LAC DU FLAMBEAU BAND
OF LAKE SUPERIOR
CHIPPEWA INDIANS

TRIBAL NATURAL RESOURCE DEPARTMENT

P.O. BOX 67
2500 HWY. 47 NORTH
LAC DU FLAMBEAU, WISCONSIN 54538
(715) 588-4213
FAX# (715) 588-3207

Fish Culture - Fisheries Management - Wildlife Management - Water Resources - Environmental Protection - Conservation Law - Energy - Air Quality

June 15, 2017

William and Linda Kozak
8760 W Squaw Lake Rd.
Lac Du Flambeau, WI 54538

Re: TNR Site # 4-2015: Haskell Lake Area Petroleum Contamination Site
14267 W State Highway 70, Lac du Flambeau
Access Agreement & Summer 2017 Data Collection Opportunities

Dear Mr. and Mrs. Kozak:

On June 9, 2017, the Department participated in a call with EPA, the WDNR, and REI (the Parties) regarding the USGS data collection opportunities and discussed how best to work together to achieve expediting progress toward the collective goal of assessment and cleanup of the Site resulting in Site Closure. All Parties agreed that providing the Department and the USGS with access to the Site to collect data, a reasonable and necessary step toward reaching this goal.[1]

There are three categories of Site related data that need to be collected this summer: (1) seasonal groundwater measurements; (2) hydraulic conductivity – slug tests; and (3) geophysical surveys. As described below, the Department would appreciate your approval to conduct the

[1] The Department's policy is to work cooperatively to ensure the efficient, prompt, and effective cleanup of hazardous waste sites. A. Fuller explanation of the Department's role and responsibilities was set out in our letter to you of November 15, 2016.

769198.3/026843.00008

following work, by signing the enclosed Access Agreement so that we may promptly move forward and conduct the following data collection activities:

(1) Seasonal Groundwater Measurements. The USGS will collect seasonal groundwater measurements from wells on the Site. The USGS is planning up to one collection day event per month for a four (4) month period beginning this June and ending this September.

(2) Hydraulic Conductivity – Slug Tests. The USGS will conduct hydraulic conductivity tests, including slug tests. The USGS plans to be on Site during one collection day between June and September. The USGS plans to conduct this test while at the Site during one of the four seasonal groundwater measurement dates.

(3) Geophysical Surveys. The USGS will conduct geophysical surveys on the Site. A description of this work was detailed in our letter to you of May 16, 2017. The surveys can be completed in two working days. The USGS plans to conduct these surveys at the same time as it conducts one of the four seasonal groundwater measurement dates.

The Department will promptly notify you of the actual data collection and survey dates as soon as the USGS notifies the Department, but no less than three (3) days before the USGS undertakes data collection and surveying. In order to maximize the data collection and survey efforts the USGS and the Department will require access to the Site from 8am-7pm on the specified collection and survey dates. The Department will promptly share all data from these collections and surveys with your consultant REI, as well as with the WDNR and EPA.

To allow for this work to be completed, we have prepared the enclosed access agreement for your review and signature. Time is short, as the USGS, REI, the WDNR and the Department would like to plan a visit to the Site to collect data later this month. Please sign and return a signed copy of the access agreement by mail, email, or fax as soon as possible, to the address set out below:

Lac du Flambeau Band of Lake Superior Chippewa
Tribal Natural Resource Department
Attn: Larry Wawronowicz
P.O. Box 67
2549 Hwy. 47 North
Lac du Flambeau, Wisconsin 54538
Email lwawronowicz@ldftribe.com
Tel: (715) 588-4160
Fax: (715) 588-3207

Thank you for your help. Please contact me at (715) 588-4290 if you have any questions.

