Message

From: Rodriguez, Roberto [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5E345F10FDF14A51A8FAA5EADCD0D657-RRODRIGU]
Sent: 6/19/2017 9:18:11 PM
To: HECHT, HILLARY [hecht.hillary@epa.gov]
Subject: FW: First Mesa Consolidated Villages HAMP MOU/MOA/purchase agreement concerns

Kimby's right, we should invite ER. Also, please ask Lionel for a copy of the letter USDA sent to Hopi re: treatment.

Roberto Rodriguez, Manager
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From: Wells, Kimberly
Sent: Monday, June 19, 2017 2:07 PM
To: Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>; Magnuson, Janet <Magnuson.Janet@epa.gov>
Cc: Hecht, Hillary <Hecht.Hillary@epa.gov>; Chan, Patrick <Chan.Patrick@epa.gov>
Subject: RE: First Mesa Consolidated Villages HAMP MOU/MOA/purchase agreement concerns

It might be helpful to invite Emmanuelle to our meeting tomorrow for the discussion of FMCV's concerns. She is more familiar with the new utility and IHS agreements than the rest of us and I would like to hear her suggestions for FMCV.

Kimby

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From: Rodriguez, Roberto
Sent: Monday, June 19, 2017 1:36 PM
To: Wells, Kimberly <wells.kimberly@epa.gov>; Magnuson, Janet <Magnuson.Janet@epa.gov>
Cc: Hecht, Hillary <Hecht.Hillary@epa.gov>; Chan, Patrick <Chan.Patrick@epa.gov>
Subject: FW: First Mesa Consolidated Villages HAMP MOU/MOA/purchase agreement concerns

FYI: Good timing for our meeting tomorrow. Thoughts?

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From: Jeff Mansfield [mailto:jlmansfield1981@gmail.com]
Sent: Monday, June 19, 2017 1:29 PM
To: Rodriguez, Roberto <Rodriguez.Roberto@epa.gov>; Hecht, Hillary <Hecht.Hillary@epa.gov>; Rapicavoli, Emmanuelle <Rapicavoli.Emmanuelle@epa.gov>
Subject: First Mesa Consolidated Villages HAMP MOU/MOA/purchase agreement concerns

EPA Region 9 Enforcement,

Jeff Mansfield here again, I have just touched basis with my Client, FMCV/ Ivan Sidney Sr. in regards to their PWS#09-0400106 as it relates to the Hopi Tribe's HAMP efforts. Mr. Sidney, who speaks on behalf of the Traditional Leadership, who are the actul owners of the PWS#09-0400106, has brought to my attention several key factors that are of paramount concern to FMCV as it pertains to HAMP MOUs/MOAs & other legally binding commitment agreements. These concerns are as follows:

1) Presently, no specific (or even general estimations) dates for either the "starting" or the "completion" of the HAMP have yet to be given within various MOUs/MOAs produced by the new "Hopi Utility Corp/HUC.". Specifically, what expected timeframe for the completion of the Transmission Line from HardRock to the FMCV Water Storage Tanks.

2) No specific/detailed "Purchase Agreements btwn the Villages/HUC for the wholesale cost of HAMP H20" have been produced by the HUC for FMCV to review, revise, negotiate, & obligate themselves to as of today.

3) No specified obligations by the Tribe/HUC in regards to the Village's PWS, & HAMP. As well as a lack of any "tangible PWS assets" for any of the 4 PWSs currently in Violation of the SDWA/NPDWR.

4) The impending loss of 2 FMCV (per Project MOAs) HAMP-related Tribal Set-Aside Projects on July 1st, 2017 in the amount of $2.3m plus the 2004 IHS Project PH04S63 @$800k.

5) Most importantly, the newest HUC Charter of Incorporation which I am attaching to this email. This Charter gives the assumption that this new Utility for the Hopi Tribe via the HUC, is a "for-profit" entity that gives the disguise as being a separate Utility Entity from the Hopi Tribe but as the fine print illustrates, contradicts the EPA's Tribal Set-Aside Program's Guideline Directives (Per 2013's Revised EPA TSA Guidelines). In addition to the majority of funds being issued by EPA for Drinking Water Compliance, which thus far, has only produced various documents that are geared solely for USDA-RD grant/loan apts pre-requisites & 2 wells at the expense of the 4 affected Villages.

In short, the Hopi Tribe's attempt to characterize FMCV as non-participants in the HAMP is erroneous. FMCV is committed to providing its community with the most beneficial course of action as it pertains to Safe Drinking Water here in Polacca, AZ. By taking actions such as signing HUC MOAs/MOUs and/or Purchase Agreements without specified terms, provisions, liabilities, commitments, timetables, and other legally binding formalities would be both negligent, and un-fiduciary on the part of the FMCV staff & Traditional Leaders.

FMCV is committed to the HAMP, but only if such specific details to this commitment are given, negotiated, & agreed upon by both the Tribe and FMCV.

Since FMCV is composed of 3 Villages, FMCV has had 2 public outreach forums that they have hosted to inform FMCV's community of what is being done to remedy this Arsenic issue. So with that, it has taken FMCV a bit more time to adequately evaluate what course of actions FMCV will take with the HAMP, & EPA Compliance.

EPA Region 9 has been adamant towards FMCV's continual cooperation with the Hop Tribe, HUC, HWRP, & IHS in hopes of achieving EPA Drinking Water Compliance. This email should re-affirm that continual participation by FMCV with the HAMP, but these are the concerns of FMCV thus far.

I will immediately email Mr. Tim Bodell (HUC Director) stating these same FMCV concerns today. I am proud to say that Mr. Bodell and myself do have an ongoing correspondence among HUC & FMCV. Thanks

Jeff Mansfield
FMCV Business Consultant