

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

_____)	
In re:)	
)	
Excelsior Mining Arizona, Inc.)	
Gunnison Copper Project)	Appeal No. UIC 18-04
)	
UIC Permit No. R9UIC-AZ3-FY16-1)	
)	
_____)	

REGION IX's RESPONSE REGARDING OFFER OF ADR

On August 3, 2018, the Environmental Appeals Board (“EAB” or “Board”) provided EPA Region 9 and Petitioners’ counsel in the above captioned proceeding an offer letter (“Offer Letter”) for voluntary alternative dispute resolution (ADR). On August 9, 2018, the permit applicant in this matter, Excelsior Mining Arizona, Inc. (Excelsior), filed a Notice of Appearance in this proceeding. The United States Environmental Protection Agency (EPA) Region 9 (“Region”) contacted counsel for Petitioners and Excelsior regarding the offer of ADR. The EPA carefully considers ADR in matters where the possibility for a facilitated dispute resolution process can yield positive outcomes. While Petitioners communicated that they were open to considering ADR, Excelsior respectfully declined the offer of ADR. In the absence of approval from all parties, the Region hereby notifies the Board that the parties will not be participating in the ADR process offered by the Board at this time.

Date: August 16, 2018

Respectfully submitted,

/S/ Rich Campbell

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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the attached **REGION IX's RESPONSE REGARDING OFFER OF ADR** to be served upon the following persons listed below in the manner indicated:

By Electronic Submission: Eurika Durr
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Dated: August 16, 2018

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