Additional Briefing by EPA Region 8

Attachment 3

Programmatic Agreement Appendix B

APPENDIX B

Appendix B – Cultural Resource Identification and Consultation Efforts

1. Class III Archaeological Investigations

The NRC staff reviewed the Class III cultural resource investigations and evaluative testing reports prepared by the Archaeology Laboratory, Augustana College (ALAC) on behalf of the applicant for the proposed Dewey-Burdock ISR Project (Kruse, et al., 2008; Palmer and Kruse, 2008; Palmer 2008, 2009, 2012). The investigations included an archival and historic review of available sources, a search of Archaeological Research Center-maintained records and collections, and review of published field reports. A review of available data shows that six surveys have been conducted within the project boundary of the proposed Dewey-Burdock site (Kruse, et al., 2008). A total of 57 archaeological sites were previously recorded within the proposed project area (Kruse, et al., 2008).

Field investigations of the proposed project area were conducted by pedestrian surveys of 4,173 ha [10,311 ac] between April and August 2007 and an additional 526 ha [1,300 ac] between July and September 2008. The 2007 and 2008 field investigations included evaluative testing at 43 sites. In 2011, additional evaluative testing at 20 unevaluated sites located within the project boundary provided data for recommendation on National Register of Historic Places (NRHP) eligibility (Palmer and Kruse, 2012). As a result of the evaluative testing, one site, 39FA1941, was recommended as eligible for listing on the NRHP and 19 sites were recommended as ineligible for listing on the NRHP (Palmer and Kruse, 2012). Results of the Class III cultural resource investigations are presented in the following sections.

Archaeological Sites

NRC reviewed site data on over 200 archaeological sites recorded within the proposed project area. During the field investigation, a number of small, individual sites were combined into larger, single sites. Fifteen archaeological sites within the APE, including two containing cairns and burials, have been recommended as eligible for listing on the NRHP. South Dakota State Historic Preservation Office (SD SHPO) has previously concurred with the sites recommended eligible to the NRHP under one or more criteria of eligibility in Table A (SD SHPO, 2012). As a result of additional information obtained from Tribal representatives, an eligibility recommendation for one of the fifteen sites (39CU0584) has been updated and is presented in Table 1.0.

The SD SHPO reviewed and concurred on the NRC and the BLM determinations of eligibility for the cultural resources identified within and adjacent to the 10,580-acre project boundary. These properties include tribal properties and archaeological sites. The eligibility determinations are listed in Table 1.0.

Table A: List of Archaeological Sites Within the Proposed APE Recommended Eligible for Listing on the National Register of Historic Places (NRHP)*

Historic Property (Site Number, Structure Identification, or Historic District)	Description	NRHP Determination
39CU0271	Native American and Archaic artifact scatter and occupation site on a ridge slope with a cairn feature	Eligible, Criterion D
39CU0577	Native American/Euroamerican Occupation site; artifact scatter	Eligible, Criterion D
39CU0584	Native American occupation site and burial on a ridge slope	Eligible, Criterion D
39CU2735	Archaic- Prehistoric occupation site	Eligible, Criterion D
39CU0578	Native American/Euroamerican Dump and occupation site on a ridge slope	Eligible, Criterion D
39CU0586	Native American and Late Archaic occupation site on a ridge crest	Eligible, Criterion D
39CU0588	Native American occupation site on a ridge crest	Eligible, Criterion D
39CU2733	Native American hearth and artifact scatter on a ridge slope	Eligible, Criterion D
39CU2738	Native American occupation site on a ridge crest	Eligible, Criterion D
39CU0590	Native American artifact scatter on a ridge saddle	Eligible, Criterion D
39CU0593	Native American and Euroamerican occupation and artifact scatter on a hill slope	Eligible, Criterion D
39CU3592	Native American artifact scatter and hearth site	Eligible, Criterion D
39FA1941	Native American artifact scatter and hearth site	Eligible, Criterion D
39CU2000	Historic Railroad	Eligible, Criteria A and C
39FA2000	Historic Railroad	Eligible, Criteria A and C

Sources: Kruse, et al. (2008); Palmer and Kruse (2008, 2012); Palmer (2009)
*Recommended eligible by ALAC and NRC. SD SHPO has concurred with these recommendations (SD SHPO, 2012).

2. Tribal Cultural Survey Results

In June 2011, at the first face-to-face meeting between the NRC and interested Tribes, consulting Tribal Representatives requested a traditional cultural property (TCP) survey be conducted to identify places of religious and cultural significance to Tribes that could be affected by the proposed project. To facilitate the identification of TCPs, the NRC communicated the Tribes' request for a field survey to the applicant and worked toward scheduling and conducting the survey. In October 2011, the NRC provided consulting Tribes with maps of all known archaeological sites and requested information from the Tribes on how to obtain information on properties of significance to the Tribes, including the implementation of tribal surveys.

Between February and November 2012, the NRC consulted with Tribal Historic Preservation Officers (THPO) and other Tribal Representatives, the South Dakota State Historic Preservation Officer (SD SHPO), BLM, the U.S. Environmental Protection Agency (EPA), and SRI Foundation (the applicant's consultant) on developing an approach for identifying historic properties of cultural and religious significance to Tribes. After numerous communications via teleconferences, solicitation of and negotiations on proposed work plans, and exchanges of letters and emails, the consulting parties were unable to reach agreement on the scope of field investigations and compensation for the TCP survey (see additional discussion under Tribal Consultation section of the Appendix B).

In December 2012, the NRC staff advised all consulting Tribes that the Dewey-Burdock site would be open for interested Tribes to conduct on-the-ground surveys in the spring of 2013.[1]

On February 8, 2013, the NRC staff invited the participation of 23 Tribes interested in the proposed Dewey-Burdock ISR Project in a field survey of the entire project area to identify properties of religious and cultural significance to Tribes. In the spring of 2013, the Dewey-Burdock project site was open to each consulting Tribe and each Tribe was invited to conduct a field survey implementing its own survey methodology. The NRC invited interested Tribes to investigate any areas within the 4,282 ha [10,580 ac] Dewey-Burdock site during the month of April 2013. Financial support was offered for three representatives; although additional surveyors could participate. The Tribes were asked to respond to the NRC no later than March 12, 2013.

Seven Tribes participated in the field survey at the proposed Dewey-Burdock site; they were the Northern Arapaho Tribe, Northern Cheyenne Tribe, Turtle Mountain Band of Chippewa Indians, Crow Creek Sioux Tribe, Cheyenne and Arapaho Tribes of Oklahoma, Crow Nation, and Santee Sioux Tribe. The NRC staff received detailed written reports with NRHP-eligibility recommendations from three of the seven Tribes who participated in the tribal cultural surveys (Northern Arapaho Tribe, Northern Cheyenne Tribe, and Cheyenne and Arapaho Tribes of Oklahoma). The Crow Nation provided the NRC staff field notes identifying sites of interest to the Crow Nation.[2] A detailed list of sites identified during the tribal field survey is presented with management recommendations below in Table 1.0. The survey reports prepared by the Tribes, and the maps recording the location of the properties identified during the tribal cultural survey are on file at NRC and at each of the respective tribal offices.

The tribal survey teams identified new artifact discoveries or cultural features of interest to Tribes at 24 previously reported archaeological sites, as well as 47 additional locations. In total, the tribal survey teams identified and investigated 71 tribal sites. A number of the 47 new discoveries identified by Tribes are adjacent to known archaeological sites and current archaeological site boundaries could be expanded to include these new discoveries. In addition, several new discoveries are located in close proximity to one another and may be culturally-related.

Most of the new discoveries identified in the tribal cultural surveys are evaluated as individual tribal sites. For some discoveries Tribal experts provided information identifying tribal association to the newly discovered features and known archaeological sites, as well as or links between groups of individual tribal cultural features and this information is provided in the summary Table 1.0.

Tribal Review of Previously Reported Archaeological Sites

Tribal survey teams recorded 81 cultural features within the boundaries of 24 known archaeological sites. Many of the cultural features recorded by tribal survey teams correspond to features identified in the archaeological surveys; however, many of the features represent new discoveries. Tribal teams also made specific NRHP-eligibility recommendations for four archaeological sites that were investigated during the tribal survey, but which did not produce new cultural features.

[1] Letter to Tribal Leaders Responding to Comments Received Regarding Tribal Survey, Dewey-Burdock ISR Project. (December14, 2013) (ADAMS Accession No. ML12335A175).

[2] The Tribes submitting reports and field notes requested the original reports be maintained by the NRC as confidential information, due to the sensitive religious, ceremonial, and spiritual information they contain. Summaries of the reports, with confidential information withheld, were distributed to all parties to the Section 106 consultation; the information is contained in this Appendix.

Tribal Sites: New Discoveries

A total of 47 new discoveries were recorded as a result of the tribal cultural survey. Forty-four represent individual tribal sites or individual cultural features and each discovery was assigned an individual survey number. Three tribal sites represent associated cultural features within a single site. For example, 11 separate GPS readings were taken to record the location of individual stones that make up a single stone feature (TS080-TS089, TS098). Five associated tribal features (TS007-TS011) are part of another tribal site. One cultural feature was assigned duplicate survey numbers (TS041 and TS042).

Twelve of the 47 newly discovered cultural features were identified outside the license boundary. Five features were discovered on private land (TS024, TS061, TS062, TS075, TS079), five discoveries are located on BLM property (TS125, TS126, TS127, TS128, TS129), and two discoveries are located on U.S. Forest Service property (TS106, TS107). Sites TS107 and TS125 were identified as possible gravesites. TS106 and TS107 were recommended as eligible for listing on the NRHP under criteria A and C. Eligibility recommendations were not provided for the other 10 cultural features or sites. Thirty-five of the new discoveries are located within the project license boundary. Ten of these tribal sites have been recommended as NRHP-eligible under one or more eligibility criteria. TS002, TS118, and TS120 are eligible for listing under Criterion A. TS145 is recommended as eligible under Criterion D. TS007-011 is recommended as eligible under Criteria A and D. TS040, TS041-TS042, TS047, and TS080-T089, TS098 are recommended as eligible under Criteria A and C. TS006, a gravesite, is recommended as eligible under Criteria A, C, and D.

NRHP recommendations were not provided for 25 of the 35 new discoveries recorded within the project license boundary (TS003, TS005, TS023, TS028, TS030, TS036, TS037, TS048, TS049, TS050, TS051, TS052, TS063, TS064, TS065, TS066, TS090, TS091, TS092, TS093, TS094, TS095, TS097, TS131, and TS144). These features include isolated artifact finds, animal bone concentrations, stone circles, cairns, and possible fasting sites. TS023, TS048, TS049, TS050, and TS131 were identified during the field survey as possible gravesites. The NRC recommends that the applicant avoid these sites because they may contain human remains, although Tribes have not recommended these sites for listing on the NRHP.

