Message

From: Calanog, Steve [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=135FB462487C4C1CBB8380F984A56774-SCALANOG]
Sent: 7/14/2017 6:01:44 PM
To: Zein, Maher [Maher.Zein@arcadis.com]; Vivian Craig [viviancraig@navajo-nsn.gov]
CC: Doug McReynolds [Doug.Mcreynolds@BNSF.com]; Zehner, Warren [zehner.warren@epa.gov]; freidawhite@navajo-nsn.gov; Werth, Drew [Andrew.Werth@arcadis.com]; Makerov, Mike [Mike.Makerov@BNSF.com]
Subject: RE: Haystack No. 1 AUM Access Coordination Progress Update

Maher and all – I wanted to follow-up this morning with some additional clarifying information regarding discussions with BIA. Warren had mentioned on the past call that EPA R9 had established an "expedited" access agreement process with BIA sometime in the past year. I discussed this with Sarah Mueller, EPA R9 attorney last night and she passed on the following information.

An agreement was established last year between Clancy Tenley (R9 EPA) and Sharon Pinto (BIA) with regards to allotment parcels – which in the case of Haystack No. 1 only applies to Sections 18 and 24. This process is described in the AOC in Paragraph 43 c. It is not an "expedited" process but seeks to clarify come confusion EPA had had with BIA at other sites wherein some BIA officials insisted that we had to follow their complicated regulations on rights-of-way. The agreement was that under a CERCLA action the process would begin with EPA or the PRP, BNSF in this case, obtaining the Title Survey Report (TSR) for the particular parcel from BIA. The TSRs list all of the allottees for a particular parcel, as well as the homesite lessees. EPA does have the TSRs for Sections 18 and 24, but they may be out of date, so BNSF needs to request current ones from BIA.

She continues: "My recollection is that Section 18 only has one or two allottees, while Section 24 has 70-90 allottees. I think at the time we were finalizing the AOC, Randy didn't think BNSF would need access to Section 24 for the time-critical removal, so we didn't include it in the AOC. But if it turns out they do need access for Section 24, it would be the same process as for Section 18. Under the agreed-upon process, BNSF needs to get consent for access forms signed by each allottee who may be impacted by the work on that parcel (so it might not be every allottee). This would include allottees that live there, or use the property for farming or grazing, as well as anyone with a homesite lease. All of the other allottees need to be notified about the work at least 20 days before work starts. This is the process that has been worked out, but it only applies to relatively limited circumstances. For example, it wouldn't be the process we would use for an action that involved moving contaminated soil onto an allotment parcel, or permanently consolidating contaminated soil on an allotment parcel. We don't have a process for those circumstances yet."

I don't believe BNSF is proposing any TCRA/AOC work in Section 24 so that should alleviate that challenge of obtaining access in the near term.

Let me know if you have any questions with regards to this.

Steve Calanog
Federal On-Scene Coordinator
Emergency Response Section
US Environmental Protection Agency
415-595-8350 (m)

From: Zein, Maher [mailto:Maher.Zein@arcadis.com]
Sent: Thursday, July 13, 2017 3:55 PM
To: Calanog, Steve <Calanog.Steve@epa.gov>; Vivian Craig <viviancraig@navajo-nsn.gov>
Cc: Doug McReynolds <Doug.Mcreynolds@BNSF.com>; Zehner, Warren <zehner.warren@epa.gov>;

freidawhite@navajo-nsn.gov; Werth, Drew <Andrew.Werth@arcadis.com>; Makerov, Mike <Mike.Makerov@BNSF.com>
Subject: RE: Haystack No. 1 AUM Access Coordination Progress Update

We will.
Thanks,
Maher

From: Calanog, Steve [mailto:Calanog.Steve@epa.gov]
Sent: Thursday, July 13, 2017 3:06 PM
To: Zein, Maher <Maher.Zein@arcadis.com>; Vivian Craig <viviancraig@navajo-nsn.gov>
Cc: Doug McReynolds <Doug.Mcreynolds@BNSF.com>; Zehner, Warren <zehner.warren@epa.gov>; freidawhite@navajo-nsn.gov; Werth, Drew <Andrew.Werth@arcadis.com>; Makerov, Mike <Mike.Makerov@BNSF.com>
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Maher – Also in the interim – I'd ask you to revisit the AOC - Paragraph 43, Sections a-c. Please let us know what you've done to date with regards to each parcel, what are the obstacles you are encountering, and what are you needing assistance with.

Steve Calanog
Federal On-Scene Coordinator
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From: Zein, Maher [mailto:Maher.Zein@arcadis.com]
Sent: Thursday, July 13, 2017 2:36 PM
To: Calanog, Steve <Calanog.Steve@epa.gov>; Vivian Craig <viviancraig@navajo-nsn.gov>
Cc: Doug McReynolds <Doug.Mcreynolds@BNSF.com>; Zehner, Warren <zehner.warren@epa.gov>; freidawhite@navajo-nsn.gov; Werth, Drew <Andrew.Werth@arcadis.com>; Makerov, Mike <Mike.Makerov@BNSF.com>
Subject: RE: Haystack No. 1 AUM Access Coordination Progress Update

Great! Thank you for the update.

