

EPA REGION 8'S RESPONSE TO PETITION FOR REVIEW

## **ATTACHMENT Z**

EPA consultation invitation letters inviting  
consultation on EPA's proposed UIC actions for the  
Dewey-Burdock uranium recovery project

Administrative Record Document Nos. 692-730

**Table 1. List of Tribes Identified as Potential Consulting Parties.**

1	Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation
2	Apache Tribe of Oklahoma
3	Blackfeet Tribe of Blackfeet Indian Reservation
4	Cheyenne and Arapaho Tribes of Oklahoma
5	Cheyenne River Sioux Tribe of the Cheyenne River Reservation
6	Chippewa-Cree Tribe of Rocky Boy's Reservation
7	Confederated Salish & Kootenai Tribes of the Flathead Reservation
8	Crow Creek Sioux Tribe of the Crow Creek Reservation
9	Crow Tribe of the Crow Indian Reservation
10	Eastern Shoshone Tribe of the Wind River Reservation
11	Flandreau Santee Sioux Tribe of the Flandreau Santee Sioux Reservation
12	Gros Ventre and Assiniboine Tribes of the Fort Belknap Reservation
13	Kiowa Indian Tribe of Oklahoma
14	Lower Brule Sioux Tribe of the Lower Brule Reservation
15	Lower Sioux Indian Community
16	Northern Arapahoe Tribe of the Wind River Reservation
17	Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation
18	Northwestern Band of Shoshoni Nation
19	Oglala Sioux Tribe of the Pine Ridge Reservation
20	Omaha Tribe of Nebraska <sup>1</sup>
21	Paiute Indian Tribe of Utah
22	Ponca Tribe of Indians of Oklahoma <sup>1</sup>
23	Ponca Tribe of Nebraska <sup>1</sup>
24	Prairie Island Indian Community
25	Rosebud Sioux Tribe of the Rosebud Indian Reservation
26	Santee Sioux Tribe of the Santee Reservation
27	Shakopee Mdewakanton Sioux Community
28	Sisseton-Wahpeton Oyate of The Lake Traverse Reservation
29	Skull Valley Band of Goshutes of the Skull Valley Reservation
30	Southern Ute Indian Tribe of the Southern Ute Reservation
31	Spirit Lake Nation Tribe of Fort Totten Reservation
32	Standing Rock Sioux Tribe of the Standing Rock Sioux Reservation
33	Three Affiliated Tribes of Fort Berthold Reservation
34	Turtle Mountain Band of Chippewas of the Turtle Mountain Reservation
35	Upper Sioux Community
36	Ute Indian Tribe of the Uintah and Ouray Reservation
37	Ute Mountain Ute Tribe of the Ute Mountain Reservation
38	Yankton Sioux Tribe of the Yankton Sioux Reservation

<sup>1</sup> The Omaha Tribe of Nebraska, the Ponca Tribe of Indians of Oklahoma and the Ponca Tribe of Nebraska did not receive the May 2013 letter from EPA.

## Shea, Valois

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**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 5:38 PM  
**To:** prentissdonna@yahoo.com; 'atcp\_crystal@yahoo.com'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterApache.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Prentiss and Mr. Jay,

The attached letter is being mailed to Chairman Guy's office today. This is your cc of the letter, which invites the Apache Tribe of Oklahoma to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

The EPA Region 8 office is sending this consultation letter to the Apache Tribe based on information I have found indicating the Kiowa Apache Tribe has historical interest in the Black Hills and is currently part of the Apache Tribe of Oklahoma.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

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Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

NOV 25 2015

Ref: 8P-W-UIC

Honorable Lyman Guy  
Chairman  
Apache Tribe of Oklahoma  
P.O. Box 1330  
Anadarko, Oklahoma 73005

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Guy:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

The EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when the EPA actions and decisions may affect tribal interests. The EPA views consultation as a process of meaningful communication and coordination between the EPA and tribal officials prior to the EPA taking actions or implementing decisions that may affect tribes.

For information about the EPA Tribal Consultation Policy please visit the following website:  
<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

A separate consultation responsibility arises under section 106 of the National Historic Preservation Act (NHPA). Wherever appropriate, the EPA attempts to integrate section 106 consultation with the general consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Apache Tribe of Oklahoma to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Apache Tribe of Oklahoma may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Apache Tribe of Oklahoma regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Bobbie Jay, Business Committee Member  
Ms. Donna Prentiss, Acting Environmental Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 8:08 AM  
**To:** 'jmflysdwn@gmail.com'; gwagner@3rivers.net  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf; FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Mr. Murray and Mr. Wagner,

The attached letter is being mailed to Chairman Barnes's office today. This is your cc of the letter, which invites the Blackfeet Nation to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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REGION 8**

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

**NOV 25 2015**

Ref: 8P-W-UIC

Honorable Harry Barnes, Chairman  
Blackfeet Nation  
P.O. Box 850  
Browning, Montana 59417-0850

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Barnes:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

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consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Blackfeet Nation to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Blackfeet Nation may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Blackfeet Nation regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. John Murray, Tribal Historic Preservation Officer  
Mr. Gerald Wagner, Environmental Programs Director



## Shea, Valois

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**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 5:50 PM  
**To:** 'msutton@c-a-tribes.org'; damon.dunbar@c-a-tribes.org  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterCheyenne&Arapaho.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Sutton and Mr. Dunbar,

The attached letter is being mailed to Governor Hamilton's office today. This is your cc of the letter, which invites the Cheyenne and Arapaho Tribes to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Governor's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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NOV 25 2015

Ref: 8P-W-UIC

Honorable Eddie Hamilton, Governor  
Cheyenne and Arapaho Tribes  
P.O. Box 38  
Concho, Oklahoma 73022

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Governor Hamilton:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

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consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Cheyenne and Arapaho Tribes to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribes' interest in identifying and/or evaluating any properties or sites and hearing the Tribes' recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Cheyenne and Arapaho Tribes may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Cheyenne and Arapaho Tribes regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribes so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Ms. Margret Sutton, Tribal Historic Preservation Officer  
Mr. Damon Dunbar, Acting Environmental Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 8:17 AM  
**To:** 'stevev.crstepres@outlook.com'; dnelson@crstepd.org  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf; FormalConsultLetterEnclosuresFigures1-4.pdf; EPADeweyBurdockConsultationLetterCheyenneRiverSioux.pdf

Hello Mr. Vance and Mr. Nelson,

The attached letter is being mailed to Chairman Frazier's office today. This is your cc of the letter, which invites the Cheyenne River Sioux Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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**NOV 25 2015**

Ref: 8P-W-UIC

Honorable Harold Frazier, Chairman  
Cheyenne River Sioux Tribe  
P.O. Box 590  
Eagle Butte, South Dakota 57625-0590

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Frazier:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

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consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

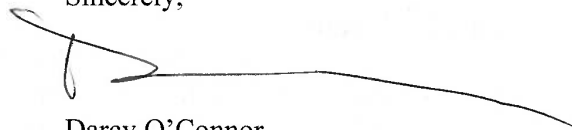
During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Cheyenne River Sioux Tribe to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
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We look forward to engaging in formal government-to-government consultation with the Cheyenne River Sioux Tribe regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Steven Vance, Tribal Historic Preservation Officer  
Mr. David D. Nelson, Environmental Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 8:47 AM  
**To:** bearpawjoe@yahoo.com; 'alvin@nei-yahw.com'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterChippewaCree.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Mr. Windy Boy and Mr. LaFramboise,

The attached letter is being mailed to Chairman Blatt St. Marks's office today. This is your cc of the letter, which invites the Chippewa Cree Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site in the located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
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NOV 25 2015

Ref: 8P-W-UIC

Honorable Ken Blatt St. Marks, Chairman  
Chippewa Cree Tribe  
P.O. Box 544  
Rocky Boy Route  
Box Elder, Montana 59521

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Blatt St. Marks:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

The EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when the EPA actions and decisions may affect tribal interests. The EPA views consultation as a process of meaningful communication and coordination between the EPA and tribal officials prior to the EPA taking actions or implementing decisions that may affect tribes.

