

EPA REGION 8'S RESPONSE TO PETITION FOR REVIEW

ATTACHMENT DD

June 30, 2016 letters to OST Tribal Council
members requesting meetings

Administrative Record Document Nos. 857-858



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

JUN 30 2016

Ref: 8P-W-UIC

David Pourier, Chairman
Land & Natural Resources Committee
Oglala Sioux Tribe
P.O. Box 2070
Pine Ridge, South Dakota 57770-2070

Re: Request to Present Proposed Plan for Community Outreach related to the Dewey-Burdock Uranium Recovery Site before the Oglala Sioux Tribe Land & Natural Resources Committee

Dear Councilman Pourier:

Thank you for attending the June 17, 2016, Dewey-Burdock consultation meeting at the U.S. Environmental Protection Agency Region 8 office. During the April 28, 2016 consultation meeting in Pine Ridge, the Oglala Sioux Tribal Leadership requested that the EPA conduct community outreach events and public hearings for the EPA's Dewey-Burdock permitting actions at two locations on the Pine Ridge Reservation. We presented a proposed plan for the requested community outreach activities at the June 17, 2016 meeting. Tribal representatives requested the EPA present the proposed outreach plan to the Land & Natural Resources Committee.

The EPA requests a meeting with the Land & Natural Resources Committee on Monday, July 18, 2016, to allow EPA representatives to present our community outreach plan. We are committed to responding to the Tribe's request to provide the Oglala Sioux Tribal Community with information about the EPA's actions related to the proposed Dewey-Burdock uranium recovery project. It is important that we present the community outreach plan to the Land & Natural Resources Committee before the end of August 2016 so that the discussion informs the outreach plan and the Underground Injection Control Program permitting process. We request a reply from your office by Friday, July 8, 2016. Please reply back to Natasha Davis of my Tribal Assistance Program staff at (800) 227-8917, extension 312-6225 or (303) 312-6225; or by email at davis.natasha@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darcy O'Connor".

Darcy O'Connor
Acting Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance

cc: Ms. Suzy (Lloydell) Mesteth, Environmental Director
Ms. Denise Mesteth, Land Office Director

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Ref: 8P-W-UIC

Honorable John Yellow Bird Steele, President
Oglala Sioux Tribe
P.O. Box 2070
Pine Ridge, South Dakota 57770-2070

Re: Request for Formal Government-to-Government Consultation
on the Dewey-Burdock Uranium Recovery Site

Dear President Steele:

The U.S. Environmental Protection Agency Region 8 Underground Injection Control (UIC) Program appreciates the opportunities we had to meet with you and other Oglala Sioux Tribal leaders on April 28, 2016, at *Oyate Ki Woope Oгна Tipi* in Pine Ridge, South Dakota, and on June 17, 2016, at the EPA Regional office in Denver, Colorado, to discuss Powertech's proposed Dewey-Burdock uranium recovery site. The Tribe requested that we consider both of those meetings to be informal consultations. During our recent meeting in Denver, your representatives suggested that the EPA schedule an inform and educate presentation to the Tribe's Land & Natural Resource Committee during the month of July 2016 to present the Dewey-Burdock community outreach plan. The EPA would like to schedule this meeting for Monday, July 18, and would also like to have a government-to-government consultation with you, the Tribal Council, and any other representatives you wish to invite that afternoon or Tuesday, July 19, 2016.

At the June 17, 2016 meeting, Councilman David Pourier presented the statement you prepared expressing the Tribe's concerns about the proposed in-situ recovery of uranium at the Dewey-Burdock site. Thank you for providing this statement; it helps the agency to understand the Tribe's concerns regarding the Dewey-Burdock site. In your statement, you expressed how important government-to-government consultation is to the Oglala Sioux Tribe. The EPA would like to reiterate to Oglala Sioux Tribal leaders our commitment to continuing meaningful government-to-government consultation on the proposed Dewey-Burdock uranium recovery project. Over the past several months, we have provided a number of opportunities for government-to-government consultation and we continue to work to provide options to meet with you and your Tribal Council.

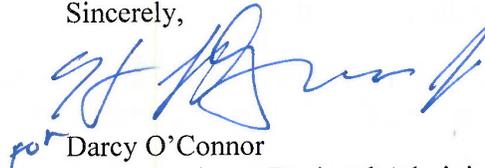
We hope that you are able to meet with us on July 18 or 19 while we are there to present the community outreach plan to the Land & Natural Resources Committee. If you and the Tribal Council are unable to meet on these days, please propose another day that would work for you. We want to meet with you and hold formal consultation prior to the issuance of our draft permits; however, if we do not have the opportunity to do so before the end of August 2016, the EPA will need to continue with our UIC permitting process without the benefit of such a discussion. Please understand that issuance of draft UIC permits is not an approval and does not allow construction or injection activity.

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It provides an opportunity for the Tribe and other interested parties to see our proposed permits and provide comments on them. Even if we are unable to meet and complete formal consultation prior to issuance of the draft permits, we will continue to consult with the Tribe and hope that the Tribe will accept our invitations to consult.

We look forward to speaking with the Land & Natural Resources Committee to schedule the community outreach plan presentation and hearing from you regarding scheduling a formal consultation meeting. We request a reply from your office by Friday, July 8, 2016. Please reply back to Natasha Davis of my Tribal Assistance Program staff at (800) 227-8917, extension 312-6225 or (303) 312-6225; or by email at davis.natasha@epa.gov.

Sincerely,



^{for} Darcy O'Connor
Acting Assistant Regional Administrator
Office of Partnerships and Regulatory Assistance

cc: Mr. David Pourier, Councilman, Porcupine District
and Chairman, Land & Natural Resources Committee
Ms. Suzy (Lloydell) Mesteth, Environmental Director