3. Visual Effects Assessment (indirect effects)

In consultation with the SD SHPO and other consulting parties, the NRC staff completed an assessment of the project's potential visual impacts on historic properties (i.e., properties of any type listed in or considered eligible for listing on the NRHP). This assessment considered whether the construction of the central processing plant and satellite facility would have a visual effect on historic properties. The study assessed whether the introduction of new visual changes in the form of new processing facilities could diminish the aspects of integrity that qualify an historic property for inclusion on the NRHP. NRC's assessment considered potential visual effects on the integrity of each property's location, design, setting, materials, workmanship, feeling, or association, in accordance with the Section 106 regulations at 36 CFR 800.5(a)(1). Setting, feeling, and association are generally those aspects of integrity considered most sensitive to visual intrusions and these aspects of integrity and thus, are most likely to contribute to the historic significance of historic properties considered eligible under criteria A, B, or C. Integrity of setting is not usually deemed a contributing characteristic for properties eligible under Criterion D alone, i.e., based only on the historic information they provide).

NRC's assessment of visual effects included historic properties situated within a 4.8 km [3-mi] radius of the tallest or most prominent building within each processing facility. The assessment includes historic properties located within the license boundary, as well as those outside the boundary. The 4.8 km [3 mi]

radius was adopted after: (i) consultation with the SD SHPO, (ii) consultation with BLM, and (iii) evaluation of a earlier assessment done for the Dakota, Minnesota, and Eastern Railroad (DM&E) Powder River Basin Expansion project (HDR Inc., 2009). Because the proposed project is in close proximity to the state of Wyoming, the NRC staff consulted with the Wyoming State Historic Preservation Office (WY SHPO) to determine whether evaluating properties located within a 4.8 km [3 mi] radius of the processing facilities would be acceptable for purposes of assessing potential visual effects on significant cultural and historical properties in the eastern portion of Wyoming. The WY SHPO staff agreed with the NRC proposed research approach.

For the evaluation of potential visual effects to historic properties in South Dakota, the NRC staff compiled a list of 31 historic properties listed on the NRHP or eligible for listing on the NHRP under criteria A and/or C. No historic properties within the project area were found to qualify as significant under Criterion B. Historic properties eligible for the NRHP solely under Criterion D were not evaluated for potential visual effects. Because such properties are significant for the important historic information they provide, rather than their setting, feeling, and association and they are unlikely to be affected by visual changes. The 31 historic properties include one NRHP-listed historic district, the Edna and Ernest Young Ranch (90000949) also known as the Bakewell Ranch (CU00000050). The Young Ranch historic district encompasses several ranch buildings, including the principal residence, which contribute to its significance. A nearby homestead district, known as the Richardson Homestead (CU00000052), is considered not eligible, but it includes one individually eligible log barn (CU02500002). Other NRHP-eligible properties are an historic bridge (Beaver Creek Bridge, FA00000111), 19 archaeological sites, and 9 tribal sites.

The Beaver Creek Bridge (Structure FA00000111) is located southwest of the project boundary, but falls within the 4.8 km [3 mi] radius for visual impacts from the central processing plant. It is the only historic property outside the license boundary evaluated as part of the visual effects determination. Two rock art sites in Fall River County (39FA2530, 39FA2531) are located just outside the 4.8 km [3 mi] range for the central processing plant. No other NRHP-listed or eligible properties were identified outside the license boundary. Table 1.0 summarized identified sites impact determination.

A review of NRHP listings for the State of Wyoming and state inventory records on file at the Wyoming Cultural Records Office at the University of Wyoming, Laramie, Wyoming reveal one NRHP-eligible property in Wyoming within the 4.8 km [3 mi] radius of the proposed satellite facility. The environmental setting of the Wyoming property is not among the characteristics that contribute to its cultural and historical significance, and for this reason the property was not included in the line-of-sight (LOS) study. NRC determined no further consultation with the Wyoming SHPO is warranted for this project.

4. Tribal Consultation

The federal government and the State of South Dakota recognize the sovereignty of federally recognized Indian Tribes. Pursuant to Section 106 of the NHPA, federal agencies must consult and coordinate with each tribal government that may have an interest in a proposed federal action. Executive Order 13175 (November 2000), *"Consultation and Coordination with Indian Tribal Governments,"* excludes, "independent regulatory agencies, as defined in 44 U.S.C. §3502(5)" from the requirements of the Order. Section 8 of the Order states, "Independent regulatory agencies are encouraged to comply with the provisions of this order." Although the NRC is explicitly exempt from the Order, the Commission remains committed to its spirit. The agency has demonstrated a commitment to the objectives of the Order, by implementing a case-by-case approach to interactions with Indian tribes, which encourages

both the NRC and Tribal governments to initiate outreach and communication on issues of mutual interest.

As part of its Section 106 obligations found in the regulations at 36 CFR §800.2(c)(2)(B)(ii)(A), the NRC provides Indian Tribes:

> a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties and evaluation of historic properties, including those of religious and cultural importance, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects.

The NRC staff formally initiated the Section 106 consultation process for the proposed Dewey-Burdock ISR Project in March, 2010[3].

The SD SHPO identified 20 Native American tribes that might attach historic, cultural, and religious significance to historic properties within the proposed Dewey-Burdock ISR Project area and provided this information to the NRC. The NRC staff contacted the 20 tribal governments by letters dated March 19, 2010; September 10, 2010; and March 4, 2011. The NRC staff invited the Tribes to participate as consulting parties in the NHPA Section 106 process and requested assistance in identifying tribal historic sites or cultural resources that may be affected by the proposed action. Specifically, the NRC staff solicited information regarding properties of religious and cultural significance to Tribes. The Tribes contacted were:

- Cheyenne River Sioux Tribe—South Dakota
- Crow Creek Sioux Tribe—South Dakota
- Flandreau Santee Sioux Tribe—South Dakota
- Lower Brule Sioux Tribe—South Dakota
- Oglala Sioux Tribe—South Dakota
- Rosebud Sioux Tribe—South Dakota
- Sisseton-Wahpeton Sioux Tribe—South Dakota
- Standing Rock Sioux Tribe—South Dakota
- Yankton Sioux—South Dakota
- Three Affiliated Tribes (Mandan, Hidasta, and Arikara Nation)—North Dakota
- Turtle Mountain Band of Chippewa—North Dakota
- Spirit Lake Tribe—North Dakota
- Lower Sioux Indian Community—Minnesota
- Fort Peck Assiniboine and Sioux—Montana
- Northern Cheyenne Tribe—Montana
- Northern Arapaho Tribe—Wyoming
- Eastern Shoshone Tribe—Wyoming
- Santee Sioux Tribe—Nebraska

[3] In November 2009, the NRC staff offered to meet with the Oglala Sioux Tribe while the staff was in South Dakota for information gathering meeting with other federal and local governments in December 2009. The NRC was advised by Oglala Sioux Trial representative that Tribal leadership was in transition and the Tribe would be unable to meet with the NRC in December 2009. (ADAMS Accession No. ML102380609).

- Ponca Tribe—Nebraska
- Crow Tribe—Montana

The NRC staff contacted the Cheyenne and Arapaho, the Pawnee, and the Omaha Tribes in February 2013, after it was brought to the attention of the NRC staff that these Tribes also had historical and cultural links to the proposed project area.

By letter dated April 7, 2010, the Turtle Mountain Band of Chippewa–North Dakota responded to NRC and stated that the proposed project would not have an effect on historic properties of importance to the Turtle Mountain Band of Chippewa Indians. The THPO also stated that "determination of No Historic Properties Affected is granted for the project to proceed".

The NRC staff continued its efforts to engage in consultation with Tribes that might be affected by the proposed action with follow-up telephone calls and by sending emails to gather information related to identification efforts and coordinate meetings.

On September 10, 2010, the NRC staff invited the Tribes to participate in a consultation to facilitate the identification of areas on the proposed Dewey-Burdock site the Tribes believe have traditional religious or cultural significance. The NRC staff followed up with telephone calls and emails to confirm Tribal officials received the correspondence.

By letter dated September 20, 2010, Mr. Perry "No Tears" Brady of the Three Affiliated Tribes (Mandan, Hidatsa, and Arikara Nations–North Dakota) responded that the tribe had determined there would be no adverse effects on historic or cultural resources important to the Mandan, Hidasta, and Arikara Nations within the proposed project area.

The Sisseton-Wahpeton Oyate Tribe (on November 2, 2010), Rosebud Sioux Tribe (on November 7, 2010), Lower Brule Sioux Tribe (on November 15, 2010), and the Yankton Sioux Tribe (on December 3, 2010) requested to become consulting parties to the proposed project. The Sisseton-Wahpeton Oyate and Rosebud Sioux THPOs recommended that the NRC consult with the all tribal representatives as a group and suggested that the Oglala Sioux Tribe host a meeting on the Pine Ridge Reservation. The Yankton Sioux THPO requested face-to-face consultation and expressed concerns regarding protection of traditional cultural properties (TCPs) within the project area. While the term TCP does not appear in the NHPA or its implementing regulations, many of the Tribes apply this term to historic properties of religious and cultural significance to Indian tribes. The NRC uses the term in this context.

By letter dated January 31, 2011, the Oglala Sioux THPO accepted the invitation to participate as a consulting party and stated that the proposed Dewey-Burdock project represents a substantial potential threat to the preservation of cultural and historic resources of the Oglala Sioux Tribe. The THPO stated the proposed project site is located within an area of which Sioux Tribes, along with the Cheyenne, Arapahoe, Crow, and Arikara Tribes, possess intimate cultural knowledge. The THPO stated impacts from the proposed project may include not only site-specific physical impacts, but also intangible impacts to the integrity of the area from cultural, historical, spiritual, and religious perspectives. The letter also requested NRC assistance in facilitating a site visit and regional meeting to provide all affected Tribes an opportunity to review and identify the cultural and historic resources at stake.

Mr. Hubert B. Two Leggins (Crow Tribal Cultural Resource Director/Renewable Resource Supervisor) of the Crow Tribe of Montana responded by email on March 9, 2011, indicating the Dewey-Burdock Project

area has religious and cultural significance to the Crow Tribe. Mr. Two Leggins accepted the invitation to participate in formal consultation with the NRC, stating the Crow Tribe would be a consulting party.

By letter dated May 12, 2011, the NRC staff invited THPOs and/or Cultural Resources Officers to an information gathering meeting on June 8, 2011, at the Prairie Winds Casino and Hotel on the Pine Ridge Reservation in South Dakota. The purpose of the meeting was to help the NRC identify tribal historic sites and cultural resources that may be affected by the proposed Dewey-Burdock ISR Project, the Crow Butte North Trend, and Crow Butte License Renewal ISR Projects in Nebraska. Representatives of six Tribes, the Oglala Sioux, Standing Rock Sioux, Flandreau-Santee Sioux, Sisseton-Wahpeton Oyate, Cheyenne River Sioux, and Rosebud Sioux attended. BLM and SD SHPO staff also attended.

During the June 8, 2011 meeting, Tribal officials expressed concerns about the identification and preservation of historic properties of traditional religious and cultural importance to Tribes at the proposed Dewey-Burdock and Crow Butte sites. Tribal officials stated historic and cultural resource studies of the sites should be conducted with tribal involvement. The SD SHPO stated Tribal representatives would need access to the Dewey-Burdock site to assist in the identification of historic properties. A transcript of this meeting is available through the NRC Agencywide Documents Access and Management System database on the NRC website (http://www.nrc.gov/reading-rm/adams.html).

