To: Greg Lovato[glovato@ndep.nv.gov]; Strauss, Alexis[Strauss.Alexis@epa.gov]; Manzanilla, Enrique[Manzanilla.Enrique@epa.gov]; Minor, Dustin[Minor.Dustin@epa.gov]
Cc: FPerdomo@ag.nv.gov[FPerdomo@ag.nv.gov]; Bradley Crowell[bcrowell@dcnr.nv.gov]
Sent: Fri 2/2/2018 6:08:50 PM
Subject: RE: Anaconda Copper Mine Site - MOA btw NRD Trustees and ARC

Our understanding

From: Greg Lovato [mailto:glovato@ndep.nv.gov]
Sent: Friday, February 02, 2018 10:01 AM
To: Strauss, Alexis <Strauss.Alexis@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Herrera, Angeles <Herrera.Angeles@epa.gov>; Minor, Dustin <Minor.Dustin@epa.gov>
Cc: FPerdomo@ag.nv.gov; Bradley Crowell <bcrowell@dcnr.nv.gov>
Subject: Fwd: Anaconda Copper Mine Site - MOA btw NRD Trustees and ARC

Please see attached NRD Tolling Agreement signed by ARC and all Trustees except the Tribes. We are not sure of the Tribes' intentions with respect to signing this or when but we do know they approved this language.

Greg Lovato

Administrator

NV Division of Environmental Protection

775-687-9373

Begin forwarded message:

From: "O'Rourke, Steve (ENRD)" <Steve.O'Rourke@usdoj.gov>
Date: February 2, 2018 at 8:29:23 AM PST
To: "Cohen, Adam" <Adam.Cohen@dgslaw.com>, ROBERT SAINT-AUBIN <rfsaint@me.com>
Cc: "jcallan@blm.gov" <jcallan@blm.gov>, "charlie.chandler@bia.gov" <charlie.chandler@bia.gov>, "damian_higgins@fws.gov" <damian_higgins@fws.gov>, "dmcginnis@mcginnisandassociates.com" <dmcginnis@mcginnisandassociates.com>, "gerry.emm@bia.gov" <gerry.emm@bia.gov>, "ginaleemckay@yahoo.com" <ginaleemckay@yahoo.com>, "ghatch@ypt-nsn.gov" <ghatch@ypt-nsn.gov>, "glovato@ndep.nv.gov" <glovato@ndep.nv.gov>, "john.krause@bia.gov" <john.krause@bia.gov>, "lthom@ypt-nsn.gov" <lthom@ypt-nsn.gov>, "MFairbank@ag.nv.gov" <MFairbank@ag.nv.gov>, "montina.threefingers@bia.gov"

<montina.threefingers@bia.gov>, "fperdomo@ag.nv.gov" <fperdomo@ag.nv.gov>, "rfs@coastmediator.com" <rfs@coastmediator.com>, "speters@mcginnisandassociates.com" <speters@mcginnisandassociates.com>, "toby_mcbride@fws.gov" <toby_mcbride@fws.gov>, "Wonsook.Sprague@sol.doi.gov" <Wonsook.Sprague@sol.doi.gov>, "wrptgapmanager@gmail.com" <wrptgapmanager@gmail.com>, "Block, Nathan" <Nathan.Block@bp.com>, "Brian.S.Johnson@bp.com" <Brian.S.Johnson@bp.com>
Subject: RE: Anaconda Copper Mine Site - MOA btw NRD Trustees and ARC

Here is the version with DOJ's signature added.

Thanks,

Steve

From: Cohen, Adam [mailto:Adam.Cohen@dgslaw.com]
Sent: Thursday, February 01, 2018 8:03 PM
To: O'Rourke, Steve (ENRD) <SORourke@ENRD.USDOJ.GOV>; ROBERT SAINT-AUBIN <rfsaint@me.com>
Cc: jcallan@blm.gov; charlie.chandler@bia.gov; damian_higgins@fws.gov; dmcginnis@mcginnisandassociates.com; gerry.emm@bia.gov; ginaleemckay@yahoo.com; ghatch@ypt-nsn.gov; glovato@ndep.nv.gov; john.krause@bia.gov; lthom@ypt-nsn.gov; MFairbank@ag.nv.gov; montina.threefingers@bia.gov; fperdomo@ag.nv.gov; rfs@coastmediator.com; speters@mcginnisandassociates.com; toby_mcbride@fws.gov; Wonsook.Sprague@sol.doi.gov; wrptgapmanager@gmail.com; Block, Nathan <Nathan.Block@bp.com>; Brian.S.Johnson@bp.com; Cohen, Adam <Adam.Cohen@dgslaw.com>
Subject: RE: Anaconda Copper Mine Site - MOA btw NRD Trustees and ARC

Steve - I'm re-circulating the MOA bearing signatures for NDEP, the Nevada AG, and Atlantic Richfield Company. Please send me a fully signed copy when it is available.

