

6.0 TRIBES, INDIVIDUALS, ORGANIZATIONS OR AGENCIES CONSULTED

According to NEPA, federal agencies are required to prepare detailed statements that evaluate potential environmental impacts of and alternatives to federal undertakings that may affect the environment. The federal agencies are to disclose the potential impacts and alternatives of the undertakings, as well as encourage and facilitate public participation in the decision-making process.

In compliance with NEPA, multiple agencies have evaluated the potential environmental impacts of and alternatives to the Project. These federal agencies include, but are not limited to, the BLM, NRC, USFWS, and EPA. Working closely with NRC and other federal agencies, the BLM has prepared this environmental document to focus on the evaluation of potential environmental impacts. With the cooperation of the BLM, other federal agencies, and WDEQ, NRC also released environmental documents, the GEIS (NRC and WDEQ, 2009) and the SEIS (NRC, 2011), focusing on the evaluation of handling and managing uranium.

Since both the BLM and NRC have consulted tribes, individuals, organizations, and agencies regarding the Project per NEPA requirements, the consultation of both the BLM and NRC is presented below.

6.1 Consultation by BLM

The development of an ISR Project generally begins with exploration work and progresses to full-scale licensing and permitting. Information on BLM's communications and consultations is outlined below in approximate chronological order.

The BLM's involvement with the Project began with the necessary notice and approval of the Lost Creek Exploration Drilling Program. Part of the regulatory review processes for the exploratory work included archaeology. BLM began working with LCI in 2006 to help ensure baseline archeological inventories were conducted in accordance with applicable requirements and treatment plans, if needed, and that any necessary plans were prepared and reviewed by the appropriate agencies. NRC was the lead agency for the Section 106 consultations, as discussed in **Section 6.2**

Tribes, individuals, organizations, and agencies have been and continue to be consulted regarding the Project. In accordance with the American Indian Religious Freedom Act and the National Historic Preservation Act, American Indian Tribes have been consulted regarding potentially sacred areas within the

6.0 TRIBES, INDIVIDUALS, ORGANIZATIONS OR AGENCIES CONSULTED

Permit Area. In addition, tribal governments are included on the mailing list for scoping letters and notices, and various other correspondence.

BLM is required by Section 7 of the Endangered Species Act to consult with the USFWS to ensure any actions authorized, permitted, or otherwise carried out would not jeopardize the continued existence of any listed species or adversely modify designated critical habitats.

BLM began working with LCI in 2006 to help ensure baseline wildlife surveys were conducted in accordance with applicable BLM requirements. Since 2007, BLM has also been working with the Wyoming Sage-Grouse Implementation Team as part of the efforts to develop protective measures for Greater sage-grouse. LCI also began communicating with the WGFD and USFWS in the mid-2000s as part of the NRC and WDEQ-LQD licensing and permitting processes. In 2008, NRC initiated consultation with USFWS and in 2009 met with USFWS staff in Rawlins in regards to the Lost Creek Project. The correspondence among LCI, NRC, WDEQ-LQD, USFWS, and WGFD is documented in the respective licensing documents (Section 1.7 of the NRC SEIS [NRC, 2011a] and Attachment OP-6a to the Operations Plan in the WDEQ-LQD Permit to Mine [LCI, 2011b]).

The USFWS was also a reviewing agency for this Lost Creek Environmental Impact Statement. To ensure that the USFWS information on the Project is up to date, BLM submitted a Biological Assessment to the USFWS in May 2012 (**Appendix G**).

As discussed in **Section 1.0**, notification of the scoping process was published in the Federal Register, in local newspapers, and was included in the BLM's weekly report to the Washington, DC office as well as the BLM's quarterly congressional briefing. The EPA, USFWS, State of Wyoming, WGFD, state and local government representatives, Native American tribes, local media, and interested organizations and individuals received a public scoping notification via email or mail.

The BLM initiated coordination and consultation activities through the scoping process and contacted:

- EPA;
- USFWS;
- State of Wyoming and its agencies;
- WGFD;
- Carbon County Commissioners;
- Fremont County Commissioners;
- Sweetwater County Commissioners; and
- members of the Coalition of Local Governments.

The following agencies with jurisdiction, special expertise, or interest in the EIS development process agreed to participate as cooperating agencies: EPA; State of Wyoming and its agencies; Carbon County Commissioners; and Sweetwater County Commissioners.

In addition, under Executive Order 13175, the BLM is required to establish regular and meaningful consultation and collaboration with Native American tribal governments on development of regulatory policies and issuance of permits that could significantly or uniquely affect their communities. The Arapaho Tribe, Shoshone Tribe, and Ute Tribe were mailed letters of invitation to become cooperating agencies in the Project's EIS development process.

A public scoping meeting was held at the BLM Rawlins Field Office on March 7, 2011. Media interviews were conducted with The Radio Network, which operates a syndicated string of radio stations in southwest Wyoming. During the public scoping period, ten comment submittals (e.g., letter, comment form) were received and contained 57 comments. These comments were evaluated to identify key issues and concerns and to develop alternatives.

