Appendix I Scoping Report



Scoping Report

Environmental Impact Report for the Pacific Gas & Electric Company Topock Compressor Station Soil Investigation Project

May 2013

Prepared for:

California Environmental Protection Agency Department of Toxic Substances Control

Prepared by:

Katz & Associates, Inc.

Under Contract to:

Environmental Science Associates (ESA)

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1.0 INTRODUCTION

The California Department of Toxic Substances Control (DTSC) is the lead State regulatory agency for the investigation and cleanup of contamination at the Pacific Gas & Electric Company (PG&E) Topock Compressor Station (Station). The Station is located approximately 12 miles southeast of the City of Needles in San Bernardino County, California, and the project area includes the Station and the immediate surrounding vicinity.

As part of its regulatory role, DTSC is considering the *Soil Resource Conservation Recovery Act (RCRA) Facility Investigation/Remedial Investigation Work Plan* (Soil Work Plan) (PG&E, 2013) for adoption. Adoption and implementation of the Soil Work Plan would enable further investigation and characterization of the nature and extent of chemicals of concern that have been identified at the site.

The California Environmental Quality Act (CEQA) specifies that a public agency must prepare an Environmental Impact Report (EIR) for any project it proposes to carry out or approve that may have a significant direct or indirect impact on the environment (Public Resources Code Section 21100[a]). For the purposes of CEQA compliance, DTSC is the lead agency for the Soil Work Plan. DTSC determined that the Soil Work Plan may have a significant impact on the environment and has determined that an EIR will be necessary to fully evaluate the potential environmental effects.

To initiate the EIR process, DTSC submitted a Notice of Preparation (NOP) to the Governor's Office of Planning and Research (OPR), State Clearinghouse (SCH) of the intent to prepare the EIR. DTSC also distributed the NOP to all trustee and responsible public agencies, Tribal representatives with active involvement at the site, residents of the Golden Shores community near the Station, and other interested parties and stakeholders who have requested updates and notices in regard to investigation and cleanup activities at the Station. The purpose of the NOP is to solicit input from agencies and the public on the scope and content of the environmental information to be included in the EIR.

During preparation of the Draft EIR, all comments received by DTSC during the scoping process will be considered during the preparation of the Draft EIR, as required by CEQA Guidelines, Section 15084(c). The Draft EIR will contain a matrix that summarizes the comments and identifies the sections of the Draft EIR where the comments are addressed. The matrix will also make note of comments that do not pertain to Draft EIR impact analysis and therefore are not addressed in the Draft EIR.

This Scoping Report documents the scoping process, including NOP distribution, public comment process, public scoping meetings, and input received during the public comment period. In the Scoping Report, this introduction is followed by two additional sections: NOP and Scoping Activities; and NOP Comments. Documentation of the NOP distribution, scoping activities, and NOP comments are provided in the appendices.

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2.0 NOP AND SCOPING ACTIVITIES

The purpose of the scoping process is for early engagement of responsible agencies, trustee agencies, federal agencies, and interested organizations and individuals identifying environmental concerns to be addressed in the EIR. More specifically, the lead agency informs other agencies and the public about the proposed project and environmental review process, and solicits input regarding the scope, focus, and content of the EIR. As described in this section, the scoping process conducted by DTSC for the Soil Work Plan Draft EIR was initiated with the NOP and included a public comment period and public scoping meetings.

2.1 NOP COMMENT PERIOD AND DISTRIBUTION

The initial step in the EIR process for the proposed project was to circulate the NOP. The NOP is a procedural document used to initiate interagency and public dialogue to help to inform and determine the scope of the Draft EIR impact analysis. Interested agencies and the public are invited to submit comments regarding the scope and content of the environmental information to be contained in the Draft EIR for consideration by the lead agency.

Per CEQA Guidelines, Section 15082(b), the duration of the NOP comment period is a minimum of 30 days; however, DTSC allowed for an additional 15 days for review. On Nov. 28, 2012, DTSC filed the NOP with the California Office of Planning and Research, which initiated the comment period for the NOP. The comment period initially closed at 5:00 p.m. on January 14, 2013, providing a 45-day comment period. In response to a request for additional time, DTSC extended the comment period to January 18, 2013, yielding an ultimate comment period of 49 days. During the comment period, public scoping meetings were conducted by DTSC as described later in this section.

DTSC broadly announced the NOP and public scoping meetings to allow interested agencies and the public to participate in the comment period. This was accomplished using the following methods:

- A series of mailings and email announcements
- Publication of public notices in newspapers in the vicinities of the project area and public scoping meeting locations (Table 1)
- Filing the NOP as well as the public notice and multiple copies of a flyer providing scoping meeting information in established project information repositories (Table 2)
- Postings on the project website (www.dtsc-topock.com)

Documentation of DTSC's actions to disseminate the NOP and encourage involvement in the public comment period is provided in the following appendices:

• Appendix A: Notice of Preparation

Appendix B: NOP Mailing List

• Appendix C: NOP Public Notice

Appendix D: Public Scoping Meeting Flier

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Table 1. Newspaper Public Notices for NOP and Public Scoping Meetings						
Newspaper	Location	First Run	Second Run			
Daily News	Mojave, California	November 28, 2012	December 4, 2012			
Sun	San Bernardino, California	November 28, 2012	December 4, 2012			
Sun	Yuma, Arizona	November 28, 2012	December 4, 2012			
Today's News-Herald	Lake Havasu City, Arizona	November 28, 2012	December 4, 2012			
Desert Star	Needles, California	November 28, 2012	December 5, 2012			
Pioneer	Parker, Arizona	November 28, 2012	December 5, 2012			
Topock Topics	Topock, Arizona	December 1, 2012	1			
			•			

^{1.} *Topock Topics* is a monthly publication; therefore, a second run was not feasible.

Table 2. Project Information Repositories					
Location	Address				
California Department of Toxic	5796 Corporate Avenue				
Substances Control	Cypress, CA 90630				
Chemehuevi Indian	2000 Chemehuevi Trail				
Reservation	Havasu Lake, CA 92363				
Colorado River Indian Tribes	2nd Avenue and Mojave Road				
Public Library	Parker, AZ 85344				
Golden Shores/Topock Station	13136 Golden Shores Parkway				
Library	Topock, AZ 86436				
Lake Havasu City Library	1770 McCulloch Boulevard				
	Lake Havasu City, AZ 86403				
Needles Public Library	1111 Bailey Avenue				
	Needles, CA 92363				
Parker Public Library	1001 Navajo Avenue				
	Parker, AZ 85344				

2.2 PUBLIC SCOPING MEETINGS

Depending on the nature of the EIR, a public scoping meeting can be either an optional or required activity per CEQA. For projects of statewide, regional, or areawide significance, CEQA specifies that the lead agency "shall conduct at least one scoping meeting" in which participants can assist the lead agency in determining the scope and content of the environmental information that the responsible or trustee agency may require (Public Resources Code Section 15082[c]). Public scoping meetings also help to accomplish early public consultation with persons or organizations potentially concerned with the environmental effects of the project, prior to Draft EIR completion (Public Resources Code Section 15083).

Given the regional interests in the project, as well as DTSC's goals for public involvement, three public scoping meetings were conducted. The meetings were professionally facilitated and generally consisted of a presentation describing the proposed soil investigation activities, an overview of the cleanup and EIR process, and information regarding opportunities for public involvement throughout the EIR process. In addition, meeting participants were given the opportunity to comment verbally or in writing on the scope and content of the Draft EIR. All verbal input was recorded by a court reporter.

Page 3 May 2013 Scoping Report Katz & Associates, Inc. Table 3 summarizes the meeting locations, schedule, and attendance. In determining the meeting locations, DTSC assessed the distribution of potentially interested individuals and then identified nearby meeting facilities that would be convenient and accessible.

Table 3. Scoping Meeting Locations, Schedule, and Attendance									
Location	Address	Date	Time	Attendance ¹					
Golden Shores, Arizona	Golden Shores Community Center 13136 Golden Shores Parkway Golden Shores, AZ 86436	Tuesday, December 11 2012	6:00- 8:00 p.m.	42					
Needles, California	Needles High School Auditorium 1600 Washington Street Needles, CA 92363	Wednesday, December 12 2012	6:00- 8:00 p.m.	17					
Yuma, Arizona	Gila Ridge High School Auditorium 7150 E. 24th Street Yuma, AZ 85365	Thursday, December 13 2012	6:00- 8:00 p.m.	6					

^{1.} Attendance figures are based on the number of people who signed in at the registration table. Actual attendance was likely 5-10% higher.

All three public scoping meetings followed the format described below:

- Registration, where attendees were given the option to provide contact information in a sign-in sheet, and could pick up copies of the NOP, PG&E Topock Environmental Investigation Update fact sheet (January 2012), comment card, and speaker card. Both the comment card and speaker card had space for people to write comments and questions for submittal to DTSC.
- Presentation of meeting purpose and format (by professional facilitator from Katz & Associates).
- Overview of the proposed Soil Work Plan including its relationship to the other clean-up activities and processes (by DTSC project management team).
- Presentation of EIR process and major issues to be addressed in Draft EIR that have been identified to date (by representatives of ESA, the environmental consultant).
- Reiteration of purpose of meeting, types of input solicited, and invitation for public comment (by DTSC and ESA).
- Facilitated public input discussion, including verbal comments and questions from attendees and responses from DTSC and ESA. Attendees wishing to speak filled out name and topics on speaker card and were then called for a turn by the facilitator. Verbal comments were recorded by court reporters.
- Summary of the scoping meeting, including how the input will be used in the EIR process (by facilitator).
- Communication of thanks for attendance and adjournment (by facilitator).

Documentation of the public scoping meetings is provided in the following appendices:

- Appendix E: Public Scoping Meeting PowerPoint Presentation
- Appendix F: Public Scoping Meeting Sign-In Sheets
- Appendix G: Public Scoping Meeting Handouts
- Appendix H-2: Public Scoping Meeting Comment and Speaker Cards
- Appendix H-3: Transcripts of Verbal Comments from Public Scoping Meetings

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3.0 NOP COMMENTS

DTSC received a variety of comments during the public comment period for the NOP. As shown in Table 4, the comments are in the form of letters, notes on comment cards and speaker cards from the public scoping meetings, and the transcripts of verbal comments from the public scoping meetings. Appendix H provides comprehensive documentation of the comments.

When reviewed together, the comments exhibit several primary themes related to the Soil Work Plan Draft EIR:

- The need for assessment of potential impacts to cultural resources and appropriate involvement of the Tribes in the EIR process.
- Concerns about public health risks associated with exposure to contaminated soil and soil disruption during testing.
- Concerns regarding overlap (cumulative) activities related to groundwater and soil cleanup.
- Comments about air quality impact assessment and modeling for emissions resulting from project implementation.
- Questions about the effect of the soil testing on plants, wildlife, and natural habitats.
- Requests for future updates and public meetings about the Soil Work Plan and EIR process.

The comments, in particular the verbal comments from the public scoping meetings, contain questions, concerns, and opinions regarding projects and conditions that are not directly related to the Soil Work Plan and its EIR. DTSC has tracked this input separately and will follow up as needed outside of the Soil Work Plan EIR process.

Table 4. Forms of NOP Comments Received by DTSC				
Form	Description			
Letters	 Arizona Department of Environmental Quality California Department of Fish and Wildlife Colorado River Board of California Fort Mojave Indian Tribe Hualapai Indian Tribe John Ziegler Mojave Desert Air Quality Management District Native American Heritage Commission South Coast Air Quality Management District 			
Comment Cards and Speaker Cards	 Golden Shores Public Scoping Meeting: 5 cards total Needles Public Scoping Meeting: 7 cards total Yuma Public Scoping Meeting: none 			
Transcripts of Verbal Comment at Public Meetings	 Golden Shores Public Scoping Meeting: 11 speakers Needles Public Scoping Meeting: 8 speakers Yuma Public Scoping Meeting: 3 speakers 			

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Appendix A

Notice of Preparation





Department of Toxic Substances Control



Deborah O. Raphael, Director 5796 Corporate Avenue Cypress, California 90630

NOTICE OF PREPARATION FOR A DRAFT ENVIRONMENTAL IMPACT REPORT

Date: November 28, 2012

To: State Clearinghouse

Office of Planning and Research

1400 Tenth Street Sacramento, CA 95814

and

Responsible Agencies, Trustee Agencies, Federal Agencies, and Interested Organizations

and Individuals

Subject: Notice of Preparation of a Draft Environmental Impact Report

Lead Agency: California Department of Toxic Substances Control

Contact: Mr. Aaron Yue, Project Manager

California Department of Toxic Substances Control

5796 Corporate Avenue Cypress, CA 90630 Phone: (714) 484 - 5439

E-mail: aaron.yue@dtsc.ca.gov

Prepared by: Environmental Science Associates (ESA)

Addie Farrell, Project Manager 626 Wilshire Blvd., Ste. 1100 Los Angeles, CA 90017 Phone: (213) 599 - 4300

PROJECT TITLE

Pacific Gas & Electric Company (PG&E) Topock Compressor Station Soil Investigation Project Environmental Impact Report

PROJECT LOCATION

145453 National Trails Highway, Needles, California 92363, County of San Bernardino (See Figure 1)

PURPOSE OF THE NOTICE OF PREPARATION

The California Environmental Quality Act (CEQA) specifies that a public agency must prepare an Environmental Impact Report (EIR) for any project that it proposes to carry out or approve that may have

a significant direct or indirect impact on the environment (Public Resources Code Section 21100[a]). The California Department of Toxic Substances Control (DTSC) is the lead agency for the Pacific Gas and Electric Company (PG&E) Topock Compressor Station, Soil Investigation Project. DTSC has determined that this project may have a significant impact on the environment and has determined that an EIR will be necessary to fully evaluate the potential environmental effects.

PROVIDING COMMENTS ON THE NOTICE OF PREPARATION

Responsible agencies, trustee agencies, federal agencies, Native American Tribes, and interested organizations and individuals are encouraged to submit comments regarding the scope and content of the environmental information to be contained in the draft EIR for DTSC's consideration. To provide greater opportunity for input on the scope of the EIR, this Notice of Preparation (NOP) is being circulated an additional 15 days beyond the required 30-day comment period, for a total of 45 days.

Comments on this NOP should be submitted as soon as possible and must be received <u>no later than 5:00 p.m. on January 14, 2013</u>. Please send written comments to Mr. Aaron Yue, DTSC Project Manager, at the address listed above. When submitting comments, please identify a contact person to whom the answer to the questions will be presented.

Various agencies, Native American Tribes, and stakeholders have previously had an opportunity to review and provide comment on the Draft *Soil Resource Conservation Recovery Act (RCRA) Facility Investigation/Remedial Investigation (RFI/RI) Work Plan*. Comments previously received by DTSC on the Draft Work Plan will be considered by DTSC in preparing the EIR.

Documents related to the proposed project are available for review at the project repositories listed below and on the internet at http://www.dtsc-topock.com/.

Needles Branch Library 1111 Bailey Avenue Needles, CA 92363

Chemehuevi Indian Reservation Environmental Protection Office 2000 Chemehuevi Trail Havasu Lake, CA 92363

Golden Shores/Topock Library 13136 Golden Shores Parkway Topock, AZ 86436

Lake Havasu City Library 1770 McCulloch Blvd. Lake Havasu City, AZ 86403 Colorado River Indian Tribes Library 2nd Avenue and Mojave Road

Parker, AZ 85344

Parker Public Library 1001 Navajo Avenue Parker, AZ 85344

California Department of Toxic Substances Control 5796 Corporate Avenue

Cypress, CA 90630

Monday – Friday: 9am-Noon, 1pm – 4pm, Please call for an appointment at (714) 484-5337

DTSC will be hosting three scoping meetings to give the responsible agencies, trustee agencies, federal agencies, Native American Tribes, and interested organizations and individuals an opportunity to appear and comment on the scope and content of the draft EIR. These professionally facilitated scoping meetings will consist of introductions, a project overview, a CEQA process overview, and an opportunity for meeting participants to comment on the scope and content of the EIR. A reasonable amount of time will be allotted to allow all participants who wish to provide oral comments the opportunity to do so. Written comments will also be accepted at the meetings. Scoping meetings have been scheduled at the following locations and times.

Public Scoping Meetings							
City	Address	Date	Time				
Golden Shores, AZ	Golden Shores Community Center 13136 Golden Shores Parkway Golden Shores, AZ 86436	Tuesday, December 11, 2012	6:00 - 8:00 p.m.				
Needles, CA	Needles High School Auditorium 1600 Washington Street Needles, CA 92363	Wednesday, December 12, 2012	6:00 - 8:00 p.m.				
Yuma, AZ	Gila Ridge High School Auditorium 7150 E. 24th Street Yuma, AZ 85365	Thursday, December 13, 2012	6:00 - 8:00 p.m.				

CONTACT

If you have any questions or wish to discuss the project, please contact Aaron Yue, DTSC Project Manager, at (714) 484-5439 or email: aaron.yue@dtsc.ca.gov or Jacqueline Martinez, DTSC Public Participation Specialist, at (714) 484-5338, toll free at (866) 495-5651 or email: jacqueline.martinez@dtsc.ca.gov. For media inquiries, please contact DTSC Chief of Media and Press Relations, Charlotte Fadipe, at (916) 323-3395 or email: charlotte.fadipe@dtsc.ca.gov.

INFORMATION FOR THE DISABLED AND HEARING IMPAIRED

The meeting rooms for the scoping meetings are accessible to people with disabilities. If translation services are needed or if additional accommodations for the disabled are needed, please notify Jacqueline Martinez at (714) 484-5338 or jacqueline.martinez@dtsc.ca.gov no later than one week before the meeting. TDD users can obtain additional information by using the California Relay Service at 1-888-877-5378 to reach Jacqueline Martinez at (714) 484-5338.

ENVIRONMENTAL EFFECTS TO BE EXAMINED IN THE EIR

The purpose of an EIR is to identify and consider the potentially significant adverse environmental effects of a proposed project and identify measures that can reduce, avoid, or mitigate significant adverse impacts. Based upon prior consultation with interested parties, comments received on the Draft Work Plan, and the environmental assessments conducted in and around the site to date, DTSC has determined that the proposed project may have a significant impact on Biological Resources and Cultural Resources. With respect to Cultural Resources, the Topock site and adjacent lands are contained within a larger geographic area that is considered sacred by the Fort Mojave Indian Tribe and by other Native American tribes. The EIR will also consider any potential effects of the project to the following resource areas:

- Aesthetics
- Air Quality / Greenhouse Gas
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials

- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Transportation
- Utilities and Service Systems

PROJECT DESCRIPTION

PROJECT LOCATION

The PG&E Topock Compressor Station (Station) is located in the Mojave Desert approximately 12 miles southeast of the city of Needles, California, and one mile southeast of the Moabi Regional Park in California. The Station is one-half mile west of the community of Topock, Arizona, which is situated directly across the Colorado River from the Station, and four miles south of Golden Shores, Arizona. The Station is one-half mile west of the Colorado River and south of Interstate 40 and occupies 66.8 acres of land owned by PG&E (See Figure 1). The area in which proposed project activities could occur covers additional surrounding land owned and managed by a number of private entities and government agencies, including the Havasu National Wildlife Refuge managed by the U.S. Fish and Wildlife Service (USFWS), lands managed by the Department of Interior (DOI), U.S. Bureau of Land Management (BLM), rights of way for the Burlington Northern Santa Fe Railroad and California Department of Transportation (Caltrans), and access over a portion of land owned by the Fort Mojave Indian Tribe.

PROJECT DESCRIPTION

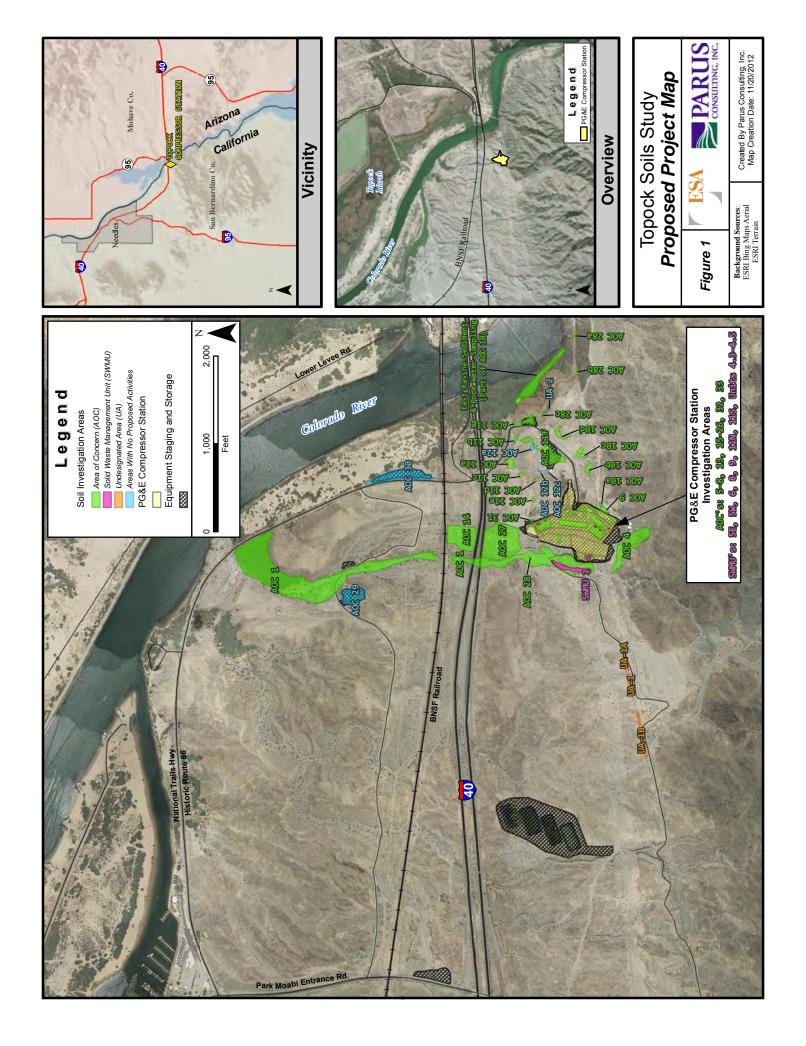
The proposed project involves consideration of the *Soil Resource Conservation Recovery Act (RCRA) Facility Investigation/Remedial Investigation (RFI/RI) Work Plan* (Soil Work Plan) (September 2012) for adoption by DTSC. Adoption and implementation of the Soil Work Plan would enable further investigation and characterization of the nature and extent of chemicals of potential concern (COPCs) that have been identified at the site during previous soil investigations. It would also provide additional data to inform preparation of a future Soil Corrective Measures Study/Feasibility Study (CMS/FS) which would identify and nominate clean up alternatives if necessary. The results of this investigation pursuant to the Soil Work Plan will inform the Final RFI/RI Volume 3 (Soil) Report and will present a combined data set of all soils investigations. The Soil Work Plan identified the following areas requiring further investigation, as shown in Figure 1.

