To: Kady, Thomas[Kady.Thomas@epa.gov]
Cc: Dee.allen@ldftribe.com[Dee.allen@ldftribe.com]
From: Hanson, Kristen
Sent: Thur 4/13/2017 6:50:30 PM
Subject: Thanks for the message, downloadable mip analysis tool
Draft Agenda Topics EPA Tribe Coordination Meeting Implementation 12.22.2016.docx

Good Afternoon Tom,

Thank you for the call. I was tied up with middle school career day and just got your message. I am interested in the downloadable tool that you mentioned in the message to make better use of MIP data. I am back in the office for the remainder of the day. I will also follow-up with a phone call (I hope it's not too late today).

On another note, we learned that you and Bob were onsite in December in a recent call. This was something we were not aware of and certainly a missed opportunity. An apology was sent in the email below, following the cancelled consultation meeting in December. I am not sure that this apology has made it to you. There is a procedure that requires Bob to notify both the Chairman and Tribal Technical staff when EPA is present on the reservation. This appears to have been overlooked. Our management has discussed this with the EPA's division. Regardless, this was a missed opportunity to visit the site with you. It would have also been nice to share our fish hatchery operation and tour the reservation.

Kristen

From: Allen, Dee
Sent: Thursday, December 22, 2016 10:41 AM
To: Guerriero, Margaret
Cc: Greenwater, Anthony; Kamke, Sherry; Victorine, Gary; Manville, Jennifer; Olson, Erik; Tribal Council Members; Hanson, Kristen; rdubey@scblaw.com; JLane@scblaw.com; Kaplan, Robert; Wildcat Sr., Joseph; Wawronowicz, Larry
Subject: RE: Cancelled Dec 20, 2016 LDF Tribe/EPA consultation meeting on Haskell Lake/Lust Site

Margaret,

I look forward to a technical meeting with an agreed agenda to address implementation of a Site Investigation, Interim Action Source Removal, and Remedial Options at the Haskell Lake Area Petroleum Contamination LUST sites and well as others within the reservation. It is clear that an agreed path forward is needed.

I am extremely disappointed that your division took considerable effort to plan and mobilize technical resources without notifying or coordinating with Tribal Technical Staff until after hours the night before your staff planned to meet with us. Our correspondence with your division was quite misleading on the intent of this meeting. During last Thursday's EPA/Tribe Technical call, your division briefly informed us of their expectations for Tuesday's then planned meeting. Those expectation included: the Tuesday meeting would be at a consultation level, would not be technical in substance, and there is no agenda. The only content expectations from the division was a) how to work together and b)opportunity to address council concerns. Alarmingly, the division did not disclose their planned mobilization of technical resources. This poses the appearance of limiting the opportunity of tribal participation and meaningful evaluation and discussion. We sincerely regret any inconvenience to EPA's experts.

In many of the emails and correspondence, we are hearing that the Tribe is Preventing Some Field Activity. Could you please identify what work or activity that is being prevented. The Tribe has fully cooperated with EPA and commented on every task order, scope of work, and sampling plan that has been shared with the Tribe. We understand that an EPA contractor is working on a Report and we are told the draft report is not expected until January. If there is EPA planned work, this has not been shared with the Tribe.

As you are aware, we have been requesting EPA assistance from your division since 2011. Be assured, we are committed to a fully characterizing site investigation, interim source removal, remedial evaluation and implementation, and site closure that meets tribal and federal cleanup goals. We look forward to working toward our mutual shared goals. It is evident that we need an agreed path forward for both how our agencies work together and a mutually agreed project schedule.

Sincerely,

Dee Ann Allen

Lac du Flambeau Tribal Natural Resource Department/Environmental Protection Program

P.O. Box 67

Lac du Flambeau, Wisconsin 54538

Ph#715-588-4295 Cell#715-614-8454

Fax#715-588-3207

From: Guerriero, Margaret [mailto:guerriero.margaret@epa.gov]
Sent: Tuesday, December 20, 2016 4:18 PM
To: Allen, Dee; Wawronowicz, Larry
Cc: Greenwater, Anthony; Kamke, Sherry; Victorine, Gary; Manville, Jennifer; Olson, Erik; Tribal Council Members; Hanson, Kristen; rdubey@scblaw.com; JLane@scblaw.com; Kaplan, Robert; Wildcat Sr., Joseph
Subject: RE: Proposed Dec 20, 2016 LDF Tribe/EPA consultation meeting on Haskell Lake/Lust Site

Dear Dee and Larry,

I am disappointed that Lac Du Flambeau was unwilling to arrange for a meeting with EPA staff today, despite the fact that the staff were already in Minocqua, in close proximity to the reservation. These two people traveled to Minocqua for the sole purpose of meeting with Lac Du Flambeau.