For information about the EPA Tribal Consultation Policy please visit the following website:  
<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

A separate consultation responsibility arises under section 106 of the National Historic Preservation Act (NHPA). Wherever appropriate, the EPA attempts to integrate section 106 consultation with the general consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Chippewa Cree Tribe to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Chippewa Cree Tribe may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Chippewa Cree Tribe regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Alvin Windy Boy, Sr., Tribal Historic Preservation Officer  
Mr. Joe LaFramboise, GAP Coordinator



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 9:05 AM  
**To:** swan57339@yahoo.com; 'darrellzephier78@gmail.com'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterCrowCreekSioux.pdf;  
DeweyBurdockBackgroundInformation.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf;  
FormalConsultLetterEnclosuresFigure5.pdf

Hello Ms. Gourneau and Mr. Zephier,

The attached letter is being to mailed to Chairwoman Sazue's office today. This is your cc of the letter, which invites the Crow Creek Sioux Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site in the located in the southern Black Hills. The letter requests a reply back from the Chairwoman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
[www.epa.gov/region08](http://www.epa.gov/region08)

**NOV 25 2015**

Ref: 8P-W-UIC

Honorable Roxanne Sazue, Chairwoman  
Crow Creek Sioux Tribe  
P.O. Box 50  
Fort Thompson, South Dakota 57339-0050

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairwoman Sazue:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

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special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

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- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
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We look forward to engaging in formal government-to-government consultation with the Crow Creek Sioux Tribe regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Darrell Zephier, Tribal Historic Preservation Officer  
Ms. Wanda Gourneau, Environmental Director



Printed on Recycled Paper

## Shea, Valois

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**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 9:12 AM  
**To:** 'emerson.bullchief@crow-nsn.gov'; connie.howe@crow-nsn.gov  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterCrow.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Howe and Mr. Bull Chief,

The attached letter is being mailed to Chairman Old Coyote's office today. This is your cc of the letter, which invites the Crow Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

NOV 25 2015

Ref: 8P-W-UIC

Honorable Darrin Old Coyote, Chairman  
Crow Tribe  
P.O. Box 159  
Crow Agency, Montana 59022-0400

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Old Coyote:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

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During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Crow Tribe to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
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- Participate with the EPA in resolving potential adverse effects.

We understand that the Crow Tribe may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

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Sincerely,



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

Enclosures (6)

cc: Mr. Emerson Bull Chief, Tribal Historic Preservation Officer  
Ms. Connie Howe, Environmental Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 9:35 AM  
**To:** 'wjferrisiii@yahoo.com'; kilojohn77@yahoo.com  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterEasternShoshone.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Dear Ms. Ferris and Mr. St. Clair,

The attached letter is being mailed to Chairman St. Clair's office today. This is your cc of the letter, which invites the Eastern Shoshone Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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Denver, CO 80202-1129  
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[www.epa.gov/region08](http://www.epa.gov/region08)

**NOV 25 2015**

Ref: 8P-W-UIC

Honorable Darwin St. Clair, Jr., Chairman  
Eastern Shoshone Tribe  
P. O. Box 538  
Fort Washakie, Wyoming 82514-0538

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman St. Clair:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

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- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Eastern Shoshone Tribe may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Eastern Shoshone Tribe regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Wilfred Ferris, III, Tribal Historic Preservation Officer  
Mr. Lokilo St. Clair, Acting Environmental. Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 9:41 AM  
**To:** 'Garrie.Killsahundred@fsst.org'; mallen@fsst.org  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterFlandreauSanteeSioux.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Mr. Killsahundred and Mr. Allen,

The attached letter is being mailed to President Reider's office today. This is your cc of the letter, which invites the Flandreau Santee Sioux Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the President's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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NOV 25 2015

Ref: 8P-W-UIC

Honorable Anthony Reider, President  
Flandreau Santee Sioux Tribe  
P.O. Box 283  
Flandreau, South Dakota 57028-0283

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear President Reider:

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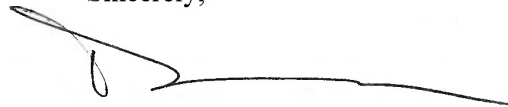
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- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
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Sincerely,



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

Enclosures (6)

cc: Mr. Garrie KILLSAHUNDRED, Tribal Historic Preservation Officer  
Mr. Mark Allen, GAP Coordinator



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 7:51 AM  
**To:** '2horses@nemontel.net'; 'cultres@nemontel.net'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterFortPeck.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Deb and Curley,

The attached letter is being mailed to Chairman Stafne's office today. This is your cc of the letter, which invites the Fort Peck Assiniboine and Sioux Tribes to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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Denver, CO 80202-1129  
Phone 800-227-8917  
[www.epa.gov/region08](http://www.epa.gov/region08)

**NOV 25 2015**

Ref: 8P-W-UIC

Honorable A.T. Stafne, Chairman  
Fort Peck Assiniboine and Sioux Tribes  
P.O. Box 1027  
Poplar, Montana 59255

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Stafne:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

The EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when the EPA actions and decisions may affect tribal interests. The EPA views consultation as a process of meaningful communication and coordination between the EPA and tribal officials prior to the EPA taking actions or implementing decisions that may affect tribes.

For information about the EPA Tribal Consultation Policy please visit the following website:  
<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

A separate consultation responsibility arises under section 106 of the National Historic Preservation Act (NHPA). Wherever appropriate, the EPA attempts to integrate section 106 consultation with the general

consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Fort Peck Assiniboiné and Sioux Tribes to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribes' interest in identifying and/or evaluating any properties or sites and hearing the Tribes' recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Fort Peck Assiniboiné and Sioux Tribes may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Fort Peck Assiniboiné and Sioux Tribes regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribes so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Darrell (Curley) Youpee, Tribal Historic Preservation Officer  
Ms. Deb Madison, Environmental Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 9:52 AM  
**To:** inperce@ftbelknap.org; 'mblackwolf@ftbelknap.org'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterGrosVentreAssiniboine.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Nez Perce and Mr. Black Wolf,

The attached letter is being mailed to President Azure's office today. This is your cc of the letter, which invites the Gros Ventre and Assiniboine Tribes to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the President's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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Denver, CO 80202-1129  
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NOV 25 2015

Ref: 8P-W-UIC

Honorable Mark Azure, President  
Gros Ventre and Assiniboine Tribes  
656 Agency Main Street  
Harlem, Montana 59526-9455

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear President Azure:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

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- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribes' interest in identifying and/or evaluating any properties or sites and hearing the Tribes' recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
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We understand that the Gros Ventre and Assiniboine Tribes may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Gros Ventre and Assiniboine Tribes regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribes so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Michael J. Black Wolf, Tribal Historic Preservation Officer  
Ms. Ina Nez Perce, Environmental Director



## Shea, Valois

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**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 6:00 PM  
**To:** 'atahbone@kiowatribe.org'; 'cmunoz@kiowatribe.org'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterKiowa.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Tah-Bone and Mr. Munoz,