- <u>Six solid waste management units (SWMUs)</u>: DTSC defines SWMUs as areas that may be contaminated due to the management of solid wastes without proper protective practices in place. SWMUs are subject to the overall site's environmental investigation to determine if they will need to be remediated.
- <u>28 areas of concern (AOCs)</u>: DTSC defines AOCs as areas that are being evaluated and may be contaminated due to past practices and/or proximity to the site. These areas are subject to the overall site's environmental investigation process to determine if they will need to be remediated.
- <u>Undesignated Areas (UAs)</u>: UAs are subject to the site's overall environmental investigation process to determine if contamination exists and if remediation will need to be considered. UA-1, known as the Potential Pipeline Disposal Area, is proposed for further investigation by geophysical surveys to identify the presence of historically buried asbestos-containing pipes.

In addition to the SWMUs, AOCs, and UAs, the Soil Work Plan also proposes limited investigation in three oil/water units, the perimeter fencing area of the Station, and the onsite storm drain system, which includes both active and inactive lines and outfalls. The proposed project involves the collection of surface and subsurface soil and sediment samples, and the chemical analysis of those samples for COPCs based on the historical use of the area and previous soil investigations. In addition, some areas would be investigated using geophysical methods to identify subsurface objects. The proposed Soil Work Plan activities for the project include the following:

- Acquiring permission or permits to access certain restricted areas
- Creating physical access to certain locations (e.g., grading, boulder or vegetation removal)
- Drilling, trenching or excavating to access soil samples

- Collecting and preserving soil samples
- Performing certain field analyses and collecting and preserving samples
- Properly abandoning boreholes and backfilling of trenches and excavations
- Transporting the samples to the analytical laboratory
- Analyzing the samples for selected COPCs
- Evaluating and presenting the data in a written report
- Managing investigation-derived waste
- Conducting preconstruction biological and archeological surveys
- Identifying potential conflicts with subsurface utilities



NOP Mailing List

Topock Soils NOP Distribution Summary

Group	Delivery Type	Materials	Location in Appendix
Office of Planning and Research			B-1
Responsible/Trustee Agencies	Fed Ex Overnight	B/W Flyer NOP	B-1
Information Repositories Fed Ex Overnight		Cover letter Color Flyer (20 copies, for posting and handouts) For small binder: • Front cover to slip in exterior front of binder • Notice • NOP	B-2
Topock Mailing List – Elected Officials and Key Stakeholders	Priority Mail	Flyer NOP	B-3
Topock Mailing List – Other Agencies, Organizations and Individuals	First class stamp	B/W Flyer NOP	B-4
Zip Code 86436	Bulk Mail	B/W Flyer NOP	N/A
Topock email list	Email	Public Notice NOP Color Flyer	B-5
CWG, TWG, CTF, TRC, Tribal Representatives	Email	Public Notice NOP Color Flyer	B-6

Office of Planning and Research Responsible/Trustee Agencies

COMPANY /	Name	TITLE	ADDRESS	PHONE		EMAIL
ORGANIZATION Office of Planning and Research - State Clearinghouse 15 hard copies and an NOC			1400 Tenth Street Sacramento, CA 95812-3044	(916) 445-0614	(916) 323-3018	
Federal Agencies (Mail must be sent Certified or Fedex)			<u>,, </u>		1	
USEPA Region 9, Waste Management Division	Arlene Kabei	Associate Director	75 Hawthorne Street (WST-7), San Francisco, CA 94105	415-972-3312	415-947-3530	kabei.arlene@epa.gov
USEPA, RCRA Corrective Action Office	Steven S. Armann	Manager	75 Hawthorne Street (WST-7), San Francisco, CA 94105	415-972-3352	415-947-3533	Armann.Steve@epamail.e pa.gov
U.S. Department of the Interior, Bureau of Reclamation	Jeff Smith	Regional Hazmat Coordinator	P. O. Box 61470 (Attn: LC 2640) Boulder City, NV 89006- 1470	702-293-8060	Cell: 702-378-2400	JefferySmith@usbr.gov
U.S. Geological Survey Pacific Southwest Area	Peter Martin	Hydrologists	4165 Spruance Road, Suite 200, San Diego, CA 92101	619-225-6127 Cell: 619-719-3058	619-225-6101	pmmartin@usgs.gov
US Fish and Wildlife Service Ecological Services			2800 Cottage Way, Room W- 2606 Sacramento, Calfornia 95825-1846			
US Fish and Wildlife Service Ecological Services			6010 Hidden Valley Road, Suite 101 Carlsbad, CA 92011-4219			
US Army Corp of Engineers Los Angeles District	Planning/Environment al Resources Branch		915 Wilshire Blvd, Suite 1101 Los Angeles, CA 90017			
US Army Corp of Engineers Arizona/Nevada Area			3636 N. Central Ave, Suite 900 Phoenix, AZ 85012-1939			

Trustee Agencies	Trustee Agencies						
California Department of Fish and Game Inland Desert Region Blythe Field Office	Canh Nguyen (P)	Environmental Scientist	17041 South Lovekin P.O. Box 2160 P.O. Box 2160, Blythe, CA 92226	760-921-2974	760-922-5638	cvnguyen@dfg.ca.gov	
California Department of Fish and Game Inland Desert Region Main Office			3602 Inland Empire Boulevard Suite C-22 Ontario, CA 91764				
State Lands Commission	Paul D. Thayer	Executive Officer	100 Howe Ave Suite 100- South Sacramento, CA 95825-8202	(916) 574-1800		thayerp@slc.ca.gov	
State Department of Parks and Recreation	III	Environmental Compliance Supervisor, Resource Services	Resources Management Division 1416 9th Street Sacramento, CA 95814			CEQANSC@parks.ca.gov	
State Department of Parks and Recreation	Colorado Desert District		200 Palm Canyon Drive Borrego Springs, CA 92004- 5005				
University of California, Office of the President - Natural Reserve System			1111 Franklin Street, 6th Floor Oakland, CA 94607-5200	(510) 987-0159			
State Water Resources Control Board	Division of Financial Assistance Regional Programs Unit	Ahmad Kashkoli	1001 I Street, 16th Floor Sacramento, CA 95815	(916) 341-5855		akashkoli@waterboards.ca.gov	

State and Other Agencies on CEQA NOC Checklist (Mail must be sent Certified or Fedex)

		PO Box 2815 Sacramento, CA 95812	916-322-2990	916-445-5025	
		PO Box 944295 Sacramento, CA 94244-2950	916-654-4162	916-654-3882	
		1416 Ninth St., Ste. 1311 Sacramento, CA 95814	916-653-5656	916-653-8102	
CEQA Review - Intergovermental Review		464 West 4th Street San Bernardino, CA 92401			
		PO Box 942836 Sacramento, CA 94236	916-653-5791	916-653-5028	
Abbas Amirteymoori, P.E. (P)	Environmental Program Manager I	770 Fairmont Avenue, Suite 100, Glendale, CA 91203- 1035	818-500-1625 X311	818-543-4685	aamir@crb.ca.gov
Larry Myers	Executive Secretary	915 Capitol Mall, Room 364 Sacramento, CA 95814	(916) 653-4082		nahc@pacbell.net
Steven Mauk	Director	Commerce Drive Annex1120 Commerce DrivePrescott, AZ 86305			
Mike Baker	II .	1112 Joshua, Suite 202, Parker, AZ 85344			
	, · · · · · · · · · · · · · · · · · · ·	500 S. Grand Central Pkwy. Las Vegas, NV 89155	702-455-4011		
Patty Mead	Health Director	700 West Beale Street Kingman, AZ 86402-7000	928-753-0743		
Julie Hosken	Manager, Voluntary Remediation Program	1110 W. Washington St, Phoenix, AZ, 85007	(602) 771-4866		jh13@azdeq.gov
Environmental Planning Team		Box 54153 Los Angeles, CA 90054-0153			
	Abbas Amirteymoori, P.E. (P) Larry Myers Steven Mauk Mike Baker Patty Mead Julie Hosken Environmental	Intergovermental Review Abbas Amirteymoori, P.E. (P) Larry Myers Executive Secretary Steven Mauk Director Mike Baker Development Services Director Comprehensive Planning Department Patty Mead Health Director Julie Hosken Manager, Voluntary Remediation Program Environmental	CA 95812 PO Box 944295 Sacramento, CA 94244-2950 1416 Ninth St., Ste. 1311 Sacramento, CA 95814 CEQA Review - Intergovermental Review PO Box 942836 Sacramento, CA 92401 PO Box 942836 Sacramento, CA 92401 PO Box 942836 Sacramento, CA 94236 Abbas Amirteymoori, P.E. (P) Environmental Program Manager I Manager I T70 Fairmont Avenue, Suite 100, Glendale, CA 91203-1035 Executive Secretary 915 Capitol Mall, Room 364 Sacramento, CA 95814 Steven Mauk Director Commerce Drive Annex1120 Commerce Drive Prescott, AZ 86305 Mike Baker Development Services Director 1112 Joshua, Suite 202, Parker, AZ 85344 Comprehensive Planning 500 S. Grand Central Pkwy. Las Vegas, NV 89155 Patty Mead Health Director 700 West Beale Street Kingman, AZ 86402-7000 Julie Hosken Manager, Voluntary Remediation Program Phoenix, AZ, 85007 Environmental Box 54153	CA 95812	CA 95812

Office of Historic Preservation	Milford Wayne Donaldson, FAIA,	State Historic Preservation Officer	P.O. Box 942896 Sacramento, CA 94296-0001	916-653-6624	916-653-9824	
Mojave Desert Air Quality Management District	Heaston, Eldon	Executive Offices	14306 Park Avenue Victorville, CA 92392	(760) 245-1661 x5737		eheaston@mdaqmd.ca.gov
San Bernardino County Division of Environmental Health	Corwin Porter	Chief	385 N. Arrowhead Avenue, 2nd Floor San Bernardino, CA 92415- 0182	(909) 387-4141		
San Bernardino County Fire Department		Hazardous Materials Division	620 South "E" Street, San Bernardino, CA 92415-0153	909.386.8401		
Aizona State Land Department		Environmental Contamination Prevention & Remediation Program	1110 W. Washington St. Phoenix, AZ 85007	602 771-2300		
Arizona Department of Transportation		Environmental Planning Group	1611 West Jackson Street, Mail Drop EM02 Phoenix, AZ 85007	602.712.7767		
Colorado Regional Water Quality Control Board			73-720 Fred Waring Drive, Suite 100 Palm Desert, CA 92260			

Information Repositories

Information Repositories

Department of Toxic Substances Control

5796 Corporate Avenue Cypress, CA 90630

Contact: Julie Johnson (714) 484-5337 Monday - Friday: 9am - noon, 1pm - 4pm

Please call for an appointment.

Needles Branch Library

1111 Bailey Avenue Needles, CA 92363

Contact: Eva Webster (760) 326-9255 Monday - Wednesday: 11am - 7pm

Thursday: 10am - 6pm,

Friday: Closed

Saturday: 9am - 5pm

Golden Shores/Topock Station Library

13136 Golden Shores Parkway

Topock, AZ 86436

Contact: Kim Stoddard (928) 768-2235

Monday: Closed

Tuesday, Thursday, Saturday: 9am - 1pm

Wednesday: 2pm - 5pm

Chemehuevi Indian Reservation

Environmental Protection Office 2000 Chemehuevi Trail Havasu Lake, CA 92363 Contact: Tom Pradetto (760) 858-1140

Monday - Friday: 8am - 4pm

Lake Havasu City Library

1770 McCulloch Boulevard Lake Havasu City, AZ 86403

Contact: Audrey LaCommare (928) 453-0718

Monday and Wednesday: 9am - 6pm Tuesday and Thursday: 9am - 8pm Friday and Saturday: 9am - 5pm

Colorado River Indian Tribes Library

2nd Avenue and Mohave Road

Parker, AZ 85344

Contact: Elvira Bailey-Holgate (928) 669-1332 Monday - Friday: 8am - noon, 1pm - 5pm

Parker Public Library

1001 Navajo Avenue Parker, AZ 85344

Contact: Jeannie Smith (928) 669-2622

Monday - Thursday: 9am - 7pm

Friday: Closed

Elected Officials and Key Stakeholders

Name	Title	Company/ Organization	Department/ Region	Term Expiration	Mailing Address	City	State	e Zip Code	Street Address	fax	phone cell	Email	Shipping Notes
John McCain	Senator	Attn: Becky Talent			5353 North 16th Street Suite 105	Phoenix	AZ	85016			602-952-2410		
ack Hakim	Mayor	Bullhead City			2355 Trane Road	Bullhead City	ΑZ	86442					
Charles Wood	Chairman	Chemehuevi Indian Tribe			PO Box 1976	Havasu Lake	CA	92363			760-858-4219	chair1cit@yaho o.com	
Edward "Tito" D. Smith	Chairman	Chemehuevi Indian Tribe		4/1/2013	PO Box 1976	Havasu Lake	CA	92363		760-858-1805	760-858-4301	citchairman@y hoo.com	a
Ron Escobar	Tribal Secretary/ Treasurer	Chemehuevi Indian Tribe		4/1/2013	PO Box 1976	Havasu Lake	CA	92363	1990 Palo Verde Road, Havasu Lake, CA 92363			ronetribe@yah oo.com	
Shirley Smith	Vice Chairperson	Chemehuevi Indian Tribe		4/1/2013	PO Box 1976	Havasu Lake	CA	92363		760-858-1805	760-858-1116	ssmithvc@yaho	
Ali Saleh	Mayor	City of Bell			6330 Pine Avenue	Bell	CA	90201					
Iennifer Rodriguez	Mayor	City of Bell			7100 S. Garfield Avenue	Bell Gardens	CA	90201					
loe Aguilar	Mayor	City of Commerce			2535 Commerce Way	Commerce	CA	90040					
Angel Perales	City Manager	City of Cudahy			5220 Santa Ana Street	Cudahy	CA	90201					
Ofelia Hernandez	Mayor	City of Huntington Park			6550 Miles Avenue	Huntington Park	CA	90255-4399					
Jan Perry	Council Member	City of Los Angeles	Council District		200 N. Spring Street Room 420	Los Angeles	CA	90012					
Jess Catalano	Sr. Legislative Assistant	City of Los Angeles			200 N. Main Street Room 504	Los Angeles	CA	90012					
Mayor Antonio R. Villaraigosa	Mayor	City of Los Angeles			200 N. Main Street Suite 800	Los Angeles	CA	90012					
Edward Varela	Mayor	City of Maywood			4319 E. Slauson Boulevard	Maywood	CA	90270					
David G Brownlee	City Manager	City of Needles			817 Third Street	Needles	CA	92363		760-326-6765	760-326-2113	ndlscitymgr@ci	t
Edward Paget	Mayor	City of Needles			817 Third Street	Needles	CA	92363		760-326-6765	760-326-2113	mayorpaget@y ahoo.com	
Jim Lopez	Council Member	City of Needles		11/1/2016	817 Third Street	Needles	CA	92363		760-326-6765	760-326-2113	councilmember	1
												opez@yahoo.co	
Linda J Kidd	Council Member	City of Needles		11/1/2014	817 Third Street	Needles	CA	92363		760-326-6765	760-326-2113	councilmember	
-maa s maa	Council Welliser	city of recuies		11/1/2019	of mind street	recuies		32303		700 320 0703	700 320 2113	kidd@yahoo.co	
Shawn Gudmundson	Council Member	City of Needles			817 Third Street	Needles	CA	92363		760-326-6765	760-326-2113	councilmember	
Silawii Guullulusoli	Council Member	City of Needles			817 Illiid Street	iveedies	CA	92303		700-320-0703	700-320-2113	gudmundson@	
												yahoo.com	
Tarri Carrich all	Council Manches	City of Noodles			017 Third Charact	Needlee	CA	02262		760 226 6765	700 220 2442		
Terry Campbell	Council Member	City of Needles			817 Third Street	Needles	CA	92363		760-326-6765	760-326-2113	councilmember	
Town Down	Carra di Marada an	Charles II.		44/4/2046	817 Third Street	No. alla		02262		760 226 6765	750 225 2442	o.com	
Tom Darcy	Council Member Council Member	City of Needles				Needles Needles	CA CA	92363 92363		760-326-6765 760-326-6765	760-326-2113 760-326-2113	councilmember	
Tony Fraizer	Council Welliber	City of Needles		11/1/2010	817 Third Street	ineedies	CA	92303		700-320-0703	700-320-2113	frazier@yahoo.	
David W. Armenta	Mayor	City of Pico Rivera			6615 Passions Boulevard	Pico Rivera	CA	90660				00	
Gregory Martinez	Mayor	City of South Gate			8650 California Avenue	South Gate	CA	90280					
Hilario "Larry" Gonzalez	Mayor	City of Vernon			4305 Santa Fe Avenue	Vernon	CA	90058					
Dale Phillips	The Honorable Vice Chairman	Cocopah Indian Tribe			14515 South Veterans Drive	Somerton	AZ	85350	County 15th & Ave G, Somerton, AZ 85350	928-627-3173			
Sherry Cordova	The Honorable Chairwoman	Cocopah Indian Tribe			14515 South Veterans Drive	Somerton	AZ	85350	County 15th & Ave G, Somerton, AZ 85350	928-627-3173	928-627-2102	cocotcsec@coc	20 copies by mail, return receipt requested
Eldred Enas	Chairman	Colorado River Indian Tribes		12/1/2012	Route 1 Box 23-B	Parker	AZ	85344	00000	928-669-5675	928-669-9211	eldred.enas@c t-nsn.gov	
Herman Laffoon, Jr.	Council Member	Colorado River Indian Tribes		12/1/2014	26600 Mohave Road	Parker	AZ	85344		928-669-1216	928-669-9211	hermanjlaffoon	
Terman Lancon, 31.	Council Member	colorado niver maiam mises		12/1/2014	2000 Worldve Rodd	Turker	/ -	03344		320 003 1210	320 003 3211	@yahoo.com	
Valerie Welsh-Tahbo	Council Member	Colorado River Indian Tribes		12/1/2012	26600 Mohave Road	Parker	AZ	85344		928-669-1216	928-669-9211	valeriewt@hot	
Amanda Barrera	Council Member	Colorado River Indian Tribes			26600 Mohave Road	Parker	AZ	85344	Second Avenue and Mojave Road,		928-669-1287	mail.com nuwuvi@yahoo).
Daniel Eddy, Jr.	Chairman	Colorado River Indian Tribes			Route 1 Box 23-B	Parker	AZ	85344	Parker, AZ 85344 Rt. 1 Box 23-B	928-669-5675	928-669-9211	com symi@rraz.net	
<u> </u>													
Dennis Patel	Education	Colorado River Indian Tribes			26600 Mohave Road	Parker	ΑZ	85344			928-669-8831		
Dennis Welsh, Jr.	Treasurer	Colorado River Indian Tribes		12/1/2014	26600 Mohave Road	Parker	ΑZ	85344	Second Avenue and Mojave Road,	928-669-1216	928-669-9211	dennis.welsh@	С
									Parker, AZ 85344			rit-nsn.gov	
Edward K. Yava, Sr.	Council Member	Colorado River Indian Tribes		12/1/2014	26600 Mohave Road	Parker	AZ	85344		928-669-1216	928-575-7041	Edward.yava@rit-nsn.gov	C
Johnny Hill, Jr.	Council Member	Colorado River Indian Tribes		12/1/2012	26600 Mohave Road	Parker	AZ	85344	Second Avenue and Mojave Road, Parker, AZ 85344			Johnny_hilljr@ ¹ ahoo.com	′
Ms Daphne Hill-Poolaw	Elder	Colorado River Indian Tribes			Route 1 Box 23-B	Parker	ΑZ	85344					
		1		12/1/201/		Parker	AZ	85344	Second Avenue and Mojave Road,	928-669-1216	928-669-9211	cindy.homer@d	-
Sylvia "Cindy" Homer	The Honorable Vice Chairwoman	Colorado River Indian Tribes		12/1/2014	26600 Mohave Road	raikei	74	03344	occond Avenue and Mojave Road,	320-003-1210	J20 00J J211	ciriuy.nomer@i	*

