

EPA REGION 8'S RESPONSE TO PETITION FOR REVIEW

ATTACHMENT RR

EPA's meeting notes from the August 28, 2020
consultation meeting with the Oglala Sioux Tribe

Administrative Record Document No. 877

OST Consultation Notes 8/28/20

Reno: Did you receive the letter for joint consultation with BLM this week?

Chancy: this cannot be considered a tribal consultation without a quorum, full council.

Reno: We sent comments in Dec. 19. Need technical meeting with you. We did analyze the UIC & water. One of my concerns is – does EPA ever had a uranium project go back to levels?

Valois: We never have regulated one. We don't know of a project that has been restored back to levels.

Reno: If something goes wrong, and water gets contaminated, who does the enforcement?

Valois: NRC, EPA and state would all have permit conditions.

Reno: Oil well logs being used. Is that how you're determining the uranium mining?

Valois: some look at inyan kara, but a lot of them looks more at depth. But we look at them because it does have information – radioactive signature of the confining zone. (Gamma ray log).

Reno: we want technical meeting and at that time, we can go over what we think.

Valois: looks forward to conversation. OST had good analysis.

Tom, THPO: Who is responsible for reclamation of site for open pit mines that are leaking.

Valois: UIC program has no authority to address the mines already there. There was a citizen petition some years back. They were not able to determine that there was leaking. No evidence to date that there is movement from there. There is no current regulation of those mines.

Reno: You did see our comments? 4 categories. We did submit our comments and would like opportunity to express ourselves also.

Environmental Justice

Reno: Tribal treaty rights, water resources.

THPO: there has never been a cultural survey in that area. We know there are sites there. We are going to push for. The main reason we demand a cultural survey in the area.

Treaty Rights

Reno: We all stand by 1868 treaty.

NHPA

Reno: Cultural survey for this area is very important and needed. Will talk with the other tribes too.

Tom: intellectual property. If they find property, will need to be protected. People will exploit it if they find it.

Reno: Consultation needs to be scheduled with Black Hills treaty council.

NEPA

DO: Do you not want to proceed w/ in person meeting if BLM is not there?

Reno: Need to check with the TC. Would like to have you both together.

Kim: We've made those notations and will be in touch after conversations with BLM

Technical Meeting

Reno: We put detail in the comments. We had engineers that worked with us...

Valois to call Reno on Monday.

Next Steps:

Cora: Few Qs need to be answered, hoping BLM will be there. Tribe has consistently disapproved this project. Someone needs to be at the meeting to discuss. Whenever there is leaking, then it's caught after.

What happens if it does? Who is responsible to clean it up? Who deals with people that are affected. Hoping someone can be there to answer them. Needs to be explained what our opposing does. We have no guarantee we won't be affected.

Reno: We sent letter Monday and it went through proper channels. Out of respect for the letter, we should get a response from BLM. And proceed together with BLM and EPA. That was the intent of this letter. The more tech meetings we have, it will be at both sides' advantage so we will know what our next steps are.