

DeweyBurdPubEm Resource

From: Yilma, Haimanot
Sent: Monday, April 22, 2013 2:29 PM
To: Steve Vance
Subject: RE: Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions

Steve,

Thank you for sharing your thoughts and suggestions with the NRC.

Sincerely,

Haimanot Yilma

From: Steve Vance [mailto:steve.vance@crst-nsn.gov]
Sent: Friday, April 19, 2013 7:10 PM
To: Yilma, Haimanot; Moore, Johari
Cc: Bob Walters; beneeagle2@hotmail.com; brhodd1@yahoo.com; dyandancer@yahoo.com; Derek Bartlett; Scott Laundreaux; Lana Gravatt; Mary Wilson (mwilson@standingrock.org); Wilmer Mesteth (ostnrrathpo@gwtc.net); Robin Lebeau; Ted "Buddy" Knife Jr; Waste'Win Young (wyoung@standingrock.org); Wayne L. Ducheneaux II; Wanda Wells (wandawells@midstatesd.net)
Subject: RE: Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions

Haimanot,

Again I comment to your statement "the field survey approach used by the staff (NRC) here is one that has been used by other Federal agencies to identify NRHP – eligible properties" was not discussed or agreed upon by our Tribe. Nowhere during our meetings was CRST offered opportunity to make suggestions, revisions, and alternative methods to this methodology, or state that we even agreed on it.

Using what other agencies use for survey and nomination is again the disadvantage to Tribes. We have struggled to use the present criteria for nomination to the registry for eligibility of Sacred Sites, Landforms, Stone Features, Water, etc., but yet they do not meet eligibility in the eyes of the archaeologist and Federal agencies.

ACHP and other Federal agencies (NRC not mentioned) are in the process of supporting the Declaration and the statement of United States President Barack Obama; "[w]hat matters far more than words-what matters far more than any resolution or declaration-are actions to match those words."

Where is NRC in this? Are they in support or opposition of the Declaration?

I would like you to read this part of United Nations Declaration on the Rights of Indigenous Peoples. Article 32, Part 2; "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources".

There are other Articles which explain "their lands."

THPOs read thousands and thousands of pages from agencies and others. I suggest NRC attain a copy of the Declaration (it's only fifteen pages, with 46 Articles) and the notices from ACHPs support.

Respectfully

Steve Vance

Tribal Historic Preservation Officer
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From: Yilma, Haimanot [<mailto:Haimanot.Yilma@nrc.gov>]

Sent: Friday, April 19, 2013 3:26 PM

To: Steve Vance

Cc: Bob Walters; beneeagle2@hotmail.com; brhodd1@yahoo.com; dianne desrosiers; Lana Gravatt; Mary Wilson; Wilmer Mesteth; Robin Lebeau; Ryman Lebeau; Ted "Buddy" Knife Jr; Waste'Win Young; Wanda Wells

Subject: RE: Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions

Good Afternoon Steve,

Thank you for contacting the NRC and expressing your views on the current survey approach that is being carried out for the Dewey-Burdock (DB) project. As you are aware, this approach was developed following more than 14 months of consultation with tribes through 3 face-to-face meetings, 3 teleconferences, and many letters, emails, and phone calls to each of the participating Tribes. Our goal has always been to provide an opportunity for all interested tribes to participate in the ongoing Section 106 process for the DB project. Below, please find answers to your specific questions:

- 1) Is there going to be a meeting to discuss an agreeable survey and time frame or is this just what Tribes have to except without consultation?

Since our first face-to-face meeting in June of 2011, the NRC staff has consulted actively with all interested Tribes to develop an approach agreeable to all consulting parties for identification of historic properties of religious and cultural significance to the Tribes. After more than 14 months of consultation, the consulting parties were not able to reach agreement on a Statement of Work to conduct a field survey. On October 12, 2012, the NRC staff sought input from all interested Tribes regarding an alternate approach to carry out this survey (see ML12286A310). In response to this letter, NRC received a joint proposal prepared by Kadrmas Lee Jackson (KLJ), the Turtle Mountain Band of Chippewa Indians, and the Three Affiliated Tribes. This proposal was shared with all consulting parties. The staff received statements of opposition and concern regarding this approach from many of the Sioux Tribes. In a letter to all interested tribes dated December 14, 2012, the staff addressed those concerns, proposed to postpone the field survey until Spring 2013, and requested input from Tribes on content of the proposed programmatic agreement (PA) (see ML12335A175).