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Shari Farrington	Field Representative	Congressman Trent Frank		7121 West Bell Road Suite 200	Glendale	AZ	85303	5704 Taratas Assault Calta 450		623-776-7911		
ean Fuller	Senator	District 18		State Capitol Room 3063	Sacramento	CA	95814	5701 Truxtun Avenue, Suite 150,		916-651-4018	senator.fuller@	
Varaa	Camatan	District 40		State Capital Bases 2002	Caaramaanta	CA	95814	Bakersfield, CA 93309		916-651-4040	sen.ca.gov	
uan Vargas	Senator Vice Chairman			State Capitol Room 3092	Sacramento	CA	92363		760-629-5767	+	L clawic@ftmaiau	
The Honorable Shan Lewis	Vice-Chairman	Fort Mojave Indian Tribe		500 Merriman Avenue	Needles	CA	92303		760-629-3767	760-629-4591 702-334-261:	-	
The Henerable Timethy Williams	Chairman	Fort Majaya Indian Triba	+	500 Merriman Avenue	Needles	CA	92363		760-629-5767	760-629-4591	e.com	20 copies by mail, return
The Honorable Timothy Williams	Chairman	Fort Mojave Indian Tribe		500 Merrinan Avenue	Needles	CA	92303		760-629-3767	700-029-4591		receipt requested
Fort Moiave Tribal Council		Fort Mojave Tribal Council		500 Merriman Avenue	Needles	CA	92363					
The Honorable Mike Jackson, Sr.	President	Fort Yuma-Quechan Indian Tribe		PO Box 1899	Yuma	AZ		9 350 Picacho Road, Winterhaven, CA	Attn: Melanie 760	7-760-572-0213		50 2-day FedEx
,								92283	572-2102 760-572 0515			
Matthew Putesoy	Vice Chairperson	Havasupai Indian Tribe		PO Box 10	Supai	ΑZ	86435		928-448-2551	928-448-2731		
The Honorable Bernadine Jones	Chairwoman	Havasupai Indian Tribe		PO Box 10	Supai	AZ	86435		928-448-2551	928-448-2961		mail by U.S. Postal First Class or Overnight incl. boxes; receive mail by mai train (village at bottom of
Rudy Clark	Council Member	Hualapai Indian Tribe		PO Box 179	Peach Springs	AZ	86434			928-769-2216 928-890-9603	rclark@hualapa nsn.gov	i.
The Honorable Philbert	Vice-Chairman	Hualapai Indian Tribe		PO Box 179	Peach Springs	ΑZ	86434			928-769-2216	pwatahomigie	
Watahomigie, Sr.											@hualapa i-nsn.gov	
The Honorable Sherry J. Counts	Chairwoman	Hualapai Indian Tribe		PO Box 179	Peach Springs	ΑZ	86434	878 West Highway 66 Peach Springs,	928-769-2343	928-769-2216	scounts@huala	
,		·						AZ 86434			pai-nsn.gov	
David McAtlin	Council Member	Lake Havasu City		2330 McCulloch Boulevard North	Lake Havasu City	ΑZ	86403			928-453-4152		
Dean Barlow	Council Member	Lake Havasu City		2330 McCulloch Boulevard North	Lake Havasu City	ΑZ	86403			928-453-6310	DBarlow1@aol.	
											com	
Don Callahan	Vice Mayor	Lake Havasu City		2330 McCulloch Boulevard North	Lake Havasu City	AZ	86403			928-680-1212	dqhavasu@fron tiernet.net	
Lee Barnes	Council Member	Lake Havasu City		2330 McCulloch Boulevard North	Lake Havasu City	ΑZ	86403			928-855-1660		
Margaret Nyberg	Council Member	Lake Havasu City		2330 McCulloch Boulevard North	Lake Havasu City	AZ	86403			928-453-4152	margaretnyberg @yahoo.com	
Mark S. Nexsen	Mayor	Lake Havasu City	Lake Havasu City Municipal Offices	2330 McCulloch Boulevard North	Lake Havasu City	AZ	86403		928-453-6909	928-453-4152		
Sonny Borrelli	Council Member	Lake Havasu City	, , , , , , , , , , , , , , , , , , , ,	2330 McCulloch Boulevard North	Lake Havasu City	ΑZ	86403			928-453-4152		
·		·									sonny4lhc@hot mail.com	
Gloria Molina	Supervisor	Los Angeles County		856 Kenneth Hahn Hall of Admin.	Los Angeles	CA	90012					
Shahin Nourishad	Supervisor	Los Angeles County	Fire Department/Site Mitigation Unit	5825 Rickenbacker Road	Commerce	CA	90043					
Buster D. Johnson	Council Member	Mohave County	Third District	2001 College Drive Suite 90	Lake Havasu City	AZ	86403			928-453-0724		
Gary Watson	Supervisor	Mohave County	First District	700 West Beale Street	Kingman	AZ	86401			928-753-0722	gary.watson@c o.mohave.az.us	
	ļ											
Tom Sockwell	Supervisor	Mohave County	Second District	1130 Hancock Road	Bullhead City	AZ	86442			928-758-0713	0	
	Mayor	Parker City		1314 11th Street	Parker	AZ	85344			928-669-9265	mayor@ci.park er.az.us	
Lori Wedemeyer	Town Manager (Acting)	Parker City		PO Box 610	Parker	AZ	85344			928-669-9265		
Steve Madoneczky	Vice Mayor	Parker City		1315 11th Street	Parker	AZ	85344			928-669-9265		
Mr. Larry Ward Brad Mitzelfelt	Assessor Supervisor	Riverside County San Bernardino County	First District	2724 Gateway Drive 385 North Arrowhead Avenue Fifth	Riverside San Bernardino	CA	92507 92415			909-387-4830		
Gary Ovitt	Supervisor	San Bernardino County	Fourth District	Floor 385 North Arrowhead Avenue Fifth	San Bernardino	CA	92415			909-387-4866		
Janice Rutherford	Supervisor	San Bernardino County	Second District	Floor 385 North Arrowhead Avenue Fifth	San Bernardino	CA	92415			909-387-4833		
Josie Gonzales	Supervisor	San Bernardino County	Fifth District	Floor 385 North Arrowhead Avenue Fifth	San Bernardino	CA	92415			909-387-4565		
Neil Derry	Supervisor	San Bernardino County	Third District	Floor 385 North Arrowhead Avenue Fifth	San Bernardino	CA	92415			909-387-4855		
Doris Goodale	Representative	State of Arizona		Floor 1700 West Washington Street Room 309	Phoenix	AZ	85007			602-926-5408	dgoodale@azle	
Jan Brewer	Governor	State of Arizona	+	1700 West Washington Street	Phoenix	AZ	85007			602-542-4331	g.gov	+
Lynne Pancrazi	Representative	State of Arizona	+	1700 West Washington Street Room		AZ	85007			602-926-3004	lpancrazi@azleg	r
· 	·			324		AZ					.gov	
Nancy G. McLain	Representative	State of Arizona		1700 West Washington Street Room 303			85007			602-926-5051	nmclain@azleg.	
Don Could	Senator	State of Arizona		1701 West Washington Street	Phoenix	ΑZ	85007			602-926-4138	rgould@azleg.g	
Ron Gould Russ Jones	Representative	State of Arizona		1700 West Washington Street Room		AZ	85007			602-926-3002	rjones@azleg.g	

Connie Conway	State Assembly	State of California	District 34	113 North Church Street Suite 505	Visalia	CA	93291	559-636-3440		
Darrell Steinberg	President Pro Tempore	State of California		State Capitol Room 205	Sacramento	CA	95814	916-651-4006		
Jerry Brown	Governor	State of California		c/o State Capitol Suite 1173	Sacramento	CA	95814	916-445-2841		
John A. Perez	Speaker of the Assembly	State of California		320 West 4th Street Suite 1050	Los Angeles	CA	90013			
Kevin DeLeon	Senator	State of California		617 South Olive Street Suite 710	Los Angeles	CA	90013			
Lucille Roybal-Allard	Congresswoman	State of California		255 E. Temple Street #1860	Los Angeles	CA	90012			
Mike Davis	Assemblyman	State of California		700 State Drive #103	Los Angeles	CA	90037			
Ron S. Calderon	Senator	State of California	District 30	400 N. Montebello Boulevard Suite 100	Montebello	CA	90640			
Steve Knight	State Assembly	State of California	District 36	41319 12th StreetW #105	Palmdale	CA	93551-1414	661-267-7636		
Mary Maxine Resvaloso	Chairwoman	Torres-Martinez Desert Cahuilla Indian Tribe		PO Box 1160	Thermal	CA	92274 66725 Martinez Road, Thermal, CA 760-397-81	760-397-0300		20 US Post return receipt requested
Raymond Torres	Vice Chairman	Torres-Martinez Desert Cahuilla Indian Tribe		PO Box 1160	Thermal	CA	92274 66725 Martinez Road, Thermal, CA 760-397-81	760-397-0300		
Darrell Mike	Chairman	Twenty-Nine Palms Indian Tribe		46200 Harrison Place	Coachella	CA	46200 Harrison Place, Coachella, CA 760-863-24 92236 760-863-24	760-863-2449		20 US Post, return receipt requested
Jerry Lewis	Congressman	U.S. House of Representatives		1150 Brookside Avenue Suite J-5	Redlands	CA	92373	909-862-6030		
Trent Franks	Representative	U.S. House of Representatives	Arizona District 2	7121 West Bell Road Suite 200	Glendale	ΑZ	85308	623-776-7911		
Barbara Boxer	Senator	U.S. Senate		3404 10th Street Suite 704	Riverside	CA	92501 202-228-38	58 951-684-4849		
Chris Carillo	Field Representative	U.S. Senate	Office of Senator Diane Feinstein	750 B Street Suite 1030	San Diego	CA	92101			
Dianne Feinstein	Senator	U.S. Senate		One Post Street Suite 2450	San Francisco	CA	94104	415-393-0707		
Jon Kyl	Senator	U.S. Senate	Attn: Clint Chandler	2200 East Camelback Road Suite 120	Phoenix	AZ	85016	602-840-1891	Clint_Chandler @ltyl.senate.go	
Ernest Jones, Sr.	President "The Honorable"	Yavapai-Prescott Indian Tribe		530 East Merritt Street	Prescott	AZ	86301-2038 530 E. Merritt Street, Prescott, AZ 928-778-94	928-445-8790	None	20 US Post return receipt requested
Shari Farrington	Representative	U.S. House of Representatives	Arizona District 2	7121 West Bell Road Suite 200	Glendale	ΑZ	85308	623-776-7911		
James Peterson		U.S. Senate	Office of Senator Diane Feinstein	750 B Street Suite 1030	San Diego	CA	92101	619-231-9712	james_petersor @feinstein.sen te.gov	

Other Agencies, Organizations and Individuals

All contact information for individuals unaffiliated with any public agency or organization has been redacted for privacy protection.

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Name	Title	Company/ Organization	Department/ Region	Term Expiration	Mailing Address	City	State	e Zip Code	Street Address	fax	phone	cell	Email	Shipping Notes
				z.xp.ii a ti o i i										
Mark Ridley Thomas		866 Kenneth Hahn Hall of Administration			500 W. Temple Street Suite 866	Los Angeles	_	90012						
Clifford Batten, PG	Tribal Hydrogeologist	Agua Caliente Band of Cahuilla Indians			777 East Tahquitz Canyon Way Suite	Palm Springs	CA	92262		760.325.5952	760-883-1342		cbatten@aguacalient	t
Dave Gilbert	Principal Environmental Program Advisor	ARCADIS			2999 Oak Rd Suite 300	Walnut Creek	CA	94597		-	925-296-7879	925-787-9760	e-NSN.gov David.Gilbert@Arcad	
rave dilbert	Third par Environmental Trog and Transco				2333 Gait ita Saite 300	Walliat Greek		3 1337			323 230 7073	323 707 3700	is-US.Com	
Janis Lutrick	Senior Geologist	ARCADIS			630 Plaza Drive Suite 100	Highlands Ranch	со	80129		720-344-3535	720-344-3797	303-726-6237	Janis.Lutrick@arcadis	5
												ļ	us.com	
Ian MacMillan	Program supervisor	Area Resources CEQA Intergovernmental Review South Coast			21865 Copley Drive	Diamond Bar	CA	91765-4178						
Danielle Taber	Project Manager	Quality Management District Arizona Department of Environmental Quality	Voluntary Remediation Program		1110 W. Washington Street	Phoenix	AZ	85007		602-771-4138	602-771-4414	+	dt3@azdeq.gov	
Dave Becker	Project Manager	Arizona Department of Environmental Quality	Voluntary Nemediation Frogram		1110 W. Washington Street	Phoenix	AZ			002 771 4130	602-771-4176	1	djb@azdeq.gov	
Julie Hoskin, ADEQ	Unit Manager, Waste Programs Division	Arizona Department of Environmental Quality			1110 W. Washington Street Mail	Phoenix	AZ	85007		602-771-4272	602-771-4866		jh13@azdeq.gov	
					Code 4415B-1									
Julie Riemenschneider	Manager, Remedial Projects Section	Arizona Department of Environmental Quality			1110 W. Washington Street	Phoenix		85007		602-771-4236	602-771-4411	ļ	jjr@azdeq.gov	
Mark Shaffer	Communications Director	Arizona Department of Environmental Quality		1	1110 W. Washington Street	Phoenix	AZ AZ	85007 85007		602-771-2215	020 772 2724	 	ms15@azdeq.gov	
Sybil Smith Tina LePage	Waste Programs Division Remedial Projects Section Manager	Arizona Department of Environmental Quality Arizona Department of Environmental Quality			1110 W. Washington Street 1110 W. Washington Street	Phoenix Phoenix		85007			928-773-2721 602-771-4293	1	Sis@azdeq.gov tl1@azdeq.gov	
Wendy Flood	Community Outreach Coordinator	Arizona Department of Environmental Quality			1110 W. Washington Street	Phoenix	AZ			602-771-4410	002-771-4255		wv1@azdeq.gov	
Bob Posey	, , , , , , , , , , , , , , , , , , , ,	Arizona Fish & Game Department	Kingman Office		5325 Stockton Hill Road	Kingman	AZ				928-692-7700 x110		C	
Mr. Peter Kuhns		Associations of Community Organizations For Reform Now (ACORN)		3655 S. Grand Avenue Suite 250	Los Angeles	CA	90012						
												1		
Joe Covello	Plant Manager	AZLNG			5499 West Needle Mountain Road	Topock	AZ	86436			928-768-8511 x1			
Andy Yamamoto	Attorney	Barrio Planners	+		5271 E. Beverly Boulevard	Los Angeles	C^	90022		 		1	+	
Frank Villalobos	Attorney	Barrio Planners Barrio Planners		1	5271 E. Beverly Boulevard	Los Angeles Los Angeles	CA	90022		 		1	+	
Mary Lou Trevis	President	Barrio Planners	<u> </u>		5271 E. Beverly Boulevard	Los Angeles	CA					1	1	
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Michael J. Sullivan, CIH, Ph.D.	California State University Northridge	Professor, Env. & Occ. Health Dept., College of Health and Human Dev., Toxicologist for FMIT	18111 Nordhoff Street, Northridge, CA 91330-8412	805-728-5317	818-677-7411	michael.sullivan@csun.e du
Courtney Ann Coyle	Held-Palmer House	Attorney at Law (on behalf of FMIT)	1609 Soledad Avenue, La Jolla, CA 92037-3817	858-454-8687	858-454-8493	CourtCoyle@aol.com
Leo S. Leonhart	Fort Mojave Indian Tribe Consultant	Principal Hydrogeologist	Hargis + Associates Inc., 1820 E. River Road, Suite 220, Tucson, AZ 85718-5991	520-881-7300 X201 Cell: 520- 404-6172	520-529-2141	Lleonhart@hargis.com
Steven P. McDonald	The McDonald Law Firm, LC	On Behalf of FMIT	7855 Fay Avenue, Suite 250, La Jolla, CA 92037-4265	858-551-1185 Cell: 619-980- 4406	858-551-1186	smcdonald@spmcdonal dlaw.com
Mike Jackson, Sr.	Fort Yuma-Quechan Tribe	President	P.O. Box 1899, Yuma, AZ 85366-1899	760-572-0213	Attn: Melanie 760-572-2102 760-572-0515	
Chase Choate	Fort Yuma-Quechan Tribe	Environmental Director, Environmental Protection Office	P.O. Box 1899, Yuma, AZ 85366-1899	760-572-2969	760-572-2102	c.choate@quechantribe.
John P. Bathke	Quechan Indian Nation	Historic Preservation Officer	P.O. Box 1899, Yuma, AZ 85366-1899	760-572-2423	928-920-6068	j.bathke@quechantribe. com
Lorey Cachora	Fort Yuma-Quechan Tribe			760-572-0592		
Pauline Jose	Fort Yuma-Quechan Tribe	Acting Chair/ Museum Director	P.O. Box 1899, Yuma, AZ 85366-1899	760-572-0661		
William Hirt	Fort Yuma-Quechan Tribe	Water & Sewer Project Coordinator	P.O. Box 1899, Yuma, AZ 85366-1899	760-572-2577	760-572-2102	billhirt@hotmail.com
William Scott	Fort Yuma-Quechan Tribe		P.O. Box 1899, Yuma, AZ 85366-1899			
Bernadine Jones	Havasupai Indian Tribe	Chairwoman	P.O. Box 10, Supai, AZ 86435	928-448-2731 928-448-2961; 928-448-2711 Post Office	928-448-2551 928-448-2881	_

Name	Organization	Title	Address	Phone	Fax	Email
Matthew Putesoy	Havasupai Indian Tribe	Vice-Chairperson	P.O. Box 10, Supai, AZ 86435	928-448-2731	928-448-2551	
Bennett Jackson	Hualapai Department of Cultural Resources	Cultural Resource Technician	P.O. Box 310, Peach Springs, AZ 86434	928-769-2223 Cell: 928-897- 4690	928-769-2235	jacksonb919@yahoo.co m
Sherry J. Counts	Hualapai Indian Tribe	Chairwoman	P.O. Box 179, Peach Springs, AZ 86434	928-769-2216	928-769-2343	scounts@hualapai- nsn.gov
Loretta Jackson-Kelly	Hualapai Indian Tribe	Director/THPO	P.O. Box 310, Peach Springs, AZ 86434	928-769-2223	928-769-2235	lorjac@frontiernet.net
Carrie Cannon	Hualapai Department of Cultural Resources	Ethnobotanist, M.S.	P.O. Box 310, Peach Springs, AZ 86434	928-769-2223 Cell: 928-769- 2235	928-769-2235	calisay17@hotmail.com
Dawn Hubbs	Hualapai Department of Cultural Resources	Program Manager, RPA	P.O. Box 310, Peach Springs, AZ 86434	928-769-2223 Cell: 928-897- 4690	928-769-2235	dawn.hubbs101@gmail. com
Philbert Watahomigie, Sr.	Hualapai Indian Tribe	Vice Chairperson	P.O. Box 179, Peach Springs, AZ 86434	928-769-2216		pwatahomigie@hualapa i-nsn.gov
Rudy Clark	Hualapai Indian Tribe	Council Member	P.O. Box 179, Peach Springs, Arizona 86434	928-769-2216 Cell: 928-890- 9602		rclark@hualapai-nsn.gov
Mary Maxine Resvaloso	Torres-Martinez Desert Cahuilla Indian Tribe	Chairwoman	P.O. Box 1160, Thermal, CA 92274	760-397-0300	760-397-8146	
Debi Livesay	Torres-Martinez Desert Cahuilla Indian Tribe	Water Resource Manager	P.O. Box 1160, Thermal, CA 92274	760-579-6574		
Matt Krystall	Torres-Martinez Desert Cahuilla Indian Tribe	Tribal Resource Manager	P.O. Box 1160, Thermal, California 92274			
Raymond Torres	Torres-Martinez Desert Cahuilla Indian Tribe	Vice Chairperson	P.O. Box 1160, Thermal, CA 92274	760-397-0300	760-397-8146	
Rodney Bonner	Torres-Martinez Desert Cahuilla Indian Tribe	Tribal Administrator	P.O. Box 1160, Thermal, California 92274			

Name	Organization	Title	Address	Phone	Fax	Email
Roland Ferrer	Torres-Martinez Desert Cahuilla Indian Tribe	Planning Director	P.O. Box 1160, Thermal, California 92274			RFerrer@tmdci-nsn.gov
Darrell Mike	Twenty-Nine Palms Indian Tribe	Chairman	46200 Harrison Place, Coachella, CA 92236	760-863-2487	760-863-2449	
Marshall Cheung	Twenty-Nine Palms Indian Tribe	Environmental Coordinator	47-250 Dillon Road, Coachella, CA 92236	760-398-6767	760-398-0046	tribal-epa@att.net
William Anderson	Twenty-Nine Palms Indian Tribe	Environmental Scientist	47-250 Dillon Road, Coachella, CA 92236	760-398-6767	760-398-0046	tribalepa15@att.net
Ernest Jones, Sr.	Yavapai-Prescott Tribe	President	530 E. Merritt Street, Prescott, AZ 86301-2038	928-445-8790	928-778-9445	
Greg Glassco	Yavapai-Prescott Tribe		530 E. Merritt Street, Prescott, AZ 86301-2038			
Dwight Dutschke	Office of Historic Prevention	Native American Heritage Coordinator	P.O. Box 942896, Sacramento, CA 94296-0001	916-653-9134	916-653-9134	ddutschke@parks.ca.go v
Vincent Slayton-Garcia, REHS	CDR, USPHS, IHS, Phoenix Area IHS/ Western AZ District, Office of Environmental Health & Engineering	District Environmental Health Officer	1553 W. Todd Drive, #107, Tempe, AZ 85283	480-592-0091	480-592-0096	vincent.garcia@ihs.gov

Agenda Recipients Only

Name	Organization	Title	Address	Phone	Fax	Email
Robert Perdue	California Regional Water Quality Control Board - Colorado River Basin Region	Executive Officer	73-720 Fred Waring Drive, Suite 100, Palm Desert, CA 92260			rperdue@waterboards.c a.gov
James Peterson	Senator Feinstein's Office					james peterson@feinst ein.senate.gov

Environmental Science Association

Name	Organization	Title	Address	Phone	Fax	Email
Bobbette Biddulph	Environmental Science Associates	Project Director	9191 Towne Centre Drive, #340, San Diego, CA 92122	858-638-0900 X3761	858-638-0910	bbiddulph@esassoc.co m
Addie Farrell	Environmental Science Associates	Project Manager	626 Wilshire Blvd., Suite 1100, Los Angeles, California 90017	213-599-4300 X3516		AFarrell@esassoc.com
Laura Rocha	Environmental Science Associates	Assistant PM	626 Wilshire Blvd., Suite 1100, Los Angeles, California 90017	213-599-4300 X3535		LRocha@esassoc.com
Monica Strauss	Environmental Science Associates	Cultural/Tribal Lead	626 Wilshire Blvd., #1100, Los Angeles, CA 90017	213-599-4300 X3537		MStrauss@esassoc.com
Joan Isaacson	Katz & Associates, Inc.	Public Outreach	4250 Executive Sq., Suite 670, San Diego, CA 92037	858-452-0031		jisaacson@katzandassoc iates.com
Andee K. Leisy	Remy Moose Manley	Legal Counsel	455 Capitol Mall, Suite 210, Sacramento, California 95814	916-443-2745		aleisy@rmmenvirolaw.c om

Appendix C

NOP Public Notice



NOTICE OF PUBLIC COMMENT PERIOD NOTICE OF PREPARATION FOR A DRAFT ENVIRONMENTAL IMPACT REPORT PACIFIC GAS AND ELECTRIC COMPANY, TOPOCK COMPRESSOR STATION, NEEDLES, CALIFORNIA



PUBLIC COMMENT PERIOD: November 28, 2012 – January 14, 2013

Pursuant to §15082 of the California Environmental Quality Act (CEQA) guidelines, this is to notify all interested parties that the California Department of Toxic Substances Control (DTSC) has submitted a Notice of Preparation (NOP) to the State Clearinghouse of the intent to prepare an Environmental Impact Report (EIR) for the soil investigation project at the Pacific Gas and Electric Company (PG&E), Topock Compressor Station (Station). The purpose of the NOP is to solicit input from agencies and the public on the scope and content of the environmental information to be included in the EIR.