Sincerely,

Kristen Hanson

Kristen Hanson
Environmental Response Program Coordinator
Tribal Natural Resource Department
Lac du Flambeau Band of Lake Superior Chippewa Indians

Enclosure

cc: Chris Saari, WDNR
Dave Larsen , REI
Ignacio Arrazola, EPA
Sherry Kamke, EPA
Bob Egan, EPA
Erik Olson, EPA
Larry Wawronowicz, TNR
Dee Allen, TNR

769198.3/026843.00008

CONFIDENTIAL

ACCESS AGREEMENT

THIS CONSENSUAL AGREEMENT is made and entered into between the Tribal Natural Resource Department (Department), an agency of the Lac du Flambeau Band of Lake Superior Chippewa (LDF), a sovereign Indian Tribe whose government is recognized by the United States, and William and Linda Kozak (Kozaks), in their personal and marital capacity, whose residence is 8760 West Square Lake Road, Lac du Flambeau, Wisconsin 54538 (the Site). The Department and the Kozaks are collectively referred to herein as "Parties."

A. RECITALS

1. On October 13, 2008, the LDF adopted a Hazardous Substance Control Code (Code) to provide a remedial law for the cleanup of historic hazardous substances sites, address adverse impacts to the Reservation Environment resulting from releases or threatened releases of hazardous substances, and for other purposes.

2. The Code expressly authorizes the Tribe to exercise its civil regulatory authority for the purpose of identifying, investigating, and cleaning up areas within the Reservation Environment that are impacted or potentially impacted by releases of hazardous substances. The Code also authorizes the Natural Resource Department (Department) and its employees, agents, or contractors to enter upon properties and conduct investigations.

3. The United States Environmental Protection Agency (EPA) has ordered that corrective action must be taken to address the contamination from leaking underground storage tanks (USTs) associated with the Tower Standard site located at 14267 State Highway 70 West in Lac du Flambeau, Wisconsin (Site). The Site is located within the boundaries of the LDF reservation (Reservation).

4. The EPA has further required the Kozaks to provide EPA and its authorized representatives with continued access to freely move about the Site for the purpose of sampling activities, including soils and groundwater, and installation of groundwater monitoring wells. *See* January 11, 2016 Access Agreement between EPA and the Kozaks.

5. The Department and the Kozaks desire to clarify the terms of the Department's access to the Site and Work Activities (as defined in ¶ 2 below) to further expedite remedial actions in cooperation with the Wisconsin Department of Natural Resources (WDNR) and REI as specified in this Agreement.

B. AGREEMENT

1. Grant of Access. The Kozaks hereby grant to the Department, its members, officers, employees, authorized representatives, and its invitees, the United States Geological Survey (USGS) access to freely move about the Site to perform or observe Work Activities.

2. Work Activities. The Department shall perform "Work Activities" as part of the EPA corrective action, including but not limited to participating in sampling activities including soils and groundwater, and installation of groundwater monitoring wells.

3. Advance Notice and Coordination of Work Activities. Except in the case of emergency, the Department shall use its best efforts to provide reasonable notice to the Kozaks (not less than ten (10) calendar days) prior to accessing the Site and not less than three (3) calendar days for USGS Work Activities (groundwater measurements, hydraulic conductivity – slug tests, and geophysical surveys) for the purpose of expediting Site remediation. Notice shall be provided to the Kozaks as described below.

4. Notice. Any notice given to or made upon either of the Parties shall be in writing and be delivered via email, by telephone, or by U.S. Mail to the receiving party at the following addresses:

If to the Department:
Lac du Flambeau Band of Lake Superior Chippewa
Tribal Natural Resource Department
Attn: Larry Wawronowicz
P.O. Box 67
2549 Hwy. 47 North
Lac du Flambeau, Wisconsin 54538
Email: lwawronowicz@ldftribe.com
Tel: 715-588-4160
Fax: 715-588-3207

If to the Kozaks:
William and Linda Kozak
8760 West Squaw Lake Road
Lac du Flambeau, Wisconsin 54538
Tel: 715-588-3934
Fax: 715-588-3934

5. Effective Date. This Agreement shall come into full force and effect on the date on which both Parties have executed this Agreement.

TRIBAL NATURAL RESOURCE DEPARTMENT

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA

By: Larry Wawronowicz Date: 6/16/17

Name: Larry Wawronowicz

Its: Tribal Natural Resource Department Director

WILLIAM KOZAK

_____ Date:_____

LINDA KOZAK

_____ Date:_____

732362.13/026843.00008

RECEIVED
JUN 21 2017