Recognizing that there was continued disagreement among consulting parties regarding an appropriate level of effort for completing a field survey, NRC staff decided to offer a more open survey approach. On February 8, 2013, the staff sent a letter to all interested tribes offering to open the entire 10,580-acre license area for field surveys for a period of 30 days. No conditions were placed on the survey methods employed to identify places of interest, and financial support was offered in the form of a lump-

sum grant of \$10,000.00 to each tribe plus travel and per diem expense reimbursement for as many as three representatives from each tribe. The staff followed up with interested tribes to confirm they had received the letter and to answer questions about this new open survey approach. The staff received written statements from several tribes objecting to the proposed open survey approach but also received expressions of interest from a number of other tribes.

The NRC staff's decision to offer an open survey approach was intended to be responsive to requests that each tribe be afforded an opportunity to conduct its own surveys of the project area, as well as requests that tribes be allowed access to the entire license area. This open site approach also allows each tribe to employ whatever methodology it deems appropriate in order to identify places of religious and cultural significance. This open site approach has been used by other Federal agencies to identify sites of religious and cultural significance to Tribes.

As you can see from the reference letters, the NRC staff has in fact, communicated to the Tribes that we were switching from an SOW approach to an "open site" approach. The staff has also clearly communicated to the Tribes the time-frame for the field survey (see ML13039A366).

- 2) There are many unanswered questions with this survey and these were not addressed in any of the correspondences from NRC. I am greatly concerned as it seems this model is being used for all the other proposed uranium projects in ancestral territories of the Lakota (Sioux).

NRC has not committed to following any single survey approach for all future In Situ Recovery applications. The staff is committed to meeting the requirements of Section 106 and the staff recognizes that different applications may warrant different approaches for identifying sites that may potentially be eligible for the NRHP. The staff would note, however, that the field survey approach used by the staff here is one that has been used by other Federal agencies to identify NRHP-eligible properties.

- 3) Again I will state that I have no objections to other Tribes having the opportunity to identify their cultural resources, but I am not agreeable on them identifying for other Tribes which also hold Cultural and Religious Significance to this area.

This is another reason why the staff switched from the SOW approach to its current approach. Rather than relying on a designated survey group that may not include representatives of all Tribes, the staff's current approach allows each consulting Tribe to send representatives that the Tribe considers qualified to identify sites of religious or cultural significance to a particular Tribe.

- 4) It will be interesting to see the final report for proper identification and total acres surveyed.

As outlined in our February 8, 2013 letter (see ML13039A366), each participating tribe will present their findings to NRC in the form of a written report. In response to tribes' concerns about site confidentiality, NRC staff has requested that survey information be reported in the form of two separate documents: one suitable for public disclosure that describes the nature of the survey work but withholds information about site locations and site interpretation, and a second confidential document that includes site location information and recommendations regarding site eligibility and avoidance. The staff plans to circulate the public report to all consulting parties when it becomes available; however, the confidential report information will be withheld from disclosure or shared with other consulting parties in strict accordance with the wishes of the tribe(s) who produced the report.

As communicated in our February 8, 2013 letter (see ML13039A366), the participating Tribes have access to the entire license area, not just areas of direct disturbance. There is, however, one area that is not currently available for survey because it contains the site of a bald eagle nest. This area is being avoided for the duration of the nesting season, but a provision for supplemental survey of this area will be included in the PA the staff plans to develop so that the Tribes have the opportunity to survey this area when it becomes available.

- 5) CRST considers water as a Sacred Object and with the desecration of this Sacred Object by permitted extractive companies it will have long lasting damaging effects on all forms of life.