DTSC is the lead State regulatory agency for the investigation and cleanup of the PG&E Station. The project area includes the Station and the immediate surrounding vicinity. The proposed project involves consideration of the *Soil Resource Conservation Recovery Act (RCRA) Facility Investigation/Remedial Investigation (RFI/RI) Work Plan* (Soil Work Plan) (September 2012) for adoption by DTSC. Adoption and implementation of the Soil Work Plan would enable further investigation and characterization of the nature and extent of chemicals of potential concern (COPC) that have been identified at the site during previous soil investigations.

Comments on the NOP must be postmarked, faxed or emailed to DTSC no later than 5:00 pm on January 14, 2013. Please send your comments to: Aaron Yue, Project Manager, Department of Toxic Substances Control, 5796 Corporate Avenue, Cypress, CA 90630, fax: (714) 484-5411, or email: aaron.yue@dtsc.ca.gov. You can also provide your oral comments or in writing at any one of the public scoping meetings listed below.

SCOPING MEETINGS: DTSC will conduct three scoping meetings to provide the opportunity for the public to learn about the project and to share any concerns or comments they may have. The public may also submit comments during the 45-day NOP review period at the DTSC address shown above. The meetings will be held at the following locations and times.

Golden Shores Community Center 13136 Golden Shores Parkway Golden Shores, AZ 86436 Tues., Dec. 11, 2012, 6:00 - 8:00 p.m.

Needles High School Auditorium 1600 Washington Street Needles, CA 92363 Wed., Dec. 12, 2012, 6:00 - 8:00 p.m.

Gila Ridge High School Auditorium 7150 E. 24th Street Yuma, AZ 85365 Thurs., Dec. 13, 2012, 6:00 - 8:00 p.m.

AVAILABILITY OF ENVIRONMENTAL DOCUMENTS: A copy of the NOP is available for review at the following locations:

Needles Branch Library 1111 Bailey Avenue Needles, CA 92363

Lake Havasu City Library 1770 McCulloch Blvd. Lake Havasu City, AZ 86403 Chemehuevi Indian Reservation Environmental Protection Office 2000 Chemehuevi Trail Havasu Lake, CA 92363

Golden Shores/Topock Library 13136 Golden Shores Parkway Topock, AZ 86436

Colorado River Indian Tribes Library 2nd Avenue and Mojave Road Parker, AZ 85344

Parker Public Library 1001 Navajo Avenue Parker, AZ 85344

California Department of Toxic Substances Control 5796 Corporate Avenue Cypress, CA 90630 Mon– Fri: 9am – Noon, 1pm – 4pm Please call for an appointment at (714) 484-5337

Also available on the internet at: http://www.dtsc-topock.com/

CONTACT: If you have any questions or wish to discuss the project, please contact Aaron Yue, DTSC Project Manager, at (714) 484-5439 or email: aaron.yue@dtsc.ca.gov or Jacqueline Martinez, DTSC Public Participation Specialist, at (714) 484-5338, toll free at (866) 495-5651 or email: jacqueline.martinez@dtsc.ca.gov. For media inquiries, please contact DTSC Chief of Media and Press Relations, Charlotte Fadipe, at (916) 323-3395 or email: charlotte.fadipe@dtsc.ca.gov.

ACCOMMODATIONS FOR DISABLED AND INFORMATION FOR THE HEARING IMPAIRED: The meeting rooms are accessible to people with disabilities. If translation services are needed or if additional accommodations for the disabled are needed, please notify Jacqueline Martinez at (714) 484-5338 or email to jacqueline.martinez@dtsc.ca.gov no later than one week before the meeting. TDD users can obtain additional information by using the California State Relay Service at 1-888-877-5378. Please ask to connect to Jacqueline Martinez at (714) 484-5338 regarding the Topock Site.

Appendix D

Public Scoping Meeting Flier



State of California **Department of Toxic Substances Control**



Public Scoping Meetings

The California Department of Toxic Substances Control invites the public to provide comments on the Notice of Preparation (NOP) for a Draft Environmental Impact Report for the

PG&E Topock Compressor Station Soil Investigation Project.

Attend upcoming meetings to learn more about the project and provide comments to help scope the environmental issues to be addressed in the Draft Environmental Impact Report.

For more information, go to www.dtsc-topock.com.

MEETING LOCATIONS

Golden Shores Community Center, 13136 Golden Shores Parkway

Golden Shores, AZ 86436

Tuesday, Dec. 11, 2012, 6:00 - 8:00 p.m.

Needles Needles High School Auditorium, 1600 Washington St.

Needles, CA 92363

Wednesday, Dec. 12, 2012, 6:00 - 8:00 p.m.

Yuma Gila Ridge High School Auditorium, 7150 E. 24th St.

Yuma, AZ 85365

Thursday, Dec. 13, 2012, 6:00 - 8:00 p.m.

PROJECT CONTACTS

Department of Toxic Substances Control 5796 Corporate Ave., Cypress, CA 90630

Aaron Yue
Project Manager

Aaron.Yue@dtsc.ca.gov

(714) 484-5439

Jacqueline Martinez

Public Participation Specialist

■ Jacqueline.Martinez@dtsc.ca.gov

(714) 484-5338

ACCOMMODATIONS FOR DISABLED AND INFORMATION FOR THE HEARING IMPAIRED: The meeting rooms are accessible to people with disabilities. If translation services are needed or if additional accommodations for the disabled are needed, please notify Jacqueline Martinez at (714) 484-5338 or email to Jacqueline.martinez@dtsc.ca.gov no later than one week before the meeting. TDD users can obtain additional information by using the California State Relay Service at 1-888-877-5378. Please ask to connect to Jacqueline Martinez at (714) 484-5338 regarding the Topock Site.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Appendix E

Public Scoping Meeting PowerPoint Presentation



Pacific Gas & Electric (PG&E)
Topock Compressor Station
Soil Investigation Project

Notice of Preparation

SCOPING MEETING

For the Draft Environmental Impact Report (EIR)

December 2012

California Environmental Protection Agency Department of Toxic Substances Control

The California Department of Toxic Substances Control (DTSC) is the state agency responsible for environmental protection, investigation, and cleanup



Purpose of the Scoping Meeting

DTSC requests your input on the "scope" of the EIR for the PG&E Soil Investigation:

- What environmental effects should be addressed in the EIR?
- Do you have ideas for project alternatives or mitigation measures?
- Do you have project-related questions?
- Your input will be used to develop the EIR
- The EIR analysis will respond to these comments



Notice of Preparation (NOP) Scoping Meeting

If you wish to provide verbal comment today:

- Please fill out speaker card and give to meeting staff
- DTSC staff can read your comment if you don't want to speak
- Meeting will be documented by a court reporter and recorded for accuracy
- Please be concise and limit comments to 3 minutes in order to give all an opportunity to speak

Written comments must be submitted by January 14, 2013



Agenda

- Introduction
- Presentations
 - Environmental Cleanup Process and Project Background
 - > CEQA EIR Process
- Verbal Comments
- --- Conclusion of Formal Scoping Meeting ---



Project Team

- Karen Baker DTSC Branch Chief
- Aaron Yue DTSC Lead Project Manager
- Jose Marcos DTSC Soil Project Manager
- Christopher Guerre DTSC Project Geologist
- Yolanda Garza and Jacqueline Martinez DTSC Tribal and Community Outreach
- Bobbette Biddulph Consultant
- Joan Isaacson Consultant



Department of Toxic Substances Control PG&E Topock Project





Major Steps

- 1. Is there a problem, if so, how bad is it?
- 2. How should we clean it up?
- 3. Clean it up!

Facility
Assessment
and
Investigation

Risk Assessments, Modeling and Pilot Studies Corrective Measures Study / Feasibility Study Remedial Design,
Remedial Action /
Corrective
Measures
Implementation

Corrective Action Completion



- 1. Is there a problem, if so, how bad is it?
 - Research/Environmental sampling (e.g., soil, groundwater)
 - Is there a release of hazardous substance
 - Determine the nature and extent of release
 - Evaluate data to determine risk

Facility
Assessment
and
Investigation

Risk Assessments, Modeling and Pilot Studies Corrective Measures Study / Feasibility Study

Remedial Design,
Remedial Action /
Corrective
Measures
Implementation

Corrective Action Completion



- 2. How should we clean it up?
 - Evaluate cleanup options
- 3. Clean it up!
 - Implement cleanup

Facility
Assessment
and
Investigation

Risk Assessments, Modeling and Pilot Studies Corrective
Measures
Study /
Feasibility
Study

Remedial Design,
Remedial Action /
Corrective
Measures
Implementation

Corrective Action Completion



For this Scoping Meeting – Preparation of EIR for the Soil Investigation Workplan – We are in Step 1

Facility
Assessment
and
Investigation

Risk Assessments, Modeling and Pilot Studies Corrective Measures Study / Feasibility Study Remedial Design,
Remedial Action /
Corrective
Measures
Implementation

Corrective Action Completion



PG&E Soil Investigation



Department of Toxic Substances Control PG&E Topock Project

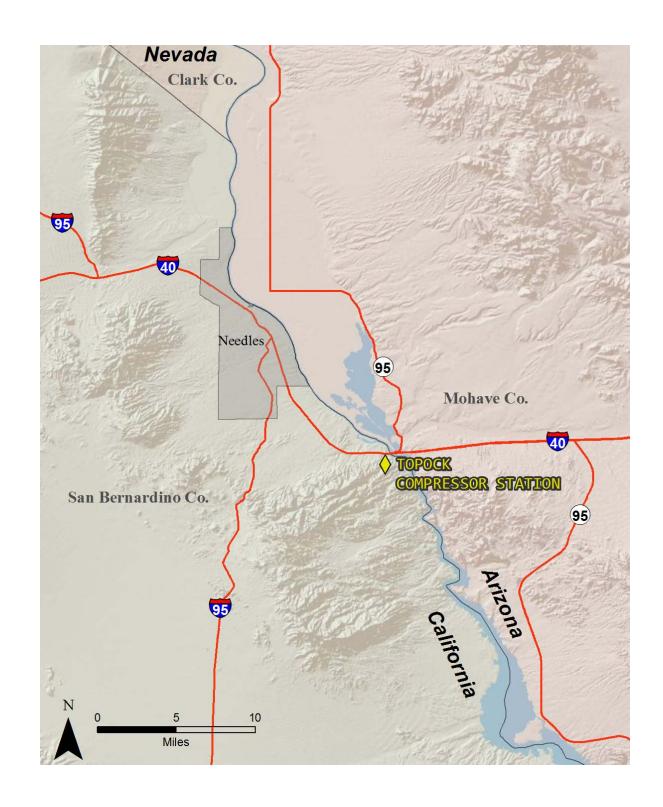


Department of Toxic Substances Control

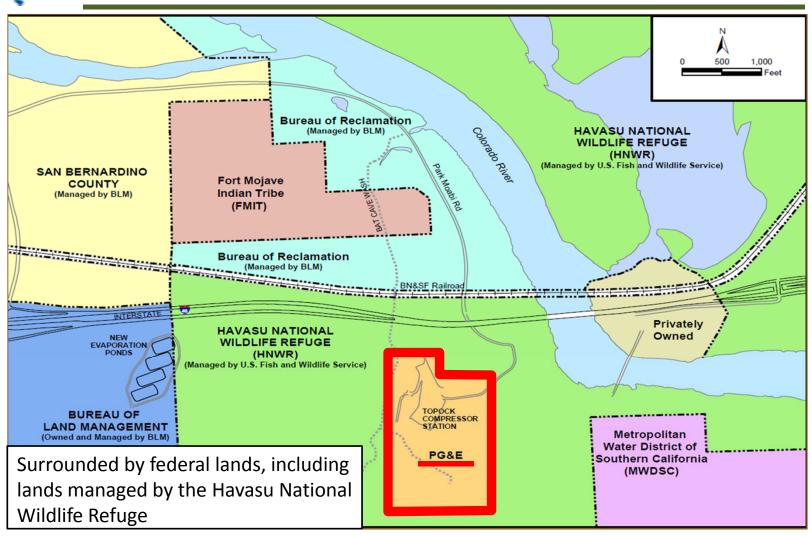
Project Background

- 15 miles Southeast of Needles, California
- Area has cultural and spiritual significance to Native American people

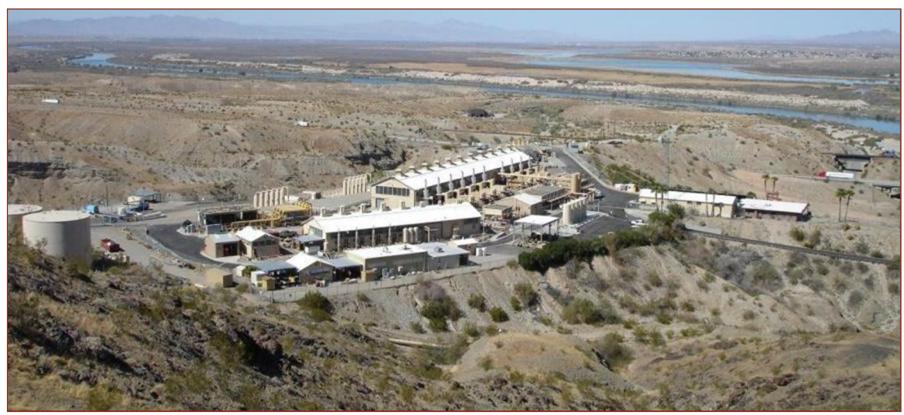












- 65-acre PG&E property
- PG&E has operated the compressor station since 1951
- PG&E compresses natural gas for delivery to Central and Northern California





- Chromium additive historically used to prevent corrosion
- Resulted in hexavalent chromium contamination in groundwater
- Chemicals of concern based on historic operations include: metals, petroleum hydrocarbons, PCBs, dioxins, asbestos, SVOCs, VOCs



Project is divided into two portions:

- 1. Groundwater Remedy
- 2. Soil Investigation

This EIR is for the Soil Investigation

"PG&E Topock Compressor Station Soil RCRA Facility Investigation/Remedial Investigation Work Plan" (September 2012)





Department of Toxic Substances Control Cleanup Process

Facility
Assessment
and
Investigation

Risk Assessments, Modeling and Pilot Studies Corrective Measures Study / Feasibility Study Remedial Design, Remedial Action / Corrective Measures Implementation

Corrective Action Completion



Soil



Groundwater

 Due to proximity to the Colorado River, priority was given to the Groundwater portion of the project.



Department of Toxic Substances Control Soil Investigation Workplan

Objectives:

- Determine the nature and extent of soil contamination resulting from historic compressor station practices
- Determine if contamination may pose unacceptable risks to current or future human or ecological receptors



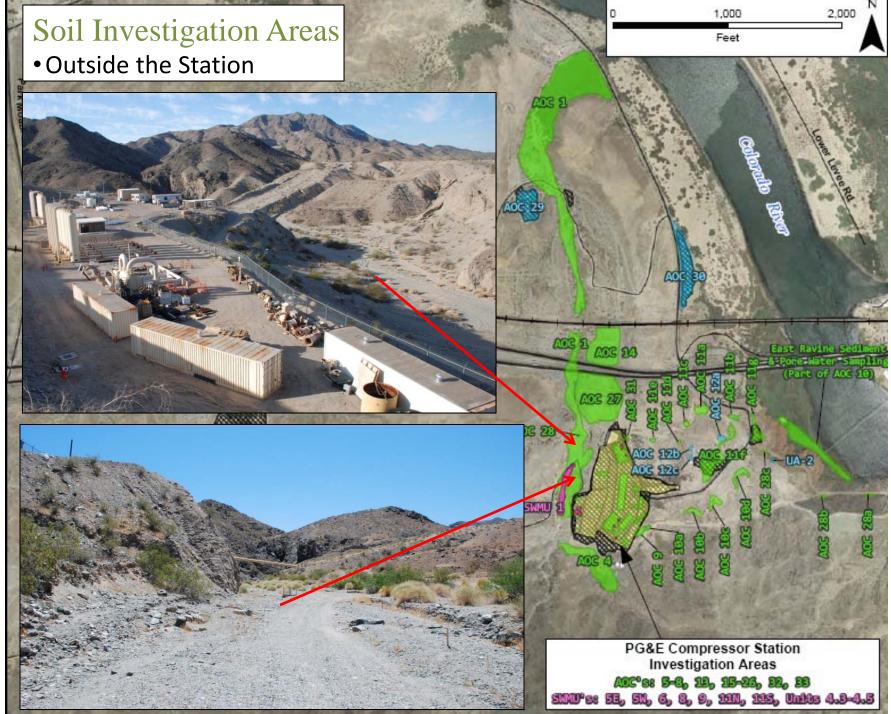
- Determine whether residual soil concentrations may threaten groundwater
- Support evaluation of cleanup alternatives and/or interim measures, if needed



Department of Toxic Substances Control Soil Investigation Workplan







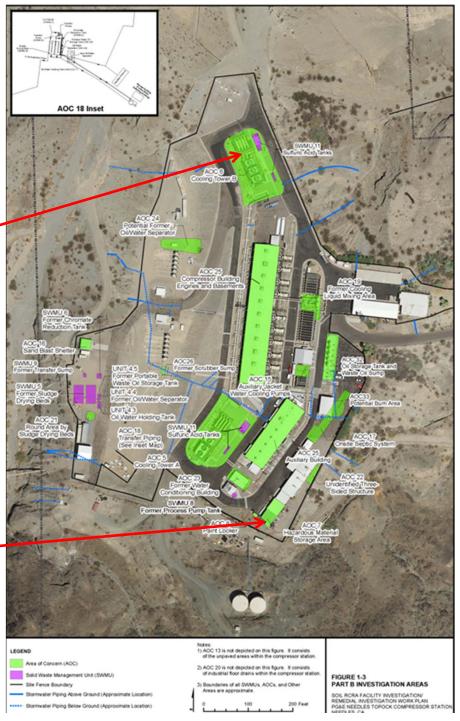


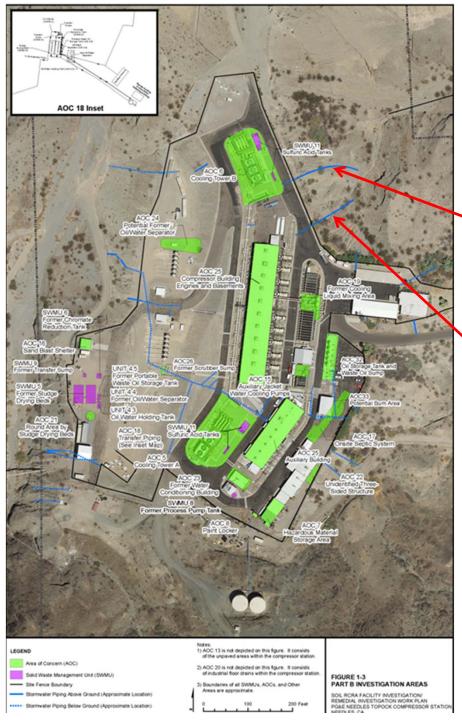
Soil Investigation Areas

•Inside the Station









Soil Investigation Areas

- Perimeter Area
- Storm Drains







Department of Toxic Substances Control Soil Investigation Steps

Draft Soil Workplan

Submitted May 2011

Revised Soil Workplan

Submitted September 2012

EIR

November 2012 to August 2013

Approve Soil Workplan and EIR August 2013

Field Implementation Late 2013 to Early 2014

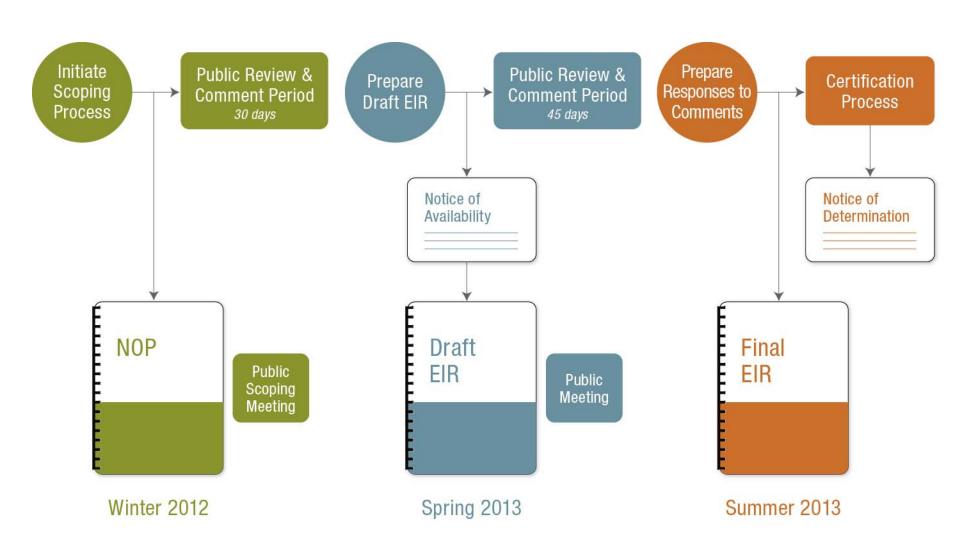
> Soil Investigation Report and Risk Assessment Submit 2014

