Message

From: Gallo, Madeline [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=530ABFD8905442C6A65A2D7C31E1CAA1-GALLO, MADE]
Sent: 10/25/2019 10:10:33 PM
To: Kuhl, Brooke [Brooke.Kuhl@BNSF.com]; David M. Metres [DMetres@bargcoffin.com]
CC: Harrison Karr (hkarr@nndoj.org) [hkarr@nndoj.org]
Subject: RE: Haystack Mine: Revised Draft Relocation Agreement
Attachments: BNSF Haystack Housing Agreement (using EPA's NECR template) 10-25-19 EPA.docx

Dave and Brooke:

Attached are USEPA's comments and a few minor typo fixes on the new draft. Overall, it's looking very good, and I appreciate your responsiveness to USEPA's concerns.

There are two substantive issues that I flagged in the attached draft and have also discussed with Harrison at Navajo DOJ:

- Paragraph 11: I wanted to make sure that tying the incentive payment of $1000 to completion of the "Cleanup" was intentional. I suspect that it may be less appealing than an incentive payment following the completion of the TCRA, since the TCRA will be done soon but the Cleanup will take multiple years. Since USEPA did not suggest this term, I do not have a strong opinion about it, but I wanted to point it out in case you actually meant to say "TCRA" there.
- Paragraph 23: I believe this is simply an oversight because it was never put in writing, but USEPA does not want to resolve disputes that arise under this agreement. Some alternative suggestions were discussed on our 9/26 call.

I believe Priscilla is out of the office right now, so I do not have the benefit of her review yet. I will let you know as soon as I receive her feedback.

Vivian has again expressed her willingness to provide the proposed agreement to the family when the proposal is ready.

Please let me know if you would like to discuss. I am available until 5:30 today and on Monday through Wednesday next week. I am traveling for yet another negotiation on Thursday and Friday next week, so I may be a little slow to respond on those days.

Thank you,
Maddy

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From: Kuhl, Brooke <Brooke.Kuhl@BNSF.com>
Sent: Tuesday, October 15, 2019 12:24 PM
To: Calanog, Steve <Calanog.Steve@epa.gov>; Gallo, Madeline <Gallo.Madeline@epa.gov>; Tom, Priscilla <Tom.Priscilla@epa.gov>; Townsend, Amanda <townsend.amanda@epa.gov>; 'Vivian Craig' <viviancraig@navajo-

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Subject: Haystack Mine: Revised Draft Relocation Agreement

All,
Attached please find a revised draft of the Relocation Agreement. This version includes edits based on feedback provided during the prior group call and comments BNSF received along with updated information on estimated utility costs (paragraph 13) and locations of current and proposed homesites. I have attached a clean version in Word that accepts the changes shown in the attached redline pdf. I am also including the surveys describing the locations of the proposed new homesites.

Thank you,

Brooke

Brooke Kuhl
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