The attached letter is being mailed to Chairwoman Toppah's office today. This is your cc of the letter, which invites the Kiowa Indian Tribe of Oklahoma to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairwoman Toppah's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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**NOV 25 2015**

Ref: 8P-W-UIC

Honorable Amber Toppah, Chairwoman  
Kiowa Indian Tribe of Oklahoma  
P.O. Box 369  
Carnegie, Oklahoma 73015

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairwoman Toppah:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

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special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Kiowa Indian Tribe of Oklahoma to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Kiowa Indian Tribe of Oklahoma may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Kiowa Indian Tribe of Oklahoma regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Ms. Amie Tah-Bone, Kiowa Museum Director  
Mr. Curtis Munoz, Environmental Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 9:57 AM  
**To:** 'clairsgreen@yahoo.com'; ghoneywell@lbt-epo.org  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterLowerBruleSioux.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Green and Mr. Honeywell,

The attached letter is being mailed to Chairman Jandreau's office today. This is your cc of the letter, which invites the Lower Brule Sioux Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
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NOV 25 2015

Ref: 8P-W-UIC

Honorable Michael B. Jandreau, Chairman  
Lower Brule Sioux Tribe  
187 Oyate Circle  
Lower Brule, South Dakota 57548-8500

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Jandreau:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

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- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

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We look forward to engaging in formal government-to-government consultation with the Lower Brule Sioux Tribe regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Ms. Clair Green, Tribal Cultural Resource Office  
Mr. George Honeywell, Environmental Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 3:25 PM  
**To:** 'deb.dirlam@lowersioux.com'; 'lowersiouxthpo@lowersioux.com'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterLowerSioux.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Goldtooth-Campos and Ms. Dirlam,

The attached letter is being mailed to Chairman Larsen's office today. This is your cc of the letter, which invites the Lower Sioux Indian Community to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
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NOV 25 2015

Ref: 8P-W-UIC

Honorable Robert Larsen, Chairman  
Lower Sioux Indian Community  
Box 308  
39375 County Highway 24  
Morton, Minnesota 56270

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Larsen:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

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- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Lower Sioux Indian Community may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Lower Sioux Indian Community regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Ms. Grace Goldtooth-Campos, Tribal Historic Preservation Officer  
Ms. Deb Dirlam, Office of the Environment Director



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## Shea, Valois

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**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 9:27 AM  
**To:** 'narapahothpo\_2009@ymail.com'; kilojohn77@yahoo.com  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterNorthernArapaho.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Conrad and Mr. Lokilo,

The attached letter is being mailed to Chairman Goggles' office today. This is your cc of the letter, which invites the Northern Arapaho Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

NOV 25 2015

Ref: 8P-W-UIC

Honorable Dean Goggles, Chairman  
Northern Arapaho Tribe  
P. O. Box 396  
Fort Washakie, Wyoming 82514-0217

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Goggles:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

The EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when the EPA actions and decisions may affect tribal interests. The EPA views consultation as a process of meaningful communication and coordination between the EPA and tribal officials prior to the EPA taking actions or implementing decisions that may affect tribes.

For information about the EPA Tribal Consultation Policy please visit the following website:  
<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

A separate consultation responsibility arises under section 106 of the National Historic Preservation Act (NHPA). Wherever appropriate, the EPA attempts to integrate section 106 consultation with the general

consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Northern Arapaho Tribe to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Northern Arapaho Tribe may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Northern Arapaho Tribe regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Ms. Darlene Conrad, Tribal Historic Preservation Officer  
Mr. Lokilo St. Clair, Acting Environmental. Director



## Shea, Valois

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**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 10:12 AM  
**To:** charlene.alden@cheyennenation.com; 'james.walksalong@cheyennenation.com'; 'conrad.fisher@cheyennenation.com'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterNorthernCheyenne.pdf; DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf; FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Alden, Mr. Walksalong and Mr. Fisher,

The attached letter is being mailed to President Fisher's office today. This is your cc of the letter, which invites the Northern Cheyenne Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the President's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Mr. Walksalong, Thanks again for your very helpful remarks at the Rocky Mountain Tribal Leaders Council Meeting back in August.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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NOV 25 2015

Ref: 8P-W-UIC

Honorable Llevando Fisher, President  
Northern Cheyenne Tribe  
P.O. Box 128  
Lame Deer, Montana 59043-0128

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear President Fisher:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

The EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when the EPA actions and decisions may affect tribal interests. The EPA views consultation as a process of meaningful communication and coordination between the EPA and tribal officials prior to the EPA taking actions or implementing decisions that may affect tribes.

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consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Northern Cheyenne Tribe to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Northern Cheyenne Tribe may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Northern Cheyenne Tribe regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. James Walksalong, Tribal Historic Preservation Officer  
Mr. Conrad Fisher, Tribal Historic Preservation Office Director  
Ms. Charlene Alden, Environmental Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 10:39 AM  
**To:** jswalker@ida.net  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterNWShoshone.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Mr. Walker,

The attached letter is being mailed to Chairman Warner's office today. This is your cc of the letter, which invites the Northwestern Band of the Shoshone Nation to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

I wasn't able to identify a cultural resources contact for the Northwestern Band of the Shoshone Nation. Please let me know if there is someone in that capacity that I could contact. Also please forward this email to that person.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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Denver, CO 80202-1129  
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www.epa.gov/region08

**NOV 25 2015**

Ref: 8P-W-UIC

Honorable Shane Warner, Chairman  
Northwestern Band of the Shoshone Nation  
707 North Main Street  
Brigham City, Utah 84302

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Warner:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

The EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when the EPA actions and decisions may affect tribal interests. The EPA views consultation as a process of meaningful communication and coordination between the EPA and tribal officials prior to the EPA taking actions or implementing decisions that may affect tribes. For information about the EPA Tribal Consultation Policy please visit the following website:  
<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

A separate consultation responsibility arises under section 106 of the National Historic Preservation Act (NHPA). Wherever appropriate, the EPA attempts to integrate section 106 consultation with the general consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess

special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Northwestern Band of the Shoshone Nation to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Northwestern Band of the Shoshone Nation may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Northwestern Band of the Shoshone Nation regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Jason Walker, GAP Coordinator



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 10:48 AM  
**To:** 'suzm@oglala.org'; 'dennis@oglalathpo.org'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterOglalaSioux.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Dennis and Suzy,

The attached letter is being mailed to President Steele's office today. This is your cc of the letter, which invites the Oglala Sioux Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the President's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Dennis, I really appreciated you attending the Great Plains Tribal Chairman's Association meeting in Rapid City. I thought the information you provided was very helpful. I wish there had been more time to let the other Tribes know more about the OST's efforts.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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[www.epa.gov/region08](http://www.epa.gov/region08)

**NOV 25 2015**

Ref: 8P-W-UIC

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

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear President Steele:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

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**Purpose of Formal Consultation**

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<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

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consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

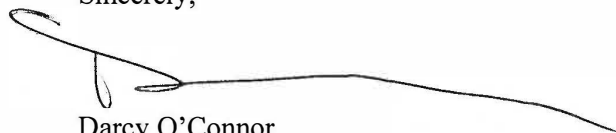
During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Oglala Sioux Tribe to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Oglala Sioux Tribe may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Oglala Sioux Tribe regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Dennis Yellow Thunder, Tribal Historic Preservation Officer  
Ms. Suzy (Lloydell) Mesteth, Environmental Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 5:26 PM  
**To:** 'calvin.harlan@omahatribe.com'; jeff.miller@omahatribe.com  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterOmaha.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Mr. Harlan and Mr. Miller,