In conjunction with the information gathering meeting, the applicant hosted a visit to the Dewey-Burdock ISR Project site on June 9, 2011. Tribal officials, the NRC staff, BLM, SD SHPO, and South Dakota Historical Society Archaeological Research Center (ARC) staff interacted with the applicant's personnel and archaeologists from Archaeology Laboratory of Augustana College during the site visit. The Level III cultural resource evaluations at the site were conducted by the Archaeology Laboratory of Augustana College. The Dewey-Burdock site visits included a presentation of the proposed project identifying the location of facilities and wellfields. The Augustana College staff provided an overview of the results of archaeological and cultural evaluations. At the conclusion of the presentations, participants toured the proposed Dewey-Burdock ISR Project site. The group visited several locations to view and investigate cultural and historic features identified during the Level III cultural resource evaluations, including stone circles and rock alignments.

To facilitate the identification of possible historic properties of importance to Indian Tribes within the APE, the NRC began efforts to open the Dewey-Burdock site to tribal representatives for a field survey. On August 12, 2011, the NRC staff requested the applicant submit a written plan for acquiring information on historic properties within the APE.

By letter dated October 28, 2011, the NRC staff advised the Tribes the applicant would undertake studies and surveys to gather information on properties of traditional religious and cultural importance to Tribes, as permitted under 36 CFR 800.2(c)(4). The letter informed the Tribes that the applicant had engaged the services of SRI Foundation (SRI) of Rio Rancho, New Mexico, to collect information concerning historic properties that may be located in the proposed project area. The NRC authorized SRI, acting on behalf of the applicant, to contact Tribes to obtain information. However, the NRC affirmed it was legally responsible for all findings, determinations, and for maintaining government-to-government relationships with the involved Tribes.

By letter dated January 19, 2012, the NRC staff invited the THPOs to a tribal consultation held on February 14–15, 2012 at the Ramkota Best Western Hotel in Rapid City, South Dakota. Officials from 13 Tribes (Cheyenne River Sioux, Crow Creek Sioux, Crow Tribe of Montana, Eastern Shoshone, Fort Peak Assiniboine Sioux, Northern Arapaho, Northern Cheyenne, Oglala Sioux, Rosebud Sioux, Yankton Sioux, Sisseton-Wahpeton Sioux, Santee Sioux Nation, and Standing Rock Sioux) attended. In addition,

the applicant, SRI consultants, the NRC, BLM, and EPA Region 8 staffs attended. At the meeting the NRC sought information on the general types and descriptions of historic properties of religious and cultural significance that were likely to be affected by the proposed project. The NRC asked how these properties could be identified and evaluated, as part of the ongoing consultations under Section 106 of NHPA.

During the February 14–15, 2012 meeting, Tribal representatives: (i) raised the need for the NRC to keep information on TCPs confidential and protected from disclosure to others; (ii) discussed developing a confidentiality agreement before submitting any traditional cultural studies to the NRC; (ii) asked that future meetings indicate the decision-making authority of the participants; (iii) volunteered to develop project-specific statements of work (SOWs) to conduct traditional religious and cultural properties studies at the proposed Dewey-Burdock project; and (iv) requested a meeting be held March 14-15, 2012, to review the draft SOWs.

The NRC scheduled the March meeting, however, scheduling conflicts of many tribal representatives, led to the cancellation of the March 14–15, 2012 meeting. The NRC staff transmitted the applicant's SOW for the Dewey-Burdock project to the THPOs on March 9, 2012 and proposed a teleconference to discuss the proposed SOW in April 2012. On April 5, 2012, the NRC staff invited the Tribes to participate in an April 24, 2012 teleconference, to discuss the applicant's SOW to identify historic properties of religious and cultural significance to the Tribes.

On April 24, 2012, the NRC staff held a teleconference with staff from Powertech, Cameco, SRI, SD SHPO, EPA Region 8, BLM, the Northern Cheyenne, Oglala Sioux, Rosebud Sioux, Northern Arapaho, Sisseton-Wahpeton, Standing Rock Sioux, Yankton Sioux, and Cheyenne and Arapaho Tribes. The consulting parties discussed the applicant's SOW: (i) the adequacy of compensation for tribal representatives conducting the fieldwork, (ii) the need for the NRC to recognize the confidentiality of information gathered by the Tribes, (iii) the amount of acreage to be covered during fieldwork, and (iv) how to accomplish tribal involvement in making NRHP-eligibility determinations.

Also discussed at the April 24, 2012 teleconference, was plan for accomplishing the tribal survey. The parties agreed that: (i) tribal representatives would continue development of a draft tribal SOW; (ii) the THPOs would hold an intertribal teleconference to discuss a draft tribal SOW; (iii) a copy of a draft tribal SOW would be submitted to the NRC, after approval by all tribal officials; (iv) the NRC would distribute a draft tribal SOW to consulting parties (applicant, BLM, EPA, and SD SHPO); (v) the NRC would arrange another meeting for consulting parties to finalize an SOW, agreeable to the parties, for the identification of potential historic properties; (vi) the applicant would make the Dewey-Burdock site available to the Tribes to conduct field survey; (vii) written preliminary and final reports identifying TCPs and presenting tribal views on effects of the undertaking on these properties would be submitted to the NRC after completion of the survey; and (viii) the NRC would consider the tribal information in preparing its assessment of effects on properties under NHPA and its impact determination pursuant to NEPA. The tribal participants requested two tribal specialists be permitted access to the Dewey-Burdock site for a preliminary survey to obtain information needed to complete a detailed proposed SOW. The tribal reconnaissance of the Dewey-Burdock site took place on May 26, 2012.

On June 19, 2012, the Tribes submitted a preliminary tribal SOW for a field survey to identify properties of religious and cultural significance at the Dewey-Burdock site. The draft SOW proposed a 100 percent survey of the entire 10,580-acres of the site and the survey interval for the pedestrian survey was set at five meters or less. The draft SOW did not include estimates of the duration of the survey, the number of

field workers, or the overall cost of the survey effort[4]. Subsequently, the NRC staff held teleconferences on August 9, 2012 and August 21, 2012, to solicit details on the tribal SOW, as well as discuss the differences between the applicant's SOW[5] and the tribal SOW. Tribal Representatives, the NRC staff, Powertech, SRI, SD SHPO, EPA Region 8, and BLM participated in these teleconferences. Discussions centered on: (i) defining the areas of potential effects (direct and indirect) that would be included in the proposed surveys, (ii) the need to provide survey cost estimates, and (iii) the need to develop a survey schedule that supported the NRC licensing and environmental review schedules. The Tribes participating requested an opportunity to revise the applicant's proposed SOW. At the close of the August 21, 2012 teleconference, the NRC staff agreed to meet with tribal representatives in Bismarck, North Dakota on September 5, 2012, in order to develop plans for completion of a TCP field survey in the fall of 2012.

The applicant informed the NRC by letter dated August 29, 2012, that it was unable to reach an agreement with the Tribes on the terms of a SOW for the field survey. The applicant stated it had been unable to obtain additional information from Tribal representatives concerning properties of religious and cultural significance to the Tribes and therefore was unable provide information on these properties to the NRC. The applicant believed additional efforts to negotiate a mutually acceptable SOW was unlikely to be productive. The applicant, however, offered approximately $100,000.00 in financial assistance to tribal representatives to carry out fieldwork and reporting activities. The applicant committed to working with the NRC and BLM to provide access for Tribal representatives to the project area to carry out work agreed to by the Tribes.

On September 5, 2012, the NRC staff met with representatives of the Yankton Sioux, Sisseton-Wahpeton Oyate Sioux, Rosebud Sioux, Standing Rock Sioux, Northern Cheyenne, Oglala Sioux, and the Crow Nation Tribes at the Kelly Inn in Bismarck, North Dakota. During this meeting, participants discussed how to proceed with development of a SOW to identify religious and cultural properties within the APE. The APE is the area in which properties of cultural significance may be affected by the undertaking. Direct effects (such as destruction, damage, or alteration of all or part of a property) and indirect effects (such as visual, audible, and atmospheric changes that affect the character or setting of a property) would be identified and evaluated. All consulting parties agreed a survey was necessary for historic property identification. The parties agreed to consult further on developing a SOW that would identify properties directly and indirectly affected by the proposed project. The consulting parties agreed the area of potential indirect effect might include properties well beyond the proposed license area. In addition, the parties acknowledged the need to prepare a Programmatic Agreement (PA) to protect historic properties from future disturbances outside of areas directly affected by the proposed project.

By letter dated September 18, 2012, the NRC staff requested that consulting Tribes to designate a preferred contractor, who would submit a survey proposal on their behalf. The NRC staff stipulated a cost estimate based on the area of direct effect for the initial phase of the Dewey-Burdock project be included in the proposal. The NRC request also responded to four NHPA-related concerns raised by the Tribes attending the September 5, 2012 meeting. The NRC agreed to develop a PA in consultation with the Tribes, in order to address phased identification and evaluation of historic properties. The NRC committed to continue consultation with all the parties on all issues arising under Section 106 of the NHPA, including potential indirect effects. The NRC committed to maintain the confidentiality of religious, spiritual, and ceremonial information provided by the Tribes, to the fullest extent allowed by

[4] The draft SOW included hourly rates for tribal surveyor(s), crew leader(s), and traditional cultural expert(s). However, because the SOW did not specify the number people that would be involved in the survey and how long the survey would take, the cost of the survey effort could not be developed.

[5] The applicant revised the Tribes' draft SOW. The NRC distributed the applicant's revised SOW to the tribes and offered to host a teleconference to discuss the differences.

law. The NRC invited the Tribes to suggest an alternative method for estimating survey costs if coverage rate for estimating cost are not acceptable to the Tribes.

On September 27, 2012, Makoche Wowapi/Mentz-Wilson Consultants, LLP submitted a tribal proposal and cost estimate for a tribal field survey of approximately 2,637 acres of the Dewey-Burdock site (the 243 acres expected to undergo ground disturbance plus 969 acres of buffer zone) to the NRC. This contractor had been selected by some of the consulting Tribes to complete the cultural resources survey.

On October 4, 2012, the NRC transmitted the Makoche Wowapi/Mentz-Wilson proposal and cost estimate to the applicant for review and comment. While the proposed schedule for completion of the field survey coordinated with the timeframe for completion of the NRC environmental review, the proposal did not contain a work plan or a description of field methods and associated costs.

