UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

Ref: 8WD-SDU

SENT VIA EMAIL
DIGITAL READ RECEIPT REQUESTED

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

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

Dear President Bear Runner:

EPA has made its final decisions on the Underground Injection Control (UIC) permit applications submitted by Powertech for the proposed Dewey-Burdock uranium in-situ recovery site near Edgemont, South Dakota. EPA reached these decisions after concluding a nearly five-year tribal consultation process. In summary, EPA notified 38 federally recognized tribes of the proposed Dewey-Burdock uranium ISR site; offered formal, government-to-government tribal consultation meetings with those tribes; subsequently held tribal consultation meetings with interested tribal governments to receive their input; carefully considered the input received from tribal governments before taking final actions on the UIC permit applications; and is sharing the enclosed response to comments document with tribal governments as feedback to explain how their input was considered in EPA's final decisions. In addition, EPA gathered information from Tribes and other interested parties during a public notice and comment process, and EPA has conducted additional analyses of the permit application information received from Powertech.

Based on these tribal consultation efforts, EPA has determined that it has acted consistently with the EPA Policy on Consultation and Coordination with Indian Tribes in seeking meaningful input before making its decisions. Also consistent with that policy, EPA's final permit decisions include the enclosed response to comments document, which identifies how the input and comments from tribes and commenters were considered in our final decisions.

In a separate letter, EPA has also notified your tribe of the Agency's decision to sign on to the Nuclear Regulatory Commission's Programmatic Agreement (PA), which addresses EPA's obligations under Section 106 of the National Historic Preservation Act (NHPA) related to its permit actions. As explained further in this NHPA letter and in EPA's response to comments, as a PA signatory EPA will continue to participate in the historic preservation process. This participation will help ensure that the lead agency can make its decisions with the benefit of any relevant knowledge that EPA can provide.

It is important to underscore that by concluding our tribal consultation efforts and making these final permit decisions, EPA is not closing the door on communicating with your tribe regarding our

decisions. Region 8 will continue to be available to answer questions and provide additional information related to our final permit decisions, and we welcome the opportunity to continue this dialogue.

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

Sincerely,

DARCY OCONNOR

Digitally signed by DARCY OCONNOR
Date: 2020.11.24 10:55:57 -07'00'

Signature and Date

Darcy O'Connor, Director
Water Division

Enclosure: Response to Comments

cc: t.brings@oglala.org

ostwpdls@gwtc.net