The attached letter is being mailed to the Chairman's office today. This is your cc of the letter, which invites the Omaha Tribe of Nebraska to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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[www.epa.gov/region08](http://www.epa.gov/region08)

**NOV 25 2015**

Ref: 8P-W-UIC

Honorable Clifford Wolfe, Jr., Chairman  
Omaha Tribe of Nebraska  
P.O. Box 368  
101 Main Street  
Macy, Nebraska 68039

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Wolfe:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

The EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when the EPA actions and decisions may affect tribal interests. The EPA views consultation as a process of meaningful communication and coordination between the EPA and tribal officials prior to the EPA taking actions or implementing decisions that may affect tribes. For information about the EPA Tribal Consultation Policy please visit the following website:  
<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

A separate consultation responsibility arises under section 106 of the National Historic Preservation Act (NHPA). Wherever appropriate, the EPA attempts to integrate section 106 consultation with the general

consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Omaha Tribe of Nebraska to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Omaha Tribe of Nebraska may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Omaha Tribe of Nebraska regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Calvin Harlan, Tribal Historic Preservation Officer  
Mr. Jeff Miller, Environmental Contact



Printed on Recycled Paper

## Shea, Valois

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**From:** Maurice Johnson <mjohnson@omahatribe.com>  
**Sent:** Friday, December 04, 2015 11:45 AM  
**To:** Shea, Valois  
**Cc:** Parker, Mitchell (IHS/ABR)  
**Subject:** Re: EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site

Greetings Valois:

The Omaha Tribal Council is comprised as follows:

Vernon Miller, Chairman  
Adriana Saunsoci, Vice-Chairperson  
Jessica Webster-Valentino, Treasurer  
Jeff Miller, Secretary  
Mike Wolfe, Member  
Rodney Morris, Member  
Clifford Wolfe, Jr., Member

Our Tribal Historic Preservation Officer is Tommy Parker.

Please let me know if you have any questions.

Sincerely,

Maurice R. Johnson  
Attorney General  
Omaha Tribe of Nebraska  
P.O. Box 368  
Macy, NE 68039  
Office: (402) 837-5391 ext. 126  
Cell: (515) 822-8442  
Fax: (402) 837-5308  
mjohnson@omahatribe.com

This email may be confidential and protected by legal privilege. If you are not the intended recipient, disclosure, copying, distribution and use are prohibited, please notify me immediately and delete this copy from your system. Internal Revenue Service Circular 230 Disclosure: As provided for in Treasury regulations, advice (if any) relating to federal taxes that is contained in this communication (including attachments) is not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code; or, (2) promoting, marketing or recommending to another party any plan or arrangement addressed herein.

> On Dec 3, 2015, at 10:36 AM, Shea, Valois <Shea.Valois@epa.gov> wrote:

>

> Hello Mr. Johnson,

>

> Stan Holder with EPA Region 7 let me know that you are the environmental contact for the Omaha Tribe, so I am emailing you the formal consultation letter we mailed to the Tribal Chairman last week. I heard that there was a recent election for Tribal Chairman, so think I probably did not address the letter to the current Tribal Chairman. Also, the email I sent to Calvin Harlan was returned, so he probably isn't the current the Tribal Historic Preservation Officer.

>

> If you have a moment, could you please let me know who the current Tribal Chairman is and also the current Tribal Historic Preservation Officer?

>

> If you have any questions or would like more information about the Dewey-Burdock site, please contact me.

>

> Thanks!

> Valois

>

> \_\_\_\_\_

> Valois Shea

> U.S. EPA Region 8

> MailCode: 8P-W-UIC

> 1595 Wynkoop Street

> Denver, CO 80202-1129

> Phone: (303) 312-6276

> Fax: (303) 312-6741

> Email: shea.valois@epa.gov

>

> From: Shea, Valois

> Sent: Wednesday, November 25, 2015 5:26 PM

> To: 'calvin.harlan@omahatribe.com'; jeff.miller@omahatribe.com

> Subject: EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site

>

> Hello Mr. Harlan and Mr. Miller,

>

> The attached letter is being to mailed to the Chairman's office today. This is your cc of the letter, which invites the Omaha Tribe of Nebraska to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site in the located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

>

> Please feel free to contact me. My contact information is listed below.

>

> Thank you!

> Valois

>

> \_\_\_\_\_

> Valois Shea

> U.S. EPA Region 8

> MailCode: 8P-W-UIC

> 1595 Wynkoop Street

> Denver, CO 80202-1129

> Phone: (303) 312-6276

> Fax: (303) 312-6741

> Email: shea.valois@epa.gov

>

>

<EPADeweyBurdockConsultationLetterOmaha.pdf><DeweyBurdockBackgroundInformation.pdf><FormalConsultLetterEnclosuresFigure5.pdf><FormalConsultLetterEnclosuresFigures1-4.pdf>

## Shea, Valois

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**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 11:09 AM  
**To:** 'dorena.martineau@ihs.gov'; gaylord.rob主@ihs.gov  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterPaiute.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Martineau and Mr. Robb,

The attached letter is being mailed to Chairwoman Bow's office today. This is your cc of the letter, which invites the Paiute Indian Tribe of Utah to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairwoman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

NOV 25 2015

Ref: 8P-W-UIC

Honorable Corrina Bow, Chairwoman  
Paiute Indian Tribe of Utah  
440 North Paiute Drive  
Cedar City, Utah 84721-6181

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairwoman Bow:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

The EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when the EPA actions and decisions may affect tribal interests. The EPA views consultation as a process of meaningful communication and coordination between the EPA and tribal officials prior to the EPA taking actions or implementing decisions that may affect tribes.

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<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

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consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

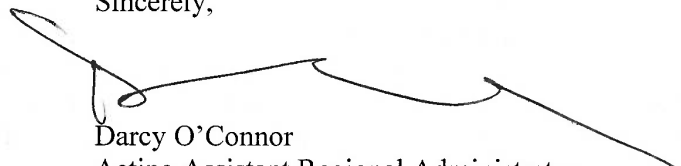
During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Paiute Indian Tribe of Utah to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Paiute Indian Tribe of Utah may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Paiute Indian Tribe of Utah regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Ms. Dorena Martineau, Cultural Resources Office  
Mr. Gaylord Robb, Environmental Director



## Shea, Valois

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**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 5:04 PM  
**To:** Julia Sage; 'rteboe@poncatribes-ne.org'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterPoncaNE.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Sage and Mr. Teboe,

The attached letter is being mailed to Chairman Wright's office today. This is your cc of the letter, which invites the Ponca Tribe of Nebraska to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

NOV 25 2015

Ref: 8P-W-UIC

Honorable Larry Wright, Jr., Chairman  
Ponca Tribe of Nebraska  
P.O. Box 288  
Niobrara, Nebraska 68760

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Wright:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

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For information about the EPA Tribal Consultation Policy please visit the following website:  
<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

A separate consultation responsibility arises under section 106 of the National Historic Preservation Act (NHPA). Wherever appropriate, the EPA attempts to integrate section 106 consultation with the general

consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Ponca Tribe of Nebraska to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Ponca Tribe of Nebraska may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Ponca Tribe of Nebraska regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Randy Teboe, Tribal Historic Preservation Officer  
Ms. Julia Sage, Environmental Manager



## Robinson, Valois

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**From:** Shea, Valois  
**Sent:** Thursday, December 3, 2015 10:12 AM  
**To:** poncatrileoem@gmail.com  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterPoncaOK.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello again Mr. Primeaux,

The attached letter was mailed to Chairman Howe 's office on November 23, 2015. This is your cc of the letter, which invites the Ponca Tribe of Indians of Oklahoma to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site in the located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project. They are the same as the enclosures I emailed to you with the earlier letter.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)

## Robinson, Valois

---

**From:** Shea, Valois  
**Sent:** Thursday, December 3, 2015 9:58 AM  
**To:** poncatribeoem@gmail.com  
**Subject:** courtesy copy of letter inviting informal consultation sent to Chairman Howe  
**Attachments:** PoncaEPALetterInformalConsult.pdf; DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf; FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Mr. Primeaux,

Please find attached a courtesy copy of the letter the EPA Region 8 office mailed to Chairman Howe on November 6, 2015. I apologize for sending it to you so late - I just now got your email address.

