



February 21, 2014

U.S. Nuclear Regulatory Commission
Attn: Mr. Kevin Hsueh
Chief – Environmental Review Branch
Mail Stop T-8F05
FSME/DWMEP/Environmental Review Branch B
11545 Rockville Pike, Two White Flint North
Rockville, MD 20852-2738

Sent via email and hard copy

RE: Strata Energy Inc. Ross ISR Project, Docket #40-9091, Request for Amended Tribal Site Map

Dear Kevin:

This submittal is in response to an email from Johari Moore of your staff to Ben Schiffer dated February 13, 2014 requesting that Strata Energy Inc. (Strata) provide NRC with a new map of the Ross ISR Project area using shapefiles provided by NRC. As requested I am attaching three large fold out maps and an electronic file based on the data provided. I am also providing one map to the BLM Newcastle Field Office. The enclosed maps and confidentiality affidavit are submitted per 10 CFR Section 2.390(a)(3) as these documents are Privileged and Confidential.

The attached map depicts 18 tribal sites and avoidance buffers in relation to potential impacts from the Ross project. Strata notes that it previously prepared a map of the same area and submitted it to NRC by letter dated August 30, 2013 (hereinafter, "original adverse effects map"). In that submittal, Strata responded to an agency request to provide a description of the project's potential adverse effects on 17 sites identified during the tribal surveys conducted in May and June of 2013. These 17 sites were described in reports submitted by the Northern Arapaho Tribe and Cheyenne and Arapaho of Oklahoma in July 2013, and which were subsequently provided to Strata. The sites (including the boundaries designated by the Tribes as adequate to protect the sites from adverse effects) occupied private and state surface with only marginal overlap onto federal minerals. In the original effects map, Strata showed that only one site would be directly impacted by the proposed undertaking.

In the six months that have elapsed since Strata's original adverse effects map the number, size and extent of the tribal sites and avoidance areas has grown significantly. The 17 sites originally comprised just under 7 acres; NRC has now identified 18 sites that affect over 100 acres. The avoidance boundaries have doubled, growing from 108 acres to over 204 acres. Whereas in the original adverse effects map there were 17 individual sites identified, now there appears to be a suggestion of some kind of "landscape" or "district" encompassing 75 acres of private surface that overlies 40 acres of federal

Mr. Kevin Hsueh
February 21, 2014

minerals. All of this expansion from the area depicted in original adverse effects map has apparently occurred without any additional field studies with the exception of a brief "compliance field check" conducted by the BLM on September 5, 2013. As NRC is aware, ACHP guidance on the topic of traditional cultural landscapes has made it abundantly clear that non-tribal archeologists are not qualified to designate an area as a traditional cultural landscape/district. As the Tribes did not designate the 75 acres as a cultural landscape/district during their site visits or in their reports, it is unclear exactly what NRC could be relying on subsequent to those tribal surveys.

Despite Strata's justifiable concerns about what appears to be significant changes to the original adverse effects map, NRC has refused to provide Strata, which is a Consulting Party, with any documentation or justification for the dramatically enlarged tribal sites. NRC instead has informed Strata that it will have an opportunity to see the changes when NRC releases its final TCP report and recommendations to SHPO, a deliverable which was promised to be sent to SHPO in December 2013.

On numerous occasions Strata has verbally requested that NRC include us in the consultations involving these tribal sites. On each occasion those requests have been denied. By letter dated September 27, 2013 Strata formally requested eligibility information on the identified tribal sites and the opportunity to consult with NRC. NRC denied this request by letter dated November 27, 2013, stating that NRC would accept information from Strata regarding the tribal sites within 10 days of the receipt of NRC's letter because "we expect to make our eligibility determinations soon after that 10 day period and will request concurrence on the determinations from the Wyoming SHPO". In explaining this decision we were told that our participation would not add value to the process. Three months later NRC has yet to make their determinations on these sites and SHPO concurrence has not been sought.

We find NRC's refusal to consult with the project proponent and consulting party inexplicable, not in accordance with your agency's commitment to transparency and contrary to the NHPA regulations. Our experts tell us that in their decades of experience they have never seen a Section 106 process conducted in this manner, with the lead agency excluding the applicant. They have also never seen the magnitude of changes that NRC has made to the tribal sites in secret without additional field studies, data or without providing justification. It appears that the tribal sites have been modified to make avoidance impossible and to introduce additional sources of delay for this project.

We repeat our request that NRC consult with Strata in good faith as required by the National Historic Preservation Act. This is our right as the project proponent. We request that NRC immediately provide Strata with all materials related to the modifications made to the original sites identified by the tribes in their reports and all communications it has received from parties involved in the Section 106 consultation. These would include but not be limited to field notes, technical reports, and consultation records.

Mr. Kevin Hsueh
February 21, 2014

If you have any questions regarding this request please do not hesitate to contact me at (307) 686-4066.

Sincerely,

Strata Energy, Inc.



Michael Griffin

Vice President, Permitting, Regulatory and Environmental Compliance

Cc: Johari Moore, USNRC (w/o attachment)

John Saxton, USNRC (w/o attachment)

Alice Tratebas, BLM-NFO (w/ 1 map)