

EPA REGION 8'S RESPONSE TO PETITION FOR REVIEW

ATTACHMENT EE

Trip report prepared by EPA documenting EPA's
meeting with the Oglala Sioux Tribe Land and
Natural Resources Committee

Administrative Record Document No. 859

Trip Report
July 17-19, 2016
Pine Ridge, South Dakota

Natasha Davis and Valois Shea traveled to Pine Ridge, South Dakota, to give a presentation to the Oglala Sioux Tribe, Land & Natural Resources Committee. The presentation was on the EPA community outreach plan to provide information to the Tribal community about the EPA Underground Injection Control permitting actions at the proposed Dewey-Burdock uranium in-situ recovery (ISR) site located in the southern Black Hills. The Committee meeting was scheduled for 10:00 am, Monday, July 18.

Background information, talking points and handouts for the presentation are attached to this trip report.

We arrived at the Oglala Sioux Tribe (OST) Environmental Office in Pine Ridge at 9:00 am and met with Suzy Mesteth, the OST Environmental Director. We ran through our presentation with Ms. Mesteth before the 10:00 am Committee meeting. At 9:50 am we proceeded over to the Tribal Council meeting room in the Tribal office building. The meeting began at approximately 10:45 am when a quorum of Committee members arrived in the meeting room.

The first items on the agenda were Tribal land leases presented by Denise Mesteth, the OST Land Program Director, for approval by the Committee. At approximately 11:30 am the Committee Chairman, David Pourier, announced the EPA presentation as the next item on the agenda. Chairman Pourier also cautioned that our presentation would be interrupted when the BIA representative arrived to present another order of business involving a family present at the meeting who needed to leave as soon as possible because of a death in the family.

Natasha Davis began the presentation as outlined in the attached talking points. After Natasha mentioned formal consultation meetings with seven of the nine Tribes requesting formal consultation with EPA, President John Yellow Bird Steele asked if we considered our previous meetings with OST to be formal consultation. Natasha replied that we did not consider those meetings to be formal consultation. She also emphasized that EPA is still interested in conducting formal consultation with the OST.

After Natasha stated the purpose of the presentation, President Steele asked us what grade level we were. President Steele stated that he did not believe that the EPA was capable of monitoring the 4,000 ISR wells proposed at the Dewey-Burdock project area. He cited the many oil and gas wells at the Fort Berthold Reservation of which only 10% were being monitored. He also referred to the Gold King release and a leaking oil well near Wasta, SD.

At that point, a number of committee members began asking questions and making comments about the harm to the environment caused by uranium mining and mining in general. The most prevalent comment was that the OST did not want the Dewey-Burdock project to move forward. Committee members presented information about previous impacts from mining in the Black Hills area and from uranium mining on the Navajo Reservation. They said they did not understand why the EPA kept coming back to them trying to move forward with the permitting action when the Tribe had already expressed that they did not want the project to move forward.

At some point, there was a break in our presentation to allow the BIA representative to present the issue with the family present at the meeting.

When we regained the podium, we began with an explanation of the EPA permitting process, beginning with issuance of the draft permit initiating the public review process including public hearings and the public comment period. When we explained that we planned to hold two public hearings on the Pine Ridge Reservation, per the request of the Tribal leaders present at the April 28 meeting in Pine Ridge, committee members stated that they did not want any public hearings on the Reservation. We asked for confirmation that they did not want any community outreach meetings or public hearings on the reservation. They confirmed any EPA public participation activity at the Pine Ridge Reservation regarding Dewey Burdock was unwanted.

Vice Chairman of the Land Committee, Chancey Wilson, proposed that the Committee will draft and pass an ordinance opposing the Dewey-Burdock project and any other uranium development.

We expressed the importance of formal consultation, but the Committee members and President Steele expressed concern that formal consultation would be, in effect, moving the project forward. We proposed that we return after the draft permits are issued to present information about the draft permits requirements. The committee agreed that they would like to hear that information.