The purpose of this letter is to offer the opportunity for informal consultation on the proposed Dewey-Burdock uranium recovery site located in the southern Black Hills. The EPA Region 8 office is contacting you based in information I have found indicating the Ponca Tribe of Indians of Oklahoma have historical interest in the Black Hills. The reason we are mailing an invitation letter for informal consultation is because we have already had a series of informal consultation meetings with interested Region 8 Tribes and two Tribes in Nebraska, the Ponca Tribe of Nebraska and the Santee Sioux Tribe. These meetings have been helpful for building relationships with Tribal environmental directors and Tribal Historic Preservation Officers and hearing detailed info from the Tribes about issues of concern prior to moving on to formal consultation. We want to offer the Ponca Tribe of Indians of Oklahoma the same opportunity to have informal "inform and educate" meetings with us moving on to formal consultation. We have already mailed out the formal consultation invitation letter. I will send it to you in a separate email.

Please give me a call or send me an email if you interested in scheduling an informal consultation meeting, have any questions or suggestions for moving forward with our Tribal Consultation process. We will continue our communication with you as we move forward with this process.

Thanks!

*Valois*

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Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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REGION 8

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Denver, CO 80202-1129  
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www.epa.gov/region08

NOV 25 2015

Ref: 8P-W-UIC

Honorable Earl Howe III, Chairman  
Ponca Tribe of Indians of Oklahoma  
20 White Eagle Drive  
Ponca City, Oklahoma 74601

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Howe:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

The EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when the EPA actions and decisions may affect tribal interests. The EPA views consultation as a process of meaningful communication and coordination between the EPA and tribal officials prior to the EPA taking actions or implementing decisions that may affect tribes.

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<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

A separate consultation responsibility arises under section 106 of the National Historic Preservation Act (NHPA). Wherever appropriate, the EPA attempts to integrate section 106 consultation with the general

consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.


During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Ponca Tribe of Indians of Oklahoma to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Ponca Tribe of Indians of Oklahoma may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Ponca Tribe of Indians of Oklahoma regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Burgess Primeaux, Environmental Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 4:16 PM  
**To:** 'gmiller@piic.org'  
**Subject:** FW: EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterPrairieIslandSioux.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Mr. Miller,

For some reason I had not updated my records with your contact information, so I apologize for not including you in the cc list of the attached letter. Please see my message below.

You had indicated in your email last August that you would be interested in a web conference. We have not scheduled one yet, but if you are still interested I could set one up in January.

Thanks!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 3:33 PM  
**To:** 'mberger@piic.org'; 'kherdina@piic.org'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site

Hello Mr. Bergervoet and Mr. Herdina,

The attached letter is being mailed to President Johnson's office today. This is your cc of the letter, which invites the Prairie Island Indian Community to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the President's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)

## Shea, Valois

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**From:** Gabriel Miller <Gabriel.Miller@piic.org>  
**Sent:** Monday, November 30, 2015 9:09 AM  
**To:** Shea, Valois  
**Subject:** RE: EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site

Thanks Valois, I'll take a look at the materials. As far as the web conference, no need to set one up on my account, just do as you see the need from all parties. Thanks.

Gabe Miller  
Environmental Specialist/Conservation Biologist  
PIIC Dept. Land and Environment  
5636 Sturgeon Lake Road  
Welch, MN 55089  
Office: (651) 385-4141  
Cell: (651) 260-5383

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**From:** Shea, Valois [mailto:Shea.Valois@epa.gov]  
**Sent:** Wednesday, November 25, 2015 5:17 PM  
**To:** Gabriel Miller  
**Subject:** FW: EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site

Mr. Miller,

For some reason I had not updated my records with your contact information, so I apologize for not including you in the cc list of the attached letter. Please see my message below.

You had indicated in your email last August that you would be interested in a web conference. We have not scheduled one yet, but if you are still interested I could set one up in January.

Thanks!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
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Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 3:33 PM

**To:** 'mberger@piic.org'; 'kherdina@piic.org'

**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site

Hello Mr. Bergervoet and Mr. Herdina,

The attached letter is being mailed to President Johnson's office today. This is your cc of the letter, which invites the Prairie Island Indian Community to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the President's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
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Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)

The information contained in this email message is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at 800-554-5473, ext. 4136 or by email to [legal@piic.org](mailto:legal@piic.org). Thank you.



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REGION 8

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Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

NOV 25 2015

Ref: 8P-W-UIC

Honorable Ronald Johnson, President  
Prairie Island Indian Community  
5636 Sturgeon Lake Road  
Welch, Minnesota 55089

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear President Johnson:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

The EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when the EPA actions and decisions may affect tribal interests. The EPA views consultation as a process of meaningful communication and coordination between the EPA and tribal officials prior to the EPA taking actions or implementing decisions that may affect tribes.

For information about the EPA Tribal Consultation Policy please visit the following website:  
<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

A separate consultation responsibility arises under section 106 of the National Historic Preservation Act (NHPA). Wherever appropriate, the EPA attempts to integrate section 106 consultation with the general

consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Prairie Island Indian Community to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Prairie Island Indian Community may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Prairie Island Indian Community regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Michael Bergervoet, Tribal Historic Preservation Office  
Mr. Kyle Herdina, Environmental Program Manager



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 6:08 PM  
**To:** 'rstthpo@yahoo.com'; 'asbrownfields@hotmail.com'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterRosebudSioux.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Mr. Eagle Bear and Mr. Swalley,

The attached letter is being mailed to President Kindle's office today. This is your cc of the letter, which invites the Rosebud Sioux Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the President's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
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NOV 25 2015

Ref: 8P-W-UIC

Honorable William Kindle, President  
Rosebud Sioux Tribe  
P.O. Box 430  
Rosebud, South Dakota 57570-0430

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear President Kindle:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

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consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Rosebud Sioux Tribe to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Rosebud Sioux Tribe may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Rosebud Sioux Tribe regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Russell Eagle Bear, Tribal Historic Preservation Officer  
Mr. Alex Swalley III, Acting Environmental Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 8:56 AM  
**To:** miked@cst.org; 'iram@cst.org'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterSalishKootenai.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Mr. Matt and Mr. Durglo,

The attached letter is being mailed to Chairman Finley's office today. This is your cc of the letter, which invites the Confederated Salish and Kootenai Tribes to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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Denver, CO 80202-1129  
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www.epa.gov/region08

NOV 25 2015

Ref: 8P-W-UIC

Honorable Vernon Finley, Chairman  
Confederated Salish and Kootenai Tribes  
P.O. Box 278  
Polson, Montana 59860-0278

