

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

March 30, 2010

John Parker, Ph.D., RPA
Archaeological Research
PO Box 1353
Lucerne, CA 95458
Dr.John@WolfCreekArcheology.com

Dear Dr. Parker:

I have been asked to respond to your December 8, 2009 letter to President Barack Obama in which you express concern regarding the U. S. Environmental Protection Agency's compliance with the National Historic Preservation Act (NHPA). You also indicate that you believe that increased EPA compliance with NHPA requirements could create at least 170,000 jobs nationwide.

While I cannot fully evaluate your expectation that 170,000 jobs would be created by "bringing EPA into compliance with the National Historic Preservation Act," I want to reaffirm that EPA is committed to meeting the requirements of the NHPA to assure the protection of cultural and historic resources during our Superfund hazardous substance cleanup actions. EPA takes its responsibility to comply with NHPA requirements very seriously, and continues to expand and improve its NHPA training and compliance programs. Over the past several years EPA Region 9 has corresponded with you regarding your NHPA compliance concerns on a number of occasions. Most recently, in a letter dated January 14, 2010, EPA Region 9 outlined the steps the regional office is currently implementing to assure NHPA compliance during Superfund cleanups.

We disagree with your characterization of EPA's 2006-2007 Elem Indian Colony mine waste removal action. Our detailed response to your claims of damage to Elem Pomo cultural resources during the Elem cleanup has been previously addressed in our letter to the Advisory Council on Historic Preservation (see EPA letter to the ACHP, dated March 13, 2007).

This important cleanup action was carefully designed and controlled to assure the safe removal of 28,000 cubic yards of mercury, arsenic and antimony contaminated mine wastes from the Elem Indian Colony residential area. The high levels of mercury in these mine wastes are particularly harmful to young children and women of child bearing age. EPA conducted the field investigations, planning, design and construction activities that were necessary to successfully implement the contaminated mine waste cleanup action in close coordination with the Elem Environmental Office and the leadership of the Elem Pomo Tribe. EPA worked closely with the leadership of the Elem Pomo Tribe to develop an appropriate plan to identify, recover and

protect Elem Pomo cultural resources that may inadvertently discovered during the necessary mine waste excavation activities, while balancing the need to protect human health from the effects of the contamination. EPA carefully implemented that plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Salyer". The signature is fluid and cursive, with the first name "Kathleen" written in a larger, more prominent script than the last name "Salyer".

Kathleen Salyer
Assistant Director
Superfund Division
California Site Cleanup Branch

Attachment