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DEAR JIM:

WE HAVE REVIEWED YOUR LETTER OF AUG-10/04 AND ALSO RECEIVED A COPY OF MR. KUDARAUSKAS' LETTER FROM MARCH-26/04.

LET US CUT TO THE CHASE AND PASS OVER THE FIRST THREE PARAGRAPHS SINCE IT IS HIS FOURTH PARAGRAPH THAT IS OF CONCERN.

1.) PAUL IMMEDIATELY MAKES A REFERENCE TO SECTION I - PARAGRAPH "A" OF OUR REIMBURSEMENT AGREEMENT WITH THE E.P.A.

PAUL STATES:

THE NOTICE OF AVAILABILITY WILL BE ISSUED WHEN THE GOVT. DETERMINES THAT THE BASIC ITEMS AFFECTING THE RIVERSIDE PORTION OF THE PROPERTY, AS DESCRIBED ABOVE, ARE

SUFFICIENTLY COMPLETE TO ALLOW YOU TO BEGIN CONSTRUCTION OF A NEW DWELLING.

MEL PARKER GOES TO THAT REFERENCE AND IT SAYS:

A) E.P.A. SHALL PROVIDE A "NOTICE OF AVAILABILITY OF PROPERTY TO THE OWNER UPON COMPLETION OF THE RESPONSE ACTIONS AT THE SCREENING PLANT. THE OWNER MAY COMMENCE CONSTRUCTION OF A NEW DWELLING ON THE DATE OF ISSUANCE OF THE "NOTICE".

* I'm HAVING A PROBLEM WITH HIS INTERPRETATION

2.) PAUL THEN GOES ON TO SAY:

"THE NOTICE OF AVAILABILITY DOES NOT RELIEVE THE GOVT. OF MAINTENANCE COMMITMENTS FOR THE SCREENING PLANT PROPERTY OR CLEAN-UP OF THE NORTH SIDE OF HI-WAY-37".

LET ME REFERENCE THE 2ND "WHEREAS" ON THE FIRST PAGE OF THE REIMBURSEMENT AGREEMENT

IT STATES:

WHEREAS, THE OWNER IS THE OWNER OF THE LAND AND IMPROVEMENTS (THE PROPERTY") WITHIN THE SCREENING PLANT, A FORMER PROCESSING FACILITY LOCATED WITHIN THE SITE.

* THIS STATEMENT DEFINES THE PARAMETERS OF THE PROPERTY AS IT RELATES TO "THE NOTICE OF AVAILABILITY,

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TO CONTINUE WITH PAUL'S LETTER, PARAGRAPH-4" SECOND PAGE.

HE STATES:

IT (REFERRING TO THE NOTICE OF AVAILABILITY) SERVES ONLY AS A NOTICE THAT THE GOVT. HAS DETERMINED IT IS SAFE AND PRACTICAL FOR US TO BEGIN CONSTRUCTION OF A NEW DWELLING AND THE TEMPORARY RELOCATION ASSISTANCE PERIOD WILL CONTINUE FOR ONLY SIX MORE MONTHS.

ISSUANCE OF THE NOTICE OF AVAILABILITY IS NOT CONTINGENT UPON COMPLETION OF CLEAN-UP ON THE NORTH SIDE OF HI-WAY-37"

QUESTION:

WHERE DO I LOOK FOR THESE COMMENTS IN THE SIGNED REIMBURSEMENT AGREEMENT WITH E.P.A.

PAUL CONTINUES:

WORK IN THIS AREA DOES NOT AFFECT YOUR ABILITY TO BEGIN CONSTRUCTION OF A NEW DWELLING AND WILL NOT CAUSE ANY UNSAFE CONDITIONS.

* PLEASE KEEP IN MIND THAT THIS APPROACH IS CONSISTENT WITH ALL OTHER RESIDENTIAL LOCATIONS IN LIBBY. RESIDENTS ARE ONLY PROVIDED RELOCATION ASSISTANCE FOR THE TIME THE GOVT. FEELS IT IS UNSAFE FOR THEM TO OCCUPY THEIR PROPERTY.

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COMMENT: THIS STATEMENT IS LUDICEDUS
THE E.P.A DID NOT HAVE A PROTOCOL FOR RESIDENTIAL CLEAN-UP IN LIBBY WHEN OUR REIMBURSEMENT AGREEMENT WAS SIGNED AND AGREED TO BY BOTH PARTIES.
ARE YOU FOLKS TRYING TO AMEND, MODIFY THIS AGREEMENT WITH THE E.P.A? IT CAN ONLY BE DONE BY WRITTEN INSTRUMENTS SIGNED BY BOTH PARTIES HERETO.

