


DeweyBurdPubEm Resource

From: LaShavio Johnson [ljohnson@achp.gov]
Sent: Monday, April 07, 2014 4:21 PM
To: wyoung@standingrock.org
Cc: Yilma, Haimanot; Hsueh, Kevin; Jay D Vogt; Camper, Larry; Lynne Sebastian
Subject: Dewey-Burdock ISR Project, SD
Attachments: sd.nrc.dewey-burdock in-situ uranium recovery project.PA ltr to SRST THPO.07apr14.pdf

This email is being sent on behalf of Mr. John Fowler, Executive Director of the Advisory Council on Historic Preservation.
Please see the attached document.

| United States Nuclear Regulatory Commission Official Hearing Exhibit | |
|--|------------------------------------|
| POWERTECH USA, INC. In the Matter of: (Dewey-Burdock In Situ Uranium Recovery Facility) | |
|  | ASLBP #: 10-898-02-MLA-BD01 |
| | Docket #: 04009075 |
| | Exhibit #: NRC-031-00-BD01 |
| | Admitted: 8/19/2014 |
| | Rejected: |
| | Other: |
| | Identified: 8/19/2014 |
| | Withdrawn: |
| | Stricken: |

Hearing Identifier: Powertech_Uranium_Dewey_Burdock_LA_Public
Email Number: 328

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Subject: Dewey-Burdock ISR Project, SD
Sent Date: 4/7/2014 4:21:28 PM
Received Date: 4/7/2014 4:23:46 PM
From: LaShavio Johnson

Created By: ljohnson@achp.gov

Recipients:

"Yilma, Haimanot" <Haimanot.Yilma@nrc.gov>
Tracking Status: None
"Hsueh, Kevin" <Kevin.Hsueh@nrc.gov>
Tracking Status: None
"Jay D Vogt" <jay.vogt@state.sd.us>
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"Camper, Larry" <Larry.Camper@nrc.gov>
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"Lynne Sebastian" <lsebastian@srifoundation.org>
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"wyoung@standingrock.org" <wyoung@standingrock.org>
Tracking Status: None

Post Office: BN1PR09MB058.namprd09.prod.outlook.com

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|---|------|---------------------|
| MESSAGE | 159 | 4/7/2014 4:23:46 PM |
| sd.nrc.dewey-burdock in-situ uranium recovery project.PA ltr to SRST THPO.07apr14.pdf | | |
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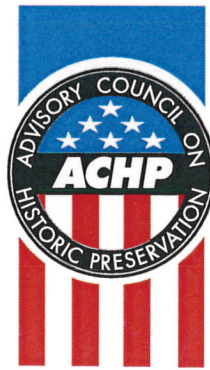
Options

Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received:

Milford Wayne Donaldson, FAIA
Chairman

Clement A. Price, Ph.D.
Vice Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

April 7, 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) appreciates your recent emails in which you expressed concerns about the Section 106 consultation for the referenced undertaking carried out by the Nuclear Regulatory Commission (NRC) in order to comply with Section 106 of the National Historic Preservation Act (NHPA), and its implementing regulations, "Protection of Historic Properties" (36 CFR 800). You have also expressed concerns about the development of the Programmatic Agreement (PA) that the NRC has been negotiating with the consulting parties since September of 2013. We understand that the Standing Rock Sioux Tribe (SRST) has objections to the level of effort required by the NRC for the identification of historic properties of religious and cultural significance to tribes that may be affected by this undertaking. However, based on the background documentation, the issues addressed during consultation, and the processes established in the PA, the ACHP has concluded that the content and spirit of the Section 106 process has been met by NRC.

While the ACHP specifically considered the concerns expressed by SRST and some of the other consulting tribes while negotiating the PA, we believe that the NRC has been establishing appropriate measures to ensure that the identification, evaluation, assessment of effects, and resolution of adverse effects will be ongoing. As such, we have concluded that signing the PA would provide consulting parties the assurance that adverse effects will be avoided or resolved in consultation with consulting tribes. This level of protection would not be provided outside of the execution of the PA.

The ACHP understands your expectations of the Section 106 consultation for this and other undertakings, especially when it is necessary to negotiate the parameters of field investigations that require the special expertise of tribes in identifying and evaluating properties of religious and cultural significance. We want to assure you that the ACHP is intent on assisting tribes and federal agencies in working through these issues. As a host of the upcoming Plains Tribal Summit we will be able to bring together federal agencies and tribes to consider these policy and tribal issues and recommend improvements to Section 106 reviews. Through ongoing education of federal agencies and other consulting parties about the importance of properties of cultural and religious significance to Indian tribes, we think improvements in tribal consultation can be achieved. As we continue to emphasize to federal agencies the need to be sensitive to tribal concerns about confidentiality, to recognize the special expertise of tribes in identifying and evaluating such properties, and to acknowledge the preference of both the tribes and the ACHP to avoid

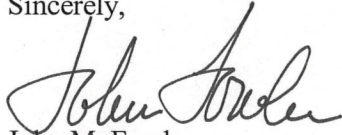
ADVISORY COUNCIL ON HISTORIC PRESERVATION

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the effects of undertakings to such properties, we anticipate that NRC will be able to address tribal concerns and develop mutually agreed upon solutions as it implements the Dewey-Burdock ISR Project.

Thank you again for expressing your views on this undertaking, and for sharing with the Chairman and staff of the ACHP your perspectives on tribal consultation. If you would like to discuss these issues further, please feel free to contact Reid Nelson, Director, Office of Federal Agency Programs, by telephone at 202-606-8556 or by email at rmelson@achp.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Fowler". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Fowler".

John M. Fowler
Executive Director