6.2 Consultation by NRC

NRC consulted with several tribes, individuals, organizations and agencies, including, but not limited to:

- Bureau of Indian Affairs;
- Eastern Shoshone Tribe;
- Northern Arapaho Tribe;
- USFWS;
- BLM;
- WDEQ;
- Wyoming SHPO;
- WSEO;
- WGFD;
- Sweetwater County;
- Fremont County; and
- Town of Bairoil.

Additional information about the consultations is presented below, in the order bulleted above.

In January 2009, NRC and the Bureau of Indian Affairs had a meeting to discuss potential ISR facilities proposed in Wyoming and the Bureau of Indian Affairs' involvement in the development of the SEIS.

6.0 TRIBES, INDIVIDUALS, ORGANIZATIONS OR AGENCIES CONSULTED

In accordance with Executive Order 13175, NRC initiated discussions with potentially affected Native American tribes. In December 2008, NRC mailed letters to tribes that solicited comments and concerns about impacts to cultural resources by ISR projects. The tribes included the Eastern Shoshone, Northern Arapaho, Northern Cheyenne, Blackfeet, Three Affiliated Tribes, Ft. Peck Assinboine/Sioux, Oglala Sioux, Crow, and Cheyenne River Sioux. NRC did not receive responses from the tribes on the general inquiry.

However, Tribal Historic Preservation Officers from the Eastern Shoshone Tribe and the Northern Arapaho Tribe have been consulted and informed of cultural resources identified within the Permit Area. The Tribal Historic Preservation Officer from the Eastern Shoshone Tribe visited the Permit Area and determined that it held no interest to the tribe.

In compliance with Section 7 of the Endangered Species Act of 1973, as amended, NRC sent a letter to the USFWS in October 2008, requesting information to ensure that the Project does not jeopardize the continued existence of listed species or adversely affect designated critical habitats. In November 2008, the Ecological Services' Wyoming Field Office of the USFWS provided a list of T&E species potentially occurring in the Permit Area, discussed obligations to protect migratory birds, noted potential adverse impacts that could result from the land application of waste water, and recommended avoidance of wetland and riparian areas and protection of sensitive species. In January 2009, NRC and the USFWS Rawlins Office had a meeting to discuss site-specific issues (e.g., Greater sage-grouse).

NRC coordinated with the BLM during preparation of the SEIS. In January 2009, NRC and the BLM had meetings to discuss the administration of BLM lands, its concerns, and guidance on Greater sage-grouse and cultural resources. In addition to the January 2009 meetings, NRC staff consulted with the BLM regarding the development of the SEIS. NRC shared its preliminary and draft sections of the SEIS, and ensured that the BLM was copied on all NRC correspondence with LCI.

In January and June 2009, NRC met with the Wyoming Governor's Planning Office, who cooperates with the BLM, WDEQ, and Wyoming SHPO.

In January, June and September 2009, NRC and WDEQ had meetings to discuss the development of the SEIS.

NRC initiated Section 106 consultation with the Wyoming SHPO by letter dated October 3, 2008, requesting information from the SHPO to facilitate the identification of historic and cultural resources that could be affected by the proposed project (NRC, 2008b). On January 12, 2009, NRC staff met with a representative of the Wyoming SHPO office to discuss site-specific issues, including the detailed cultural resources study conducted by the applicant, the

6.0 TRIBES, INDIVIDUALS, ORGANIZATIONS OR AGENCIES CONSULTED

Wyoming SHPO review process, cumulative impacts to historic sites, and best management practices (NRC, 2009a). NRC staff met again with the Wyoming SHPO on June 25, 2009 to discuss protocol for archaeological sites found eligible for inclusion in the National Register of Historic Places (NRHP). Of the three NRHP-eligible sites identified, one prehistoric site (48SW16604) would be adversely affected by the Proposed Action. By letter dated June 30, 2009, NRC forwarded BLM's treatment plan for this site to the WY SHPO (NRC, 2009b). The letter also stated that a MOA would be executed between the consulting parties.

In October 2010, NRC finalized a MOA (Appendix E of the NRC SEIS [NRC, 2011a]) among the NRC, Wyoming SHPO, BLM, the Northern Arizona Tribe, the Eastern Shoshone Tribe, and LCI. Stipulations in the MOA included a data recovery clause stating that 1) Prior to the construction of any facilities within 200 feet of Site 48SW16604, the data recovery program shall be implemented by LCI in accordance with the Treatment Plan prepared by Centennial Archaeology, Inc. dated January 2008(Attachment D3-2 (Confidential) in the WDEQ-LQD Permit to Mine [LCI, 2011b]) ; and 2) The BLM will issue a renewal of the existing Cultural Resource Use Permit for Excavation or Removal for the data recovery to proceed and will monitor data recovery activities as needed.

In January 2009, NRC had a meeting with WSEO to discuss well permitting and a meeting with WGFD that generally focused on Greater sage-grouse.

NRC had meetings in January 2009 and phone calls with county and city representatives, including those from Sweetwater County, Fremont County, and the Town of Bairoil. In addition, NRC met with the Wyoming Community Development Authority in January 2009.