Overview of CEQA EIR Process

Under the California Environmental Quality Act (CEQA), DTSC must prepare an Environmental Impact Report (EIR) for any project that it proposes to carry out that may have a significant impact on the environment (Public Resources Code Section 21100[a])

- Informs the public and decision makers about potential environmental impacts
- -Identifies ways to avoid or reduce potential impacts

CEQA Process for an EIR



Project Under Review

- The EIR will analyze the potential environmental effects associated with implementation of the Soil Investigation Work Plan
 - Physical collection of soils (e.g., soil borings)
 - Staging and storage of equipment and materials
 - Handling of tested soils
 - Employees needed
 - Other resources needed (waste removal, traffic, etc.)
- Future environmental analysis will be conducted for the soils clean up remedy once the extent and type of contamination is known

Contents of the EIR

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology, Soils & Seismicity
- Greenhouse Gas Emissions
- Hazards & Hazardous
 Materials

- Hydrology, Groundwater & Water Quality
- Land Use
- Noise
- Population & Housing
- Public Services
- Traffic & Transportation
- Utilities

Other CEQA Requirements

- Alternatives considered
- Significant and unavoidable impacts
- Significant irreversible changes
- Cumulative impacts

EIR Analysis

- Information will be obtained from many sources
 - Certified Groundwater Remediation EIR (2011)
 - Soil Investigation Work Plan and appendices
 - Ongoing monitoring efforts
 - Site-specific resource studies (e.g., biology, cultural resources)
 - Agency input
 - Tribal outreach and communication
 - Public input

Meeting Purpose

- Purpose is to gather input on the "scope of the EIR"
- DTSC is interested in your input on:
 - What environmental effects should be addressed in the EIR?
 - Do you have ideas for project alternatives or mitigation measures?
 - Do you have project-related questions?
- The EIR analysis will respond to these comments

Opportunities for Input

City	Address	Date	Time
Golden Shores, AZ	Golden Shores Community Center 13136 Golden Shores Parkway Golden Shores, AZ 86436	Tuesday, December 11, 2012	6:00 - 8:00 p.m. (MST)
Needles, CA	Needles High School Auditorium 1600 Washington Street Needles, CA 92363	Wednesday, December 12, 2012	6:00 - 8:00 p.m. (PST)
Yuma, AZ	Gila Ridge High School Auditorium 7150 E. 24th Street Yuma, AZ 85365	Thursday, December 13, 2012	6:00 - 8:00 p.m. (MST)

Information Repositories

Needles Branch Library 1111 Bailey Avenue Needles, CA 92363 Chemehuevi Indian
Reservation Environmental
Protection Office
2000 Chemehuevi Trail
Havasu Lake, CA 92363

Golden Shores/Topock Library 13136 Golden Shores Parkway Topock, AZ 86436

Lake Havasu City Library 1770 McCulloch Blvd. Lake Havasu City, AZ 86403 Colorado River Indian Tribes Library 2nd Avenue and Mojave Road Parker, AZ 85344

Parker Public Library 1001 Navajo Avenue Parker, AZ 85344

California Department of Toxic Substances Control 5796 Corporate Avenue Cypress, CA 90630 M-F: 9am-Noon, 1pm – 4pm Please call for an appointment (714) 484-5337

DTSC WEBSITE

www.dtsc-topock.com

Public Comments

- Ways to submit comments:
 - Verbally, at tonight's scoping meeting
 - In writing, via comment card form turn in tonight or mail in
 - In writing, via a letter or email
- All comments must be received *no later than* 5:00 p.m. on January 14, 2013

Public Comments

If you wish to provide verbal comment today:

- Please fill out speaker card and give to meeting staff
- DTSC staff can read your comment if you don't want to speak
- Meeting will be documented by a court reporter and recorded for accuracy
- Please be concise and limit comments to 3 minutes in order to give all an opportunity to speak

Appendix F

Public Scoping Meeting Sign-In Sheets

All contact information for individuals unaffiliated with any public agency or organization has been redacted for privacy protection.







Name	Affiliation	Mailing Address	Email Address	Mailing	List
010				Add	Remove
Ja Budge	nepolent				
Aldine clase					
Centra Medruck				V	
Rose adams					
Kara ali	HSG For DO1		Kara. ali C herndon-group.com		
DON MWHIRTER	GOLDEN SHORES CIVIC ASSOC.	P.O.BOX 1216 TOPOCK 86436			







Name	Affiliation	Mailing Address	Email Address	Mailing List	
				Add	Remove
Low D Shor	encorn_				
Let Smith	DOI - USBR-CCR	Rodder City NV 89006	Teffery Smith @ USBR. GOV	1	
ABAN WINT					
Caterino, N				~	
Nova McDowell- Hn tone	Fort Mojave Indian Tribe	Needles, CH 92363	novame dowell & fort		
Tom Daughert	Golder Showes				







Name	Affiliation	Mailing Address	Email Address	Mailing List	
				Add	Remove
P					
Charles Fretein	7/				
		See	Haron lue		
Danielle Taber	1				
2 1 i 12 lens on	Mohave County	PO BUX 7000 Kngman, AZ 810402	vachel. patterson@		
Remel totte esert	Health Dopt-EHD	Kingman, AZ 810402	mohave county. US		
MIKE Exsted					
Gutha A Paul					
	Mohore				
Neil Young	Mohore Daily Mews				



State of California Department of Toxic Substances Control



Name	Affiliation	Mailing Address	Email Address	Mailing List	
				Add	Remove
SYBIL SMITH	ADEQ	2625 W. King St. Flagstaff AZ 86004	SIS Razdey, god	/	
Dana Anat	BOR	Flagstaff AZ 86004 POBOX 6140 (IC-2625) BOULDOLCITY NV 89006	danat@usbr.gov		
Sheri Cooper					1
June Tucker	>				
LAWANDA & Chester C. Montgomery					
	Needle, Musuam	Nedles (A 92363			







Name	Affiliation	Mailing Address	Email Address	Mailing List
				Add Remove
harry Wehr Judy				
Clay Deek				
Hene May a				
arnold Owens				
Arnold Owens Russ & GiNA Mc Donald Kay Black				
Kay Black				







Name	Affiliation	Mailing Address	Email Address	Mailing	List
				Add	Remove
Steve + Retecca Vaughan				~	
RONTALEZ	PGEE	22509 Con my 3c Hang Co. 92147			
Rita Houck					
SOFTERE				V	
Cup fussen	PGOR	PO BOX 337 Needles (A 92363	gart@pge.com		
Michael Syllium	CAL Some Nooveridan For FM17	BIG CAPITAN St. Newbury Ports (A 91323	michael, sullivano		







Name	Affiliation	Mailing Address	Email Address	Mailing List	
				Add	Remove
Leo Leonhart	FMIT	Hargist Assoc, Inc 1820 E. River #220	Meanhart Dhargis com		
		Tucson, AZ 85718			
ERIC Rosen blum	TRC	POBOX FOS NECERLAND, CO	ericrosenblum shetmadican		
		80166			
Betty Sehr- Seuman					
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Ed Paget	MAYOR Necdlas				
ERIC Rosenblum	TRC	POBOX 905 Nederland, (0	ericrosensim ophotmalia		
Lara Auget					
D Horn	A				
Victoria Chau	CA Dept Fish and Game	7.0. Box 2160 Blythe, CA 92226	rchav@dfg.ca.gov		
CUPT FIRSSER	P68E	PO BOX 337 Needles, CA 92863	gert@pge.con		







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RickNewill	DOI Consultant		rynewill@cox.net		
Glenn (Ansc	16rE		9903epg.com		
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Jennifer Denevan	Meedles Desert Star- newspaper	800 W Broadway Weedles, CA 92343	nwreporter ecitlink.net		
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State of California Department of Toxic Substances Control



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State of California **Department of Toxic Substances Control**



PG&E Topock Compressor Station Soil Investigation Project Environmental Impact Report Scoping Meeting

Gila Ridge High School Auditorium – December 13, 2012

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State of California Department of Toxic Substances Control



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Appendix G

Public Scoping Meeting Handouts



Department of Toxic Substances
Control

The mission of
DTSC is to protect
California's people
and environment
from harmful
effects of toxic
substances through
the restoration
of contaminated
resources,
enforcement,
regulation
and pollution
prevention.





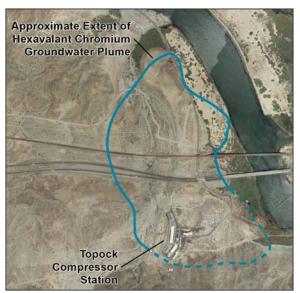
California Environmental Protection Agency

FACT SHEET – January 2012

PG&E Topock Environmental Investigation Update

Introduction

The California **Department of Toxic Substances Control (DTSC)** is the lead state agency overseeing the soil and **groundwater** investigation and cleanup (also known as **remediation**) at the Pacific Gas and Electric Company (PG&E) Topock Compressor Station (Station) and adjacent land, collectively known as the Topock Site (Site) in San Bernardino County, California.





Map of Topock project site and approximate affected groundwater plume boundary

Topock site location map showing the compressor station and surrounding communities

Site Background and History

The Station is located in eastern San Bernardino County, California. It is located approximately 12 miles southeast of Needles, California, south of Interstate 40.

In 1951, the Station began compressing natural gas for transportation through pipelines to PG&E's service area in central and northern California. As natural gas is compressed, its temperature increases and the compressed gas must be cooled. From 1951 to 1985, PG&E added chromium to the water used in the cooling towers and other equipment to prevent corrosion of the cooling tower equipment. During parts of those years, cooling tower wastewater containing **hexavalent chromium** was discharged into a natural wash adjacent to the Station. Over time, the hexavalent chromium seeped into the groundwater and created a plume that extends from below the Station towards the Colorado River. Based on results from periodic testing of the river water, the hexavalent chromium plume is not impacting the quality of the river water.

In 1996, PG&E signed an agreement with DTSC to conduct investigations to identify and clean up past environmental contamination. In 2005, PG&E signed a similar agreement with the United States **Department of the Interior (DOI)** as the federal



lead agency to protect lands owned by the federal government. Environmental investigations since this time have shown groundwater at the site contains elevated levels of chemicals, including total chromium, hexavalent chromium, molybdenum, selenium, and nitrates.

Groundwater Remedy Adopted

DTSC selected a final groundwater remedy approach for the site and certified the Topock **Environmental Impact Report (EIR)** on January 31, 2011. The selected remedy involves in-situ treatment with freshwater flushing. The concept of the remedy is to install injection and extraction wells along a road approximately 600 feet west of the Colorado River. This water stimulates the growth of harmless, but helpful, naturally occurring bacteria which then create geochemical conditions that remove hexavalent chromium from groundwater by converting it to non-soluble trivalent chromium. Extraction wells near the river act as a barrier to prevent contamination from reaching the river. Additional injection wells located around the plume inject fresh water and groundwater, removed from locations near the river, to push the plume toward the treatment zone. DTSC identified mitigation measures in the EIR to minimize the potential environmental impacts associated with the remedy during its construction, operation and maintenance. PG&E will implement these measures as required by the EIR as part of the remedy.

Groundwater Remedy Implementation Timeline

1	January 2013	April 2013	1	September 2014	
	Approval of Final Design	Start of Construction		Initial Startup of Treatment System	

Groundwater Remedy Design

Efforts are currently underway on the design of the approved groundwater remedy. PG&E anticipates the design to be completed by November 2012. After DTSC and DOI approve the design, construction and start—up of the remedy will occur. Operation and maintenance of the groundwater

remedy will continue until the cleanup goals are achieved. PG&E estimates cleanup will be complete in approximately 30 years.

Focused Groundwater Evaluation

Groundwater investigation at the Site revealed contamination under the Station and in an adjacent area called East Ravine. Additional data is being collected in these areas to assist in the design of the remedy. Throughout 2011, PG&E installed 11 new wells in these areas and collected monthly groundwater samples during the ongoing groundwater investigation. This additional information will be used to refine the **groundwater conceptual model**, or the understanding of groundwater conditions, in the vicinity of the East Ravine/ Station and will be incorporated in the Site-wide **Groundwater Monitoring Program**.



Well drilling in the East Ravine Area

Soil Investigation is Being Planned

PG&E is working with DTSC and DOI in planning and preparing a soil investigations **work plan**. The soil work plan will guide the field work in gathering data to assess any potential adverse impacts to the land that may have resulted from PG&E's historical operations. The work plan will investigate:

- Nine areas outside the Station which may have had historical activities
- · Twenty five areas inside the Station
- Perimeter adjacent to the Station
- Onsite storm drains and their offsite outfalls

It is anticipated that the soil work plan will be approved by Summer 2012. After the completion



Site location map showing the PG&E Topock Compressor Station and East Ravine Area

of field work, PG&E will use the collected data to evaluate and recommend a cleanup action, if necessary. All the soil investigation data will be presented in the soil work plan in Summer 2012.

Community Outreach

Community outreach continues to remain an integral and interactive part of the project. DTSC actively engages with stakeholders to obtain input and share information with tribes, communities, individuals and groups. In December 2011, DTSC convened a meeting to provide a project update for the Golden Shores Community and listen to community concerns. DTSC also continues to provide periodic updates and convene meetings with stakeholders including agencies, tribal leadership and representatives. As part of our outreach, we are working on updates to our community outreach strategy to be outlined in a Community Outreach Plan.

This Community Outreach Plan will be a revision of the June 9, 1998 Public Participation Plan, which was updated in February 2007 and appended in July 2009. The current plan can be found on the project website at www.dtsc-topock.com or at any of the information repositories listed on page 5 of this fact sheet. This plan uses a variety of communication tools to share information and to gain input from the community including

surveys, fact sheets, meetings, written and electronic documents. We anticipate completing the Community Outreach Plan by September 2012.

The purpose of the Community Outreach Plan is to keep the community informed in a timely fashion, to formally document community perspectives regarding the environmental investigation and remediation at the Station, and to identify specific community outreach activities to be conducted to ensure community involvement in the agency decision-making process.

Part of the Community Outreach process is conducting a community survey, which is included with this fact sheet. There are two options for completing the survey: you can log on to www.dtsc-topock.com/survey to complete the survey online or you can fill out and return the enclosed hard copy by mail.

By completing this survey, you will share with us your knowledge of the investigation and remediation activities at the Station, your perspectives, your level of participation, and how best to keep you updated about Site activities. Your response within 30 days will help us to improve our process and interactions with you and the community. If you have any questions regarding the completion of this survey please contact Mona Bontty. Please see the "DTSC Welcomes Your Feedback" section of this fact sheet on page 5.



Karen Baker, Chief of DTSC's Office of Geology, presents a project update at the Golden Shores Community Meeting held December 12, 2011.

Glossary of Terms

Department of the Interior (DOI): The principal conservation agency of the United States, responsible for stewardship of land, water, recreation, Native American lands and needs, and energy needs. The department is composed of member bureaus such as the Bureaus of Indian Affairs, Land Management, and Reclamation, among others.

Department of Toxic Substances Control (DTSC): A department within the California Environmental Protection Agency in charge of the regulation of hazardous waste from generation to final disposal, DTSC oversees the investigation and cleanup of hazardous waste sites.

Environmental Impact Report (EIR): A detailed review of a proposed project, its potential adverse impacts on the environment, measures that may avoid or reduce those impacts, and alternatives to the proposed project.

Final Design: The final design for the groundwater remedy.

Groundwater: Water beneath the Earth's surface that flows through soil and rock openings (aquifers).

Groundwater Conceptual Model: A description of how groundwater flows throughout the site and surrounding areas that has been developed using a combination of regional and site-specific data, as well as expert judgment based on site conditions.

Groundwater Monitoring Program: A network of groundwater wells installed to periodically test for different chemicals to assess the long-term site conditions.

Hexavalent Chromium: A form of chromium. Chromium is a metal naturally found in rocks, soil and the tissue of plants and animals. Hexavalent chromium is used in industrial products and processes and is a known carcinogen when inhaled (i.e., through breathing).

In-situ Treatment: Treatment of the contaminated groundwater in place (below the ground surface).

Molybdenum: A metallic element widely distributed in the Earth's crust that is used in industrial products and processes.

Nitrate: Nitrates and nitrites are nitrogen-oxygen

chemical compounds which combine with various organic and inorganic compounds.

Plume: A body of contaminated groundwater. The movement of a groundwater plume can be influenced by such factors as local groundwater flow patterns, the character of the aquifer in which the groundwater is contained, and the density of contaminants.

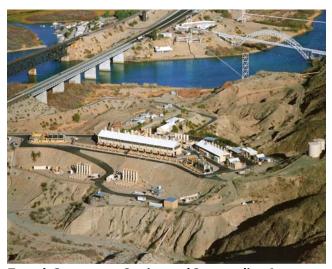
Remediation: Actions taken to remove or contain a toxic spill or a release of hazardous substances at a site.

Selenium: A non-metallic element abundant in the Earth's crust that is used in industrial products and processes.

Total Chromium: The additive of concentrations from all forms of chromium, mainly comprising hexavalent and trivalent forms. The California drinking water standard for total chromium is 50 micrograms per liter (or parts per billion), while the Federal standard is 100 micrograms per liter.

Trivalent Chromium: A form of chromium, a metal naturally found in rocks, soil and the tissue of plants and animals. Trivalent chromium is considered an essential nutrient and is relatively harmless. It does not dissolve in groundwater and tends to bind to soil; thus it does not travel readily in the environment.

Work Plan: A document that presents key elements of the approach for a proposed action. These may include health and safety, waste management, data collection, construction activities and methods, the schedule, approvals, a reporting plan and reporting schedule.



Topock Compressor Station and Surrounding Area

Where to find Project Information

Project reports, fact sheets, and other project documents can be found at the Information Repositories listed below:

On the Internet

www.dtsc-topock.com

www.dtsc.ca.gov

Needles Branch Library

1111 Bailey Avenue Needles, CA 92363

Contact: Kristin Mouton, 760.326.9255 3

11am - 7pm, Monday through Wednesday

10am - 6pm, Thursday

Closed, Friday

9am - 5pm, Saturday

Golden Shores/Topock Station Library

13136 Golden Shores Parkway

Topock, AZ 86436

Contact: Kim Stoddard, 928.768.2235 3

9am – 1pm, Tuesday, Thursday, Saturday

2pm - 5pm, Wednesday

Chemehuevi Indian Reservation Environmental Protection Office

2000 Chemehuevi Trail

Havasu Lake, CA 92363

Contact: Tom Pradetto, 760.858.1140 3

8am - 4pm, Monday - Friday

Lake Havasu City Library

1770 McCulloch Boulevard

Lake Havasu City, AZ 86403

Contact: Cindy Amador, 928.453.0718 3

9am – 6pm, Monday and Wednesday

9am - 8pm, Tuesday and Thursday

9am - 5pm, Friday and Saturday

Colorado River Indian Tribes Library

2nd Avenue and Mohave Road

Parker, AZ 85344

Contact: Elvira Bailey-Holgate, 928.669.1332 3

8am - noon, 10m - 5pm, Monday - Friday

Parker Public Library

1001 Navajo Avenue

Parker, AZ 85344

Contact: Jeannie Smith, 928.669.2622 3

9am - 7pm, Monday - Thursday

California Department of Toxic Substances Control

5796 Corporate Avenue

Cypress, CA 90630

Contact: Julie Johnson, 714.484.5337 3

9 am-noon, 1 pm-4 pm, Monday-Friday

Please call for an appointment.

Alternate Format: All documents made available to the public by DTSC can be made available in an alternative format (Braille, large format print, etc.) or in another language as appropriate, in accordance with state and federal law. Please contact Mona Bontty for assistance.

DTSC Welcomes Your Feedback

If you have questions, comments, or would like to be added to the mailing list for the Topock Site, please contact the DTSC representatives listed below.

