To: rdubey (rdubey@scblaw.com)[rdubey@scblaw.com]
From: Olson, Erik
Sent: Wed 3/15/2017 7:40:59 PM
Subject: FW: USGS Information

Richard:

See below. I'll talk with you in a while.

- Erik

Erik H. Olson

Associate Regional Counsel

U.S. Environmental Protection Agency, Region 5

77 West Jackson Boulevard

Mailcode C-14J

Chicago, Illinois 60604

olson.erik@epa.gov

(312)886-6829

From: Egan, Robert
Sent: Wednesday, March 15, 2017 2:21 PM
To: Olson, Erik <olson.erik@epa.gov>; Kamke, Sherry <Kamke.Sherry@epa.gov>
Subject: RE: USGS Information

Hi Erik,

The supplied information may be correct. I know that REI was present for the actual measurements.

My understanding from REI is that the site property was accessed before REI personnel were present at the site. By whom I am not sure. This was not in accordance with the conditions of access.

Bob Egan

Corrective Action Manager

Underground Storage Tanks Section

RCRA Branch

EPA Region 5

(312) 886-6212

(312) 692-2911 (fax)

From: Olson, Erik
Sent: Wednesday, March 15, 2017 2:15 PM
To: Kamke, Sherry <Kamke.Sherry@epa.gov>; Egan, Robert <egan.robert@epa.gov>
Subject: FW: USGS Information

Hi Sherry and Bob,

The tribe states that REI was present for the sampling event. FYI below.

- Erik

Erik H. Olson

Associate Regional Counsel

U.S. Environmental Protection Agency, Region 5

77 West Jackson Boulevard

Mailcode C-14J

Chicago, Illinois 60604

olson.erik@epa.gov

(312)886-6829

From: Richard Du Bey [mailto:RDuBey@scblaw.com]
Sent: Wednesday, March 15, 2017 2:06 PM
To: Olson, Erik <olson.erik@epa.gov>
Subject: FW: USGS Information

Dear Erik,

Below is a review of the factual background associated with the recent sampling event. You may wish to recheck the facts with your clients before we speak later today.

Richard

Richard A. Du Bey, Attorney | 206.470.3587 (direct)

Short Cressman & Burgess PLLC | 206.682.3333 (main) | 206.340.8856 (fax)

999 Third Avenue, Suite 3000 | Seattle, Washington 98104-4088 | www.scblaw.com

This email may contain confidential information, work product, or attorney-client privileged communications. If you are not the intended recipient, please delete this email and notify the sender.

From: Hanson, Kristen [mailto:KHanson@ldftribe.com]
Sent: Tuesday, March 14, 2017 1:27 PM
To: Richard Du Bey <RDuBey@scblaw.com>
Cc: Allen, Dee <dee.allen@ldftribe.com>; Wawronowicz, Larry <lwawronowicz@ldftribe.com>
Subject: USGS Information

Good Morning Richard

USGS work and Access

It appears that Eric Olson has a misunderstanding of the USGS work completed in March 1, 2017.

The Tribe provided a emailed summary of USGS work activities on March 2nd 2017 and this summary is in direct conflict Mr. Olson's understanding described in his email (email attached).

To correct Mr. Olson's understanding

1) Mr. Larsen was present for both access to wells located on the Kozaks's Property (MW 18 well nest, MW 19 well nest, MW 21 well nest, and MW22 well nest) and the collection of water levels. If fact Mr. Larsen took water levels from wells before and after USGS readings were made for all wells (both on the Kozak's property and off property).

2) The first water level reading was taken from a Tribal Well (LDF02) at about 10:18 am (dated photo attached with Mr. Larsen observing USGS at LDF 02). Mr. Larsen was present for this event and all measurements taken on March 1,2017.

In addition

1) Tribal Staff did not enter Kozak's property during the water level collection on March 1,2017.

2) USGS staff did enter the Kozak property to collect water level data. USGS Staff were accompanied by Mr. Larsen.

Kristen

-----Original Message-----
From: Richard Du Bey [mailto:RDuBey@scblaw.com]
Sent: Wednesday, March 8, 2017 9:36 AM
To: Hanson, Kristen; Allen, Dee; Wawronowicz, Larry
Cc: Joshua B. Lane
Subject: Fwd: Lac du Flambeau; Follow-up from our call

FYI

Richard

Richard A. Du Bey, Attorney | 206.470.3587<tel:206.470.3587> (direct) Short Cressman & Burgess PLLC | 206.682.3333<tel:206.682.3333> (main) | 206.340.8856<tel:206.340.8856> (fax)

999 Third Avenue, Suite 3000 | Seattle, Washington 98104-4088<x-apple-data-detectors://5/1>
| www.scblaw.com<http://www.scblaw.com/>

Begin forwarded message:

From: "Olson, Erik" <olson.erik@epa.gov<mailto:olson.erik@epa.gov>>

Date: March 8, 2017 at 08:13:22 CST

To: "rdubey@scblaw.com<mailto:rdubey@scblaw.com>"
<rdubey@scblaw.com<mailto:rdubey@scblaw.com>>

Subject: Lac du Flambeau; Follow-up from our call

Richard:

I checked back with my client on the issues with the USGS work. Apparently the property owner granted consent but requested that REI be there for the sampling. REI showed up on time but the USGS and the Tribe had already been there, collected readings, and left. My clients are concerned that occurrences like this may make access more difficult in the future, especially for the Tribe.

EPA is amenable to presenting a joint statement to the State about what EPA and the Tribe have been discussing regarding the site activities in lieu of the notes of the process, as we discussed.

Finally, EPA would still like to understand what is allowable as an interim measure under tribal law, or whether the Tribe's position on excavation only is best professional judgement.

Thanks for your assistance.

Regards,

Erik