Message

**From**: David M. Metres [DMetres@bargcoffin.com]
**Sent**: 10/5/2019 3:58:21 PM
**To**: Gallo, Madeline [Gallo.Madeline@epa.gov]
**Subject**: RE: Haystack: monthly costs

Thanks, Maddy.

I was just about to send the EPA/NNEPA/NNDOJ team our revised draft, but we'll take these suggestions into consideration and revise further. My main client, Allen, is out next week, so I'm not sure whether we will be able to get approval on further revisions next week, but I will do my best.

Hope you have a good weekend too.

Dave

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**From:** Gallo, Madeline <Gallo.Madeline@epa.gov>
**Sent:** Friday, October 4, 2019 5:20 PM
**To:** David M. Metres <DMetres@bargcoffin.com>
**Subject:** RE: Haystack: monthly costs

Dave:

Here are our suggestions on your questions:

1. Location of existing residence – you could use GPS coordinates to mark the four general corners of the existing homesite. Amanda suggested that Arcadis could simply use Google Earth or another mapping tool with lat/long information to obtain that information. If you want a more classic legal description, I would suggest saying something like "located in Section 18, Township 13N, Range 10W, Ex. 6 Personal Privacy (PP) Ex. 6 Personal Privacy (PP)" and attaching an aerial photo with the section lines or appendix A or B to the AOC.
2. Location of new homesite – didn't BNSF have a land surveyor present during the cultural resources survey and biological survey? That might be a good source of location information. Google Earth might work if someone who is very familiar with the sites that the residents picked out can determine where they are in an aerial view.
3. I followed up with Priscilla and asked Steve to follow up with Vivian, but it sounds like Vivian might be out this week. I will let you know if we hear anything from her when she returns. Priscilla's understanding is that there are no property taxes to be paid on allotment land, the utilities costs should be about the same as what they're currently paying, and has reached out to Superintendent Lester Tsosie to confirm the annual rental payments (she thinks it will be $1/year). She does not have an estimate for homeowners insurance and suggested that BNSF could reach out to an insurer or two to get a rough estimate. One note on the utilities, I don't know whether the residents are currently hooked up to the water utility or if they are on well water – Arcadis may know – and that could result in another increase over what they are currently paying.
   You may want to make additional adjustments to paragraph 12 – we know that there won't be any HOA fees, but you could add BIA Realty Office lease payments and septic tank maintenance to the list. I do not know how to estimate costs of septic tank maintenance, but the contractors bidding on this work may have suggestions.

A couple of other issues that I've mentioned before but now have more specific guidance on:

1. Definition of Cleanup – I mentioned in our call last week that it needed to be broadened. Since this is an EPA estimate and determination, I asked my clients for information to provide here, and we suggest the following: EPA has determined that a cleanup action is necessary to address contamination at the Haystack Mines Site (the "Haystack Mines Site" or "Site"). The next phase of cleanup of the Site, a time-critical removal action ("TCRA"), has begun and EPA estimates that it will be completed, at the earliest, sometime in 2020. EPA estimates that

additional phases of cleanup of the Site will begin, at the earliest, sometime in 2020 and will take multiple years to complete; however, these estimated time-frames are subject to change. The cleanup and construction work ("Cleanup") will be performed in close proximity to two residences located on Section 18, Township 13N, Range 10W of McKinley County, New Mexico.

2. Notice of Completion, paragraphs 11 and 13 – I asked my clients for an example of the documentation EPA uses to close out a relocation. After reviewing the documents, I believe it makes more sense for BNSF to provide this notice, especially as to how it relates to paragraph 13 of the housing agreement. EPA is still willing to take part in the final inspection described in paragraph 11. Attached are an example letter that we have sent to relocated residents, tips on septic system maintenance (both a short version and a long version) that BNSF may find useful to provide, and a blank notice of completion/inspection checklist.

Feel free to reach out if you want to discuss any of these issues. I apologize that it's so late in the day on a Friday, but I hope you have a good weekend, and we can take this up next week.
Maddy

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**From:** David M. Metres <DMetres@bargcoffin.com>
**Sent:** Wednesday, October 2, 2019 6:35 PM
**To:** Gallo, Madeline <Gallo.Madeline@epa.gov>
**Subject:** RE: Haystack: monthly costs

Thanks, Maddy. Much appreciated.

Dave

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**From:** Gallo, Madeline <Gallo.Madeline@epa.gov>
**Sent:** Tuesday, October 1, 2019 5:11 PM
**To:** David M. Metres <DMetres@bargcoffin.com>
**Subject:** RE: Haystack: monthly costs

Dave:

Thanks for the reminder. I will check with my team here and get back to you as soon as possible.

Maddy

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**From:** David M. Metres <DMetres@bargcoffin.com>
**Sent:** Tuesday, October 1, 2019 2:28 PM
**To:** Gallo, Madeline <Gallo.Madeline@epa.gov>
**Subject:** Haystack: monthly costs

Maddy,

On the Haystack relocation agreement, there are a number of loose ends that we need to tie up before the agreement can be put into final. I thought I should direct these to you, rather than send around to the whole group and generate too many emails.

1) In the agreement's preamble, how does EPA want to describe the location of the Existing Residence?
2) Relatedly, in paragraph 15/16, how does EPA want to describe the location of the new homesite?
3) In paragraph 12/13, we discussed the monthly costs highlighted below, and I understood that Priscilla Tom or Vivian Craig can provide that information. Can you check in with them or the appropriate person on these figures?

We should have the remainder of the agreement over to the group as soon as possible.

Thanks very much,
Dave

Para 13: The estimated cost of property taxes for a home in the neighborhood may exceed [$2,000 annually or approximately $170 per month]. The cost of utilities for water, sewer, and waste is estimated to be somewhat greater than this amount. Homeowners insurance, which is recommended with homeownership is estimated at approximately [$75 per month]. These regular monthly homeowner's costs are estimated at approximately [$500 per month] or more and do not include additional costs listed in paragraph 13, such as house maintenance. The result of not paying these routine monthly and annual expenses could include loss of the home and expenses associated with unpaid debts. The undersigned Residents have read and understand these costs of homeownership in Prewitt, NM and have determined that they have the financial ability to pay for taxes, utilities, and other homeowner expenses on an ongoing basis.

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