mailto:Alan.Bjornsen@nrc.gov]
Sent: Tuesday, August 09, 2011 2:23 PM
To: Joseph Baron
Cc: Moore, Johari; Hsueh, Kevin; Saxton, John; Davis (FSME), Jennifer
Subject: Tribal Site Walkover and Meeting

Joe,

In addition to the agency site walkover on Mon, Aug 22, there will be a tribal site walkover on Sep 13, followed by a government-to-government meeting on Sep 14:

A tribal site walkover will take place on Tue, Sep 13, beginning at 0800 in Strata Energy's office in Oshoto. Both Strata and the NRC will give brief presentations as to the responsibilities of each party during the technical review of the source material license application. Twenty-four tribes, all associated with Devils Tower National Monument, have been invited. Each tribe has been sent a redacted version of the State's Class III Cultural Resources Survey Report, in preparation for the site walkover. In addition, the BLM (a cooperating agency with the NRC on the development of the NEPA document for the project) and other State agencies will also be invited. The entire day has been set aside for the tribes to determine if there are any visual manifestations that may be of interest to the tribe.

On Wed, Sep 14, there will be a government-to-government meeting to be held at the Best Western Tower West Lodge in Gillette, beginning at 0830. As a member of the State government, you are invited to attend, along with other State agencies (specifically, DEQ & GFD), the BLM and Crook County. The meeting will run to conclusion, or to 1630. A brief presentation will be made by the NRC to kick off the meeting. But, the main thrust of the meeting will be what the tribes saw from walking the site, and the importance of what they saw, and what it will mean to the project.

The tribal meeting is strictly government-to-government (public is not allowed).

Alan B. Bjornsen

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From: Bjornsen, Alan

Created By: Alan.Bjornsen@nrc.gov

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