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Finley:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

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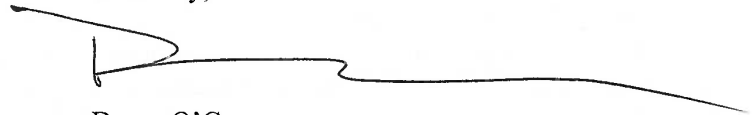
During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Confederated Salish and Kootenai Tribes to:

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- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribes' interest in identifying and/or evaluating any properties or sites and hearing the Tribes' recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Confederated Salish and Kootenai Tribes may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Confederated Salish and Kootenai Tribes regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribes so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Ira Matt, Tribal Historic Preservation Officer  
Mr. Mike Durglo, Environmental Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 4:59 PM  
**To:** 'rick\_thpo02@yahoo.com'; 'alisha.bartling@santeeoep.com'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterSanteeSioux.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Bartling and Mr. Thomas,

The attached letter is being mailed to Chairman Trudell's office today. This is your cc of the letter, which invites the Santee Sioux Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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NOV 25 2015

Ref: 8P-W-UIC

Honorable Roger Trudell, Chairman  
Santee Sioux Tribe  
425 Frazier Ave N, Suite 2  
Niobrara, Nebraska 68760

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Trudell:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

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consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

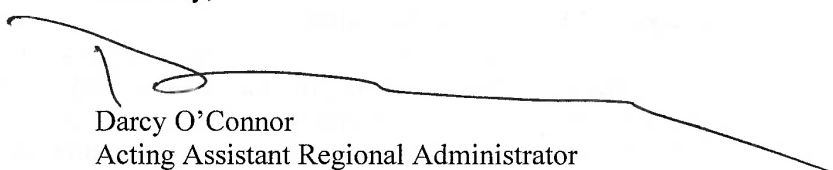
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- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
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Sincerely,



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

Enclosures (6)

cc: Mr. Richard Thomas, Tribal Historic Preservation Office Director  
Ms. Alisha Bartling, Office of Environmental Protection



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 4:21 PM  
**To:** 'culturalresources@shakopeedakota.org'; 'stan.ellison@shakopeedakota.org'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterShakopeeMdewakantonSioux.pdf; DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf; FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Mr. Wabasha and Mr. Ellison,

The attached letter is being mailed to Chairman Vig's office today. This is your cc of the letter, which invites the Shakopee Mdewakanton Sioux Community to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

**NOV 25 2015**

Ref: 8P-W-UIC

Honorable Charlie Vig, Chairman  
Shakopee Mdewakanton Sioux Community  
2330 Sioux Trail NW  
Prior Lake, Minnesota 55372

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Vig:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

The EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when the EPA actions and decisions may affect tribal interests. The EPA views consultation as a process of meaningful communication and coordination between the EPA and tribal officials prior to the EPA taking actions or implementing decisions that may affect tribes.

For information about the EPA Tribal Consultation Policy please visit the following website:  
<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

A separate consultation responsibility arises under section 106 of the National Historic Preservation Act (NHPA). Wherever appropriate, the EPA attempts to integrate section 106 consultation with the general

consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Shakopee Mdewakanton Sioux Community to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Shakopee Mdewakanton Sioux Community may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Shakopee Mdewakanton Sioux Community regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Leonard Wabasha, Cultural Resources Director  
Mr. Stanley Ellison, Department of Land and Natural Resources Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 12:14 PM  
**To:** 'dianned@swo-nsn.gov'; DevonB@swo-nsn.gov  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterSissetonWahpetonOyate.pdf; DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf; FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Desrosiers and Ms. Bursheim,

The attached letter is being mailed to Chairman Renville's office today. This is your cc of the letter, which invites the Sisseton-Wahpeton Oyate to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Ms. Bursheim, Our records were not up to date, so I apologize that you were not listed as a cc recipient on the letter.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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Denver, CO 80202-1129  
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NOV 25 2015

Ref: 8P-W-UIC

Honorable Bruce Renville, Chairman  
Sisseton-Wahpeton Oyate  
P.O. Box 509  
Agency Village, South Dakota 57262-0509

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Renville:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

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A separate consultation responsibility arises under section 106 of the National Historic Preservation Act (NHPA). Wherever appropriate, the EPA attempts to integrate section 106 consultation with the general

consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.


During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Sisseton-Wahpeton Oyate to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Sisseton-Wahpeton Oyate may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Sisseton-Wahpeton Oyate regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Ms. Dianne Desrosiers, Tribal Historic Preservation Officer  
Mr. Jerry Eastman, Acting Environmental Director



## Shea, Valois

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**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 12:37 PM  
**To:** 'annetteb@svgoshutes.com'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterSkullValleyGoshutes.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Bear,

The attached letter is being mailed to Chairwoman Candace Bear's office today. The letter invites the Skull Valley Band of Goshute Indians to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairwoman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

I was not able to identify any environmental or cultural resource contacts to cc on the letter. If there is someone that I should be contacting in those positions, please let me know. Also, please forward this email to them.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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Denver, CO 80202-1129  
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NOV 25 2015

Ref: 8P-W-UIC

Honorable Candace Bear, Chairwoman  
Skull Valley Band of Goshute Indians  
P.O Box 448  
Grantsville, Utah 84029

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairwoman Bear:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

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consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Skull Valley Band of Goshute Indians to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Skull Valley Band of Goshute Indians may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Skull Valley Band of Goshute Indians regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 12:41 PM  
**To:** 'eredd@southernute-nsn.gov'; tojohns@southernute-nsn.gov  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterSouthernUte.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Redd and Mr. Johnson,

The attached letter is being mailed to Chairman Frost's office today. This is your cc of the letter, which invites the Southern Ute Indian Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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NOV 25 2015

Ref: 8P-W-UIC

Honorable Clement Frost, Chairman  
Southern Ute Indian Tribe  
P.O. Box 737  
Ignacio, Colorado 81137-0737

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Frost:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

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consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

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- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Southern Ute Indian Tribe may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Southern Ute Indian Tribe regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Thomas Johnson, Environmental Programs Division Head  
Ms. Elise Redd, Culture Department Director



## Shea, Valois

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**From:** Johnson, Tom <tojohns@southernute-nsn.gov>  
**Sent:** Wednesday, December 02, 2015 10:48 AM  
**To:** Shea, Valois  
**Cc:** Brown, Randy  
**Subject:** RE: EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site

Thank you Valois.

Tom

**Thomas L. Johnson, P.G.**

Environmental Programs Division Head  
Southern Ute Indian Tribe  
71 Mike Frost Way, P.O. Box 737  
Ignacio, Colorado 81137

970.563.0135, Ext. 2229

970.749.8252 Cell

[tojohns@southernute-nsn.gov](mailto:tojohns@southernute-nsn.gov)

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**From:** Shea, Valois [mailto:Shea.Valois@epa.gov]  
**Sent:** Wednesday, November 25, 2015 12:42 PM  
**To:** Redd, Elise <eredd@southernute-nsn.gov>; Johnson, Tom <tojohns@southernute-nsn.gov>  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site

Hello Ms. Redd and Mr. Johnson,

The attached letter is being mailed to Chairman Frost's office today. This is your cc of the letter, which invites the Southern Ute Indian Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129

Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)

## Shea, Valois

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**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 12:57 PM  
**To:** 'thpo@gondtc.com'; epadir@spiritlakenation.com  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterSpiritLake.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Dr. Longie and Mr. Tweeton,

The attached letter is being mailed to Chairperson Pearson's office today. This is your cc of the letter, which invites the Spirit Lake Nation to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairperson Pearson's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

NOV 25 2015

Ref: 8P-W-UIC

Honorable Myra Pearson, Chairperson  
Spirit Lake Tribe  
P.O. Box 359  
Fort Totten, North Dakota 58335-0357

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairperson Pearson:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

The EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when the EPA actions and decisions may affect tribal interests. The EPA views consultation as a process of meaningful communication and coordination between the EPA and tribal officials prior to the EPA taking actions or implementing decisions that may affect tribes.