Notwithstanding this unfortunate outcome, our offer still stands to meet with Lac Du Flambeau to resolve the technical issues that are preventing the project from moving forward. We look forward to finding a mutually agreeable date and offer Anthony Greenwater as a facilitator to assist in resolving the technical issues you have raised. In preparation for such a meeting we are amenable to formulating a joint agenda in complete cooperation with the Tribe.

EPA's priority is to start the cleanup as quickly as possible to remove the source of contamination and prevent further contamination of an important resource. I trust that is also the Tribe's priority. Knowing that we are up against a time limit for the expiration of state funds, it is imperative that this project move forward quickly. I am hopeful that Lac Du Flambeau will take positive steps to put preparations for this meeting in motion.

With respect to the request for a consultation meeting with the Tribal Council members, EPA's Acting Regional Administrator, Robert Kaplan, will be pleased to participate in such a consultation meeting at the appropriate time.

Sincerely,

Margaret

Margaret M Guerriero, Director

Land and Chemicals Division

US EPA, Region 5

77 W Jackson, Chicago, IL 60604

Work (312) 886-0399

Cell (312)735-9430

From: Guerriero, Margaret
Sent: Monday, December 19, 2016 5:47 PM

To: 'Allen, Dee' <dee.allen@ldftribe.com>; Wildcat Sr., Joseph <JWildcatsr@ldftribe.com>
Cc: Greenwater, Anthony <greenwater.anthony@epa.gov>; Kamke, Sherry <Kamke.Sherry@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Manville, Jennifer <manville.jennifer@epa.gov>; Olson, Erik <olson.erik@epa.gov>; lwawronowicz@ldftribe.com; Tribal Council Members <TribalCouncil@ldftribe.com>; KHanson@ldftribe.com; rdubey@scblaw.com; JLane@scblaw.com; Kaplan, Robert <kaplan.robert@epa.gov>
Subject: RE: Proposed Dec 20, 2016 LDF Tribe/EPA consultation meeting on Haskell Lake/Lust Site

Dear Dee,

EPA stands willing and able to meet tomorrow with Lac Du Flambeau to discuss the technical issues. We have two of our technical staff already up in Minocqua and have two more poised to leave tomorrow morning at 6:00 am to accommodate a 1:00 pm meeting based on your schedule. As we have said, it is important to work out the unresolved issues in order to keep the project on schedule so that field work can be accomplished according to the schedule jointly developed this past May in Woodruff, WI.

I am concerned that cancelling this meeting will result in a delay in moving forward that will critically derail the field work identified for completion this winter and cause significant delay in the overall schedule for completing the work. As you are aware, funding from the State of Wisconsin is set to expire in the year 2020. Losing this winter's field work season could result in loss of funding for the cleanup of the site.

I request that this meeting not be cancelled and that the technical staff of both EPA and Lac Du Flambeau meet to discuss the technical issues currently preventing this work from going forward. I am available to discuss this matter at any time at the telephone numbers below.

Sincerely,

Margaret

Margaret M Guerriero, Director

Land and Chemicals Division

US EPA, Region 5

77 W Jackson, Chicago, IL 60604

Work (312) 886-0399

Cell (312)735-9430

From: Allen, Dee [mailto:dee.allen@ldftribe.com]
Sent: Monday, December 19, 2016 4:58 PM
To: Wildcat Sr., Joseph <JWildcatsr@ldftribe.com>; Kaplan, Robert <kaplan.robert@epa.gov>
Cc: Greenwater, Anthony <greenwater.anthony@epa.gov>; Guerriero, Margaret <guerriero.margaret@epa.gov>; Kamke, Sherry <Kamke.Sherry@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Manville, Jennifer <manville.jennifer@epa.gov>; Olson, Erik <olson.erik@epa.gov>; lwawronowicz@ldftribe.com; Tribal Council Members <TribalCouncil@ldftribe.com>; KHanson@ldftribe.com; rdubey@scblaw.com; JLane@scblaw.com
Subject: RE: Proposed Dec 20, 2016 LDF Tribe/EPA consultation meeting on Haskell Lake/Lust Site

All, my summary of events for Dec 20, 2016 EPA Tribe meeting. December 16, 2016- email went out to all of the above by our Tribal President with an attached agenda.