PLEASE ALLOW ME TO QUICKLY DRAW YOUR ATTENTION TO THE CLOSING COMMENT OF PARAGRAPH-2* OF RAUS LETTER DATED MARCH-26/04.

* HE STATES:
PLEASE KNOW THAT YOU MAY ACCESS YOUR PROPERTY AT ANYTIME TO BEGIN PREPARATION OF YOUR DWELLING

IN YOUR LETTER OF AUG-10/04 YOU HAVE USED THE WORD "REOCCUPY", MOVE ONTO THE PROPERTY, MOVE INTO THE SHED. SOMEONE IS FEEDING YOU THE WRONG INFORMATION AND I HOPE IT IS NOT THE LIBBY HOT LINE DOWN AT THE MEXICAN RESTAURANT

AS YOU ARE NOW AWARE OF WE RECEIVED MR. PAUL KUDARAUSKU'S LETTER IN LATE MARCH OF 2004. ON APRIL-5/04 WE CONTACTED A BUILDING CONTRACTOR TO CONSTRUCT A "SHED" IN WHICH WE COULD STORE OUR PERSONAL BELONGINGS LOCATED AT OUR PRESENT

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RESIDENCE AT 472- RIVERVIEW DRIVE IN LIBBY MT. THE SALE OF THIS PARTICULAR PROPERTY HAS BEEN BASED ON AN ONGOING VERBAL AGREEMENT SINCE THE MIDDLE SPRING OF 2002. THE CONTINGENCY BY SELLERS TO THESE PEOPLE WAS THAT OUR 2½ ACRES ON THE FORMER SCREENING PLANT WAS CLEANED AND RESTORED AND THE NOTICE OF AVAILABILITY WAS IN OUR POSSESSION. IF THIS WERE TO BECOME A REALITY, THESE FOLKS COULD MOVE INTO OUR PRESENT RESIDENCE IN THE FALL OF 2004 AND WE WOULD MOVE OUR BELONGINGS TO THE "SHED" FOR STORAGE. THE PROJECT WOULD BE COMPLETED APPROXIMATELY AT THE SAME TIME YOU FOLKS ARE DEMOBILIZING FOR THE WINTER. IT WOULD NOT BE PRACTICAL FOR US TO START BUILDING A NEW HOUSE THIS LATE IN THE SEASON. SO WITHIN THE "SHED" WE HAVE A STALL THAT GAINS ACCESS THROUGH A 10' WIDE GARAGE DOOR. THIS STALL HAS BEEN DESIGNED TO EITHER STORE VEHICLES AND/OR EQUIPMENT OR TO ALLOW US TO HAVE WATER AND SEWER AND ELECTRICITY IN THE INTERIM TIME THAT IT TAKES TO BUILD A NEW DWELLING AT THE LOCATION DESCRIBED IN THE REIMBURSEMENT AGREEMENT. THE BOTTOM LINE IS THAT WE WOULD NOT "MOVE" OR "REOCCUPY" UNTIL THE ENTIRE 21½ ACRES WAS CLEANED; RESTORED UNDER ONE "NOTICE OF AVAILABILITY." THIS IS WHAT MATT DODSON AGREED TO AND SO DID WE.

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YOU MENTION IN YOUR LETTER THAT THE EXCAVATION FOR SEWER AND A WATER LINE WILL ONLY COME ABOUT WITH A "NOTICE OF AVAILABILITY."

THIS LETTER OUTLINES OUR PLANS AS FAR AS MOVING ONTO THE PROPERTY IS CONCERNED. SO DO YOU WANT TO ACCEPT THAT AND PROCEED WITH THE DISCUSSION RESULTS OF OUR AUG-10/04 MEETING?

WE SEEM TO AGREE THAT THE JOB WOULD BE COMPLETED AS A JOINT EFFORT BETWEEN OURSELVES AND THE F.R.A. A PLAN WOULD BE DRAFTED BY THE PARKERS AND PRESENTED TO WOLPE FOR REVIEW.

PLEASE LET US KNOW YOUR THOUGHTS AND CONCERNS AS SOON AS POSSIBLE.

SINCERELY,

Mel & Lesa Parker

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SEND TO	
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☐ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☒ For your information

Total pages, including cover: 7

COMMENTS