Aaron Yue

DTSC Project Manager

5796 Corporate Avenue

Cypress, CA 90630

T14.484.5439

AYue@dtsc.ca.gov

Mona Bontty

DTSC Community Outreach Supervisor

5796 Corporate Avenue Cypress, CA 90630

① 714.816.1978 or Toll Free: 866.495.5651 (press 5 and 1)

MBontty@dtsc.ca.gov

For Media Inquiries Contact

Jeanne Garcia, DTSC Public Information Officer

9211 Oakdale Avenue

Chatsworth, CA 91311

3 818.717.6573

JGarcia1@dtsc.ca.gov

Notice to Hearing-Impaired Individuals

You can obtain additional information about the Topock Compressor Station Site by using the California State Relay Service at 888.877.5378 (TDD). Ask them to contact Mona Bontty at 714.816.1978.

In This Fact Sheet

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Groundwater Remedy Implementation Timeline

Groundwater Remedy Design

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Community Outreach

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PAGE 5

Where to find Project Information

DTSC Welcomes Your Feedback



Mona Bontty DTSC Community Outreach Supervisor 5796 Corporate Avenue, Cypress, CA 90630-4732







Department of Toxic Substances Control



Deborah O. Raphael, Director 5796 Corporate Avenue Cypress, California 90630

NOTICE OF PREPARATION FOR A DRAFT ENVIRONMENTAL IMPACT REPORT

Date: November 28, 2012

To: State Clearinghouse

Office of Planning and Research

1400 Tenth Street Sacramento, CA 95814

and

Responsible Agencies, Trustee Agencies, Federal Agencies, and Interested Organizations

and Individuals

Subject: Notice of Preparation of a Draft Environmental Impact Report

Lead Agency: California Department of Toxic Substances Control

Contact: Mr. Aaron Yue, Project Manager

California Department of Toxic Substances Control

5796 Corporate Avenue Cypress, CA 90630 Phone: (714) 484 - 5439

E-mail: aaron.yue@dtsc.ca.gov

Prepared by: Environmental Science Associates (ESA)

Addie Farrell, Project Manager 626 Wilshire Blvd., Ste. 1100 Los Angeles, CA 90017 Phone: (213) 599 - 4300

PROJECT TITLE

Pacific Gas & Electric Company (PG&E) Topock Compressor Station Soil Investigation Project Environmental Impact Report

PROJECT LOCATION

145453 National Trails Highway, Needles, California 92363, County of San Bernardino (See Figure 1)

PURPOSE OF THE NOTICE OF PREPARATION

The California Environmental Quality Act (CEQA) specifies that a public agency must prepare an Environmental Impact Report (EIR) for any project that it proposes to carry out or approve that may have

a significant direct or indirect impact on the environment (Public Resources Code Section 21100[a]). The California Department of Toxic Substances Control (DTSC) is the lead agency for the Pacific Gas and Electric Company (PG&E) Topock Compressor Station, Soil Investigation Project. DTSC has determined that this project may have a significant impact on the environment and has determined that an EIR will be necessary to fully evaluate the potential environmental effects.

PROVIDING COMMENTS ON THE NOTICE OF PREPARATION

Responsible agencies, trustee agencies, federal agencies, Native American Tribes, and interested organizations and individuals are encouraged to submit comments regarding the scope and content of the environmental information to be contained in the draft EIR for DTSC's consideration. To provide greater opportunity for input on the scope of the EIR, this Notice of Preparation (NOP) is being circulated an additional 15 days beyond the required 30-day comment period, for a total of 45 days.

Comments on this NOP should be submitted as soon as possible and must be received <u>no later than 5:00 p.m.</u> on January 14, 2013. Please send written comments to Mr. Aaron Yue, DTSC Project Manager, at the address listed above. When submitting comments, please identify a contact person to whom the answer to the questions will be presented.

Various agencies, Native American Tribes, and stakeholders have previously had an opportunity to review and provide comment on the Draft *Soil Resource Conservation Recovery Act (RCRA) Facility Investigation/Remedial Investigation (RFI/RI) Work Plan*. Comments previously received by DTSC on the Draft Work Plan will be considered by DTSC in preparing the EIR.

Documents related to the proposed project are available for review at the project repositories listed below and on the internet at http://www.dtsc-topock.com/.

Needles Branch Library 1111 Bailey Avenue Needles, CA 92363

Chemehuevi Indian Reservation Environmental Protection Office 2000 Chemehuevi Trail Havasu Lake, CA 92363

Golden Shores/Topock Library 13136 Golden Shores Parkway Topock, AZ 86436

Lake Havasu City Library 1770 McCulloch Blvd. Lake Havasu City, AZ 86403 Colorado River Indian Tribes Library 2nd Avenue and Mojave Road

Parker, AZ 85344

Parker Public Library 1001 Navajo Avenue Parker, AZ 85344

California Department of Toxic Substances Control 5796 Corporate Avenue

Cypress, CA 90630

Monday – Friday: 9am-Noon, 1pm – 4pm, Please call for an appointment at (714) 484-5337

DTSC will be hosting three scoping meetings to give the responsible agencies, trustee agencies, federal agencies, Native American Tribes, and interested organizations and individuals an opportunity to appear and comment on the scope and content of the draft EIR. These professionally facilitated scoping meetings will consist of introductions, a project overview, a CEQA process overview, and an opportunity for meeting participants to comment on the scope and content of the EIR. A reasonable amount of time will be allotted to allow all participants who wish to provide oral comments the opportunity to do so. Written comments will also be accepted at the meetings. Scoping meetings have been scheduled at the following locations and times.

	Public Scoping Meetings					
City	Address	Date	Time			
Golden Shores, AZ	Golden Shores Community Center 13136 Golden Shores Parkway Golden Shores, AZ 86436	Tuesday, December 11, 2012	6:00 - 8:00 p.m.			
Needles, CA	Needles High School Auditorium 1600 Washington Street Needles, CA 92363	Wednesday, December 12, 2012	6:00 - 8:00 p.m.			
Yuma, AZ	Gila Ridge High School Auditorium 7150 E. 24th Street Yuma, AZ 85365	Thursday, December 13, 2012	6:00 - 8:00 p.m.			

CONTACT

If you have any questions or wish to discuss the project, please contact Aaron Yue, DTSC Project Manager, at (714) 484-5439 or email: aaron.yue@dtsc.ca.gov or Jacqueline Martinez, DTSC Public Participation Specialist, at (714) 484-5338, toll free at (866) 495-5651 or email: jacqueline.martinez@dtsc.ca.gov. For media inquiries, please contact DTSC Chief of Media and Press Relations, Charlotte Fadipe, at (916) 323-3395 or email: charlotte.fadipe@dtsc.ca.gov.

INFORMATION FOR THE DISABLED AND HEARING IMPAIRED

The meeting rooms for the scoping meetings are accessible to people with disabilities. If translation services are needed or if additional accommodations for the disabled are needed, please notify Jacqueline Martinez at (714) 484-5338 or jacqueline.martinez@dtsc.ca.gov no later than one week before the meeting. TDD users can obtain additional information by using the California Relay Service at 1-888-877-5378 to reach Jacqueline Martinez at (714) 484-5338.

ENVIRONMENTAL EFFECTS TO BE EXAMINED IN THE EIR

The purpose of an EIR is to identify and consider the potentially significant adverse environmental effects of a proposed project and identify measures that can reduce, avoid, or mitigate significant adverse impacts. Based upon prior consultation with interested parties, comments received on the Draft Work Plan, and the environmental assessments conducted in and around the site to date, DTSC has determined that the proposed project may have a significant impact on Biological Resources and Cultural Resources. With respect to Cultural Resources, the Topock site and adjacent lands are contained within a larger geographic area that is considered sacred by the Fort Mojave Indian Tribe and by other Native American tribes. The EIR will also consider any potential effects of the project to the following resource areas:

- Aesthetics
- Air Quality / Greenhouse Gas
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials

- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Transportation
- Utilities and Service Systems

PROJECT DESCRIPTION

PROJECT LOCATION

The PG&E Topock Compressor Station (Station) is located in the Mojave Desert approximately 12 miles southeast of the city of Needles, California, and one mile southeast of the Moabi Regional Park in California. The Station is one-half mile west of the community of Topock, Arizona, which is situated directly across the Colorado River from the Station, and four miles south of Golden Shores, Arizona. The Station is one-half mile west of the Colorado River and south of Interstate 40 and occupies 66.8 acres of land owned by PG&E (See Figure 1). The area in which proposed project activities could occur covers additional surrounding land owned and managed by a number of private entities and government agencies, including the Havasu National Wildlife Refuge managed by the U.S. Fish and Wildlife Service (USFWS), lands managed by the Department of Interior (DOI), U.S. Bureau of Land Management (BLM), rights of way for the Burlington Northern Santa Fe Railroad and California Department of Transportation (Caltrans), and access over a portion of land owned by the Fort Mojave Indian Tribe.

PROJECT DESCRIPTION

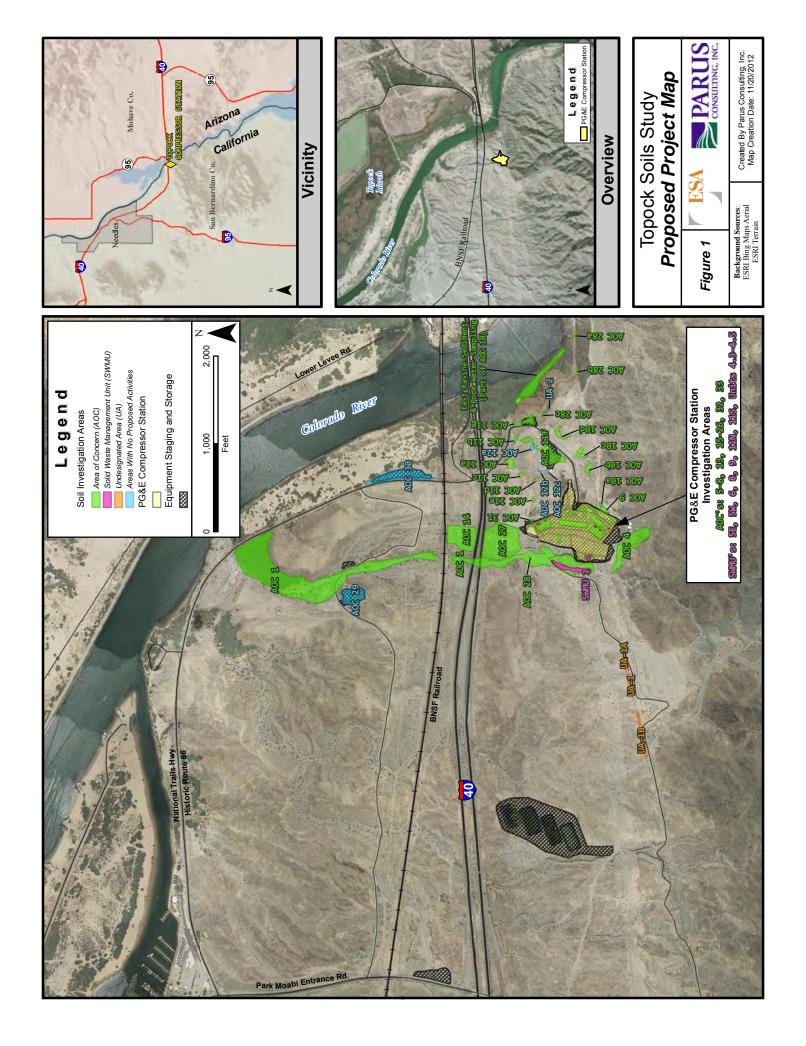
The proposed project involves consideration of the *Soil Resource Conservation Recovery Act (RCRA) Facility Investigation/Remedial Investigation (RFI/RI) Work Plan* (Soil Work Plan) (September 2012) for adoption by DTSC. Adoption and implementation of the Soil Work Plan would enable further investigation and characterization of the nature and extent of chemicals of potential concern (COPCs) that have been identified at the site during previous soil investigations. It would also provide additional data to inform preparation of a future Soil Corrective Measures Study/Feasibility Study (CMS/FS) which would identify and nominate clean up alternatives if necessary. The results of this investigation pursuant to the Soil Work Plan will inform the Final RFI/RI Volume 3 (Soil) Report and will present a combined data set of all soils investigations. The Soil Work Plan identified the following areas requiring further investigation, as shown in Figure 1.

- <u>Six solid waste management units (SWMUs)</u>: DTSC defines SWMUs as areas that may be contaminated due to the management of solid wastes without proper protective practices in place. SWMUs are subject to the overall site's environmental investigation to determine if they will need to be remediated.
- <u>28 areas of concern (AOCs)</u>: DTSC defines AOCs as areas that are being evaluated and may be contaminated due to past practices and/or proximity to the site. These areas are subject to the overall site's environmental investigation process to determine if they will need to be remediated.
- <u>Undesignated Areas (UAs)</u>: UAs are subject to the site's overall environmental investigation process to determine if contamination exists and if remediation will need to be considered. UA-1, known as the Potential Pipeline Disposal Area, is proposed for further investigation by geophysical surveys to identify the presence of historically buried asbestos-containing pipes.

In addition to the SWMUs, AOCs, and UAs, the Soil Work Plan also proposes limited investigation in three oil/water units, the perimeter fencing area of the Station, and the onsite storm drain system, which includes both active and inactive lines and outfalls. The proposed project involves the collection of surface and subsurface soil and sediment samples, and the chemical analysis of those samples for COPCs based on the historical use of the area and previous soil investigations. In addition, some areas would be investigated using geophysical methods to identify subsurface objects. The proposed Soil Work Plan activities for the project include the following:

- Acquiring permission or permits to access certain restricted areas
- Creating physical access to certain locations (e.g., grading, boulder or vegetation removal)
- Drilling, trenching or excavating to access soil samples

- Collecting and preserving soil samples
- Performing certain field analyses and collecting and preserving samples
- Properly abandoning boreholes and backfilling of trenches and excavations
- Transporting the samples to the analytical laboratory
- Analyzing the samples for selected COPCs
- Evaluating and presenting the data in a written report
- Managing investigation-derived waste
- Conducting preconstruction biological and archeological surveys
- Identifying potential conflicts with subsurface utilities





COMMENT CARD

State of California Department of Toxic Substances Control PG&E Topock Compressor Station Soil Investigation Project Environmental Impact Report Scoping Meeting

If you have any comments concerning the Notice of Preparation or the environmental issues to be addressed in



the Environmental Impact Report, please fill provide this information below and mail in by January 14, 2013.						
Comments (attach additional pages as needed):						
OPTIONAL:						
Name:						
Address:						
City/State/Zip:						
Phone/Email:						
Affiliation (if any):						

Please address all mailings to Aaron Yue, Project Manager, Department of Toxic Substances Control, 5796 Corporate Avenue, Cypress, CA 90630, fax: 714-484-5411, or email: aaron.yue@dtsc.ca.gov.



SPEAKER CARD

State of California
Department of Toxic Substances Control
PG&E Topock Compressor Station Soil Investigation Project
Environmental Impact Report
Scoping Meeting



If you plan to ask a question or make a statement, please fill in the information below and submit the card when requested to do so. If you would like us to read your question or statement, please let us know. When speaking, please limit your comments to three minutes. Thank you.

Date:	
Name:	Affiliation:
Question/Comm	ent:
SEAL OF SUREX	SPEAKER CARD
	State of California Department of Toxic Substances Control
CALIFORNIA	PG&E Topock Compressor Station Soil Investigation Project Environmental Impact Report
	Scoping Meeting
card when reque	k a question or make a statement, please fill in the information below and submit the ested to do so. If you would like us to read your question or statement, please let us eaking, please limit your comments to three minutes. Thank you.
Date:	
Name:	Affiliation:
Question/Comm	ent:

Appendix H

NOP Comments Received

Appendix H-1

Letters

South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182 (909) 396-2000 • www.aqmd.gov

December 4, 2012

Aaron Yue, Project Manager California Department of Toxic Substances Control 5796 Corporate Avenue Cypress, CA 90630

Notice of Preparation of a CEQA Document for the Pacific Gas & Electict Company Topock Compressor Station Soil Investigation Project

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the draft CEQA document. Please send the SCAQMD a copy of the Draft EIR upon its completion. Note that copies of the Draft EIR that are submitted to the State Clearinghouse are not forwarded to the SCAQMD. Please forward a copy of the Draft EIR directly to SCAQMD at the address in our letterhead. In addition, please send with the draft EIR all appendices or technical documents related to the air quality and greenhouse gas analyses and electronic versions of all air quality modeling and health risk assessment files. These include original emission calculation spreadsheets and modeling files (not Adobe PDF files). Without all files and supporting air quality documentation, the SCAQMD will be unable to complete its review of the air quality analysis in a timely manner. Any delays in providing all supporting air quality documentation will require additional time for review beyond the end of the comment period.

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. The lead agency may wish to consider using land use emissions estimating software such as the recently released CalEEMod. This model is available on the SCAQMD Website at: http://www.aqmd.gov/ceqa/models.html.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis.

The SCAQMD has developed a methodology for calculating PM2.5 emissions from construction and operational activities and processes. In connection with developing PM2.5 calculation methodologies, the SCAQMD has also developed both regional and localized significance thresholds. The SCAQMD requests that the lead agency quantify PM2.5 emissions and compare the results to the recommended PM2.5 significance thresholds. Guidance for calculating PM2.5 emissions and PM2.5 significance thresholds can be found at the following internet address: http://www.aqmd.gov/ceqa/handbook/PM2 5/PM2 5.html.

In addition to analyzing regional air quality impacts the SCAQMD recommends calculating localized air quality impacts and comparing the results to localized significance thresholds (LSTs). LST's can be used in addition to the

recommended regional significance thresholds as a second indication of air quality impacts when preparing a CEQA document. Therefore, when preparing the air quality analysis for the proposed project, it is recommended that the lead agency perform a localized significance analysis by either using the LSTs developed by the SCAQMD or performing dispersion modeling as necessary. Guidance for performing a localized air quality analysis can be found at http://www.aqmd.gov/ceqa/handbook/LST/LST.html.

In the event that the proposed project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the lead agency perform a mobile source health risk assessment. Guidance for performing a mobile source health risk assessment ("Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis") can be found on the SCAQMD's CEQA web pages at the following internet address: http://www.aqmd.gov/ceqa/handbook/mobile_toxic/mobile_toxic.html. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEOA requires that all feasible mitigation measures that go beyond what is required by law be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additional mitigation measures can be found on the SCAQMD's CEQA web pages at the following internet address: www.aqmd.gov/ceqa/handbook/mitigation/MM intro.html Additionally, SCAQMD's Rule 403 - Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. Other measures to reduce air quality impacts from land use projects can be found in the SCAQMD's Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning. This document can be found at the following internet address: http://www.aqmd.gov/prdas/aqguide/aqguide.html. In addition, guidance on siting incompatible land uses can be found in the California Air Resources Board's Air Quality and Land Use Handbook: A Community Perspective, which can be found at the following internet address: http://www.arb.ca.gov/ch/handbook.pdf. CARB's Land Use Handbook is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (http://www.aqmd.gov).

The SCAQMD staff is available to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. If you have any questions regarding this letter, please call Ian MacMillan, Program Supervisor, CEQA Section, at (909) 396-3244.

Sincerely,

Ian MacMillan

Program Supervisor, CEQA Inter-Governmental Review Planning, Rule Development & Area Sources

IM SBC121130-02 Control Number



California Natural Resources Agency DEPARTMENT OF FISH AND GAME Inland Deserts Region

EDMUND G. BROWN, Jr, Governor CHARLTON H. BONHAM, Director



Blythe Field Office
P.O. Box 2160
Blythe, California 92225
www.dfg.ca.gov

December 19, 2012

Aaron Yue Department of Toxic Substances Control 5796 Corporate Avenue Cypress, CA 90630

Subject: Notice of Preparation for a Draft Environmental Impact Report (EIR) for the Pacific Gas and Electric (PG&E) Topock Compressor Station Project (SCH #2012111079)

Dear Mr. Aaron Yue:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Notice of Preparation (NOP) for the Draft Environmental Impact Report (EIR) for the proposed PG&E Topock Compressor Station Soil Investigation Project. The project involves a soil investigation to assess the need for future soil remediation resulting from contamination with chemicals of potential concern from past operational activities. Soil investigation activities include the drilling/boring and excavation of soil, collection of soil samples, analysis of samples, and management of investigation derived wasted. Investigation activities would occur at the gas compressor station and potentially affected surrounding areas. Drilling and sampling operations would occur from January 2013 to October 2013, depending on geologic conditions and regulatory approvals.

To enable Department staff to adequately review and comment on the proposed project, we recommend the following information be included in any environmental document prepared for the proposed project:

- 1. A complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats.
 - a. A thorough assessment of rare plants and rare natural communities, following the Department's May 1984 Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities.
 - b. A complete assessment of sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use of the project area should also be addressed. Focused species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.

Acceptable species-specific survey procedures should be developed in consultation with the California Department of Fish & Game and the U.S. Fish and Wildlife Service.

- c. Rare, threatened, and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, § 15380).
- d. The Department's California Natural Diversity Data Base in Sacramento should be contacted to obtain current information on any previously reported sensitive species and habitats, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code.
- 2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts.
 - a. CEQA Guidelines, § 15125(a), direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
 - b. Project impacts should be analyzed relative to their effects on offsite habitats. Specifically, this should include nearby public lands, open space, adjacent natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas, should be fully evaluated and provided.
 - c. The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce theses conflicts should be included in the environmental document.
 - d. A cumulative effects analysis should be developed as described under CEQA Guideline, § 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
 - e. The document should include an analysis of the effect that the project may have on completion and implementation of regional and /or sub-regional conservation programs. Under § 2800-2840 of the Fish and Game Code, the Department, through the Natural

Communities Conservation Planning (NCCP) program, is coordinating with local jurisdictions, landowners and the Federal Government to preserve local and regional biological diversity. The Department recommends that the lead agency ensure that the development of this and other proposed projects do not preclude long-term conservation planning options and that projects conform to other requirements of the NCCP program. Jurisdictions participating in the NCCP should assess specific projects for consistency with the NCCP Conservation Guidelines.

