

Northern Arapaho Business Council

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June 24, 2013

Robert Perciaseppe
Acting and Deputy Director
Environmental Protection Agency
USEPA Ariel Rios Bld (AR)
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

Also via fax:
(202) 501-1450

Re: Pavillion Ground Water Concerns

Dear Mr. Perciaseppe

We are writing to express our concern regarding EPA's recent decision to step back from its lead role in the groundwater investigation in the area around Pavillion, Wyoming. Instead of moving forward with a peer review of EPA's report, the agency has agreed to allow the State of Wyoming's Oil and Gas Commission a greater role in future monitoring and studies of ground water contamination. The area is within the exterior boundaries of the Wind River Indian Reservation, home of the Northern Arapaho and Eastern Shoshone Tribes. Nearly all of the mineral estate there is held in trust by the United States on behalf of the Tribes.

EPA's Region VIII Director, Howard Kantor, met with the Tribes a few days ago to inform us of your decision. We appreciate Mr. Kantor's communication and Region VIII's close work with the Tribes over the years. However, EPA's recent action violates clear federal policy requiring agencies to engage in meaningful consultation with Tribes before taking action affecting tribal property or other interests. We request that EPA place its recent decision on hold until it fulfills its obligation to consult with the Northern Arapaho Tribe.

We also want to advise you that the Wyoming Oil and Gas Commission is subject to a permanent federal court injunction against the exercise of authority over tribal mineral interests within the Reservation. The injunction should be part of our discussion with you in the appropriate consultation process.

We hope you will reconsider your recent decision and the need to comply with federal policy requirements and that consultation with the EPA may begin.

Sincerely,

A handwritten signature in cursive script, appearing to read "Darrell O'Neal, Sr.".

for Darrell O'Neal, Sr.
Chairman, Northern Arapaho Business Council