December 19, 2016-11am & 12pm Council Member Chapman receives calls from Anthony Greenwater inquiring about the status of the December 20, 2016. Second call was asking for technical meeting?

December 19, 2016- 1240pm President Wildcat and Councilman Chapman request I send notice to Anthony Greenwater cancelling the meeting and suggest a future technical level meeting with an agreeable agenda, etc.

December 19, 2016-2:50 pm Kristen H receives voicemail from Sheri Kampke- stating she is working on topics for discussion for the December 20, 2016 meeting.

December 19, 2016- 3:20pm President Wildcat receives a call from Bob Kaplan stating there should still be a technical meeting for 9am on December 20, 2016, and that Bob Egan is in Greenbay pick up Troy Edison?and other EPA staff are on the way up here. President Wildcat calls me at 330pm relays the discussion and asks me to call Bob Kaplan to clarify what is going on.

December 19, 2016- 335pm I called Bob Kaplan and he relays that EPA is still planning on coming up to LDF and have a technical meeting. He mentioned along with Anthony Greenwater, Maragret Guerrio, Sheri Kampke, Bob Egan that a Troy Edison is a national specialist on vapor intrusion and will be attending along with Tom kady. He also mentioned a 9am meeting but can accommodate a 1pm meeting. Two issues to resolve: Losing a whole season of work if we do not get this ironed out and that 2020 funding will run out(PECFA) other issue people were not talking. I relayed that I can not make a 9am meeting and Bob was ok with me not attending it and that it would be still productive???

Bob relayed that his understanding was that we had worked out the details on last Thursday technical call with Sheri, Bob, Anthony, Jenifer, the details of an agenda or meeting information was not discussed on that call. We only heard who maybe attending and it was not going to have much technical discussion.

I relayed the concerns of not having an agreeable agenda to even consider and that we did not receive a response on the agenda that was sent out on Friday from our Tribal President.

I am not available for the new proposed 9am time nor could I provide notice to staff at this time in the day.

I do not see the benefit in having a meeting without tribal input on the agenda or materials or the presentation from the national vapor intrusion specialist in advance to properly prepare us.

I request this meeting be cancelled until proper notice and an agreeable agenda is agreed upon with coordination with Tribal Technical Staff.

Thank You.

Dee Ann Allen

Lac du Flambeau Tribal Natural Resource Department/Environmental Protection Program

P.O. Box 67

Lac du Flambeau, Wisconsin 54538

Ph#715-588-4295 Cell#715-614-8454

Fax#715-588-3207

From: Wildcat Sr., Joseph
Sent: Friday, December 16, 2016 3:21 PM
To: Kaplan.robert@Epa.gov
Cc: Greenwater.anthony@Epa.gov; Guerriero.margaret@Epa.gov; kamke.sherry@epa.gov; Victorine.gary@Epa.gov; Manville, Jennifer; Olson.erik@Epa.gov; Wawronowicz, Larry; Tribal Council Members; Hanson, Kristen; RDuBey@scblaw.com
Subject: Proposed Dec 20, 2016 LDF Tribe/EPA consultation meeting on Haskell Lake/Lust Site

Mr. Kaplan,

Attached is our proposed Agenda for Tuesday's Meeting .We will consider this government to government consultation only if the appropriate level of government is present for the meeting. Therefore we are requesting your presence along with appropriate legal and policy staff. We expect to discuss the issues identified on the Agenda so that we can come to agreement on our outstanding issues, particularly the pending MOA.

If this is not acceptable at a consultation level and on a government to government basis, further discussion will be needed to determine the substance and participation on any alternative meeting.

Sincerely,

Joseph G. Wildcat Sr.

Lac du Flambeau Tribal President