UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

October 20, 2020

Shannon F. Wheeler, Chairman
Nez Perce Tribal Executive Committee
P.O. Box 305
Lapwai, ID 83540

Dear Chairman Wheeler:

Attached please find for your review a proposed Administrative Settlement Agreement and Order on Consent (ASAOC) and a Statement of Work (SOW) for implementing phased removal actions at the Stibnite Mining District.

The ASAOC presents a phased approach to addressing legacy contamination at the Stibnite Mining District. The scope of the removal actions in each phase is bounded by the list of source areas in Attachment 1 of the Statement of Work. In addition, please note that the Yellow Pine Pit, Spent Ore Disposal Area, and Bradley Tailings source areas are not areas identified as being addressed under the ASAOC. It is our understanding that these areas are sources for remining activities and thus would not be sources for removal of contamination. It is our intent to keep activities approved under a mining plan of operations or a state or federal permit separate from activities carried out under the ASAOC. Finally, please note that the ASAOC is drafted to be signed by both EPA and USDA, and the respective roles of each agency will be addressed in a separate memorandum of understanding between the agencies.

Please send your redlined comments to Cari Shiffman at Shiffman.Cari@epa.gov by close of business on Friday, November 6, 2020. Midas, the State, and the Shoshone-Bannock Tribes are receiving a copy concurrently. We look forward to working with you to finalize this agreement.

Sincerely,

SUSAN BODINE Digitally signed by SUSAN BODINE Date: 2020.10.20 18:24:01 -04'00'

Susan Parker Bodine
Assistant Administrator
Office of Enforcement and Compliance Assurance

Wright, Peter Digitally signed by Wright, Peter Date: 2020.10.20 18:33:36 -04'00'

Peter C. Wright
Assistant Administrator
Office of Land and Emergency Management

Enclosures

cc: Chris Hladick, Regional Administrator, EPA Region 10
Steven Vaden, General Counsel, USDA
Tom Mariani, Section Chief, DOJ Environmental and Natural Resources Division