

40-8907



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

November 7, 2005

Mr. Steven Etsitty  
Executive Director  
Navajo Nation  
Environmental Protection Agency  
P.O. Box 9000  
Window Rock, AZ 86515

Dear Mr. Etsitty:

Thank you for your letter of March 22, 2005 requesting the United States Environmental Protection Agency (EPA) Region 9 take the lead for cleanup of the Northeast Church Rock Mine (NECR) Site near Gallup, New Mexico.

Pursuant to your request, EPA Region 9 will proceed as the lead regulatory Agency for the Northeast Church Rock Mine site in New Mexico. This action is also consistent with my May 11<sup>th</sup> letter and the general consensus developed by all State and Federal agencies and other parties at the June 23<sup>rd</sup> meeting in Albuquerque. The EPA has recently received a letter from the New Mexico Environment Department (NMED) requesting assistance from EPA Region 9 to conduct a response action at the NECR site. The EPA recognizes this letter as the formal request from the State of New Mexico to assume the lead for this site. The EPA Region 9 will assume the lead for this site using our authority under CERCLA on all lands recognized as Navajo Nation land.

It is our hope to proceed with response actions at this Site by working on legal and technical issues in addition to collaborating on and finalizing the consultation plan. We look forward to working with NNEPA in the near future on response actions and are eager to carry the project forward. Thank you for your help in this matter.

Sincerely,

A handwritten signature in black ink, which appears to read "Keith H. Takata", is written over the typed name.

Keith Takata,  
Superfund Division Director