To: glovato@ndep.nv.gov[glovato@ndep.nv.gov]
Cc: Quast, Sylvia[Quast.Sylvia@epa.gov]; Manzanilla, Enrique[Manzanilla.Enrique@epa.gov]; Minor, Dustin[Minor.Dustin@epa.gov]
From: Strauss, Alexis
Sent: Tue 12/19/2017 7:43:13 PM
Subject: RE: Anaconda

We reached agreement on past cost reimbursement.

Alexis Strauss
Acting Regional Administrator
E.P.A. Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3572

-----Original Message-----
From: Greg Lovato [mailto:glovato@ndep.nv.gov]
Sent: Tuesday, December 19, 2017 10:20 AM
To: Strauss, Alexis <Strauss.Alexis@epa.gov>
Cc: Quast, Sylvia <Quast.Sylvia@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>; Minor, Dustin <Minor.Dustin@epa.gov>
Subject: Re: Anaconda

Thank you Alexis. I'll check and get back to you as soon as I can on our availability over the next couple of days.

Greg Lovato
Administrator
NV Division of Environmental Protection
775-687-9373

> On Dec 19, 2017, at 8:35 AM, Strauss, Alexis <Strauss.Alexis@epa.gov> wrote:
>
> Thank you Greg. I'm hopeful we can resolve past costs today. Regarding the tribal MOUs, I understand our respective teams had productive discussions yesterday. I'd like to finalize the tribal MOU language this week and prepare a cover letter to each tribe, inviting them to meet with us here in SF. Meanwhile, I recommend we continue all the other tasks which attend the larger deferral package...the more we can complete, the fewer remain to be done. Given the language in our deferral agreement re tribal participation, I am hopeful ARC and NDEP may agree to a different level of annual compensation for the tribes, rather than the one-time max I've seen in the draft; I think this is key to bringing the tribes into the MOUs. That said, we have all contemplated moving forward to complete all deferral package components with just the tribal MOUs pending - this is a likely scenario.
> Let's plan to check in with one another in the next day or so, in which we can summarize the outcome of today's past-cost negotiation and confirm next steps. Is there an optimal time for you Wednesday afternoon or Thursday?
> Thanks, Alexis
>
> Alexis Strauss
> Acting Regional Administrator
> E.P.A. Region 9
> 75 Hawthorne Street
> San Francisco, CA 94105
> 415-972-3572
>
> -----Original Message-----

> From: Greg Lovato [mailto:glovato@ndep.nv.gov]
> Sent: Tuesday, December 19, 2017 8:03 AM
> To: Strauss, Alexis <Strauss.Alexis@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
> Subject: Anaconda Tribal MOU
>
> Alexis and Sylvia,
>
> I am meeting with our team today to review status of the Tribal MOU and the results of their discussion with EPA yesterday. I understand we still have a few items to resolve related to Tribal "meaningful participation", the definition of the Site as it relates to Tribal land, and the availability and timing of tribal government to government consultation with EPA on issues off Reservation land.
>
> My recollection from our recent discussions with EPA is that the plan is to get the Tribal MOUs in a form that both EPA and NDEP consider ready to sign, and then to engage the Tribes in a final briefing and allow some time for them to consider the Deferral Agreement and MOU before we sign the Deferral Agreement. Since the Tribes communicated clearly on September 28 that they were not interested in negotiating the MOU I am wondering if this is the right course of action. Alternatively, if we offer them some nominal period of time to consider that is less than 60 days, they will likely object to being rushed.
>
> I will be in touch soon and I hope your discussion with ARC on past costs and termination of orders is productive.
>
> Greg