Nez Perce

TRIBAL EXECUTIVE COMMITTEE
P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

July 10, 2019

Sent Via Electronic Mail: hladick.christopher@epa.gov

Mr. Chris Hladick
Region 10 Administrator
U. S. Environmental Protection Agency
1200 6th Ave., MC: RA-210
Seattle, WA 98101

Re: Request for government-to-government consultation on a proposed administrative order on consent under the Comprehensive Environmental Response, Compensation, and Liability Act for the Stibnite Site.

Dear Administrator Hladick:

The Nez Perce Tribe (Tribe) requests government-to-government consultation concerning a proposed expedited administrative order on consent under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for the Stibnite Site in central Idaho. The Tribe has learned that the Environmental Protection Agency Region 10 (EPA) is in active negotiations with Midas Gold, Inc., concerning the company's request for an expedited administrative order on consent or similar agreement for this area.

As you are aware, the lands and waters within and adjacent to the Stibnite Site are located within the Tribe's aboriginal territory and subject to the Tribe's 1855 Treaty with the United States. The Tribe has legally-protected fishing, hunting, gathering, and pasturing rights within this area that will likely have substantial direct effects on the Tribe's rights and interests. In addition, the Tribe issued a 60-day Notice of Intent (NOI) to sue Midas Gold on or around June 5, 2019, for violations of the Clean Water Act in connection with the Stibnite Site that is the focus of discussions with Midas Gold, Inc. Specifically, our understanding is that Midas Gold seeks an administrative order limiting any cleanup obligations to the sites identified in the Tribe's NOI.

The Tribe requests government-to-government consultation with EPA prior to any decisions being made or actions are taken on this issue in accordance with EPA's tribal consultation policies. The

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Sincerely,

Shannon F. Wheeler
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cc (via email only): Wenona Wilson (wilson.wenona@epa.gov)

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