Message

From: Calanog, Steve [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=135FB462487C4C1CBB8380F984A56774-SCALANOG]
Sent: 8/21/2019 3:21:46 PM
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CC: Chilingaryan, Sona [Chilingaryan.Sona@epa.gov]; Gallo, Madeline [Gallo.Madeline@epa.gov]; Tom, Priscilla [Tom.Priscilla@epa.gov]; Townsend, Amanda [townsend.amanda@epa.gov]
Subject: 8/20/19 Haystack Mine Conf Call Notes

All -

BNSF: Mike Makarov, Brooke Kuhl, Charles Thomas, Allen Stegman
- Arcadis: Drew Werth, Alison Harmon
- Outside Counsel: Dave Metres

NNEPA: Vivian Craig, Dariel Yazzie
USEPA: Steve Calanog, Maddy Gallo, Priscilla Tom, Sona Chilingaryan, Amanda Townsend

1. Safety Update: emergency planning/desktop drills for remote locations. Priscilla warned that EPA has not had much luck using sat phones in the Navajo Nation.

2. Residential Lease Application Process

The fieldwork for cultural and biological surveys has been completed. DCRM is drafting the reports now and will have a draft for BNSF by the end of this week. DCRM anticipates the lease application process taking another 1-2 months for approval once delivered.

Vivian stated that the surveys did not turn up anything significant, and the surveyor was helpful for siting issues that will make utility hookup easier. Vivian's estimate on getting a residential lease approved is dependent on the final documents, but she hopes she could help get it done in less than one month.

Drew will send the final survey reports to USEPA and NNEPA.

3. Utilities

BNSF had no new updates on utilities. Vivian has not heard from Yolanda about septic system requirements or recommendations yet and will check in with Yolanda again. She said that Continental Divide will not do anything to start preparing for utilities until the homes are onsite without tires, but the connection will be quick once the homes are ready.

4. Bid Walk

A bid walk is scheduled for next Tuesday, 8/27. All three bidders will show up around 1:00. The scope of the bid walk will be the TCRA, including soil removal and consolidation and the new homesite location.

Priscilla asked about 401 and 404 approvals. Vivian responded that she will check with Mr. Degroat, but she does not think these are needed because it is on allotment land and there are no major drainages.

Vivian will notify the family that BNSF will be conducting the bid walk.

5. Community Liaison

BNSF and Arcadis created a flyer. Priscilla posted it at Baca Community School, the grocery store in Grants, Prewitt Post Office, and the Senior Center in Baca (because elders may have children who would be interested in the job). She also gave a copy to Ex. 6 Personal Privacy (PP) She has not posted it at the Chapter House.

No one has received calls from the flyers yet. The deadline on the flyer is the end of the month, so we can regroup if nothing comes of it.

6. Relocation Package

Dave updated the group. BNSF had prepared a hotel relocation, but is now scoping out a one-time mobile home relocation offer. He is preparing to use EPA's templates from other sites. Drew said that Arcadis is putting together a revised schedule and looking at the next several months and into next year for completion of the tasks and to account for hurdles encountered in the winter. He will circulate a schedule to the group in short order. BNSF will plan to do the TCRA work in Spring 2020 with the expectation of completing the one-time relocation first.

Vivian provided an update on her communications with the family. They were excited during the survey work, and disappointed later when Vivian told them that BNSF planned to offer a hotel relocation for the TCRA work. She will notify them of the change in approach again and thanked BNSF. Vivian said that the family will not be leaving the new homesite once relocation is complete.

Allen stated that BNSF has always been in favor of the one-move option, it makes sense to do it once.

Dave warned that in communicating to the family, we don't want to set the family's expectation or overpromise until we know this will work. We have to have all agencies on board regarding relocation. Vivian said she understood Dave's concerns and will not increase their expectations.

7. Schedule of Relocation Package

BNSF has requested two additional weeks to complete the one-time home relocation. The current deadline is August 23, but BNSF has used much of that time to work on a hotel relocation package.

Priscilla asked why two weeks is necessary, when EPA has already provided example housing agreements, it seems straightforward to substitute names. Dave responded that the template is from Northeast Church Rock, which is different because it had mining as well as a mill, and there are differences in how EPA versus a PRP relocates residents. BNSF management must approve the contents of the offer before sending it to the agencies.

Drew added that they want to take the time to get it right and incorporate feedback. Because the lease approval will take 1-2 months, the relocation package isn't the most time critical part of relocation.

Sona is concerned about timing – it is important to get the TCRA done in a way so as not to increase exposure to the family. She is still concerned about the timeframe and said it will be helpful to see a revised schedule and get the one-time move option done this year – NNEPA, USEPA, and BIA are all concerned about how long this relocation is taking. She is worried that the family has already had negative reactions to news of delays or changes, so she is interested in seeing where we can speed up the process.

Dariel agreed that timing is critical, and questioned how much time is really needed. He expressed his concern that BNSF may be taking the time to rewrite the proposal to convey a whole new idea, since the group has already identified what is changing.

Allen explained that the timeline for the current August 23 deadline was used on a temporary hotel relocation, as BNSF did not know that delaying the TCRA would be a viable option until last week. BNSF needs to readdress/review comments on prior permanent relocation package, and he hopes to have it done before 2 weeks but does not want to overpromise and underperform, so they are asking for more time so that they don't miss the deadline.

Sona reiterated that we had told the family earlier this year that relocation would be done in July/August timeframe. So anywhere we can speed up this process would be good. She agreed to an extension of one week, so the new deadline is August 30. Allen expressed reservations about being able to complete the proposal in that timeframe.

Next steps:

A. EPA management has granted an extension on the relocation package. The new due date for submission to the agencies (not the family) is August 30.

B. Arcadis will send NNEPA and USEPA final survey reports when they are completed.

C. Vivian will contact Yolanda at the Public Water Utilities to ask again for information about septic tanks.

D. Vivian will contact the family to notify them of the 8/27 bid walk and that BNSF is working on a relocation package for a one-time relocation to new mobile homes.

E. Vivian will contact Mr. Degroat about 401 and 404 approvals to ensure none are needed.

F. Bid walk on August 27.

G. Next call: September 3.

Let me know if you have any questions or comments.

Sent from my iPhone