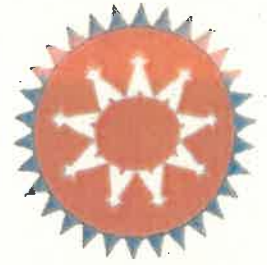




# Oglala Sioux Tribe



Office of the President  
Frank Star Comes Out

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## **OGLALA SIOUX TRIBE WINS LEGAL CASE SENDING POWERTECH DEWEY-BURDOCK URANIUM MINE PERMITS BACK TO EPA REGION 8 FOR FURTHER REVIEW**

(Pine Ridge, S.D.) The Environmental Protection Agency's (EPA) Environmental Appeals Board (EAB) has ruled in favor of the Oglala Sioux Tribe in a case involving a proposed uranium mine in Fall River and Custer Counties, South Dakota. The EAB sent the EPA's Underground Injection Control (UIC) permits for the proposed Powertech Dewey-Burdock uranium mine, owned by parent company enCore Energy, back to EPA Region 8 (located in Denver) to reconsider the permitting decision.

The permitting errors that EAB identified were linked to Region 8's failure to disclose necessary records. The EAB decision reopens the permitting process and requires EPA to reconsider the application and decide whether to reissue or deny the permits required for Powertech to inject chemicals to leach uranium into the aquifer. The upcoming permitting process must allow for full public participation.

In its September 3, 2024 ruling, the EAB chastised EPA's failure to properly document its 2020 permitting decision. The failures prevented the EAB's review of the mine's threatened impacts and concealed the pivotal role of EPA Region 8's lengthy private pre-application negotiations with Powertech and mining industry consultants, which excluded the Tribe and public. The EAB decision also set up a future legal battle by ruling that EPA's UIC program is fully exempt from the National Environmental Policy Act (NEPA) and in rejecting the Tribe's National Historic Preservation Act (NHPA) arguments.

"This is a significant decision, requiring EPA's broad reconsideration of the illegal and rushed decision to issue the permits in late November 2020 at the post-election close of the Trump Administration," said Reno Red Cloud, Water Resources Director for the Oglala Sioux Tribe. Red Cloud added, "The ruling provides EPA flexibility to finally grant the Tribe's longstanding requests to require Powertech to fund or complete the required groundwater tests and a cultural resources survey of the renowned historic site it seeks to mine."

Other local affected South Dakota citizens also welcomed news that EPA must reopen the permitting process. "Powertech's permits to inject chemicals and pollute our aquifers are no

longer valid, and this gives EPA a chance to truly engage the public and the Tribe,” stated Dr. Liliias Jarding, executive director of Black Hills Clean Water Alliance. “This uranium leaching project is very unpopular and EPA has illegally bowed to Powertech and let it avoid collecting critical data for groundwater and cultural site protections. It’s time for basic respect for Tribes, water, and cultural sites. When EPA rushed the permits out in late 2020, it profoundly failed the Oglala Sioux Tribe and everyone involved,” concluded Dr. Jarding.

The Oglala Sioux Tribe is represented in the case by Jeff Parsons, Western Mining Action Project, Lyons, Colorado, and Travis Stills, Energy & Conservation Law, Durango, Colorado.

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