The NRC staff collected comparative cost information for on-the-ground surveys conducted by other federal agencies. The NRC staff used this information when it reviewed the SOWs submitted for the Dewey-Burdock project. Costs estimates were obtained for federal projects in the northern Plains region. One included costs for ethnographic studies and partial ground surveys; another included the costs for conducting field visits only to known sites. Cost estimates provided by the applicant were based on comparison with archaeological field surveys conducted by cultural resource management teams. The costs associated with archaeological and partial on-the-ground surveys reviewed by the NRC staff ranged between $20/acres to $60/acres. No exact comparison was therefore available, but NRC noted that the estimated cost per-acre submitted by Mentz-Wilson Consultants, LLC was approximately 5 to 15 times greater than that other survey efforts. The NRC staff considered the Mentz-Wilson Consultants, LLP cost estimate to be unsupported by the proposal details and the level of effort appropriate for Dewey-Burdock identification[6].

The NRC informed the Tribes by letter dated October 12, 2012, of the significant differences between the Makoche Wowapi/Mentz-Wilson Consultants, LLP proposal and the proposal the applicant set out in its August 29, 2012 letter. The NRC indicated resolving these differences would not allow completion of a field survey at the Dewey-Burdock site in the fall 2012. The NRC requested that the Tribes provide their ideas on alternative methods[7] for identifying potential properties of traditional religious and cultural importance to the Tribes. The NRC suggested alternative identification methods might include opening the site to interested tribal specialists over a period of several weeks with payment for survey costs made to individual Tribes or seeking ethnohistoric and ethnographic information from tribal specialists in interviews at tribal headquarters.

Between October 15, 2012 and October 20, 2012, the NRC staff received letters and email from the Standing Rock Sioux Tribe, Sisseton-Wahpeton Oyate Tribe, Rosebud Sioux Tribe, and the Yankton Sioux Tribe opposing the NRC request for alternative identification approaches. These Tribes maintained that only level of effort for identification at Dewey-Burdock was on ground survey of 100 percent of the entire license boundary performed by tribal personnel.

On October 19, 2012, the Three Affiliated Tribes and the Turtle Mountain Band of Chippewa Indians Tribe in collaboration with Kadramas, Lee, & Jackson (KLJ), a private consulting firm from North

[6] Since 2012, the NRC conducted on-the-ground surveys for two projects that used the same approach implemented in the DB project.

[7] Many of the consulting Tribes reject archaeological survey methods that incorporate landform patterning or "predictive modeling" of site locations for TCP identification. For this reason, the NRC requested that the Tribes propose alternative methods for TCP identification.

Dakota, proposed a field survey of the 1,067 ha [2,637 ac] APE for ground disturbance. The proposal included investigation of previously recorded archaeological sites, use of light detection and ranging mapping technology to locate potential rock alignments, cairns, and other stone features, and a systematic pedestrian survey of the project area. The level of effort presented in the KLJ proposal was reasonable and appropriate to the project area. The KLJ proposal estimated costs that were in line with the range of survey costs obtained for other tribal surveys identified by the staff for other projects.

The NRC staff confirmed the proposed KLJ survey effort would be led by two current THPOs and one former THPO employed by KLJ. In addition, the KLJ survey effort welcomed participation of other Tribes and recommended additional compensation be provided for other Tribal surveyors. For these reasons, the NRC endorsed the level of effort represented by the KLJ proposal and recommended the applicant consider contracting with KLJ to lead the survey effort at the Dewey-Burdock site. To ensure all interested Tribes would have the opportunity to participate in the survey, the NRC staff requested that the applicant provide additional financial support for representatives from other Tribes. The applicant agreed to provide additional financial support for one representative for each interested Tribe, in addition to providing payment for the KLJ proposal. Additional tribal representatives would also be allowed to participate, but without compensation.

On October 31, 2012, the NRC sent a letter to the THPOs endorsing the KLJ survey approach. The letter invited all consulting Tribes to participate in the survey, noting that compensation was available for one representative per tribe. The KLJ survey proposal provided each participating tribe an independent opportunity to identify historic properties, to gather relevant information, and to provide independent recommendations regarding the NRHP eligibility of properties of traditional religious and cultural importance to the Tribes.

The NRC staff received written objections on the survey proposed by KLJ from the Standing Rock Sioux Tribe, Rosebud Sioux Tribe, Oglala Sioux Tribe, Sisseton-Wahpeton Oyate Tribe, and Yankton Sioux Tribe. The Tribes stated the NRC's endorsement of the KLJ proposal ignored the views on how to conduct on-the-ground surveys held by some Tribal representatives. Specifically, that: (i) the Dewey-Burdock field survey must include the entire project area, not the area directly affected by the proposed project; (ii) the field survey must be conducted by qualified tribal representatives, not archaeologists; and (iii) survey approaches based on predictive modeling are not appropriate for identifying tribal sites. The Tribes also asserted the NRC did not consult in good faith because Tribal perspectives on field surveys were not fully accepted by the NRC. Several Tribes asserted the Three Affiliated Tribes and the Turtle Mountain Band of Chippewa Indians are unsuited to conduct field identification for cultural places because earlier in the Section 106 process they advised the NRC the project posed no adverse effects on historic or cultural resources important to them.

On December 6, 2012, the KLJ withdrew its survey proposal by telephone. On December 17, 2012, KLJ withdrew its TCP survey proposal in writing.

In its December 14, 2012 letter, the NRC staff addressed the objections raised to the KLJ survey proposal. All consulting parties were notified that KLJ would not conduct the proposed survey work. The NRC advised the parties it would move forward with an alternative approach for identifying cultural places, which would include a field survey component. The NRC postponed the field survey until spring 2013. The NRC reiterated its intention to develop a PA and invited all interested consulting parties to provide information relevant to the development of a PA.

On February 8, 2013, the NRC staff invited 23 Tribes, including the Cheyenne and Arapaho, Pawnee, and Omaha, to participate in an on-the-ground field survey in the spring of 2013. The NRC staff proposed

April 1 through May 1, 2013, as survey dates, described procedures for site access, and identified the compensation for survey participation. Tribal Representatives were encouraged to focus survey efforts on portions of the proposed license area that would be physically disturbed by the project; participants were advised survey teams would have access to the entire project boundary within the allowable time. Compensation for per diem and mileage expenses for a maximum of three Tribal Representatives from each participating Tribe would be paid by the applicant. In addition, an unconditional grant of $10,000 would be paid to each participating Tribe. A field survey report would be submitted to the NRC, after the completion of the fieldwork. The report would include: (i) a discussion of the areas examined; (ii) a description of each individual property examined; (iii) an evaluation of NRHP-eligibility for each individual property examined; (iv) any recommendation concerning criteria of NRHP-eligibility for previously reported archaeological site within the license area that had been visited during the field survey; and (v) recommendations for appropriate avoidance buffers or possible mitigation measures in cases where properties recommended as NRHP-eligible could be adversely affected by the proposed project. The Tribes interested in participating in the survey were requested to respond by March 12, 2013.

On February 20, 2013, the NRC staff received a letter from the Standing Rock Sioux Tribe in response to the NRC letter of February 8, 2013. The Standing Rock Sioux Tribe objected to the survey approach. The Standing Rock THPO and tribal archaeologist asserted the NRC was not consulting in good faith because the NRC did not involve the Tribes when developing the current proposal for an on-the-ground survey for the identification of tribal places when in fact the NRC has asked for the Tribes input since October 2012. The Standing Rock Sioux Tribe also commented on the Section 106 process for the proposed Dewey-Burdock ISR project.

The Dewey-Burdock field survey for the identification of traditional properties of religious and cultural significance to the Tribes began on April 1, 2013. Seven Tribes participated in the field survey: the Northern Cheyenne, Northern Arapaho, Crow Nation, Crow Creek Sioux, Cheyenne and Arapaho of Oklahoma, Santee Sioux, and Turtle Mountain Band of Chippewa Indians. Heavy snow required the suspension of survey work on April 9, 2013. Work resumed on April 29, 2013 and was extended through May 24, 2013; the total field investigation spanned 36 calendar days.

On April 24, 2013, the NRC staff formally invited the ACHP to become an active consulting party in the Section 106 process for the proposed Dewey-Burdock ISR Project.[8] The NRC provided ACHP with a summary and chronology of its Section 106 consultation efforts.

On May 7, 2013, the NRC received a letter from the Oglala Sioux Tribe that was dated March 22, 2013.[9] The letter stated the proposed date for the start of the field survey, April 1, 2013, did not allow sufficient time to seek the formal authorization of the Oglala Tribal Council. The Tribe also objected to the field survey methodology, stating its view that funds allocated for the fieldwork were insufficient. The Tribe believed the NRC lacked cultural sensitivity. The Oglala Sioux Tribe did not believe direct and indirect effects on cultural resources and burial grounds would be fully assessed. And the Tribe was worried intellectual property generated during the survey would not be adequately protected. Finally, the Oglala Sioux Tribe requested formal government-to-government consultation with the NRC.

[8] Letter to Advisory Council on Historic Preservation re: Update on Section 106 Activities for the Proposed Dewey-Burdock In situ Uranium Recovery project in Fall River and Custer Counties, South Dakota and a Request for Guidance and Clarification (ADAMS Accession No. ML13017A077).

[9] The letter was addressed to the U.S. Environmental Protection Agency (EPA) and was stamped received by the EPA on April 19, 2013. EPA forwarded this letter to the NRC on May 7, 2013 (ADAMS Accession No. ML13141A362).

On May 23, 2013, the NRC staff hosted a government-to-government meeting to discuss proposed uranium recovery projects currently under NRC licensing review. The NRC invited tribal leaders or designated representatives of more than 30 Tribes to consult with NRC management on issues related to uranium recovery projects. The NRC organized the meeting because several Tribes requested formal government-to-government consultation. The government-to-government meeting took place at the Ramkota Hotel and Conference Center in Rapid City, South Dakota. The Northern Cheyenne and Standing Rock Sioux THPOs attended in person, while the Cheyenne River Sioux, Yankton Sioux and Sisseton-Wahpeton Oyate THPOs called in for this meeting. Only the Northern Cheyenne THPO stated he was the official Tribal Representative.

Between June 24, 2013 and July 25, 2013, the Cheyenne and Arapaho, Northern Arapaho, and Northern Cheyenne Tribes submitted survey reports to the NRC. The NRC staff received field notes from the Crow Tribe; however, NRHP eligibility recommendations for identified sites were not provided. The Cheyenne and Arapaho Tribes survey report, dated June 24, 2013, documented sites of religious and cultural significance identified by tribal representatives on April 23 to 25, 2013, and April 30 to May 2, 2013. NRHP-eligibility and mitigation recommendations for each identified site were included in the report. The Northern Arapaho survey report documented sites identified during surveys conducted from April 29, 2013 through May 9, 2013. The report included NRHP-eligibility and mitigation recommendations, and identified areas of importance to the Northern Arapaho Tribe, areas with no surface activity, areas the Tribe would like to have access to, and areas that should be avoided by equipment and pedestrian traffic. The Northern Cheyenne Tribe report dated July 25, 2013, described its survey methodology, summarized the survey results, and included NHPA-eligibility recommendations. Tribal Cultural Heritage Forms for ten cultural properties identified or investigated during the survey were included in the Northern Cheyenne report. The forms provide specific NHPA-eligibility recommendations and identify the eligibility criteria on which the Tribe relies.

