

DeweyBurdPubEm Resource

From: Raymond Wallace [rwallace@achp.gov]
Sent: Wednesday, March 12, 2014 8:42 PM
To: wyoung@standingrock.org
Cc: Reid Nelson; Yilma, Haimanot; Hsueh, Kevin; Paige Hoskinson Olson; Camper, Larry; Milford W. Donaldson; John Fowler; Valerie Hauser; William C. Dancing Feather; John Eddins; Charlene Vaughn
Subject: Dewey-Burdock ISR Project
Attachments: sd.nrc.dewey-burdock ISR project.con.12mar14.pdf

From: Office of Federal Agency Programs

Advisory Council on Historic Preservation Attached is our letter on the subject undertaking. (in Adobe Acrobat PDF format) If you have any questions concerning our letter, please contact:

Reid Nelson

Director, Office of Federal Agency Programs

202) 606-8556

rnelson@achp.gov

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Sent Date: 3/12/2014 8:41:35 PM
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From: Raymond Wallace

Created By: rwallace@achp.gov

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Preserving America's Heritage

March 12, 2014

Waste' Win Young
Tribal Historic Preservation Officer
Standing Rock Sioux Tribe
Administrative Service Center
North Standing Rock Avenue
Fort Yates, ND 58538

Ref: Dewey-Burdock ISR Project, South Dakota

Dear Ms. Young:

The Advisory Council on Historic Preservation (ACHP) received your email, dated February 21, 2014, expressing concerns about the teleconference/consultation meeting held earlier that day regarding the Dewey-Burdock ISR Project in South Dakota. The Nuclear Regulatory Commission (NRC) convened the call as part of its compliance required under Section 106 of the National Historic Preservation Act (NHPA), and its implementing regulations, "Protection of Historic Properties" (36 CFR 800). Since September 2013, NRC has been negotiating a Programmatic Agreement (PA) for this undertaking. Given the deadline established by NRC for the license review for this undertaking, the February 21, 2014 teleconference was extremely important to consulting parties.

We regret that you found any of our comments offensive to you personally, or to the Standing Rock Sioux Tribe, in general. It is never our intent to be arrogant or demeaning in our communications. If in the future you hear a comment that was not communicated respectfully or you perceive to be at odds with past ACHP advice, I urge you to immediately alert staff to your concerns so that they can address them immediately.

Given the role that the ACHP assumes in Section 106 consultation, we routinely work to facilitate respectful discussions and gather information that is critical to the resolution of adverse effects. We regret that you felt the views of the Standing Rock Sioux Tribe (SRST) were marginalized and not shown the appropriate deference and will continue to urge NRC to ensure that they are given adequate consideration. The guidance and training provided by the ACHP attempts to educate federal agencies and other consulting parties about the importance of properties of religious and cultural significance to Indian tribes and the need to be sensitive to tribal concerns about confidentiality, as well as the need to recognize the special expertise of tribes in identifying and evaluating such properties and the importance of agencies developing respectful relationships with Indian tribes.

We can appreciate that you were frustrated regarding terms used in the Section 106 consultation. Please be assured that we have not made a decision regarding the execution of the current version of the Programmatic Agreement. Consultation is ongoing from our perspective. We will continue to discuss options that can be used internally and externally to address the issues you and others have raised in a respectful and sensitive manner. The ACHP is intent on assisting tribes and federal agencies in working

through the Section 106 regulations for complex and controversial projects. That is one reason why we look forward to co-hosting with the Standing Rock Sioux Tribe the upcoming Northern Plains Tribal Summit to bring together federal agencies, tribes, and project proponents and provide a venue to consider such issues.

Further, I want to reassure you that I am always available to speak with you whenever you have concerns regarding the Section 106 process, in general, or the ACHP's role in a Section 106 consultation. To that end, you can reach me at 202-606-8556, or by email at rnelson@achp.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Reid J. Nelson', with a long horizontal flourish extending to the right.

Reid J. Nelson
Director
Office of Federal Agency Programs