UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF THE REGIONAL ADMINISTRATOR

June 10, 2015

The Honorable Anthony D. Johnson, Chairman
Nez Perce Tribe
P.O. Box 305
Lapwai, Idaho 83540

Dear Chairman Johnson:

I am writing to offer consultation and coordination with the Nez Perce Tribal Council on impending U.S. Environmental Protection Agency actions at the Portland Harbor Superfund Site. I would also like to update the Tribal Council on the EPA and Oregon Department of Environmental Quality efforts to clean up the Site, and to obtain your feedback on the effectiveness of ongoing communications between the EPA and your Tribal Government regarding Portland Harbor.

Our staffs have met regularly since the Portland Harbor Superfund Site was listed on the EPA's National Priorities List in 2000. Consistent with the 2001 Memorandum of Understanding between affected tribes, EPA, federal natural resource and state agencies, your staff has participated on the Technical Coordinating Team, providing valuable information and feedback throughout all phases of this project. This TCT process will continue through the cleanup of Portland Harbor.

The EPA recognizes its unique legal relationship with Tribal governments as set forth in the United States Constitution, treaties, statutes, executive orders, and court decisions. We want to ensure that we have regular and meaningful consultations with the federally recognized tribal governments affected by the Portland Harbor Superfund Site. This consultation and coordination process will be conducted in accordance with the *EPA Policy on Consultation and Coordination with Indian Tribes,* (www.epa.gov/tribal/consultation/consult-policy.htm) and the *EPA Region 10 Tribal Consultation and Coordination Procedures* (http://www.epa.gov/region10/pdf/tribal/consultation/r10_tribal_consultation_and_coordination_procedures.pdf). We envision government-to-government consultations as a process of two-way communication that enables us to take into consideration the concerns of the affected federally recognized tribe(s) before the EPA makes its cleanup decision. We would like to tailor this consultation and coordination process to meet the needs and preferences of your Tribal Government.

I would also like to take this opportunity to give you a brief status update on our work on the Site, and summarize the milestones that you can expect over the next few months. The EPA has approved the final baseline risk assessments. This summer, we anticipate approving the final Remedial Investigation report and completing revisions to the draft Feasibility Study, which evaluates cleanup alternatives for this Site. We will seek input from the Nez Perce Tribal Government on the draft FS report sections. We will also be developing a conceptual cleanup plan for the Site this fall, and plan to publish a Proposed Plan for public comment in spring 2016. The Feasibility Study and conceptual cleanup plan will be peer reviewed by the National Remedy Review Board and Contaminated Sediments Technical Advisory Group at its November meeting. You will have an early opportunity to review the conceptual cleanup plan, and present information verbally and in writing to the NRRB and CSTAG.

If the Nez Perce Tribal Council wishes to schedule a government-to-government consultation regarding the cleanup plan for Portland Harbor, please have your staff contact Debbie Robinson, project coordinator, to schedule a consultation. Debbie can be reached by email at robinson.deborah@epa.gov or by phone at (206) 553-4691. We plan to conduct consultations between November 2015 and February 2016. This is an optimal time for tribal input, such that it is fully appreciated before public comment.

If you have any questions, please feel free to call me at (206) 553-1234, or have your staff contact Debbie Robinson. I look forward to our continued work on this project as we move towards cleaning up the Portland Harbor Superfund site and creating a safe and healthy environment for everyone.

Sincerely,

Dennis J. McLerran
Regional Administrator

cc: Samuel N. Penny, Nez Perce
McCoy Oatman, Nez Perce
Julie Kane, Nez Perce
Courtney Johnson, Nez Perce