- 3. A range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. A range of alternatives which avoid or otherwise minimize impacts to sensitive biological resource should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate.
 - a. Mitigation measures for project impacts to sensitive plants, animals, and habitats should emphasize evaluation and selection of alternatives which avoid or otherwise minimize project impacts. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitat elsewhere should be addressed.
 - b. The Department considers Rare Natural Communities as threatened habitats having both regional and local significance. Thus, these communities should be fully avoided and otherwise protected from project-related impacts.
 - c. The Department generally does not support the use of relocation, salvage, and /or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.
- 4. A California Endangered Species Act (CESA) Permit must be obtained, if the project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the project. CESA Permits are issued to conserve, protect, enhance, and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as significant modification to the proposed project and mitigation measures may be required in order to obtain a CESA Permit. The Fish and Game Code requires that the Department issue a separate CEQA document for the issuance of a CESA permit unless the project CEQA document addresses all project impacts to listed species and specifies a mitigation monitoring and reporting program

that will meet the requirements of a CESA permit. For these reasons, the following information is requested:

- Biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA Permit.
- A Department-approved Mitigation Agreement and Mitigation Plan is required for plants listed as rare under the Native Plant Protection Act.
- 5. The Department opposes the elimination of watercourses and/or their channelization or conversion to subsurface drains. All wetlands and watercourses, whether intermittent or perennial, must be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations.
 - a. The Department has direct authority under Fish and Game code § 1600 et seq. In regard to any proposed activity which would divert, obstruct, or affect the natural flow or change the bed, channel, or bank of any river, stream, or lake.
 - b. The Department is emphasizing in comment letters on projects with impacts to lakes or streambeds, that alternatives and mitigation measures must be addressed in CEQA-certified documents prior to submittal of an application of a SAA. Any information which is supplied to the Department after the CEQA process is complete will not have been subject to the public review requirements of CEQA.
 - c. In order for the Department to process a SAA agreement, the CEQA-certified documents must include an analysis of the impacts of the proposed project on the lake or streambed, an analysis of the biological resources present on the site, copies of biological studies conducted on the site, biological survey methodology, and a discussion of any alternative, avoidance, or mitigation measures which will reduce the impacts of the proposed development to a level of insignificance. In addition, a discussion of potential adverse impacts from any increased runoff, sedimentation, soil erosion, and/or pollutants on streams and watercourses on or near the project site, with mitigation measures proposed to alleviate such impacts must be included in the CEQA- certified documents.

The Department appreciates the opportunity to comment on this project. Should you have any questions or concerns, please feel free to contact Victoria Chau, Environmental Scientist at (760) 922-6783 or vchau@dfg.ca.gov.

Sincerely,

Chris Hayes Deputy Regional Manager Inland Deserts Region



Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310 760.245.1661 • fax 760.245.2699

Visit our web site: http://www.mdaqmd.ca.gov Eldon Heaston, Executive Director

December 11, 2012

Aaron Yue, Project Manager State of California Department of Toxic Substances Control 5796 Corporate Avenue Cypress, CA 90630

Project: Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) – PG&E Topock Compressor Station Soil Investigation Project

Dear Mr. Yue:

The Mojave Desert Air Quality Management District (District) has received the NOP of a DEIR for the PG&E Topock Compressor Station Soil Investigation Project.

The District has reviewed the NOP and concurs with the proposed analysis of air quality/greenhouse gas impacts associated with the proposed project. The District recommends the use of URBEMIS as the appropriate computer model to be used to estimate emissions associated with land development projects in the District. District California Environmental Quality Act (CEQA) significance thresholds and be found in the "MDAQMD CEQA and Federal Conformity Guidelines" located at

http://www.mdaqmd.ca.gov/rules_plans/documents/CEQAGuidelines.pdf.

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 6726, or Tracy Walters at extension 6122.

Sincerely

Alan J. De Salvio

Supervising Air Quality Engineer

AJD/tw

PG&E Topock Soil NOP DEIR



Hualapai Department of Cultural Resources P.O. Box 310

Peach Springs, Arizona 86434 Office: 928.769.2223 FAX: 928.769.2235

Mr. Aaron Yue, Project Manager DTSC 5796 Corporate Avenue Cypress, CA 90630 aaron.yue@dtsc.ca.gov

January 14, 2013

RE: Hualapai COMMENTS ON NOP FOR SOIL INVESTIGATION EIR

Dear Mr. Yue,

This comment letter on the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the Pacific Gas & Electric (PG&E) Topock Compressor Station Soil Investigation Project Environmental Impact Report (project or Soil Investigation EIR) is respectfully on behalf of the Hualapai Indian Tribe.

Need for Complete Evaluation of Cumulative Impacts, Including All Soils Activities

Hualapai does not believe the cumulative impacts for each new successive activity can be waived. Included in the Soil Investigation EIR should be a discussion of all the past, current and foreseeable soil projects/activities (even for those actions that may have been determined previously exempt from CEQA) and what CEQA documents were prepared and are anticipated to be prepared for each anticipated action.

Hundreds of samples have already been collected at the Topock project site. Each of these samples represents a significant and irreversible change to the land and contributes an impact or adverse effect to the cultural and sacred value of the land to the Tribe. The CEQA evaluation must consider not only those proposed samples in the soils characterization work plan but also the cumulative impact from all the soil samples that have already been, or are planned to be, collected.

Explanation of Groundwater versus Soil Actions and Future Soil Activities

Based on the apparent confusion by the public as shown in the NOP hearing transcripts, the EIR should clearly explain why the groundwater and soils studies were bifurcated by DTSC, the criteria being used by DTSC to determine which activities and impacts go into which category of study (groundwater versus soil), and describe the potential interplay between the soil investigation environmental document and the environmental document for the anticipated soil remedy.

Project Description Lacking Necessary Detail

The description for the project tries to list the anticipated project components, but no effort was made in the NOP to *quantify* the potential impacts from these components. Without additional detail, it is difficult to make informed comments at this time about the levels of potential impacts, apart from stating that virtually any additional land disturbance in this sacred area is a significant, irreversible impact and adverse effect.

The EIR must make an effort to provide meaningful quantification for acreage disturbance, cubic yards of soil to be disturbed and/or displaced, etc., to allow tribes and the public to more fully understand the nature and scope of the proposed activities.

Environmental Effects to be Examined in the Soil Investigation EIR

The Tribe is concerned about any and all potential impacts to the sacred area. Aesthetics (visual impacts, soil discoloration), soils (erosion), land use and planning (relationship to the Area of Critical Environmental Concern), noise (temporary), induced access (including site damage) and cultural resources (direct, indirect and cumulative to archaeological, heritage and sacred resources) are of particular concern at this time. The Hualapai would like to participate in establishing Key Observation Points in concert with the other participating Tribes. This will establish these areas from the perspectives of the tribes.

The sentence in the NOP section regarding Cultural Resources is also of concern to the Tribe. It states: "With respect to Cultural Resources, the Topock site and adjacent lands are contained within a larger geographic area that is considered sacred by the Fort Mojave Indian Tribe and by other Native American tribes."

While the Topock site is indeed connected to, and is part of, a larger sacred area, the area within which the project is proposed, is also sacred and culturally valuable within its own right, including the current and prior physical locations of the Topock Maze, current and prior geoglyph locations, other cultural site components and their setting, feeling and association. We believe that that was partly why DTSC designated that area of the landscape as the Topock Cultural Area in the Groundwater EIR. The NOP description should be restated to more accurately reflect the environmental setting and layers of cultural values at issue.

Will DTSC be carrying forward the Topock Cultural Area designation and significance determination from the Groundwater EIR to the Soil Investigation EIR? How will DTSC consider the additional archaeological surveys that have been completed, for example, relative to freshwater sources, as to the cultural setting for the soil investigation? This information appears to further corroborate the Tribe's views of there being a larger tribal cultural landscape that must be considered within the CEQA processes. Recent guidance from the Advisory Council on

¹ Please reference, Technical Memorandum, "Updated Archaeological Survey for the Evaluation of Alternative Freshwater Sources in the Topock Remediation Area," Applied Earthworks, 12-20-12, which identified thirty-three previously unrecorded archaeological and historical sites. This document was recently sent to the Tribe for review.

Historic Preservation, "Traditional Cultural Landscapes in the Section 106 Review Process," 03-19-12, and "Native American Traditional Cultural Landscapes and the Section 106 Review process: Questions and Answers," 07-11-12, may be of assistance to DTSC in addressing these concerns in the EIR.²

An emphasis of this guidance is that full cultural resources reports and analyses look at more than simply physical archaeology as defined by archaeologists. The Tribe requests the Cultural Resources section in the EIR be conducted by qualified and experienced professionals and consider more than physical archaeology or the Tribe's cultural values translated into scientific archaeological terms.

The EIR should also analyze the potential impacts to affiliated tribal people regarding the project. Pursuant to CEQA, a social change related to a physical change may be considered in determining whether the physical change is significant. See, CEQA Guidelines section 15382 and California Attorney General's Office, "Environmental Justice at the Local and Regional Level, Legal Background," updated 07-10-12.³

Analysis of the role of social change has been largely absent in prior CEQA analyses relative to Topock and has resulted in the minimization of certain potential impacts to the Tribe and its members, such as those related to noise, visual and aesthetics, among others, and a failure to seek out, consider and analyze tribal views of significance and impacts for specific resources and impacts.

DTSC, ESA and the Tribe should actively discuss how to meet these criteria in the EIR.

Alternatives

The Hualapai Tribe requests that the CEQA evaluation prioritize and seriously consider modifications to the soil investigation scope to reduce the impacts, i.e., the number of samples and sample locations. There is a process available to DTSC that would decrease the significant and irreversible changes to the land by decreasing the number of samples and sample locations. This process is making the basis for the scope of the soil characterization plan a future-tribal-land-use-risk-based evaluation. This process change, which may require an update of the project Data Quality Objectives (DQOs), would result in fewer needed samples and sampling locations. This, coupled with an *in-situ* evaluation of ecological impacts (*i.e.*, are there areas of visible or measurable impacts to ecological receptors in areas of soil contamination?) would reduce the significant and irreversible changes to the land due to sampling. The Tribe requests that the EIR include a quantitative evaluation as an alternative which meets project objectives and decreases project impacts.

² http://www.achp.gov/background_landscapes.pdf; http://www.achp.gov/natl-qa.pdf. (While directed towards the NHPA Section 106 process, the guidance is still relevant for projects undergoing CEQA analysis, particularly those projects involving properties listed on the National Register of Historic Places such as the Topock Maze.)

³ http://oag.ca.gov/sites/all/files/pdfs/environment/ej fact sheet.pdf.

There is a second process available to DTSC that would decrease the "significant and irreversible changes" to the land also by decreasing the number of samples and sample locations. This process is to minimize further step-out samples and sample locations in areas where soil remediation (i.e., removal) will occur because the soil concentrations are above the tribal-land-use target cleanup concentrations. Once an area is identified for corrective measures (i.e., the highest concentrations have already been identified and only further step-out samples are needed) then during the remediation of the soil, when intrusive activities are being performed, those step-out samples can be collected as the excavation is proceeding. The Tribe requests that the CEQA evaluation include this quantitative evaluation as an acceptable alternative which meets project objectives and decreases project impacts.

Specific Protocols and Measures

The Hualapai Tribe expects that protocols and measures negotiated elsewhere during the groundwater remediation or prior soils investigations will equally apply here. For example, the requirements to have tribal monitors present during archaeological surveys and work that could disturb soil, and the displaced soils protocol, should apply to this proposed action as well. Please confirm.

The Cultural Resources Programmatic Agreement, particularly Section IV "Characterizing, Remediating, and Mitigating Soils Contamination," should also be considered in full including regarding any potential change to the project area or the Area of Potential Effect (APE). This is particularly necessary from the Tribe's perspective given the joint action by DTSC and DOI in the remediation and to reduce confusion and foster consistency.

The Hualapai Tribe believes that its participation relative to the EIR should include DTSC meeting with the Tribe regarding the cultural resources, alternatives and mitigation sections of the DEIR prior their public release; accommodating other meeting requests by the Tribe; providing all technical appendices in both hard copy and electronic format at the time of initial release of the DEIR to the Tribe; providing the FEIR in redline form to facilitate efficient review; and providing the FEIR to the Tribe and others at least 30 days prior to project approval. The Tribe believes that managing the CEQA process in this manner should reduce misunderstandings, create a more meaningful EIR and thereby reduce the potential for avoidable delay in reaching project approval and ultimately project implementation.

The Hualapai Tribe requests that draft language relative to cultural issues proposed for inclusion in the EIR be provided to the Tribe and that, face-to-face meetings between DTSC and their CEQA contractor (ESA) take place to review the draft language prior to the publication and release of a draft document. Additionally, the Tribe would like to understand the specific role PG&E will have in the drafting and review of the screen check EIRs. The Hualapai Tribe believes that the purpose of CEQA is to inform decisionmaking and avoid or minimize impacts to the environment. The Tribe is supportive of the fact that an effective CEQA process can result in revisions to the project that will reduce impacts to the sensitive environment, cultural area and setting that is Topock. The Tribe intends to continue to participate in the process in a collaborative manner to achieve these goals.

We appreciate your attention to our concerns and if you have any questions, please do not hesitate to contact our office.

Sincerely,

Loretta Jackson-Kelly, Direct

COURTNEY ANN COYLE ATTORNEY AT LAW

HELD-PALMER HOUSE I 609 SOLEDAD AVENUE LA JOLLA, CA USA 92037-3817

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Mr. Aaron Yue, Project Manager DTSC 5796 Corporate Avenue Cypress, CA 90630 aaron.yue@dtsc.ca.gov

January 17, 2013

RE: FMIT COMMENTS ON NOP FOR SOIL INVESTIGATION EIR

Dear Mr. Yue,

This comment letter on the Notice of Preparation (NOP) for a Draft Environmental Impact Report (DEIR) for the Pacific Gas & Electric (PG&E) Topock Compressor Station Soil Investigation Project Environmental Impact Report (project or Soil Investigation EIR) is respectfully and timely submitted on behalf of the Fort Mojave Indian Tribe (FMIT or Tribe).¹

Clarification Needed on Kind of EIR DTSC is Proposing

In communication with stakeholders in late 2012, DTSC stated it intended to prepare a Soil Focused EIR (See, for example, Aaron Yue email to Stakeholders, November 26, 2012, "PG&E: DTSC decisions on CEQA path for upcoming activities" and CWG Action Item Tracking updated October 17, 2012, 10/17/12.6). However, the NOP only references a DEIR and says nothing about a "Focused" EIR.

FMIT is concerned because "Focused EIR" is a term of art under CEQA. See, for example, information on Focused EIRs at http://ceres.ca.gov/ceqa/guidelines/art11.html. It appears that the intent of DTSC might have been to use the word "focused" in a layman's sense that it would be limited to that portion of remedial investigation addressing only soils, as opposed to groundwater or other media.

¹ Please reference email from Karen Baker to Tribe dated January 14, 2013, extending the NOP comment period for the Tribe until January 18, 2013. The Tribe requested the extension in an effort to receive certain scoping related materials from DTSC to better inform its comments.

While the Tribe feels the preparation of an EIR for soils investigation activities is appropriate, a Focused EIR does not appear to be the correct CEQA document. A Focused EIR assumes that the cumulative and irreversible significant effects as studied in the original EIR (here, presumably the Groundwater EIR) are adequate for the subsequent project (here, the soil investigation), therefore review and reduction of those classes of impacts would be unnecessary.

If DTSC were in fact proposing a Focused EIR, its NOP would need to be rewritten to reflect that. The NOP would also need to clearly state the environmental effects it intends to focus on and why. It would need to explain the prior history of CEQA review for soil investigations, if any, and the document off of which it was specifically tiering. The revised notice must then be publicly circulated and a new round of public hearings properly noticed.

On the other hand, it is widely known that the cumulative effects of past, present and reasonably foreseeable activities in this sacred area are already significant and only worsen with each new project, incursion, well, test area, sample taken, etc. Moreover, while the impacts from groundwater and soils activities may share some of the same characteristics, they are not necessarily the same impacts across the board. In the end, soil sampling and removal is an irreversible impact that has not been studied in the Groundwater EIR or other environmental documents in accordance with CEQA. However, even if soil investigations had been considered within the Groundwater EIR, the magnitude of the soil investigation estimates has expanded four-fold by some estimates since the Groundwater EIR was developed, and cannot be said to have been fully considered within that document.

In sum, it is our opinion that DTSC should be preparing a full, stand-alone EIR for the project. DTSC and its consultant at the January Consultative Working Group (CWG) meeting clarified that the document to be prepared was in fact a full, stand alone EIR and that a Focused EIR as defined under CEQA was not its intention. Please confirm.

Need for Complete Evaluation of Cumulative Impacts, Including All Soils Activities

FMIT does not believe the cumulative impacts for each new successive activity can somehow be waived or left unaddressed. Included in the Soil Investigation EIR should be a discussion of all the past, current and foreseeable soil projects/activities (even for those actions that may have been determined previously exempt from CEQA) and what CEQA documents were prepared, and are anticipated to be prepared, for each anticipated action.

Hundreds of samples have already been collected at the Topock project site. Each of these samples represents a significant and irreversible change to the land and contributes an impact or adverse effect to the cultural and sacred value of the land to the Tribe. The CEQA evaluation must consider not only those proposed samples in the soils characterization work plan but also the cumulative impact from all the soil samples that have already been, or are planned to be, collected.

Explanation of Groundwater versus Soil Actions and Future Soil Activities

Based on the apparent confusion by the public as shown in the NOP hearing transcripts, the EIR should clearly explain why the groundwater and soils studies were bifurcated by DTSC, the criteria being used by DTSC to determine which activity and impact go into which category of study (groundwater versus soil), and describe the potential interplay between the soil investigation environmental document and the environmental document for the anticipated soil remedy. Please confirm, as stated in the January CWG and TWG Handouts, that a future environmental analysis will be conducted for the soils clean up remedy, should such clean up be necessary, once the extent and type of contamination is known.

Project Description Lacking Necessary Detail

The description for the project tries to *list* the anticipated project components; however, no effort was made in the NOP to *quantify* the potential impacts from these components. Without additional detail, it is difficult to make informed comments at this time about the potential impacts, apart from stating that virtually any additional land disturbance in this sacred area is a significant, irreversible impact and adverse effect. The lack of detail was a concern voiced also by members of the public providing comments during the NOP scoping meetings.

The EIR must make an effort to provide meaningful quantification for acreage disturbance, cubic yards of soil to be disturbed and/or displaced, etc., to allow tribes and the public to more fully understand the nature and scope of the proposed activities. Data Quality Objectives must be clearly set forth so that the environmental impacts of having increased or decreased sampling – either aerially or numerically – can be evaluated in the context of impacts on decision-making. Having more data is not necessarily better, and having less data, which may or may not show a statistically significant difference in levels of confidence, does not necessarily have a significant impact in the ability or quality of decision-making.

Moreover, can any estimates regarding the potential scope of the soil remedy options be made at this time? If so, this may help inform the current cumulative impacts analysis.

Environmental Effects to be Examined in the Soil Investigation EIR

The Tribe is concerned about any and all potential impacts to the sacred area. Aesthetics (visual impacts, soil discoloration), soils (erosion), land use and planning (relationship to the Area of Critical Environmental Concern; effects of employees (sanitary, car trips, trash), noise (temporary), induced access (including site damage) and cultural resources (direct, indirect and cumulative to archaeological, heritage and sacred resources) are of particular concern at this time.

The sentence in the NOP section regarding Cultural Resources is also of concern to the Tribe. It states: "With respect to Cultural Resources, the Topock site and adjacent lands are contained within a larger geographic area that is considered sacred by the Fort Mojave Indian Tribe and by other Native American tribes."

While the Topock site is indeed connected to, and is part of, a larger sacred area, the area within which the project is proposed, is also sacred and culturally valuable within its own right, including the current and prior physical locations of the Topock Maze, current and prior geoglyph locations, other cultural site components and their setting. feeling and association. We believe that that was partly why DTSC designated that area of the landscape as the Topock Cultural Area in the Groundwater EIR and why DOI recognized a Topock Traditional Cultural Property (TCP) in its groundwater decision documents. The NOP description should be restated to more accurately reflect the environmental setting and layers of cultural values at issue.

More specifically, will DTSC be carrying forward the Topock Cultural Area designation and significance determination from the Groundwater EIR to the Soil Investigation EIR? How will DTSC consider the additional archaeological surveys that have been completed, for example, relative to freshwater sources, as to the cultural setting for the soil investigation?² This information appears to further corroborate the Tribe's views of there being a larger, connected, tribal cultural landscape that must be considered within the CEQA processes. How will DTSC meet its obligations under state law (and DOI meet its obligations under federal law) regarding impacts that might fall outside the currently established project boundary or Area of Potential Effect (APE)? Recent quidance from the Advisory Council on Historic Preservation, "Traditional Cultural Landscapes in the Section 106 Review Process," 03-19-12, and "Native American Traditional Cultural Landscapes and the Section 106 Review Process: Questions and Answers," 07-11-12, may be of assistance to DTSC in addressing these concerns in the EIR.3

An emphasis of this guidance is that full cultural resources reports and analyses look at more than simply physical archaeology as defined by archaeologists and look beyond the immediate direct physical effects to effects on the whole of the historic property or landscape. The Tribe requests the Cultural Resources section in the EIR be conducted by qualified and experienced professionals and consider more than physical archaeology and direct impacts to those sites or the Tribe's cultural values translated into scientific archaeological terms.

