UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SUBJECT: Formal Consultation Letter for the Seneca Nation of Indians

FROM: Kevin Rowsey
Source Water & UIC Section (3WD22)

TO: Diana Esher
Acting Regional Administrator (3RA00)

Your signature is requested on the attached consultation letter.

This formal consultation with the Seneca Nation of Indians (the Nation) is in regard to a draft Underground Injection Control (UIC) permit. On September 18, 2020, Roulette Oil & Gas Company, LLC, ("Roulette") submitted a UIC permit application for the conversion of one active production well to a class II-D disposal injection well located in the Clara Field in Clara Township, Potter County, Pennsylvania. The draft permit will allow Roulette to inject produced fluids into the Cooper 5-0, Sheffield 3-1, and Kane 3-0 sandstone reservoirs at depths of approximately 1,490 to 1,833 feet. If the final permit is issued to Roulette, it will remain in effect for ten years. A permit is required to meet the provisions of the EPA-administered UIC Program in Pennsylvania.

A public notice for the draft permit was published in the Potter Leader-Enterprise newspaper and on the EPA's website on December 31, 2020. A virtual public hearing via teleconference was held on February 2, 2021. Due to several requests to extend the public comment period, including a January 28, 2021 written extension request received from the Nation, the UIC Program elected to extend the public comment period for an additional thirty (30) days, through March 4, 2021.

During the first 33-day comment period, the Nation became aware of the proposed injection well. The Nation has concerns regarding the injection well in that the well is located in the headwaters of the Allegheny River. The Nation's tribal lands are adjacent to the Allegheny River, just across the Pennsylvania-New York border. The Allegheny River is sacred to the Seneca people, while serving as a critical source of subsistence to their community. The Nation wishes to conduct formal consultation for any permitting action that may impact the Allegheny River and its tributaries. In a letter sent to the UIC Program on January 28, 2021, the Nation formally requested a consultation with Region 3.

In the past, the UIC Program has not needed to consult with Indian tribes for our permitting actions due to the geographical locations of our injection wells. However, because the Nation sought a formal consultation with Region 3 on the proposed injection well, the UIC Program has been coordinating with Region 3 and Region 2's tribal

consultation advisors to understand the formal processes that occur during tribal consultations. The UIC program had an informal Microsoft Teams meeting with the Nation on January 29, 2021 to discuss their concerns. The UIC Program will continue to follow the process and procedures set forth in the EPA Region 3 Consultation Policy SOP for Implementing the EPA Policy on Consultation and Coordination with Indian Tribes.

SENECA NATION OF INDIANS
12837 ROUTE 438
CATTARAUGUS TERRITORY
IRVING, NY 14081

PERMIT:

ROULETTE OIL AND GAS COMPANY, LLC
1140 ROUTE 44 SOUTH
SHINGLEHOUSE, PA 16748

PAS2D050BPOT