For information about the EPA Tribal Consultation Policy please visit the following website:  
<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

A separate consultation responsibility arises under section 106 of the National Historic Preservation Act (NHPA). Wherever appropriate, the EPA attempts to integrate section 106 consultation with the general

consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Spirit Lake Tribe to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Spirit Lake Tribe may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Spirit Lake Tribe regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Dr. Erich Longie, Tribal Historic Preservation Officer  
Mr. Joshua Tweeton, Environmental Director





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

NOV 25 2015

Ref: 8P-W-UIC

Honorable Dave Archambault II, Chairman  
Standing Rock Sioux Tribe  
P.O. Box 516  
Fort Yates, North Dakota 58538-0522

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Archambault:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

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<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

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special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Standing Rock Sioux Tribe to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Standing Rock Sioux Tribe may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Standing Rock Sioux Tribe regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Ms. Waste'Win Young, Tribal Historic Preservation Officer  
Ms. Allyson Two Bears, Environmental Director



Printed on Recycled Paper

## Shea, Valois

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**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 1:05 PM  
**To:** atwobears@standingrock.org; 'young@standingrock.org'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterStandingRock.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Two Bears and Ms. Young,

The attached letter is being mailed to Chairman Archambault's office today. This is your cc of the letter, which invites the Standing Rock Sioux Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)

## Shea, Valois

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**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 1:12 PM  
**To:** 'redhawk@mhanation.com'; edmundbaker@mhanation.com  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterThreeAffiliated.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Mr. Crows Breast and Mr. Baker,

The attached letter is being mailed to Chairman Fox's office today. This is your cc of the letter, which invites the Three Affiliated Tribes to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site in the located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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REGION 8

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Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

NOV 25 2015

Ref: 8P-W-UIC

Honorable Mark Fox, Chairman  
Mandan, Hidatsa, and Arikara Nation  
Three Affiliated Tribes  
404 Frontage Road  
New Town, North Dakota 58763-9404

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Fox:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

The EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when the EPA actions and decisions may affect tribal interests. The EPA views consultation as a process of meaningful communication and coordination between the EPA and tribal officials prior to the EPA taking actions or implementing decisions that may affect tribes.

For information about the EPA Tribal Consultation Policy please visit the following website:  
<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

A separate consultation responsibility arises under section 106 of the National Historic Preservation Act (NHPA). Wherever appropriate, the EPA attempts to integrate section 106 consultation with the general consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Three Affiliated Tribes to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribes' interest in identifying and/or evaluating any properties or sites and hearing the Tribes' recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Three Affiliated Tribes may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Three Affiliated Tribes regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribes so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Elgin Crows Breast, Tribal Historic Preservation Officer  
Mr. Edmund Baker, Environmental Director



## Shea, Valois

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**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 1:25 PM  
**To:** corachampagne@hotmail.com; 'brucefnadeau@gmail.com'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterTurtleMtnChippewa.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Champagne and Mr. Nadeau,

The attached letter is being mailed to Chairman McCloud's office today. This is your cc of the letter, which invites the Turtle Mountain Band of Chippewa to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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Denver, CO 80202-1129  
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www.epa.gov/region08

NOV 25 2015

Ref: 8P-W-UIC

Honorable Richard McCloud, Chairman  
Turtle Mountain Band of Chippewa  
P.O. Box 900  
Belcourt, North Dakota 58316-0900

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman McCloud:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

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consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Turtle Mountain Band of Chippewa to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Turtle Mountain Band of Chippewa may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Turtle Mountain Band of Chippewa regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Bruce Nadeau, Tribal Historic Preservation Officer  
Ms. Cora Champagne, Environmental Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 1:31 PM  
**To:** 'betsyc@utetribes.com'; 'michelles@utetribes.com'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterUteU&O.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Chapoose and Ms. Sabori,

The attached letter is being mailed to Chairman Chapoose's office today. This is your cc of the letter, which invites the Ute Indian Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site in the located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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REGION 8

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Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

NOV 25 2015

Ref: 8P-W-UIC

Honorable Mr. Shaun Chapoose, Chairman  
Ute Indian Tribe  
P.O. Box 190  
Ft. Duchesne, Utah 84026-0190

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Chapoose:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

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consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Ute Indian Tribe to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Ute Indian Tribe may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

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Sincerely,



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

Enclosures (6)

cc: Ms. Betsy Chapoose, Cultural Rights and Protection Director  
Ms. Michelle Sabori, Land Management Department Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 4:41 PM  
**To:** 'THPO@uppersiouxcommunity-nsn.gov'; 'jaredw@uppersiouxcommunity-nsn.gov'  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterUpperSioux.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Ms. Childers and Mr. Wagner,

The attached letter is being mailed to Chairman Jensvold's office today. This is your cc of the letter, which invites the Upper Sioux Community to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

It had been a while since I checked the Upper Sioux Community website to be sure the contact information I had was correct. As a result the cc list on the attached letter is out of date and does not include both of you. I apologize for that!

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

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Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region08

NOV 25 2015

Ref: 8P-W-UIC

Honorable Kevin Jensvold, Chairman  
Upper Sioux Community  
P.O. Box 147  
5722 Travers Lane  
Granite Falls, Minnesota 56241

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Jensvold:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

The EPA's policy is to consult on a government-to-government basis with federally recognized tribal governments when the EPA actions and decisions may affect tribal interests. The EPA views consultation as a process of meaningful communication and coordination between the EPA and tribal officials prior to the EPA taking actions or implementing decisions that may affect tribes.

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<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

A separate consultation responsibility arises under section 106 of the National Historic Preservation Act (NHPA). Wherever appropriate, the EPA attempts to integrate section 106 consultation with the general consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Upper Sioux Community to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Upper Sioux Community may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Upper Sioux Community regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Marlow LaBatte, Tribal Historic Preservation Officer  
Mr. Scott Wold, Environmental Director



## Shea, Valois

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**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 1:36 PM  
**To:** 'tknight@utemountain.org'; sclow@utemountain.org  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterUteMtnUte.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Mr. Knight and Mr. Clow,

The attached letter is being mailed to Chairman Heart's office today. This is your cc of the letter, which invites the Ute Mountain Ute Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)

## Shea, Valois

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**From:** Shea, Valois  
**Sent:** Wednesday, December 02, 2015 11:24 AM  
**To:** 'Colin Larrick'  
**Subject:** RE: In-Situ U mining  
**Attachments:** EPADeweyBurdockConsultationLetterUteMtnUte.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Mr. Larrick,

I'm sorry it took so long for me to reply back to your email. I was working getting the consultation letters ready to mail out inviting Region 8 Tribes to consult with EPA Region 8 on the proposed Dewey-Burdock uranium recovery site. The Dewey-Burdock site is located in the southern Black Hills in southwest South Dakota. I have attached the letter sent to the Ute Mountain Ute Tribe along with the letter enclosures that provide some information about the Dewey-Burdock site.

