

ATTACHMENT 10

October 21, 2020 letter from EPA to the Oglala Sioux Tribe



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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Denver, CO 80202-1129
Phone 800-227-8917
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Ref: 8WP-SDU

**SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED**

Honorable Julian Bear Runner
President, Oglala Sioux Tribe
Pine Ridge, South Dakota
president.bearrunner@oglala.org

Re: Conclusion of Tribal Consultation on the Underground Injection Control (UIC) permit applications for the Dewey-Burdock Uranium In-Situ Recovery Site

Dear President Bear Runner:

EPA is prepared to make its final decision on the Underground Injection Control (UIC) permit applications submitted by Powertech for the proposed Dewey-Burdock uranium in-situ recovery site near Edgemont, South Dakota. These actions will conclude a nearly five-year process in which EPA has conducted multiple tribal consultation meetings and discussions with interested Tribes pursuant to the [EPA Policy on Consultation and Coordination with Indian Tribes](#). In addition, EPA gathered information from Tribes, including Tribes who are identified in the Fort Laramie Treaty of 1851 signing, and other interested parties during a public notice and comment process; and EPA has conducted additional analyses of the permit application information received from Powertech.

While the Oglala Sioux Tribe opted not to move forward with the most-recent proposed tribal consultation meeting that was rescheduled from September 11, 2020, Region 8 has received considerable feedback from the Tribe on the permit applications and EPA's proposed permitting actions. All of the Tribe's input will be considered in EPA's final decision. Please refer to our September 18, 2020 letter (enclosed) which outlines additional background on EPA's tribal consultation efforts with the Oglala Sioux Tribe regarding these permit applications. Based on these tribal consultation efforts, EPA has determined that it has acted consistently with the EPA Policy on Consultation and Coordination with Indian Tribes in seeking the Oglala Sioux Tribe's input. EPA's final permit decision will include a response to comments document, which we will share with the Tribe, that will identify how the input and comments from the Oglala Sioux Tribe and other Tribes and commenters were considered in our final decision.

By concluding our tribal consultation efforts and moving forward with a final decision on the permit applications, it is important to underscore that the EPA is not closing the door on communicating with the Tribe regarding our decision-making process or answering questions on any decision we make regarding this issue. Region 8 will continue to be available to answer questions and provide additional information related to our final decision, and we welcome the opportunity to continue this dialogue.

If you have any questions related to this letter or our decisions, please feel free to contact me at 303-312-6392 or oconnor.darcy@epa.gov. Your staff may also reach out to Valois Robinson at 303-312-6276 or robinson.valois@epa.gov.

Sincerely,

Darcy O'Connor, Director
Water Division

cc: Ms. Jennifer Spotted Bear, Oglala Sioux Tribe Secretary
Mr. Reno Red Cloud, Oglala Sioux Tribe Water Administrator
Mr. Chancy Wilson, Oglala Sioux Tribe Land Committee, Chairman
Ms. Barbara Yellow Hair, Oglala Sioux Tribe Land Committee, Secretary
Mr. Russell Zephier, Oglala Sioux Tribe Attorney
Mr. Mario Gonzalez, Oglala Sioux Tribe Attorney