On December 16, 2013, the NRC staff requested the SD SHPO's concurrence on NRC's NRHP-eligibility recommendations. The NRC staff enclosed non-confidential summaries of the Tribal survey reports.

On December 23, 2013, non-confidential summaries of the Tribal survey reports and the NRC's initial NRHP-eligibility determinations were sent to all 23 consulting Tribes and a 30-day review and comment period was provided.

On January 14, 2014, the SD SHPO advised the NRC of it concurrence on the NRHP-eligibility recommendations made by the NRC (ADAMS Accession No. ML14014A307).

Since initiating consultation in March 2010, the NRC staff conducted three face-to-face meetings, three teleconferences with Tribal Representatives, and has exchanged many emails, letters, and telephone calls as discussed above. The NRC staff informed each of the 23 consulting Tribes of all consultation activities, however, participation at individual meetings and teleconferences has varied; generally between 7 and 13 Tribal Representatives participate in an activity.

The NRC staff will continue to consult with BLM, SD SHPO, and the consulting Tribes on all issues arising under Section 106 of the NHPA. The NRC staff will also consult with ACHP as necessary.

The NRC staff invited the 23 consulting Tribes to participate in the development of a PA and provided opportunities for the Tribes to review and comment on the successive drafts of the PA. The NRC staff hosted four webinars for the consulting parties to discuss the content of the PA. In advance of each

webinar, the NRC staff distributed the working draft PA to facilitate discussion. During these webinars, consulting parties discussed methods to implement the remaining of the Section 106 process such as future identification and evaluation of cultural resources, treatment of unanticipated discoveries including human remains, development of treatment plans to resolve adverse effects, and the disposition of cultural resources. Consulting parties revised the draft PA as appropriate during the webinar.

The NRC staff was notified on February 11, 2014 that some Tribal Representatives were unable to attend the February 14, 2014 webinar. The NRC hosted the webinar as planned, but added a webinar on February 21, 2014 to accommodate those Tribes that had a schedule conflict.

If Tribal Representatives were unable to attend the webinar scheduled for February 21, 2014, the NRC requested their comments by February 20, 2014 so that their comments can be discussed during the meeting. The Standing Rock Sioux Tribe submitted extensive comments on the PA on February 20, 2014, supplementing their February 5, 2014 submission. During the February 21webinar, among other things, the Standing Rock tribal archaeologist expressed his concerns about NRHP-eligibility determinations of archaeological sites with tribal features as well as tribal sites that could be impacted in the future. The Standing Rock tribal archaeologist requested that Tribes be permitted to consult on these tribal sites, even if tribal experts from other Tribes had not recommended them as NRHP-eligible. The NRC suggested another conversation with the Standing Rock Tribe to discuss the tribal comments.

On February 27, 2014, representatives of the NRC, the ACHP, and the SD SHPO consulted by teleconference with Standing Rock Sioux tribal archeologist. The NRC staff stated that it planned to incorporate into the PA the Standing Rock comments on eligibility determinations and other comments on ways to continue the involvement of the consulting Tribes. In response to tribal comments, the NRC changed the classification of some tribal sites from not eligible for listing on the NRHP to unevaluated. This change will require consultation with the Tribes prior to any ground disturbing activities that could affect the sites.

The participants of each webinar were:

Webinar Participants	**11/15/13**	**12/13/13**	**12/17/13**	**02/14/14**	**02/21/14**
ACHP	X	X	X	X	X
SD SHPO Project Review Officer	X	X		X	X
BLM Montana office	X	X	X	X	X
BLM SD Field office	X	X	X	X	
EPA R8	X	X	X	X	
Oglala Sioux Tribe	X			X	X
Northern Cheyenne Tribe	X	X			X
Cheyenne River Sioux Tribe		X	X		
Cheyenne and Arapaho Tribe				X	
Standing Rock Tribe[10]					X
Powertech and its consultant	X	X	X	X	X
NRC and its consultant	X	X	X	X	X

[10] The Standing Rock Tribe attended this meeting but made it clear that they were attending in protest of the meeting.

Table 1:0 NRC Determinations of Eligibility and Impact Analysis for Previously Recorded Archaeological Sites and Tribal Sites – Dewey-Burdock Project

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
CU02500002	Building 1 (Log Barn) at the Richardson Homestead (CU00000052)	Eligible A	No	Yes	Yes	Adverse Effect (LA)/No Adverse Effect (Visual)	Found eligible for listing on NRHP in April 2012 under Criterion A. Site located ~76 m [250 ft] south of land application areas. Site will be fenced off to ensure avoidance.
39CU3602 TS119	Artifact Scatter; Hearth	Eligible A	No	No	Yes	No Effect	Viewshed obstructed by tree cover
39CU3607 TS116-117	Artifact Scatter; Hearth	Eligible A	No	No	Yes	No Effect	Viewshed obstructed by tree cover
39FA1881	Artifact Scatter; Cairn	Eligible A	No	No	Yes	No Adverse Effect (Visual)	Partially screened by topography; other modern intrusions. Site will be avoided
39FA1890 TS012	Artifact Scatter; Cairn; 2 Tribal Features	Eligible A	No	No	Yes	No Effect	Facilities not visible from property. Site will be avoided
39FA1927	6 Cairns	Eligible A	No	No	Yes	No Effect	Facilities not visible from property. Site will be avoided
39FA1952 TS123-124	Hearth; Artifact Scatter	Eligible A	No	No	Yes	No Adverse Effect (Visual)	Other modern intrusions. Site will be Avoided
TS002	stone circle	Eligible A	No	No	Yes	No Adverse Effect (Visual)	Other modern intrusions
TS118	hearth	Eligible A	No	No	Yes	No Effect	Viewshed obstructed by tree cover
TS120	hearth	Eligible A	Yes	Yes	Yes	Adverse Effect (DDW and LA)/No Adverse Effect (Visual)	Site will be avoided; other modern visual intrusions
CU00000050	Bakewell Ranch/ Edna and Ernest Young Ranch Historic District (90000949)	Eligible A C	No	No	Yes	No Adverse Effect (visual)	Listed on the NRHP. Historic property will be avoided
39CU0459 TS108-111	Artifact Scatter; Hearth; 4 Tribal Features	Eligible A	No	No	Yes	No Adverse Effect (Visual)	Other modern intrusions. Site will be avoided. The boundary for 39CU0459 includes two smaller Artifact Scatters: 39CU0461 and 39CU0528. Tribes also recommended this site as eligible under C, however, SHPO requires further documentation to concur with this recommendation.
39CU2000	Railroad	Eligible A C	Yes	Yes	Yes	Adverse Effect	Site crosses proposed wellfield areas;

[11] Unevaluated archaeological sites are considered eligible for listing in the NRHP under Criterion D pending further evaluative testing.

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
						(DDW and LA)/No Adverse Effect (Visual)	site will be avoided. Setting is confined to narrow corridor along railroad.
39CU3600 TS114-115	Artifact Scatter; Stone Alignment	Eligible A	No	No	Yes	No Adverse Effect (Visual)	Other modern obstructions. Site will be avoided Tribes also recommended this site as eligible under C, however, SHPO requires further documentation to concur with this recommendation.
39CU3604 TS121-122	Artifact Scatter; Hearth; Stone Circle	Eligible A	Yes	Yes	Yes	Adverse Effect (DDW and LA)/No Adverse Effect (Visual)	Other modern intrusions. Tribes also recommended this site as eligible under C, however, SHPO requires further documentation to concur with this recommendation.
39CU3620	Artifact Scatter; Hearth; Cairn	Eligible A	No	No	Yes	No Effect	Viewshed obstructed by tree cover. Site will be Avoided. Partly located on USFS property. ALAC boundary may be expanded to include TS106 and TS107 Tribes also recommended this site as eligible under C, however, SHPO requires further documentation to concur with this recommendation.
TS106	fasting circle	Eligible A	No	No	NA	No Effect	Located on USFS Property 40 meters outside license boundary. Possibly associated with 39CU3620. Tribes also recommended this site as eligible under C, however, SHPO requires further documentation to concur with this recommendation.
TS107	modern grave and circle	Eligible A	No	No	NA	No Effect	Avoid as possible gravesite. Located on USFS Property 60 meters outside license boundary. Possibly associated with 39CU3620 Tribes also recommended this site as eligible under C, however, SHPO requires further documentation to concur with this recommendation.
39FA1926 TS067-074, TS076-078	Artifact Scatter; 6 Tribal Features	Eligible A	No	No	Yes	No Effect	Facilities not visible from property. Site will be avoided Tribes also recommended this site as eligible under C, however, SHPO requires further documentation to concur with this recommendation.
39FA2000	Railroad	Eligible A C	Yes	Yes	Yes	Adverse Effect (DDW and LA)/No Adverse Effect (Visual)	Site crosses proposed wellfield areas. Setting is confined to narrow corridor along railroad.
TS040	ceremonial site	Eligible A	No	No	Yes	No Adverse Effect (Visual)	Partially screened by timber; other modern intrusions. Site will be avoided. Tribes also recommended this site as eligible under C, however, SHPO requires further documentation to concur with this recommendation.
TS041-042	ceremonial site	Eligible A	No	No	Yes	No Adverse Effect (Visual)	Partially screened by timber; other modern intrusions. Site will be avoided. Tribes also recommended this site as

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
							eligible under C, however, SHPO requires further documentation to concur with this recommendation.
TS047	ceremonial site	Eligible A	No	No	Yes	No Effect	Site is located more than 3 miles from nearest processing facility. Tribes also recommended this site as eligible under C, however, SHPO requires further documentation to concur with this recommendation.
TS080-089, TS098	stone feature	Eligible A	Yes	Yes	Yes	Adverse Effect (DDW and LA)/No Adverse Effect (Visual)	Mostly screened by topography; other modern intrusions. Tribes also recommended this site as eligible under C, however, SHPO requires further documentation to concur with this recommendation.
39CU0584 TS043-046, TS053, TS132-140	Occupation; Burial; 14 Tribal Features	Eligible A D	No	No	Yes	No Effect	Viewshed obstructed by tree cover. Site will be avoided. Avoid as possible gravesite. Tribes also recommended this site as eligible under C, however, SHPO requires further documentation to concur with this recommendation.
TS006	Cairn	Eligible A	No	No	Yes	No Adverse Effect (Visual)	Other modern intrusions. Avoid as gravesite. Tribes also recommended this site as eligible under C & D, however, SHPO requires further documentation to concur with this recommendation.
39CU3567 TS031-33, TS141	Artifact Scatter; Stone Circle; 4 Tribal Features	Eligible A	No	Yes	Yes	Adverse Effect (LA)/No Adverse Effect (Visual)	Other modern intrusions. Avoidance. Tribes also recommended this site as eligible under D, however, SHPO requires further documentation to concur with this recommendation.
39FA2530	Rockshelter, Rock Art, Artifact Scatter	Eligible A D	No	No	NA	No effect	Located outside license boundary but within APE for visual effects
39FA2531	Rock Art	Eligible A D	No	No	NA	No effect	Located outside license boundary but within APE for visual effects
TS007-011	stone circle	Eligible A	Yes	Yes	Yes	Adverse Effect (DDW and LA)/No Adverse Effect (Visual)	Other modern intrusions. TS007-TS011 may be considered a single site. Tribes also recommended TS009 as eligible under D, however, SHPO requires further documentation to concur with this recommendation.
39FA1862 TS112-113	Artifact Scatter; Cairn, Stone Circle 2 Tribal Features	Eligible A	No	No	Yes	No Adverse Effect (Visual)	Other modern intrusions. Site will be avoided. Located outside license boundary.
FA00000111	Bridge 24-020-020 over Beaver Creek	Eligible C	No	No	No	No Effect	NR Status per CRGRID; Located outside license boundary
39CU0271 TS019 TS035 TS130	Occupation; Hearth; 3 Tribal Features; Possible Gravesite	Eligible D	Yes	Yes	NA	Adverse Effect (DDW and LA)	This site is adjacent to proposed land disturbance. Avoid as possible gravesite. Tribes recorded the site but did not provide eligibility recommendations