The EPA Region 8 Underground Injection Control Program received permit applications from Powertech (USA) Inc. for Class III injection wells for in-situ recovery of uranium and deep injection wells for the disposal of treated waste fluids. The permit applications are posted on our UIC website: <http://www2.epa.gov/uic/dewey-burdock-class-iii-and-class-v-injection-wells>. There is an aquifer exemption request for uranium-ore-bearing Inyan Kara aquifers associated with the Class III permit application.

I have given a number of presentations at meetings such as the Rocky Mountain Tribal Leaders' Council meeting in Billings, MT, the Great Plain Tribal Chairman's Association meeting in Rapid City and at the Regional Tribal Operations Committee meeting held in Minot, ND. The Tribes present at the meeting have many concerns and are opposed to the project.

If you would like more information about the site or would like to request formal or informal consultation meeting, please let me know. We will be calling the Region 8 Tribes in the next few days to follow up on the letter and see if any are interested in scheduling formal consultation meetings.

I appreciate your interest!

*Valois*

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Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)

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**From:** Colin Larrick [mailto:clarrick@utemountain.org]  
**Sent:** Tuesday, November 17, 2015 11:54 AM

**To:** Shea, Valois

**Subject:** In-Situ U mining

Hello,

My name's Colin Larrick and I'm the Water Quality Specialist for the Ute Mountain Ute Tribe in the 4-Corners region of the southwest. I'm also EPA Region 8 representative to the National Tribal Water Council (NTWC). At a recent NTWC meeting Denise Jensen from the Winnebago Tribe shared a R8 presentation regarding plans for in-situ uranium mining and underground injection control permits in Region 8. Denise was curious if any Region 8 tribes have been engaged with your department in review/commenting, etc. and I told her I'd check in- I hadn't heard of the In situ U mining proposal from EPA and I haven't heard from any R8 Tribes on the issue either. Would you be able to share any information on the In Situ U mining and UIC permits (especially an aquifer exemption proposal) with me and let me know if any R8 Tribes have engaged with you with concerns on the issue?

Thanks so much for your time and attention,  
Colin

Colin Larrick  
Water Quality Specialist  
Ute Mountain Ute Tribe  
Environmental Programs Department  
520 Sunset Blvd.  
Towaoc, CO 81334  
(970) 564-5437  
(970) 739-3741 (cell)  
[clarrick@utemountain.org](mailto:clarrick@utemountain.org)



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NOV 25 2015

Ref: 8P-W-UIC

Honorable Manuel Heart, Chairman  
Ute Mountain Ute Tribe  
P.O. Box JJ  
Towaoc, Colorado 81334-0188

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Heart:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA UIC Program has received two permit applications from Powertech (USA) Inc.: one is for Class III injection wells used during the uranium recovery process; the second is for deep injection wells for the disposal of treated ISR process waste water. For additional information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5.

In August 2015, the EPA initiated "inform and educate" sessions under the EPA's Tribal Consultation Policy and spoke with a number of tribal leaders, Tribal Historic Preservation Offices and tribal environmental directors about the UIC permit applications the EPA received. These sessions provided information about the proposed project scope and requested both information and feedback regarding the project area, tribal interest, and additional information tribes would like to have as we proceed into formal consultation.

**Purpose of Formal Consultation**

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<http://www2.epa.gov/tribal/forms/consultation-and-coordination-tribes>.

A separate consultation responsibility arises under section 106 of the National Historic Preservation Act (NHPA). Wherever appropriate, the EPA attempts to integrate section 106 consultation with the general

consultation under our Tribal Consultation Policy. The EPA acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that possess religious and cultural significance.

During the formal consultation meeting, we would like to present information about the scope of the Powertech-proposed process and relevant EPA-regulated activities that would be conducted at the Dewey-Burdock site, if permitted. We would also discuss the EPA's approach to both general consultation and the NHPA Section 106 consultation process. Given the questions and concerns a number of tribes have about the potential impacts on the Black Hills, the EPA would like to engage in government-to-government consultation with the Ute Mountain Ute Tribe to:

- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
- Provide information to the EPA on the Tribe's interest in identifying and/or evaluating any properties or sites and hearing the Tribe's recommendations on who should perform this work;
- Provide your views on how the EPA actions at the Dewey-Burdock site might affect any properties or sites; and
- Participate with the EPA in resolving potential adverse effects.

We understand that the Ute Mountain Ute Tribe may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

We look forward to engaging in formal government-to-government consultation with the Ute Mountain Ute Tribe regarding the Dewey-Burdock project. We would appreciate a reply from you as to whether or not you are interested in engaging in formal consultation with the EPA by Friday, December 11, 2015. Please provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process. Please reply back to Douglas Minter, the UIC Unit Chief, and indicate if you would like to schedule a meeting with us for formal consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079 or (303) 312-6079; or by email at [minter.douglas@epa.gov](mailto:minter.douglas@epa.gov).

Sincerely,



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

Enclosures (6)

cc: Mr. Terry Knight, Tribal Historic Preservation Office  
Mr. Scott Clow, Environmental Programs Director



## Shea, Valois

---

**From:** Shea, Valois  
**Sent:** Wednesday, November 25, 2015 3:16 PM  
**To:** 'yst.thpo@gmail.com'; ysteppgap4@hotmail.com  
**Subject:** EPA Formal Consultation Letter for the proposed Dewey-Burdock uranium in-situ recovery site  
**Attachments:** EPADeweyBurdockConsultationLetterYankton.pdf;  
DeweyBurdockBackgroundInformation.pdf; FormalConsultLetterEnclosuresFigure5.pdf;  
FormalConsultLetterEnclosuresFigures1-4.pdf

Hello Mr. Little and Mr. Leasure,

The attached letter is being mailed to Chairman Flying Hawk's office today. This is your cc of the letter, which invites the Yankton Sioux Tribe to join with the EPA in formal consultation regarding proposed Dewey-Burdock uranium in-situ recovery site located in the southern Black Hills. The letter requests a reply back from the Chairman's office by Friday, December 11. The enclosures provide information about the proposed Dewey-Burdock project.

Mr. Little, I did not have up to date information at the time I added the ccs to the attached letter, so I apologize for not including your name in that list.

Please feel free to contact me. My contact information is listed below.

Thank you!

*Valois*

---

Valois Shea  
U.S. EPA Region 8  
MailCode: 8P-W-UIC  
1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone: (303) 312-6276  
Fax: (303) 312-6741  
Email: [shea.valois@epa.gov](mailto:shea.valois@epa.gov)



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NOV 25 2015

Ref: 8P-W-UIC

Honorable Robert Flying Hawk, Chairman  
Yankton Sioux Tribe  
P.O. Box 1153  
Wagner, South Dakota 57380-1153

Re: U.S. Environmental Protection Agency Underground Injection Control Program  
Invitation for Formal Consultation on the Dewey-Burdock Uranium Recovery Site  
Near Edgemont, South Dakota

Dear Chairman Flying Hawk:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program would like to consult with you, and any other representatives you would like to invite, on the proposed Dewey-Burdock uranium in-situ recovery (ISR) site in the southern Black Hills near Edgemont, South Dakota. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

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- Discuss the proposed Dewey-Burdock project and the UIC permit applications;
- Discuss your concerns about potential historic properties, including those of traditional religious and cultural importance, within the Dewey-Burdock area of potential effect;
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Sincerely,



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

Enclosures (6)

cc: Mr. Miller Lyle, Tribal Historic Preservation Office  
Mr. Richard Leasure, Environmental Director

