Message

From: Matsumoto, Kimi [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=38D95BE36605427B8C0CC1A79B24209F-MATSUMO, KIMI]
Sent: 5/22/2018 3:04:34 PM
To: Shea, Valois [Shea.Valois@epa.gov]
Subject: RE: couple of questions: Deliberative/attorney work product/attorney-client privileged

Hi Valois,
Thank you!!
Kimi

From: Shea, Valois
Sent: Tuesday, May 22, 2018 8:55 AM
To: Matsumoto, Kimi <Matsumoto.Kimi@epa.gov>
Subject: RE: couple of questions: Deliberative/attorney work product/attorney-client privileged

Hi Kimi,
I have attached the list of 38 tribes I mailed consultation invitation letters to and the paragraph below is from the draft NHPA document we issued for public review about responses we received and the meetings held. Some of the tribes included on the list do not necessarily have a historic interest in the Black Hills but are in Region 8, so I included them for that reason. These would mainly be the Utah Tribes.

In November 2015, the EPA mailed a letter to the 38 federally recognized Indian tribes listed in Table 1. This letter invited tribes to participate in government-to-government consultation under the EPA's Policy for Consultation and Coordination with Indian Tribes and NHPA section 106. In reply to the invitation letter, the EPA received requests for consultation from the following Tribes:

- *Cheyenne River Sioux Tribe*
- *Crow Tribe*
- *Gros Ventre and Assiniboine Tribes of Fort Belknap*
- *Oglala Sioux Tribe*
- *Northern Arapaho Tribe*
- *Santee Sioux Tribe*
- *Standing Rock Sioux Tribe*
- *Upper Sioux Community*

The EPA endeavored to engage in a first round of government-to-government consultation meetings with each interested tribe before the issuance of the UIC draft permits. The EPA completed the first round of consultation meetings. However, the EPA was unable to schedule a meeting with the Cheyenne River Sioux Tribe. The EPA met with Oglala Sioux Tribal leaders, but was informed that the Tribe considered these meetings to be "inform and educate" meetings rather than government-to-government consultation. Additional attempts by the EPA to enter into government-to-government consultation with the Oglala Sioux Tribe have been unsuccessful.

After the public notice, we received requests for consultation from the Cheyenne River Sioux, Oglala Sioux and the Ponca Tribe of Nebraska. We held a consultation meeting with the Ponca Tribe of

Nebraska and have been attempting to schedule meetings with the Cheyenne River Sioux and Oglala Sioux Tribes, but have not met with them yet.

Tribal consultation is ongoing, with no deadline established at this time. I plan to send out another round of letters to a smaller list of tribes once we decide if we are going to include EJ in the consultation process. The smaller list would include tribes that have a new president or chairperson since I mailed the previous invitation letters.

We will have another public notice for updated draft permit requirements and we could also include updated draft NHPA, Cumulative Effects and EJ analyses, if appropriate.

Here is the list of previous public hearing information:
Thursday, April 27, 2017 from 4:00 to 8:30 p.m. (with a break from 6:00 to 6:30 p.m.)
Niobrara Lodge
803 US Highway 20
Valentine, Nebraska 69201

Monday-Tuesday, May 8-9, 2017, from 1:00 to 8:00 p.m. (with a break from 5:00 to 6:00 p.m.)
The Best Western Ramkota Hotel
2111 N. LaCrosse Street
Rapid City, South Dakota 57701

Wednesday, May 10, 2017, from 1:00 to 8:00 p.m. (with a break from 5:00 to 6:00 p.m.)
The Mueller Center
801 S 6th Street
Hot Springs, South Dakota 57747

Thursday, May 11, 2017, from 1:00 to 8:00 p.m. (with a break from 5:00 to 6:00 p.m.)
St. James Catholic Church
310 3rd Avenue
Edgemont, South Dakota 57735

Valois

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

From: Matsumoto, Kimi
Sent: Monday, May 21, 2018 4:41 PM
To: Shea, Valois <Shea.Valois@epa.gov>
Subject: couple of questions

Deliberative/attorney work product/attorney-client privileged
Hi Valois –
Do you have a list of tribes potentially interested in the DB matter and the status of consultations? If it's not already documented somewhere, maybe we can just chat for a bit?

Also would be interested in a summary of where/when all of the public hearings took place. Are we done with the public and tribal consultation processes?
Thanks! Kimi

Kimi Matsumoto
Senior Assistant Regional Counsel
Office of Regional Counsel
EPA Region 8
303-312-6875