## Shea, Valois

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| **From:** | Shea, Valois |
| **Sent:** | Tuesday, August 11, 2015 3:20 PM |
| **To:** | 'ken.st.marks@gmail.com' |
| **Cc:** | eaglemanjonathan@gmail.com; 'alvin@nei-yahw.com' |
| **Subject:** | EPA Informal Tribal Consultation Session on Thursday, August 13, 2013 at the Rocky Mountain Tribal Leaders Council Quarterly Meeting |
| **Attachments:** | ListofTribes.docx; EPAUIC_Dewey-BurdockLetterFig1.pdf; EPAUIC_Dewey-BurdockLetterFig2.pdf; EPAUIC_Dewey-BurdockLetterFig3.pdf; EPAUIC_Dewey-BurdockLetterFig4.pdf |

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
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Mr. Ken Blatt St. Marks, Chairman
The Chippewa-Cree Tribe
P.O. Box 544
Rocky Boy Route
Box Elder, Montana 59521

Re: U.S. Environmental Protection Agency
Underground Injection Control Program
EPA Session: *Information on the Dewey-Burdock Uranium Site*
*Near Edgemont, South Dakota* at the
Rocky Mountain Tribal Leaders Council Quarterly Meeting, August 13, 2015

Dear Chairman Blatt St. Marks:

The U.S. Environmental Protection Agency (EPA) Region 8 Underground Injection Control (UIC) Program invites you and other representatives of the Chippewa Cree Tribe of Rocky Boy Montana to join with representatives from other interested Montana and Wyoming Tribes at a meeting session to be held as part of the Rocky Mountain Tribal Leaders Council (RMTLC) Meeting on Thursday, August 13, 2015 at 12:20 pm. The purpose of the meeting is to discuss the EPA-regulated activities at the proposed Dewey Burdock in-situ recovery (ISR) uranium site in the Black Hills area, near Edgemont, South Dakota, the EPA tribal consultation process, and, as time allows, other topics of interest to tribes attending the meeting.

Please note that this meeting is not intended to be formal government-to-government consultation; it is an informal information exchange session intended to lead to formal consultation if the Chippewa Cree Tribe prefers to continue to participate in this discussion and dialogue. The EPA is also scheduling a meeting with the Tribal Historic Preservation Officers (THPOs) and Environmental Directors to present the same information in Bismarck, North Dakota, beginning Thursday, September 10, 2015 at the conclusion of the North Dakota Department of Transportation Tribal consultation meeting. Additional information will be sent about that meeting at a later date.



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Enclosed with this letter is a list of tribes invited to join in this consultation process. As you review this list, please feel free to notify the EPA if you identify any other tribes that may attach significance to the Black Hills area but have not been included on this list.

**Background Information on the Dewey-Burdock ISR Site**

The Dewey-Burdock site is located north of Edgemont, South Dakota, in Fall River and Custer Counties. The EPA Region 8 UIC Program has received Class III and Class V injection well permit applications for this site from Powertech (USA) Inc. The Class III injection wells are related to uranium recovery; the Class V injection wells are deep wells for the disposal of process wastewater. The Class III permit application requests authorization for 14 injection well fields to inject fluids for the in-situ recovery of uranium. The Class V area permit application requests authorization for the injection of ISR process waste fluids (treated to meet radioactive and hazardous waste standards) into four deep wells: two injecting into the Minnelusa Formation and two injecting into the Deadwood Formation. The Class V area permit application requests authorization for up to eight deep injection wells in case the four currently proposed wells do not have the capacity to dispose of the full anticipated volume of all ISR process waste fluids.

The total proposed project area consists of approximately 10,580 acres (4,282 ha) east and west of the Dewey Road (County Road 6463), including portions of Sections 1-5, 10-12, 14 and 15 in Township 7 South, Range 1 East and Sections 20, 21, 27, 28, 29, and 30-35 in Township 6 South, Range 1 East, Black Hills Meridian. The surface area that will actually be impacted by the uranium ore processing plants, the 14 proposed uranium in-situ recovery well fields, the 4 proposed deep injection wells, impoundments, roads and other surface-disturbing facilities is less than the 10,580-acre project area. The enclosed Figure 1 is a map showing the project site location. Figure 2 is a map showing the locations of the proposed wellfields containing Class III injection wells and the site project boundary. Figure 3 shows the locations for the four proposed deep Class V injection wells. Figure 4 shows a stratigraphic cross section of geologic formations at the Dewey Burdock site and the proposed injection zones for both the Class III and Class V injection wells. The Powertech Dewey-Burdock Project Class III and Class V area permit applications are available for public review on the EPA Region 8 UIC Program website at http://www2.epa.gov/region8/underground-injection-control.

**Purpose of the Meeting with RMTLC**

During the RMTLC meeting we plan to present information about the UIC permit applications Powertech submitted to the EPA, the regulatory scope of the UIC Program and the EPA tribal consultation process. The meeting will also include a discussion of EPA's approach to the NHPA Section 106 consultation process. We will hold additional future informational conference calls and web conferences to address questions and issues identified as the consultation process moves forward.

We hope that representatives of the Chippewa Cree Tribe will be able to attend our session at the RMTLC meeting on Thursday, August 13, 2015 at 12:20 pm. I look forward to meeting you there. Please contact Valois Shea of my staff if you or your staff has questions. Ms. Shea's contact information is (800) 227-8917, extension 312-6276 or (303) 312-6276; or email shea.valois@epa.gov.

Sincerely,

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

Enclosures



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