The staff understands that the CRST considers water as a Sacred Object, and we will continue to take into account the views from the CRST and other consulting parties in accordance with the Section 106 consultation process.

Thank you again for sharing your concerns with us; should you have additional questions, do not hesitate to contact me.

Sincerely,

Haimanot Yilma
Project Manager
FSME/DWMEP/EPPAD/ERB
U.S Nuclear Regulatory Commission
Phone: 301-415-8029
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Mail Stop : T8F05

From: Steve Vance [<mailto:cpthpo@lakotanetwork.com>]

Sent: Wednesday, April 17, 2013 5:31 PM

To: Yilma, Haimanot

Cc: Bob Walters; benneeagle2@hotmail.com; brhodd1@yahoo.com; dianne desrosiers; Lana Gravatt; Mary Wilson; Wilmer Mesteth; Robin Lebeau; Ryman Lebeau; Ted "Buddy" Knife Jr; Waste'Win Young; Wanda Wells

Subject: RE: Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions

Haimanot Yilma

The Cheyenne River Sioux Tribe (CRST), along with others of the Oceti Sakowin (Sioux Nation), maintains there is cultural and religious significance in the lands in which this survey is being conducted.

The last face-to-face consultation CRST had with the Nuclear Regulatory Commission (NRC) there was a request for a Scope of Work (SOW) from the Tribes. This was completed and agreed upon between NRC and Tribes. Since the proponent declined the SOW there has been no communication between the NRC and CRST for the development of the present methodology to be utilized for the proposed Dewy- Burdock Project. I am not aware of any other meeting that discussed this method of survey being conducted.

Is there going to be a meeting to discuss an agreeable survey and time frame or is this just what Tribes have to except without consultation?

There are many unanswered questions with this survey and these were not addressed in any of the correspondences from NRC. I am greatly concerned as it seems this model is being used for all the other proposed uranium projects in ancestral territories of the Lakota (Sioux).

Again I will state that I have no objections to other Tribes having the opportunity to identify **their** cultural resources, but I am not agreeable on them identifying for other Tribes which also hold Cultural and Religious Significance to this area.

It will be interesting to see the final report for proper identification and total acres surveyed.

CRST, by Resolution, read for the record to NRC that we oppose any permits for new, re-newel, or expansions of uranium mining in Treaty Territory as we presently live with the contaminants to land, air, and water left from previous mining activities. Protection and preservation of resources is not just for past and present but also the future.

CRST considers water as a Sacred Object and with the desecration of this Sacred Object by permitted extractive companies it will have long lasting damaging effects on all forms of life.

As all NRC staff is aware of who is the Project Manager of each of the proposed uranium projects within the Northern Great Plains, specifically in the vicinity of the Black Hills, I ask that you share this with your constituents.

I also will share my response and comments with other concerned Tribes.

Respectfully

Steve Vance
CRST THPO

From: Yilma, Haimanot [<mailto:Haimanot.Yilma@nrc.gov>]
Sent: Wednesday, April 17, 2013 2:38 PM
To: Yilma, Haimanot
Cc: Jamerson, Kellee; 'Withrow, Randy' (rwithrow@louisberger.com)
Subject: Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions

All,

The open field survey for the Dewey-Burdock project scheduled for April 2 – May 2, 2013 has been temporarily suspended due to weather conditions at the site. The open field survey will resume on **Wednesday April 24, 2013 at 8am**. The completion date for the survey has been extended from May 2, 2013 to May 17, 2013. The completion date for the survey report has been extended from June 3, 2013 to June 19, 2013. Please contact Mr. Randy Withrow or me, if you have any questions.

Sincerely,

Haimanot Yilma
Project Manager
FSME/DWMEP/EPPAD/ERB
U.S Nuclear Regulatory Commission
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Subject: RE: Dewey Burdock Field Survey Temporarily Suspended again due to weather conditions
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From: Yilma, Haimanot

Created By: Haimanot.Yilma@nrc.gov

Recipients:
"Steve Vance" <steve.vance@crst-nsn.gov>
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