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
39CU0577	Occupation site; artifact scatter	Eligible D	No	No	NA	No Effect	Site will be avoided, no impacts anticipated
39CU0586	Occupation	Eligible D	No	No	NA	No Effect	Site will be avoided, no impacts anticipated
39CU0588	Occupation	Eligible D	No	No	NA	No Effect	Site will be avoided, no impacts anticipated
39CU0590	Artifact Scatter	Eligible D	No	No	NA	No Effect	Site will be avoided, no impacts anticipated
39CU0593	Occupation; Artifact Scatter	Eligible D	No	No	NA	No Effect	Site will be avoided, no impacts anticipated
39CU2733	Hearth; Artifact Scatter	Eligible D	No	No	NA	No Effect	Site will be avoided, no impacts anticipated
39CU2735	Occupation	Eligible D	No	No	NA	No Effect	Site will be avoided, no impacts anticipated
39CU2738	Occupation	Eligible D	No	No	NA	No Effect	Site will be avoided, no impacts anticipated
39CU3592	Artifact Scatter	Eligible D	Yes	Yes	NA	Adverse Effect (DDW and LA)	Site located within a proposed wellfield area. Site will be fenced off to ensure avoidance
39FA1941	Artifact Scatter; Hearth	Eligible D	Yes	Yes	NA	Adverse Effect (DDW and LA)	Site located east of the proposed Burdock central processing plant within a proposed wellfield area.
39FA1955	Hearth; Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39FA1958	Hearth; Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39FA1965	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
TS061	stone circle	Unevaluated	No	No	NA	No Effect	Located on or near license boundary
TS062	effigy	Unevaluated	No	No	NA	No Effect	Outside license boundary
TS075	cairn	Unevaluated	No	No	NA	No Effect	Located 60 meters outside license boundary
TS079	stone circle	Unevaluated	No	No	NA	No Effect	Located 230 meters outside license boundary
TS125	burial	Unevaluated	No	No	NA	No Effect	Avoid as possible gravesite. Located on BLM Property 60 meters outside license boundary
TS126	staff	Unevaluated	No	No	NA	No Effect	Located on BLM Property 180 meters outside license boundary
TS127	fasting site	Unevaluated	No	No	NA	No Effect	Located on BLM Property 200 meters outside license boundary
TS128	fasting site	Unevaluated	No	No	NA	No Effect	Located on BLM Property 200 meters outside license boundary
TS129	fasting site/ring	Unevaluated	No	No	NA	No Effect	Located on BLM Property 290 meters outside license boundary
39CU0032A	Artifact Scatter	Unevaluated	No	No	NA	No Effect	
39CU0456	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of proposed land disturbance

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
39CU0457	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of proposed land disturbance
39CU0460	Artifact Scatter; Hearth	Unevaluated	No	No	NA	No Effect	This site is outside of proposed land disturbance
39CU0530	Artifact Scatter; Hearth; Cairn	Unevaluated	No	No	NA	No Effect	This site is outside of proposed land disturbance. Site will be avoided, no impact anticipated.
39CU0554	Artifact Scatter	Unevaluated	Yes	No	NA	Adverse Effect (DDW)	This site is within proposed land disturbance. Recommend evaluative testing
39CU0556	Artifact Scatter	Unevaluated	No	No	NA	No Effect	Site will be avoided. This site is outside of proposed land disturbance.
39CU0558	Artifact Scatter	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	This site is within proposed land disturbance. Recommend evaluative testing
39CU0561	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of proposed land disturbance
39CU0653	Artifact Scatter	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Site within proposed land disturbance. Recommend evaluative testing.
39CU3564	Quarry; Cairn	Unevaluated	No	No	NA	No Effect	Site will be avoided, no impacts anticipated
39CU3565	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39CU3574 TS021-22	Artifact Scatter; Hearth; 1 Tribal Feature, scraper	Unevaluated	No	No	NA	No Effect	Site will be avoided. Tribes recorded the site but did not provide eligibility recommendations
39CU3584 TS025-027, TS-029	Artifact Scatter; Cairn	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Tribes recorded the site but did not provide eligibility recommendations. SHPO recommended this site remain unevaluated in 2012.
39CU3585	Artifact Scatter and Hearth; Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39CU3586	Artifact Scatter; Hearth	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39CU3587	Artifact Scatter; Burial	Unevaluated	No	No	NA	No Effect	Site will be avoided, no impacts anticipated
39CU3597	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39CU3599	Nonfarm Ruins; Artifact Scatter; Depression. Foundation	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
39CU3601	Artifact Scatter; Hearth	Unevaluated	No	No	NA	No Effect	Site will be avoided. This site is outside of land disturbance activities
39CU3603	Artifact Scatter; Hearth	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Evaluative testing recommended
39CU3605	Artifact Scatter; Hearth	Unevaluated	No	No	NA	No Effect	Site will be Avoided
39CU3606	Artifact Scatter; Hearth	Unevaluated	No	No	NA	No Effect	Site will be avoided
39CU3611	Artifact Scatter; Hearth	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39CU3612	Artifact Scatter; Hearth	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39CU3615	Artifact Scatter	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Evaluative testing recommended
39CU3619	Farmstead; Artifact Scatter	unevaluated	No	Yes	NA	No Effect	SHPO recommends that this site be considered as unevaluated until further studies are done taking into account four standing structures: CU-025-00001, CU-025-00002, CU-025-00003, CU-025-00004,
39CU3623	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39CU3624	Artifact Scatter	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Site located less than 30.5 m [100 ft] from a proposed wellfield area. Site will undergo further evaluative testing. Avoidance recommended until testing is complete.
39CU3772	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39CU3776	Artifact Scatter; Rock Shelter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39CU3779	Artifact Scatter; Rock Shelter; Hearth	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39CU3813	Hearth; Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39CU3817	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39CU3818	Hearth; Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39CU3819	Depression; Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
39CU3821	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39CU3822	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39FA0096 TS001, TS004, TS013	Occupation; Artifact Scatter; Nonfarm Ruins; Dump; Burial; 2 Tribal Features	Unevaluated	Yes	Yes	Yes	Adverse Effect (DDW and LA)/No Adverse Effect (Visual)	This site was divided into 8 areas when ARC testing was conducted in 2012. Tribes identified area 1 and 6 within 39FA0096 as eligible under A. A portion of the land is on BLM administered land. BLM recommends this site remain unevaluated until further information is obtained to validate eligibility under A. BLM requires 200 ft. avoidance buffer around the site boundary Viewshed obstructed by tree cover; other modern intrusions.
39FA0110	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39FA0269	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities. Located on BLM administered Land. BLM requires 200 ft. avoidance buffer around the site boundary
39FA0270	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39FA0274	Artifact Scatter	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Recommend Evaluative Testing
39FA0275	Artifact Scatter	Unevaluated	No	No	NA	No Effect	
39FA0556	Artifact Scatter	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Recommend Evaluative Testing
39FA0740	Artifact Scatter	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Recommend Evaluative Testing
39FA0777	Artifact Scatter	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Recommend Evaluative Testing
39FA0778	Farmstead	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Recommend Evaluative Testing
39FA1859	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39FA1863	Artifact Scatter; Cairn, Stone Circle; Alignment	Unevaluated	No	No	NA	No Effect	Site Will be Avoided. Located outside license boundary
39FA1864	Artifact Scatter	Unevaluated	No	No	NA	No Effect	Located outside license boundary
39FA1870	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39FA1874	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39FA1880	Artifact Scatter	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Site will undergo further evaluative testing. Avoid until testing completed

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
39FA1882	Town Site, Road, School Foundation	Unevaluated	No	No	NA	No Effect	Site will be avoided. This site is outside of land disturbance activities
39FA1892	Artifact Scatter	Unevaluated	No	No	NA	No Effect	Site will be avoided. This site is outside of land disturbance activities
39FA1896	Artifact Scatter	Unevaluated	No	No	NA	No Effect	Site will be avoided. This site is outside of land disturbance activities Located on BLM administered Land. BLM requires 200 ft. avoidance buffer around the site boundary
39FA1902	Artifact Scatter; Well/Cistern; Burial; Road	Unevaluated	No	No	NA	No Effect	Avoid as possible gravesite
39FA1912	Artifact Scatter	Unevaluated	No	No	NA	No Effect	Site will be avoided. This site is outside of land disturbance activities
39FA1920	Artifact Scatter	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Site located ~30.5 m [110 ft] from a proposed wellfield area. Site will undergo further evaluative testing. Avoidance recommended until testing is complete.
39FA1922 TS014-017	Artifact Scatter; Stone Circle; 4 Tribal Features	Unevaluated	No	No	Yes	No Effect	Facilities not visible from property. Site will be avoided. Located on BLM administered Land. BLM recommends this site remain unevaluated until further information is obtained to validate eligibility under A. BLM requires 200 ft. avoidance buffer around the site boundary. Tribes recommended this site eligible under A & C.
39FA1923 TS018, TS142-143	Artifact Scatter; Monument; 3 Tribal Features	unevaluated	No	No	Yes	No Effect	Facilities not visible from property. Site will be avoided. Located on BLM administered Land. BLM recommends this site remain unevaluated until further information is obtained to validate eligibility under A. BLM requires 200 ft. avoidance buffer around the site boundary. Tribes recommended this site eligible under A & C.
39FA1928	Rock Shelter; Artifact Scatter	Unevaluated	No	No	NA	No Effect	Site will be avoided. This site is outside of land disturbance activities
39FA1932	Artifact Scatter	Unevaluated	No	No	NA	No Effect	Site will be avoided. This site is outside the license boundary
39FA1933	Artifact Scatter	Unevaluated	No	No	NA	No Effect	
39FA1935	Artifact Scatter	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39FA1938	Artifact Scatter; Stone Alignment	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities
39FA1940	Stone Circle	Unevaluated	No	No	NA	No Effect	This site is outside of land disturbance activities

