

DeweyBurdPubEm Resource

From: Terence Clouthier [tclouthier@standingrock.org]
Sent: Wednesday, February 05, 2014 9:57 AM
To: Yilma, Haimanot
Cc: Hsueh, Kevin; Jamerson, Kellee; Luhman, Hope (hluhman@louisberger.com); dianned@swo-nsn.gov; Jim Whitted; Steve Vance (steve.vance@crst-nsn.gov); Russell Eagle Bear (RSTTHPO@yahoo.com); Ben Rhodd; Conrad Fisher; ostnrrathpo@gwtc.net; WasteWin Young; Wanda Wells (wandawells@midstatesd.net); Darlene Conrad (narapahothpo_2009@ymail.com)
Subject: PA comments for Dewey Burdock
Attachments: 14-08 PA comments for Dewey burdock.pdf


Good morning,

Attached are the Standing Rock Sioux Tribe Tribal Historic Preservation Office comments for the PA which are due today.

Thank you and have a nice day.

Sincerely,
Standing Rock Sioux Tribe

Terry Clouthier
Tribal Archaeologist

United States Nuclear Regulatory Commission Official Hearing Exhibit			
POWERTECH USA, INC. (Dewey-Burdock In Situ Uranium Recovery Facility)			
	ASLBP #:	10-898-02-MLA-BD01	
	Docket #:	04009075	
	Exhibit #:	NRC-030-00-BD01	Identified: 8/19/2014
	Admitted:	8/19/2014	Withdrawn:
	Rejected:		Stricken:
	Other:		

Hearing Identifier: Powertech_Uranium_Dewey_Burdock_LA_Public
Email Number: 314

Mail Envelope Properties (06E5BD2F43E7AB44BF8E67DD1B6CDCF0082E351C)

Subject: PA comments for Dewey Burdock
Sent Date: 2/5/2014 9:57:03 AM
Received Date: 2/5/2014 9:59:01 AM
From: Terence Clouthier

Created By: tclouthier@standingrock.org

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Tracking Status: None

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Files	Size	Date & Time
MESSAGE	278	2/5/2014 9:59:01 AM
14-08 PA comments for Dewey burdock.pdf		616363

Options

Priority: Standard
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Expiration Date:

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February 4, 2014

Haimanot Yilma
Project Manager
FSME/DWMEP/EPPAD/ERB
U.S Nuclear Regulatory Commission

RE: PA comments for Dewey Burdock.

Dear Ms. Yilma

The Standing Rock Sioux Tribe's Tribal Historic Preservation Office (SRST-THPO) is in receipt of a request for comments for the PA for the Dewey Burdock project and provides the following comments.

The SRST-THPO disagrees with the findings within the document titled NRC NRHP Determinations – Table 1 for PA 12-13-13. The SRST-THPO disagrees that sites of significance to the Tribes are ineligible to the National Register and that no effect will occur to them. The SRST-THPO disagrees that evaluative testing should occur on sites of significance to tribes. The SRST-THPO has informed the NRC of these matters since we became involved in this project in June of 2011.

Within the main PA document, there are numerous omissions in the timeline detailing the Section 106 consultation process between the NRC and Tribes. There are critical omissions that are misleading and we will offer our clarification below.

- The NRC issued several ultimatums to the tribes without addressing or resolving issues that the tribes were having developing an identification plan for this project with the NRC, their third party consultant and the applicant. The NRC stated that they would move ahead with the Section 106 process despite not reaching a resolution or consensus among the tribes (letters to tribes dated August 2012-November 2012). These actions by the NRC are not mentioned in the PA.
- A meeting was held in July of 2013 in Kyle, SD that was attended by Commissioner Bill Magwood (NRC Commission), Mark Sartorius and 2 other NRC staff members. The Tribal THPO's for Oglala Sioux Tribe and the Standing Rock Sioux Tribe were present. Commissioner Magwood was informed of the incomplete and disastrous Section 106 identification efforts for the Dewey Burdock project. Commissioner Magwood assured the tribes at this meeting that there would be a future opportunity to possibly revisit the site or set up another meeting to address these concerns. This meeting is absent from

the timeline included in this PA. The SRST-THPO sent an email to Haimanot Yilma concerning the incomplete Section 106 identification effort on September 16, 2013 and referenced Commissioner Magwood and his concerns. There was no response to SRST-THPO inquiries.

- It has been stated that 95% of the Dewey Burdock license area was surveyed in the tribal identification efforts. The SRST-THPO disagrees that this is an accurate reflection of the survey coverage.

Another major inaccuracy in the current timeline within the PA can be seen with the following comment:

On May 23, 2013, the NRC staff hosted a government-to-government meeting concerning licensing actions associated with proposed uranium recovery projects under NRC licensing review. The NRC invited over 30 tribes currently in consultation on uranium recovery projects to this meeting with NRC management. The government-to-government meeting sought the input of tribal leaders, or a designee on issues of mutual interest concerning uranium recovery projects. The NRC organized the meeting in response to the requests for a formal government-to-government meeting made by many THPOs. THPO's from the Cheyenne River Sioux, Northern Cheyenne, Yankton Sioux, Standing Rock Sioux, and Sisseton Wahpeton tribes attending this meeting. The meeting was held at the Ramkota Hotel and Conference Center in Rapid City, South Dakota.

The only tribes who were attendance at this meeting were the Standing Rock Sioux Tribe and the Northern Cheyenne Tribe. The Cheyenne River Sioux Tribe THPO, Yankton Sioux Tribe THPO, and the Sisseton-Wahpeton Oyate THPO participated via teleconference. This **does not** constitute government to government consultation. The NRC was informed by both THPO's in attendance that they did not speak on behalf of their tribal government.

For the PA to say, "The NRC invited over 30 tribes currently in consultation on uranium recovery projects to this meeting with the NRC management," is enormously misleading. It would be important to clarify, for the record that the *NRC invited 30 tribes but only two showed up—and they were THPO's, not present on behalf of their Tribal governments.*

Please provide a more accurate assessment of the actual consultation process that occurred with this project than what is currently included in the PA.

The SRST-THPO continues to maintain that the Section 106 consultation and identification process for this project has failed to address any of the concerns of our office over the last three years.

We look forward to resolving these issues.

Please refer to THPO file # 14-08 for any comments addressed in this letter.

Sincerely,

STANDING ROCK SIOUX TRIBE

A handwritten signature in dark ink, appearing to read 'Terry', followed by a long, horizontal, slightly wavy line.

Terry Clouthier

Tribal Archaeologist