From: Calanog, Steve [mailto:Calanog.Steve@epa.gov]
Sent: Thursday, July 13, 2017 2:31 PM
To: Zein, Maher <Maher.Zein@arcadis.com>; Vivian Craig <viviancraig@navajo-nsn.gov>
Cc: Doug McReynolds <Doug.Mcreynolds@BNSF.com>; Zehner, Warren <zehner.warren@epa.gov>; freidawhite@navajo-nsn.gov; Werth, Drew <Andrew.Werth@arcadis.com>; Makerov, Mike <Mike.Makerov@BNSF.com>
Subject: RE: Haystack No. 1 AUM Access Coordination Progress Update

Maher – Thanks. Vivian messaged me that she'd be available for the phone call on the 20th if you would like to discuss access issues with her. I will be in Gallup on the 26th and Vivian and I can meet with the various stakeholders that week.

Steve Calanog
Federal On-Scene Coordinator
Emergency Response Section
US Environmental Protection Agency

415-595-8350 (m)

From: Zein, Maher [mailto:Maher.Zein@arcadis.com]
Sent: Thursday, July 13, 2017 2:23 PM
To: Vivian Craig <viviancraig@navajo-nsn.gov>; Calanog, Steve <Calanog.Steve@epa.gov>
Cc: Doug McReynolds <Doug.Mcreynolds@BNSF.com>; Zehner, Warren <zehner.warren@epa.gov>; freidawhite@navajo-nsn.gov; Werth, Drew <Andrew.Werth@arcadis.com>; Makerov, Mike <Mike.Makerov@BNSF.com>
Subject: RE: Haystack No. 1 AUM Access Coordination Progress Update

Thank you all for your responses.

I will go ahead and set up the call for next Thursday to circle back with Vivian on her progress reaching out to the Ex. 6 Personal Privacy (PP) and Bertha Spencer of the BIA (the latter was suggested by Lenora Bates of the BIA). We agree that the face-to-face meeting with the BIA, residents and/or property owners will be very beneficial to determining access coordination details and requirements for this project. So please, Steve and Vivian, go ahead and schedule it. We will discuss the action items and objectives of this visit with Vivian during our call next week.

Regards,
Maher

From: Vivian Craig [mailto:viviancraig@navajo-nsn.gov]
Sent: Thursday, July 13, 2017 10:26 AM
To: Doug McReynolds <Doug.Mcreynolds@BNSF.com>; Calanog, Steve <calanog.steve@epa.gov>; Zehner, Warren <zehner.warren@epa.gov>; Freida White <freidawhite@navajo-nsn.gov>; Werth, Drew <Andrew.Werth@arcadis.com>; Zein, Maher <Maher.Zein@arcadis.com>
Subject: Re: Haystack No. 1 AUM Access Coordination Progress Update

Steve:

Good morning, I am only available from July 25-27, 2017. Let me know f this works.

Vivian

Get Outlook for iOS

On Thu, Jul 13, 2017 at 10:28 AM -0600, "Calanog, Steve" <Calanog.Steve@epa.gov> wrote:

> Maher – Thanks for your message. Turns out I forgot that I'm on a vacation next week when I initially suggested this Access call.
>
> I'd suggest having the call nonetheless provided that Vivian is available and is key to "connecting the dots" on the various parcels. I can catch up when I return on your strategy. I might add that I'm available to be in Gallup, Haystack and/or Crown Point the week of July 24th or July 31st for any face-to-face with BIA, residents and/or property owners if that makes sense.
>
> Vivian – is that alright with you?
>
> Let me know what you decide.

Steve Calanog
Federal On-Scene Coordinator
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From: Zein, Maher [mailto:Maher.Zein@arcadis.com]
Sent: Wednesday, July 12, 2017 6:19 PM
To: Doug McReynolds <Doug.Mcreynolds@BNSF.com>; Werth, Drew <Andrew.Werth@arcadis.com>; Calanog, Steve <Calanog.Steve@epa.gov>; Zehner, Warren <zehner.warren@epa.gov>; viviancraig@navajo-nsn.gov
Subject: Haystack No. 1 AUM Access Coordination Progress Update

All,
Per Steve's suggestion during our call earlier today, I would like to schedule a conference call for next week to discuss progress on access coordination. How is each one's availability next Thursday (July 20th) for this call? How about a time slot similar to today's call (1 pm PT or 2 pm MT)?

Regards,

Maher M. Zein, PhD, PE, QSD/QSP, QISP | Senior Environmental Engineer/Certified Project Manager |
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