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
39FA1964 TS099-105	Artifact Scatter; Hearth; Cairn	unevaluated	No	No	NA	No Effect	Site Will be Avoided. Tribes recorded the site but did not provide eligibility recommendations
TS024	stone circle	Unevaluated	No	No	NA	No Effect	Outside license boundary. Tribes recorded the site but did not provide eligibility recommendations
TS145	Prayer/offering location	Unevaluated	Yes	Yes	No	Adverse Effect (DDW and LA)	Precise location is not known. Located within an 80-acre parcel. Would require relocation to assess potential for site avoidance. Tribes also recommended this site as eligible under D, however, SHPO requires further documentation to concur with this recommendation.
39CU0251 TS096	Artifact Scatter; Hearth; 1 Tribal Feature	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
39CU3572 TS034	Artifact Scatter; Stone Circle; at least 1 Tribal Feature	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
39CU3576 TS020	Artifact Scatter	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
39CU3593 TS055	Isolated Find (originally recorded as an Artifact Scatter)	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
39CU3596 TS054	Isolated Find (originally recorded as an Artifact Scatter)	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
TS005	Isolated find (flake)	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
TS028	stone circles (3); campsite; ceremonial site	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
TS030	stone circle	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
TS093	possible cairn	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
							Standing Rock Tribe.
TS094	cairn	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
TS095	disturbed cairn (modern survey marker)	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
TS144	cairn	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
CU02500001	Building 4 at the Richardson Homestead (CU00000052)	Not Eligible	No	Yes	Yes	No Effect	
CU02500003	Building 7 at the Richardson Homestead (CU00000052)	Not Eligible	No	Yes	Yes	No Effect	
CU02500004	Building 9 at the Richardson Homestead (CU00000052)	Not Eligible	No	Yes	Yes	No Effect	
CU00000052	Richardson Homestead	Not Eligible	No	Yes	Yes	No Effect	
39CU0451	Artifact Scatter	Not Eligible	No	Yes	NA	No Effect	
39CU0461	Isolated Find	Not Eligible	No	No	NA	No Effect	Site will be avoided; This site is part of 39CU0459
39CU0462	Isolated Find	Not Eligible	No	No	NA	No Effect	Site will be avoided
39CU0463	Artifact Scatter	Not Eligible	Yes	Yes	NA	No Effect	
39CU0464	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	Yes	Yes	NA	No Effect	
39CU0528	Isolated Find	Not Eligible	No	No	NA	No Effect	Site will be avoided; This site is part of 39CU0459
39CU0531	Artifact Scatter; Hearth	Not Eligible	No	No	NA	No Effect	Site will be avoided
39CU0532	Artifact Scatter	Not Eligible	No	No	NA	No Effect	Site will be avoided
39CU0557	Artifact Scatter	Not Eligible	Yes	Yes	NA	No Effect	

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
39CU0559	Artifact Scatter; Hearth	Not Eligible	No	No	NA	No Effect	
39CU0560	Foundation	Not Eligible	Yes	Yes	NA	No Effect	
39CU0578	Dump; Occupation	Eligible	No	No	NA	No Effect	Site will be avoided, no impacts anticipated.
39CU0585	Isolated Find	Not Eligible	No	No	NA	No Effect	
39CU0648	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39CU3561	Isolated Find	Not Eligible	No	No	NA	No Effect	
39CU3562	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39CU3563	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	
39CU3566	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39CU3568	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39CU3569	Isolated Find	Not Eligible	No	No	NA	No Effect	
39CU3570	Isolated Find (originally recorded as a quarry)	Not Eligible	Yes	Yes	NA	No Effect	
39CU3571	Artifact Scatter	Not Eligible	Yes	Yes	NA	No Effect	
39CU3573	Artifact Scatter; Hearth	Not Eligible	No	No	NA	No Effect	
39CU3575	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39CU3577	Isolated Find	Not Eligible	No	Yes	NA	No Effect	
39CU3578	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	Yes	Yes	NA	No Effect	
39CU3579	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	Yes	NA	No Effect	
39CU3580	Isolated Find	Not Eligible	No	Yes	NA	No Effect	
39CU3581	Isolated Find	Not Eligible	No	Yes	NA	No Effect	
39CU3582	Isolated Find	Not Eligible	No	Yes	NA	No Effect	
39CU3583	Artifact Scatter; Depression	Not Eligible	Yes	Yes	NA	No Effect	
39CU3588	Quarry	Not Eligible	No	No	NA	No Effect	

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
39CU3589	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	
39CU3590	Artifact Scatter	Not Eligible	Yes	Yes	NA	No Effect	
39CU3591	Isolated Find	Not Eligible	No	No	NA	No Effect	
39CU3594	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	
39CU3595	Isolated Find	Not Eligible	No	No	NA	No Effect	
39CU3598	Artifact Scatter	Not Eligible	Yes	No	NA	No Effect	
39CU3608	Artifact Scatter; Hearth	Not Eligible	Yes	Yes	NA	No Effect	
39CU3609	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	Yes	Yes	NA	No Effect	
39CU3610	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	Yes	Yes	NA	No Effect	
39CU3613	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39CU3614	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	
39CU3616	Isolated Find	Not Eligible	No	No	NA	No Effect	
39CU3617	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	Yes	No	NA	No Effect	
39CU3618	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39CU3621	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39CU3622	Artifact Scatter	Not Eligible	Yes	No	NA	No Effect	
39CU3771	Artifact Scatter	Not Eligible	Yes	No	NA	No Effect	
39CU3773	Isolated Find	Not Eligible	Yes	No	NA	No Effect	
39CU3774	Artifact Scatter	Not Eligible	Yes	No	NA	No Effect	
39CU3775	Isolated Find	Not Eligible	No	No	NA	No Effect	
39CU3777	Isolated Find	Not Eligible	No	No	NA	No Effect	

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
39CU3778	Isolated Find	Not Eligible	No	No		No Effect	
39CU3780	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	
39CU3781	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	Yes	No	NA	No Effect	
39CU3782	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	Yes	No	NA	No Effect	
39CU3783	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	
39CU3810	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	
39CU3811	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	
39CU3812	Artifact Scatter; Cairn	Not Eligible	No	No	NA	No Effect	Site will be avoided. GPS coordinates for this feature were recorded by the NATHPO only. Feature should probably be considered an extension of 39CU3812. Tribes recorded the site but did not provide eligibility recommendations
39CU3814	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39CU3815	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39CU3816	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39CU3820	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39CU3823	Isolated Find	Not Eligible	No	No	NA	No Effect	
39FA0097	Artifact Scatter; Farmstead	Not Eligible	Yes	Yes	NA	No Effect	
39FA0174	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39FA0251	Artifact Scatter; Hearth	Not Eligible	Yes	No	NA	No Effect	
39FA0272	Artifact Scatter	Not Eligible	Yes	Yes	NA	No Effect	
39FA0273	Artifact Scatter	Not Eligible	No	Yes	NA	No Effect	
39FA0557	Farmstead	Not Eligible	Yes	Yes	NA	No Effect	
39FA0558	Isolated Find	Not Eligible	No	Yes	NA	No Effect	
39FA0578	Isolated Find	Not Eligible	No	No	NA	No Effect	Located on BLM administered Land. BLM recommends no further work or protection for this site

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
39FA0584	Farmstead; Artifact Scatter	Not Eligible	Yes	Yes	NA	No Effect	
39FA1860	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39FA1861	Isolated Find	Not Eligible	No	No	NA	No Effect	
39FA1865	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39FA1868	Isolated Find	Not Eligible	Yes	No	NA	No Effect	
39FA1869	Artifact Scatter	Not Eligible	Yes	No	NA	No Effect	
39FA1871	Isolated Find	Not Eligible	No	No	NA	No Effect	
39FA1872	Isolated Find	Not Eligible	No	No	NA	No Effect	
39FA1873	Isolated Find	Not Eligible	No	No	NA	No Effect	
39FA1875	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	
39FA1876	Isolated Find	Not Eligible	No	No	NA	No Effect	
39FA1877	Isolated Find	Not Eligible	Yes	No	NA	No Effect	
39FA1878	Isolated Find	Not Eligible	No	Yes	NA	No Effect	
39FA1879	Isolated Find	Not Eligible	No	No	NA	No Effect	
39FA1883	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	Yes	Yes	NA	No Effect	
39FA1884	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	Yes	Yes	NA	No Effect	
39FA1885	Artifact Scatter	Not Eligible	Yes	Yes	NA	No Effect	
39FA1886	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	Yes	Yes	NA	No Effect	
39FA1887	Artifact Scatter	Not Eligible	Yes	Yes	NA	No Effect	
39FA1888	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	Yes	Yes	NA	No Effect	
39FA1889	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	Yes	Yes	NA	No Effect	
39FA1891	Artifact Scatter	Not Eligible	No	No	NA	No Effect	Site will be avoided. This site is outside of land disturbance activities
39FA1893	Isolated Find	Not Eligible	Yes	Yes	NA	No Effect	Located on BLM administered Land. BLM recommends no further work or

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
							protection for this site
39FA1894	Isolated Find	Not Eligible	Yes	Yes	NA	No Effect	Located on BLM administered Land. BLM recommends no further work or protection for this site
39FA1895	Artifact Scatter; Hearth	Not Eligible	Yes	Yes	NA	No Effect	
39FA1897	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No effect	Located on BLM administered Land. BLM recommends no further work or protection for this site
39FA1898	Artifact Scatter	Not Eligible	Yes	Yes	NA	No Effect	
39FA1899	Isolated Find	Not Eligible	No	No	NA	No Effect	
39FA1900	Isolated Find	Not Eligible	Yes	No	NA	No Effect	
39FA1901	Artifact Scatter; Well/Cistern	Not Eligible	No	Yes	NA	No Effect	
39FA1903	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	Yes	NA	No Effect	
39FA1904	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	Yes	NA	No Effect	
39FA1905	Artifact Scatter; Depression	Not Eligible	Yes	Yes	NA	No Effect	
39FA1906	Isolated Find	Not Eligible	No	Yes	NA	No Effect	
39FA1907	Artifact Scatter	Not Eligible	Yes	No	NA	No Effect	
39FA1908	Artifact Scatter	Not Eligible	Yes	No	NA	No Effect	
39FA1909	Isolated Find	Not Eligible	Yes	Yes	NA	No Effect	
39FA1910	Isolated Find	Not Eligible	Yes	Yes	NA	No Effect	
39FA1911	Artifact Scatter; Nonfarm Ruins	Not Eligible	No	No	NA	No Effect	
39FA1913	Artifact Scatter	Not Eligible	Yes	Yes	NA	No Effect	
39FA1914	Isolated Find	Not Eligible	Yes	Yes	NA	No Effect	
39FA1915	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	Yes	Yes	NA	No Effect	
39FA1916	Artifact Scatter	Not Eligible	Yes	No	NA	No Effect	

