



Preserving America's Heritage

October 18, 2006

Mr. Keith A. Takata
Director, Superfund Division
Environmental Protection Agency
75 Hawthorne St. SFD-1
San Francisco, CA 94105

Ref: *Elem Indian Colony Soil Remediation Project (CERCLA)*
Clearlake Oaks, California

Dear Mr. Takata:

We have been contacted by Mr. Jim Brown of the Elem Pomo Tribal government, Elem Indian Colony, who has expressed concerns about an apparent failure by the Environmental Protection Agency (EPA) to comply with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR 800) in carrying out the referenced undertaking.

According to Mr. Brown (telephone communication, September 5, 2006), prehistoric and historic period archaeological sites and properties of traditional religious and cultural importance to the tribe have been adversely affected during the removal of contaminated fill deposits at the Elem Indian Colony. The ACHP has not received any notification of adverse effect for this undertaking, and we have no correspondence indicating that the Section 106 process has been initiated.

So that we may respond to the Elem Pomo Tribal government, we would appreciate your apprising us of the current status of this project, including steps the EPA has taken to comply with Section 106.

We thank you in advance for your prompt attention to this matter. Should you have any questions or wish to discuss this matter further, please contact me at 202-606-8553, or by email at jeddins@achp.gov.

Sincerely,

John T. Eddins, Ph.D.
Historic Preservation Specialist/Archaeologist
Office of Federal Agency Programs
Federal Permitting, Licensing, and Assistance Section

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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