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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101-3188

AIR & RADIATION
DIVISION

October 6, 2020

The Honorable Chief Edmo
Chairman, Fort Hall Business Council
P.O. Box 306
Fort Hall, Idaho 83203

Dear Chairman Edmo:

The U.S. Environmental Protection Agency, Region 10 has begun to process J.K. Merrill & Sons, Inc's application for a synthetic minor source air permit under the Federal Minor New Source Review Program in Indian Country for an existing, rock crushing facility near Pocatello, Idaho. The J.K. Merrill facility is located within the boundaries of the Fort Hall Reservation, and its operation may affect tribal interests. The EPA, Region 10 is notifying the Shoshone-Bannock Tribe of this proposed action and will engage in government-to-government consultation if requested.

On July 28, 2020, the EPA, Region 10 received an application from J.K. Merrill proposing to limit emissions of nitrogen oxides to satisfy the terms of Administrative Compliance Order on Consent No. CAA-10-2020-0081. On September 24, 2020, the EPA, Region 10 sent a letter to the company stating that the application was complete. The Shoshone-Bannock Tribe's air quality program staff have been copied on our correspondence with the company.

The EPA, Region 10 recognizes its unique relationship with tribal governments as set forth in the United States Constitution, treaties, statutes, executive orders, and court decisions. We also recognize the important role tribes play in protecting air quality, and we want to ensure that we fully consider your tribe's interests in our upcoming decision. The EPA, Region 10 will keep the tribe informed about the project progress whether or not you desire to engage in consultation. In addition to the opportunity for tribal consultation, there will be opportunities for public involvement through the public comment process; a public comment period on the permit will be open for at least 30 days.

Please contact Doug Hardesty at (208) 378-5759 or hardesty.doug@epa.gov within two weeks of receipt of this letter to indicate whether you would like to initiate consultation regarding this project and, if so, please provide Doug with the name and contact information of the tribal contact person for consultation planning and/or project communications. For your convenience, you may complete and return the enclosed tribal consultation questionnaire.

Sincerely,

Krishna Viswanathan
Director

cc: Ms. Lori Howell
Shoshone-Bannock Tribes

U.S. Environmental Protection Agency, Region 10
Consultation Questionnaire

Tribal Government Name: Shoshone-Bannock Tribe

Project Name: J.K. Merrill & Sons, Inc – Pocatello, Idaho
Application for a synthetic minor source air permit

Please check the appropriate response(s) describing the level of involvement your tribal government would like regarding this air permitting project.

☐ We do not request government-to-government consultation at this time.

☐ There are or may be issues of concern associated with this action and we request further consultation.

☐ I understand that the EPA will be in touch to develop a consultation plan. I am including comments on how our tribal government would like to be consulted.

☐ Our tribal government has its own consultation protocol; a copy is included with this response.

The following tribal official has been designated to serve as the point of contact for this project:

Name: _____

Title: _____

E-mail: _____

Phone: _____

Fax: _____

Chairman Signature: _____ Date: _____

Please return the completed form using the enclosed stamped/addressed envelope.

You may also scan and e-mail this form to Doug Hardesty at hardesty.doug@epa.gov. If you have any questions regarding this project, please contact Doug.

Thank you!