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
39FA1917	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	Yes	No	NA	No Effect	
39FA1918	Isolated Find	Not Eligible	No	No	NA	No Effect	
39FA1919	Isolated Find	Not Eligible	Yes	No	NA	No Effect	
39FA1921	Isolated Find	Not Eligible	Yes	No	NA	No Effect	
39FA1924	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39FA1925	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	
39FA1929	Isolated Find	Not Eligible	No	No	NA	No Effect	Outside License Boundary
39FA1930	Isolated Find	Not Eligible	No	No	NA	No Effect	Outside License Boundary
39FA1931	Isolated Find	Not Eligible	No	No	NA	No Effect	
39FA1934	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	
39FA1936	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39FA1937	Isolated Find	Not Eligible	Yes	No	NA	No Effect	
39FA1939	Isolated Find	Not Eligible	No	No	NA	No Effect	
39FA1943	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	Outside License Boundary
39FA1944	Artifact Scatter	Not Eligible	Yes	Yes	NA	No Effect	
39FA1953	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	
39FA1954	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	
39FA1956	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	
39FA1957	Isolated Find	Not Eligible	No	No	NA	No Effect	
39FA1959	Artifact Scatter	Not Eligible	No	No	NA	No Effect	
39FA1960	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	
39FA1961	Hearth; Artifact Scatter	Not Eligible	No	No	NA	No Effect	

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
39FA1962 TS056-060	Artifact Scatter; stone circle; cairn	Not Eligible	No	No	NA	No Effect	NATHPO report attributes these identifications to the Cheyenne. Tribes recorded the site but did not provide eligibility recommendations
39FA1963	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	This site is outside of land disturbance activities
39FA1966	Isolated Find (originally recorded as an Artifact Scatter)	Not Eligible	No	No	NA	No Effect	This site is outside of land disturbance activities
TS003	Buffalo bones	Not Eligible	No	No	NA	No Effect	Tribes recorded site but did not make eligibility recommendations.
TS023	burial	Not Eligible	No	No	NA	No Effect	Avoid as possible Gravesite. Tribes recorded the site but did not provide eligibility recommendations
TS036	small cairn or marker	Not Eligible	No	No	NA	No Effect	Tribes recorded the site but did not provide eligibility recommendations
TS037	small cairn	Not Eligible	No	No	NA	No Effect	Tribes recorded the site but did not provide eligibility recommendations
TS048	burial	Not Eligible	No	No	NA	No Effect	Avoid as possible Gravesite. Tribes recorded the site but did not provide eligibility recommendations
TS049	burial	Not Eligible	No	No	NA	No Effect	Avoid as possible Gravesite. Tribes recorded the site but did not provide eligibility recommendations
TS050	burial	Not Eligible	No	No	NA	No Effect	Avoid as possible Gravesite. Tribes recorded the site but did not provide eligibility recommendations
TS051	fasting site	Not Eligible	No	No	NA	No Effect	Tribes recorded the site but did not provide eligibility recommendations
TS052	stone circle	Not Eligible	No	No	NA	No Effect	Tribes recorded the site but did not provide eligibility recommendations
TS063	No identification	Not Eligible	No	No	NA	No Effect	Tribes recorded the site but did not provide eligibility recommendations
TS064	stone circle	Not Eligible	No	No	NA	No Effect	Tribes recorded the site but did not provide eligibility recommendations
TS065	fasting site	Not Eligible	No	No	NA	No Effect	Tribes recorded the site but did not provide eligibility recommendations. This feature is believed to be the site identified by the NATHPO as the "small cairn"
TS066	cairn	Not Eligible	No	No	NA	No Effect	Tribes recorded the site but did not provide eligibility recommendations
TS090	cairn	Not Eligible	No	No	NA	No Effect	Located outside but near 39CU3622. Tribes recorded the site but did not provide eligibility recommendations
TS091	ceremonial site	Not Eligible	No	No	NA	No Effect	Located outside but near 39CU3621. Tribes recorded the site but did not provide eligibility recommendations
TS092	cairn	Not Eligible	No	No	NA	No Effect	Tribes recorded the site but did not provide eligibility recommendations

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[11]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
TS097	cairn	Not Eligible	No	No	NA	No Effect	Tribes recorded the site but did not provide eligibility recommendations
TS131	possible graves	Not Eligible	No	No	NA	No Effect	Avoid as possible gravesites. Tribes recorded the site but did not provide eligibility recommendations

Table 2:0 NRC Determination of Potential Adverse Effect Analysis for Previously Recorded Archaeological Sites and Tribal Sites – Dewey-Burdock Project

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[12]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
CU02500002	Building 1 (Log Barn) at the Richardson Homestead (CU00000052)	Eligible A	No	Yes	Yes	Adverse Effect (LA)/No Adverse Effect (Visual)	Found eligible for listing on NRHP in April 2012 under Criterion A. Site located ~76 m [250 ft] south of land application areas. Site will be fenced off to ensure avoidance.
TS120	hearth	Eligible A	Yes	Yes	Yes	Adverse Effect (DDW and LA)/No Adverse Effect (Visual)	Site will be avoided; other modern visual intrusions
39CU2000	Railroad	Eligible A C	Yes	Yes	Yes	Adverse Effect (DDW and LA)/No Adverse Effect (Visual)	Site crosses proposed wellfield areas; site will be avoided. Setting is confined to narrow corridor along railroad.
39CU3604 TS121-122	Artifact Scatter; Hearth; Stone Circle	Eligible A	Yes	Yes	Yes	Adverse Effect (DDW and LA)/No Adverse Effect (Visual)	Other modern intrusions. Tribes also recommended this site as eligible under C, however, SHPO requires further documentation to concur with this recommendation.
39FA2000	Railroad	Eligible A C	Yes	Yes	Yes	Adverse Effect (DDW and LA)/No Adverse Effect (Visual)	Site crosses proposed wellfield areas. Setting is confined to narrow corridor along railroad.
TS080-089, TS098	stone feature	Eligible A	Yes	Yes	Yes	Adverse Effect (DDW and LA)/No Adverse Effect (Visual)	Mostly screened by topography; other modern intrusions. Tribes also recommended this site as eligible under C, however, SHPO requires further documentation to concur with this recommendation.
39CU3567 TS031-33, TS141	Artifact Scatter; Stone Circle; 4 Tribal Features	Eligible A	No	Yes	Yes	Adverse Effect (LA)/No Adverse Effect (Visual)	Other modern intrusions. Avoidance. Tribes also recommended this site as eligible under D, however, SHPO requires further documentation to concur with this recommendation.
TS007-011	stone circle	Eligible A	Yes	Yes	Yes	Adverse Effect (DDW and LA)/No Adverse Effect (Visual)	Other modern intrusions. TS007-TS011 may be considered a single site. Tribes also recommended TS009 as eligible under D, however, SHPO requires further documentation to concur with this recommendation.
39CU0271 TS019 TS035 TS130	Occupation; Hearth; 3 Tribal Features; Possible Gravesite	Eligible D	Yes	Yes	NA	Adverse Effect (DDW and LA)	This site is adjacent to proposed land disturbance. Avoid as possible gravesite. Tribes recorded the site but did not provide eligibility recommendations
39CU3592	Artifact Scatter	Eligible D	Yes	Yes	NA	Adverse Effect (DDW and LA)	Site located within a proposed wellfield area. Site will be fenced off to ensure avoidance

[12] Unevaluated archaeological sites are considered eligible for listing in the NRHP under Criterion D pending further evaluative testing.

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination**[12]	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
39FA1941	Artifact Scatter; Hearth	Eligible D	Yes	Yes	NA	Adverse Effect (DDW and LA)	Site located east of the proposed Burdock central processing plant within a proposed wellfield area.
39CU0554	Artifact Scatter	Unevaluated	Yes	No	NA	Adverse Effect (DDW)	This site is within proposed land disturbance. Recommend evaluative testing
39CU0558	Artifact Scatter	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	This site is within proposed land disturbance. Recommend evaluative testing
39CU0653	Artifact Scatter	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Site within proposed land disturbance. Recommend evaluative testing.
39CU3584 TS025-027, TS-029	Artifact Scatter; Cairn	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Tribes recorded the site but did not provide eligibility recommendations. SHPO recommended this site remain unevaluated in 2012.
39CU3603	Artifact Scatter; Hearth	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Evaluative testing recommended
39CU3615	Artifact Scatter	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Evaluative testing recommended
39CU3624	Artifact Scatter	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Site located less than 30.5 m [100 ft] from a proposed wellfield area. Site will undergo further evaluative testing. Avoidance recommended until testing is complete.
39FA0096 TS001, TS004, TS013	Occupation; Artifact Scatter; Nonfarm Ruins; Dump; Burial; 2 Tribal Features	Unevaluated	Yes	Yes	Yes	Adverse Effect (DDW and LA)/No Adverse Effect (Visual)	This site was divided into 8 areas when ARC testing was conducted in 2012. Tribes identified area 1 and 6 within 39FA0096 as eligible under A. A portion of the land is on BLM administered land. BLM recommends this site remain unevaluated until further information is obtained to validate eligibility under A. BLM requires 200 ft. avoidance buffer around the site boundary Viewshed obstructed by tree cover; other modern intrusions.
39FA0274	Artifact Scatter	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Recommend Evaluative Testing
39FA0556	Artifact Scatter	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Recommend Evaluative Testing
39FA0740	Artifact Scatter	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Recommend Evaluative Testing
39FA0777	Artifact Scatter	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Recommend Evaluative Testing

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination[12]**	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
39FA0778	Farmstead	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Recommend Evaluative Testing
39FA1880	Artifact Scatter	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Site will undergo further evaluative testing. Avoid until testing completed
39FA1920	Artifact Scatter	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Site located ~30.5 m [110 ft] from a proposed wellfield area. Site will undergo further evaluative testing. Avoidance recommended until testing is complete.
TS145	Prayer/offering location	Unevaluated	Yes	Yes	No	Adverse Effect (DDW and LA)	Precise location is not known. Located within an 80-acre parcel. Would require relocation to assess potential for site avoidance. Tribes also recommended this site as eligible under D, however, SHPO requires further documentation to concur with this recommendation.
39CU0251 TS096	Artifact Scatter; Hearth; 1 Tribal Feature	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
39CU3572 TS034	Artifact Scatter; Stone Circle; at least 1 Tribal Feature	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
39CU3576 TS020	Artifact Scatter	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
39CU3593 TS055	Isolated Find (originally recorded as an Artifact Scatter)	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
39CU3596 TS054	Isolated Find (originally recorded as an Artifact Scatter)	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
TS005	Isolated find (flake)	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
TS028	stone circles (3); campsite; ceremonial site	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
TS030	stone circle	Unevaluated	No	Yes	NA	Adverse Effect (LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to

			Potential Effects				
Site Number	**Type of Site**	**NRC's/BLM's(on BLM land) NRHP Determination**[12]	**DDW**	**LA**	**Visual**	**NRC's Effect Determination**	**Comments/Recommendations**
							unevaluated based on comments from Standing Rock Tribe.
TS093	possible cairn	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
TS094	cairn	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
TS095	disturbed cairn (modern survey marker)	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.
TS144	cairn	Unevaluated	Yes	Yes	NA	Adverse Effect (DDW and LA)	Tribes recorded the site but did not provide eligibility recommendations. Eligibility changed from not eligible to unevaluated based on comments from Standing Rock Tribe.

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