Adam S. Cohen ▪ Partner
P: 303.892.7321 ▪ C: 720.936.3017 ▪ P: 303.892.9400 ▪ vcard
Davis Graham & Stubbs LLP

1550 17th Street, Suite 500 ▪ Denver, CO 80202

From: O'Rourke, Steve (ENRD) [mailto:Steve.O'Rourke@usdoj.gov]
Sent: Thursday, February 01, 2018 10:49 AM
To: Cohen, Adam <Adam.Cohen@dgslaw.com>; ROBERT SAINT-AUBIN <rfsaint@me.com>
Cc: jcallan@blm.gov; charlie.chandler@bia.gov; damian_higgins@fws.gov; dmcginnis@mcginnisandassociates.com; gerry.emm@bia.gov; ginaleemckay@yahoo.com; ghatch@ypt-nsn.gov; glovato@ndep.nv.gov; john.krause@bia.gov; lthom@ypt-nsn.gov; MFairbank@ag.nv.gov; montina.threefingers@bia.gov; fperdomo@ag.nv.gov; rfs@coastmediator.com; speters@mcginnisandassociates.com; toby_mcbride@fws.gov; Wonsook.Sprague@sol.doi.gov; wrptgapmanager@gmail.com; Block, Nathan <Nathan.Block@bp.com>; Brian.S.Johnson@bp.com
Subject: RE: Anaconda Copper Mine Site - MOA btw NRD Trustees and ARC

Adam:

The pdf of the agreement is attached, partially signed (it may be signed in counterparts). Please have it signed by an authorized person for ARC and return to this group by pdf?

Thank you,

Steve

Steven O'Rourke

Environmental Enforcement Section

U.S. Department of Justice

Mail: P.O. Box 7611 Washington, D.C. 20044-7611

Overnight: ENRD Mail Room, 601 D Street, N.W. Washington D.C. 20004

Telephone: (202) 514-2779

E-mail: steve.o'rourke@usdoj.gov

From: Cohen, Adam [mailto:Adam.Cohen@dgslaw.com]
Sent: Wednesday, January 10, 2018 12:36 PM
To: ROBERT SAINT-AUBIN <rfsaint@me.com>; O'Rourke, Steve (ENRD) <SORourke@ENRD.USDOJ.GOV>
Cc: jcallan@blm.gov; charlie.chandler@bia.gov; damian_higgins@fws.gov; dmcginnis@mcginnisandassociates.com; gerry.emm@bia.gov; ginaleemckay@yahoo.com; ghatch@ypt-nsn.gov; glovato@ndep.nv.gov; john.krause@bia.gov; lthom@ypt-nsn.gov; MFairbank@ag.nv.gov; montina.threefingers@bia.gov; fperdomo@ag.nv.gov; rfs@coastmediator.com; speters@mcginnisandassociates.com; toby_mcbride@fws.gov; Wonsook.Sprague@sol.doi.gov; wrptgapmanager@gmail.com; Block, Nathan <Nathan.Block@bp.com>; Brian.S.Johnson@bp.com; Cohen, Adam <Adam.Cohen@dgslaw.com>
Subject: Anaconda Copper Mine Site - MOA btw NRD Trustees and ARC

Robert and Steve – As outside counsel for Atlantic Richfield Company, I am sending this email to confirm Atlantic Richfield's approval of the version of the "Memorandum of Agreement Between Atlantic Richfield Company and the NRD Trustees for Anaconda Mine Site, Lyon County, Nevada" ("tolling agreement") that we received from representatives for the Yerington Paiute Tribe on October 20, 2017. A copy of that version of the tolling agreement is attached here. We previously sent written notice of Atlantic Richfield's approval to NDEP on November 8, 2017. Atlantic Richfield is prepared to sign the tolling agreement concurrently with execution of the Deferral Agreement between NDEP and EPA, the Interim Administrative Order on Consent between NDEP and Atlantic Richfield, and other deferral-related agreements, which is expected to occur in the next few weeks. I suggest that one of you or another representative of the Trustee Council circulate a final executable pdf version of the tolling agreement for all parties to sign.

Let me know if you have any related questions.

Adam S. Cohen ▪ Partner
P: 303.892.7321 ▪ C: 720.936.3017 ▪ P: 303.892.9400 ▪ vcard
Davis Graham & Stubbs LLP

1550 17th Street, Suite 500 ▪ Denver, CO 80202

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