² Please reference, Technical Memorandum, "Updated Archaeological Survey for the Evaluation of Alternative Freshwater Sources in the Topock Remediation Area," Applied Earthworks, 12-20-12, which identified thirty-three previously unrecorded archaeological and historical sites. This document was recently sent to the Tribe for review. FMIT intends to send in written comments on that memo to DTSC and DOI by January 31, 2013.

Attached and found at: http://www.achp.gov/background_landscapes.pdf (Attachment 1); http://www.achp.gov/natl-qa.pdf (Attachment 2). (While directed towards the NHPA Section 106 process, the guidance is still relevant for projects undergoing CEQA analysis, particularly those projects involving properties listed on the National Register of Historic Places such as the Topock Maze.)

The EIR should also analyze the potential impacts to affiliated tribal people regarding the project. Pursuant to CEQA, a social change related to a physical change may be considered in determining whether the physical change is significant. See, CEQA Guidelines section 15382 and California Attorney General's Office, "Environmental Justice at the Local and Regional Level, Legal Background," updated 07-10-12.⁴

Analysis of the role of social change has been largely absent in prior CEQA analyses relative to Topock and has resulted in the minimization of certain potential impacts to the Tribe and its members, such as those related to noise, visual and aesthetics, among others, and a failure to seek out, consider and analyze tribal views of significance and impacts for specific resources and impacts.

DTSC, ESA and the Tribe should actively discuss how to meet these criteria in the EIR.

Alternatives

The Tribe respectfully requests a Tribal Land Use Scenario alternative be studied in the EIR. This alternative could both meet the characterization goals for the study while minimizing the impacts to the sacred area. This alternative is also feasible as it would be more reflective of the ultimate actual future use of this area. This request is consistent with the Tribe's previous correspondence to DTSC on this issue, which we incorporate here by reference.⁵

This alternative is environmentally preferred, as a sacred site, once desecrated, cannot be un-desecrated. There is no ceremony or amount or type of mitigation that can undo the impact. There are no offsets that can fully compensate for the impact. It is the Tribe's view that each soil sample represents a significant and irreversible change to the cultural and spiritual value of the project area and surrounding land and serves as a catalyst for likely future impacts. Therefore, the Tribe requests that the CEQA evaluation prioritize and seriously consider modifications to the soil investigation scope to reduce the impacts, i.e., the number of samples and sample locations.

There is a process available to DTSC that would decrease the significant and irreversible changes to the land by decreasing the number of samples and sample locations. This process is making the basis for the scope of the soil characterization plan a future-tribal-land-use-risk-based evaluation. This process change, which may require an update of the project Data Quality Objectives (DQOs), would result in fewer needed samples and sampling locations. This, coupled with an *in-situ* evaluation of ecological impacts (*i.e.*, are there areas of visible or measurable impacts to ecological receptors in areas of soil contamination?), would reduce the significant and irreversible

⁴ Attached and found at: http://oag.ca.gov/sites/all/files/pdfs/environment/ej_fact_sheet.pdf (Attachment 3).

⁵ This includes previous correspondence to and from DTSC and DOI related to the following: tribal land use scenario, soil risk assessment work plan, soils characterization work plan and displaced soils handling policy.

changes to the land due to sampling. The Tribe requests that the EIR include a quantitative evaluation as an alternative which meets project objectives and decreases project impacts.⁶

There is a second process available to DTSC that would decrease the "significant and irreversible changes" to the land also by decreasing the number of samples and sample locations. This process is to minimize further step-out samples and sample locations in areas where soil remediation (i.e., removal) would occur because the soil concentrations are above the tribal-land-use target cleanup concentrations. Once an area is identified for corrective measures (i.e., the highest concentrations have already been identified and only further step-out samples are needed) then during the remediation of the soil, when such intrusive activities are being performed, those step-out samples can be collected as the excavation is proceeding. The Tribe requests that the CEQA evaluation include this quantitative evaluation as an acceptable alternative which meets project objectives and decreases project impacts.

Proposed Project Map

Please explain the activities anticipated at AOC 29 and AOC 30 on this map. The blue coding at these areas on the map does not appear to match that of the legend. It also appears, according to the map, that equipment staging and storage is proposed at AOC 29. Please explain. Any activities on or near the parcel now owned by the FMIT is of concern to the Tribe and the Tribe needs to understand what is specifically being considered and why, and what alternative siting options may be available to reduce impacts and effects.

Specific Protocols and Measures

The Tribe expects that protocols and measures negotiated elsewhere during the groundwater remediation or prior soil investigations will equally apply here. For example, the requirements to have tribal monitors present during archaeological surveys and work that could disturb soil, and the displaced soils protocol, should apply to this proposed action as well. Please confirm.

The Cultural Resources Programmatic Agreement, particularly Section IV "Characterizing, Remediating, and Mitigating Soils Contamination," should also be considered in full including regarding any potential change to the project boundary or the APE. This is particularly necessary from the Tribe's perspective given the joint action by DTSC and DOI in the remediation and to reduce confusion and foster consistency, including through the DTSC/DOI MOU.

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⁶ The Tribe is moving forward with the development of a tribal land use scenario and offers to meet with DTSC and ESA to present and explain the resulting clean up concentrations. Please inform the Tribe of the schedule benchmarks for the Draft EIR so that tribal input may be timely submitted and considered.

Prior Correspondence and CEQA Process

FMIT appreciates the NOP's statement that prior comments by stakeholders will be considered in scoping the EIR. These include comments previously submitted by the Tribe to DTSC on the soil investigation work plan.

The Tribe reiterates that it respectfully requests to be fully involved in the CEQA process for this project, and any other proposed project, in this sensitive area. The Tribe's involvement is supported by the Governor's Executive Order B-10-11, 09-19-11, ordering all state agencies to communicate and consult with California Indian Tribes, Cal/EPA Policy Memorandum, "Cal/EPA Policy for Working with California Indian Tribes," 10-19-09, and the terms of the settlement agreements between DTSC and the Tribe from 2005 and 2012.

More specifically, the Tribe believes that its participation relative to the EIR should include DTSC: meeting with the Tribe regarding the cultural resources, alternatives and mitigation sections of the DEIR prior their public release; accommodating other meeting requests by the Tribe; providing all technical appendices in both hard copy and electronic format at the time of initial release of the DEIR to the Tribe; providing the FEIR in redline form to facilitate efficient review; and providing the FEIR to the Tribe and others at least 30 days prior to project approval. The Tribe believes that managing the CEQA process in this manner should reduce misunderstandings, create a more meaningful EIR and thereby reduce the potential for avoidable delay in reaching project approval and ultimately project implementation.

Further, the manner in which the cultural and spiritual aspects of the project area and surrounding lands are presented in the CEQA evaluation are a concern to the Tribe. Descriptions must be accurate yet sensitive to the manner in which the Tribe shares this information with individuals outside the Tribe. Therefore, the Tribe reiterates its request that draft language relative to cultural issues proposed for inclusion in the EIR be provided to the Tribe and that face-to-face meetings between DTSC and their CEQA contractor (ESA) take place to review the draft language prior to the publication and release of a draft document. It should also be noted that the <u>discussion</u> of sacred areas itself, even if handled with sensitivity and respect for Tribal spiritual beliefs, is an impact to the Tribe and therefore the inclusion of the Tribe in drafting and verifying the accuracy of the environmental document can help ameliorate that and prevent inappropriate and insensitive presentations.

Additionally, the Tribe would like to understand the specific role, if any, PG&E will have in the drafting and review of the screen check EIRs. At the January 2013 CWG meeting, DTSC confirmed that PG&E would be reviewing not just project descriptions but also

⁷ Attached and found at: http://gov.ca.gov/news.php?id=17223 (Attachment 4).

⁸ Attached and found at: http://www.calepa.ca.gov/tribal/Documents/CIT01Policy.pdf (Attachment 5). (We understand Cal EPA is also currently working on adopting a consultation policy responsive to Governor Brown's Executive Order.)

significance conclusions and mitigation measures. The Tribe notes that PG&E previously requested that it be provided a screen check version of the DEIR during the Groundwater EIR review. During scoping, the Tribe made a request to review a screen check version of the Soil Investigation DEIR as it relates to Cultural Resources. DTSC has apparently accepted PG&E's request relative to both groundwater and soils, but has not accepted the Tribe's request at this time. The Tribe reiterates its request to be provided a screen check version of the DEIR, at least to the extent those sections relate to or impact Cultural Resources. As is set forth below, review by the Tribe as to the description and analysis of Cultural Resources is needed both to ensure accuracy and to maintain legally required confidentiality. Moreover, PG&E's views on cultural resource analysis, as expressed to DTSC during the Groundwater EIR, are of concern to the Tribe. The interview of the tribe.

The Tribe also notes that PG&E's 2009 Letter requesting a screen check EIR for groundwater is not supported by any cited reference to statute, regulations or case law. The Tribe further notes that PG&E is not a voluntary proponent of a private project, but is the respondent to a clean-up order from DTSC and, as a defendant in a federal Superfund action, will soon be performing actions under a federally enforceable consent decree. Thus, PG&E is being directed under compulsion of law to implement these projects and is a legal adversary to DTSC and the federal government. The Tribe is unaware of any exemption from public release under the California Public Records Act or the Freedom of Information Act for any such "draft" documents as a screen check DEIR once it is shared with PG&E by DTSC, including deliberative privilege.

If DTSC plans to provide such documents to the respondent of its cleanup order, but not the Tribe, DTSC must provide a clear, defensible legal basis for doing so, ¹³ should justify any such legal exercise of any discretion to do so and inform the Tribe and other concerned stakeholders of the specific steps DTSC intends to take to ensure the

⁹ See attached letter from PG&E (Bob Howard) to DTSC (Maziar Movassaghi), dated July 30, 2009 (PG&E 2009 Letter) (Attachment 6), requesting reconsideration by DTSC of DTSC's denial of access of PG&E to the screen check EIR. While the Tribe was not copied on this letter, it became aware of it during its review in 2012 of the Administrative Record produced relative to the Tribe's litigation of the Groundwater EIR.

¹⁰ The Rainbow Schedule was recently modified by DTSC to add line items under environmental documents for PG&E review of screen check documents. Please reference CWG Handout 5A, January 2013.

¹¹ It should be noted that the reasons argued by PG&E in its letter in support of its screen check review could apply equally to the Tribe relative to commitment of significant resources, provision of data and reports, review for legal sufficiency, and delay reduction.

¹² See attached, PG&E 2009 Letter, stating its fear that once a DEIR is published, the cat cannot be put back into the bag, setting a dangerous precedent for how certain cultural resource issues may be handled and evaluated by the federal agencies. Cultural resources was the only specific CEQA topic area with which PG&E expressed concern in its letter.

¹³ It was stated by DTSC at the January CWG meeting that the EIR contract services agreement, presumably between DTSC and PG&E, obligates screen check review by PG&E. Accordingly, please provide a signed and dated copy of the contract between DTSC and PG&E relative to the EIR.

document reflects the agency's independent review. If PG&E continues to be granted pre-review privileges, the Tribe respectfully requests to be provided any materials or comments submitted by PG&E relative to its review at the time they are submitted to DTSC. This would provide a measure of assurance to the Tribe of the independence of DTSC in the CEQA process.

Finally, there is material the Tribe needed for providing complete scoping comments that has not been made available to it: It is now the Tribe's understanding that transcripts of the full scoping hearings are not available even though a court reporter was present at each of the public hearings. This is different from the process used by DTSC for the Groundwater EIR scoping meetings in which full transcripts - not just transcripts of public comments - were made available. (See, Scoping Report, August 2008, Appendix I.) No notice was provided to the Tribe of a change in protocol. We understand from DTSC's response to our concern expressed at the January CWG meeting, that for future CEQA documents, it will return to providing full transcripts. Please confirm.

Confidentiality about Sacred Places

State and federal statutes provide authority for nondisclosure to the public of confidential historical resource information.

California Public Records Act, Government Code section 6254(r) provides:

"Except as provided in Sections 6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following: ... Records of Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code maintained by, or in the possession of, the Native American Heritage Commission, another state agency or a local agency."

CEQA Guidelines section 15120(d) provides:

"No document prepared pursuant to this article that is available for public examination shall include a "trade secret" as defined in Section 6254.7 of the Government Code, information about the location of the archaeological sites and sacred lands, or any other information that is subject to the disclosure restrictions of Section 6254 of the Government Code."

The explanatory note in the Guidelines states, "Limiting disclosure of archaeological sites and sacred lands is particularly important in order to reduce the chances that they might be damaged or destroyed by looters."

National Historic Preservation Act section 304 states:

"The head of a Federal agency or other public official receiving grant assistance pursuant to this Act, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character or ownership of a historic resource if the Secretary and the agency determine that disclosure may (1) cause a significant invasion of privacy; (2) risk harm to the historic resources; or (3) impede the use of a traditional religious site by practitioners ..."

Case law also applies State authority to local agency public hearings and allows the hearing managers to review confidential records *in camera* without disclosing those records to the public. *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200 (Governor's Office of Planning & Research (OPR) counsels local governments to avoid including any specific cultural place information within CEQA documents or staff reports which are required to be available at a public hearing; in such cases, confidential cultural resource inventories or reports should be maintained under separate cover and shall not be available to the public.)

Particularly relevant to the ongoing CEQA processes at Topock, the California Public Records Act, Government Code section 6254.10 provides:

"Nothing in this chapter requires disclosure of records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commissions, the Native American Heritage Commission, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency."

In sum, maintaining the confidentiality of tribal historic resources' location, cultural significance and use - including that information gained by agencies during confidential discussions or consultations on the project or its environmental documents - is a cornerstone of tribal participation in CEQA and other processes and must be respected and accommodated here.

The Tribe expects that confidentiality will be maintained and is happy to continue to work with DTSC to maintain both an open discourse and develop appropriate measures to maintain confidentiality of sensitive cultural information during the CEQA process. Should DTSC believe it cannot ensure confidentiality of any particular record, the Tribe respectfully requests DTSC provide notice to the Tribe in advance of the Tribe providing the record or a means to return the record to the Tribe if it has already been provided to the agency.

Conclusion

The purpose of CEQA is to inform decisionmaking and avoid or minimize impacts to the environment. The Tribe believes that an effective CEQA process can result in revisions to the project that will reduce impacts to the sensitive environment, cultural area and setting that is Topock. The Tribe intends to continue to participate in the process in a collaborative manner to achieve these goals.

Please include my office and that of Nora McDowell-Antone, Topock Project Manager, in the list of persons to receive all notices of public hearings and hard and electronic copies of the draft and final EIRs and any related documents.

Should DTSC have any questions or concerns about these comments, please contact me at 858-454-8687 or at CourtCoyle@aol.com. Thank you for your courtesy and consideration.

Very truly yours,

Courtney Ann Coyle

Courtney Ann Coyle

Attorney at Law

Attachs.

Copies:

Hon. Timothy Williams, Chairman, FMIT Nora McDowell-Antone, Project Manager, FMIT Linda Otero, Director, Ahamakav Cultural Society Carol Roland-Nawi, CA SHPO Cynthia Gomez, NAHC/Tribal Advisor Wavne Donaldson, ACHP Pam Innis, DOI Ann Howard, AZ SHPO Kim Liebhauser, Field Manager, LHFO Roxie Trost, BLM District Manager, Colorado River District Matthew Rodriguez, Secretary, CALEPA Leo Leonhart, Hargis + Associates Michael Sullivan, FMIT Consultant **Technical Review Committee** Tribal Government Chairmen/Chairwomen Karen Baker, DTSC Jose Marcos, DTSC



TRADITIONAL CULTURAL LANDSCAPES IN THE SECTION 106 REVIEW PROCESS

Background. Since 1992, when Congress amended the National Historic Preservation Act to clarify that historic properties of religious and cultural significance to Indian tribes and Native Hawaiian organizations (NHOs) may be eligible for the National Register of Historic Places (National Register), the ACHP has seen a steady increase in the number of Section 106 reviews involving such historic properties. Improvements in federal agency consultation with Indian tribes and NHOs and greater recognition of their expertise in identifying historic properties of significance to them have likely contributed to this increase. It is equally likely that there have also been increasing development pressures in places not previously developed. An early 2011 Tribal Summit co-hosted by the ACHP in Palm Springs, California, underscored the fact that the nation's renewed emphasis on the development and transmission of renewable energy, as well as the continued focus on conventional energy, is placing additional pressures on landscapes throughout the country, and particularly in the west.

There have also been an increasing number of Section 106 reviews involving large scale historic properties which have included multiple, linked features that form a cohesive landscape of significance to a tribe or tribes or NHOs. The recognition and understanding of such places can often be a struggle for the non-tribal or non-Native Hawaiian participants in the process, partly due to the lack of experience in addressing such places and partly due to the lack of a vocabulary for identifying and evaluating these properties. Likewise, these expansive landscapes pose challenges for consulting parties in assessing and effectively addressing the impacts of federal actions on them.

There are numerous places of this nature either listed in the National Register or determined eligible for inclusion in the National Register as a result of the Section 106 process, including Zuni Salt Lake in New Mexico, Bighorn Medicine Wheel/Medicine Mountain in Wyoming, Nantucket Sound in Massachusetts, Mauna Kea in Hawaii, and Mount Graham in Arizona. While the formal recognition process addresses some of the questions of significance and extent, the tribes or NHOs to whom they are significant often indicate that these expansive landscapes are part of a larger whole that is often not fully recognized or understood by those considering them through the Section 106 process. For example, although the area included in the Bighorn Medicine Wheel National Historic Landmark has just been expanded to approximately 4,000 acres, an area many times that size is of significance to the tribes. Likewise, the National Park Service acknowledged in its eligibility determination for Nantucket Sound that the recognized area was part of a larger significant landscape. Significant mountains such as Mount Taylor in New Mexico and Mount Graham, too, are often considered to be components of an even broader cultural landscape that retains significance for many tribes.

With the growing recognition that there are large scale historic properties of significance to Indian tribes and NHOs and that such places are increasingly being threatened by development, the ACHP initiated informal discussions with Indian tribes in 2009 about how to address these issues. The ACHP began by advancing the idea that these large scale properties might be best addressed as landscapes and looked to the field of landscape architecture for both a methodology and a vocabulary to apply to properties of

religious and cultural significance. While these discussions continue, most have agreed that such properties warrant the attention of the preservation community. Pressing Section 106 issues, such as energy development across the country, also underscore the need to address these issues now.

Recognizing the importance of this issue, the ACHP and the National Park Service (NPS) co-hosted a forum on August 10, 2011, to introduce to the ACHP members the range of issues and challenges regarding the identification and treatment of traditional cultural landscapes. While the ACHP staff have for many years been involved these issues, the increasing pressures on tribal and Native Hawaiian cultural resources warranted elevating the dialogue to the policy level within the ACHP and the broader preservation community.

The forum included brief presentations from a federal agency that has experience in considering tribal landscapes through the Section 106 process, as well as representatives from the ACHP, NPS, Indian tribes, and the National Conference of State Historic Preservation Officers who have addressed these issues for many years. These presentations helped to identify the broad range of issues related to the recognition, evaluation, and treatment of such places through the Section 106 process.

In response to the forum, the ACHP members endorsed the *Native American Traditional Cultural Landscapes Action Plan* at the business meeting on November 10, 2011. The plan calls for the ACHP and DOI to promote the recognition and protection of Native American traditional cultural landscapes both within the federal government and the historic preservation community as well as at the state and local levels and to address the challenges of the consideration of Native American traditional cultural landscapes in the Section 106 review process as well as in NEPA reviews. The plan includes specific actions to meet these goals through partnerships with other federal agencies, State Historic Preservation Officers, intertribal organizations, Indian tribes, and Native Hawaiian organizations.

The ACHP's Office of Native American Affairs oversees the action plan in conjunction with staff from the Office of Federal Agency Programs. For more information about the action plan, send an email to landscapes@achp.gov.

March 19, 2012

ATTACHMENT



Native American Traditional Cultural Landscapes and the Section 106 Review Process: Questions and Answers

The consideration of Native American traditional cultural landscapes in Section 106 reviews has challenged federal agencies, Indian tribes, and Native Hawaiian organizations for some time. There has been confusion regarding what makes a place a traditional cultural landscape, whether they can be considered historic properties, and whether the size of such places influences their consideration under the National Historic Preservation Act. While these are all critical issues worthy of much thought and deliberation among federal agencies, Indian tribes, and Native Hawaiian organizations, the Advisory Council on Historic Preservation (ACHP) wishes to advance this dialogue by first addressing common questions about how such historic properties should be considered in the Section 106 process. While we anticipate that further dialogue will be necessary to resolve these and other issues, this Q and A is offered to move the dialogue forward and improve the consideration of these places in the Section 106 process.

This guidance assumes that readers have a basic understanding of the Section 106 review process. For more information, go to www.achp.gov.

Since this is not an exhaustive list of the issues related to Native American traditional cultural landscapes that one might encounter in a Section 106 review process, we would welcome suggestions for additional questions the ACHP should consider addressing. Further, please send us additional information or sources regarding Native American traditional cultural landscapes that you believe would be helpful for others.

1) What is a traditional cultural landscape?

The term "traditional cultural landscape" has not yet been formally defined by the National Park Service, the agency responsible for defining historic properties and maintaining the National Register of Historic Places (NRHP). While there is currently no formal NRHP definition of a traditional cultural landscape, the recent interest in these places has led the National Park Service to launch an initiative regarding updating National Register (NR) Program guidance for identifying, evaluating, and documenting properties that are historically significant as Traditional Cultural Properties (TCPs) and/or Native American landscapes. NPS will be soliciting written comments and suggestions through October 31, 2012, and may be submitted to nr info@nps.gov. Respondents should identify their submission(s) as a "TCP/NAL Comment" in their e-mail "subject" box. Responses submitted via email will be posted on an ongoing basis beginning the first week of June 2012 on the NR website located at: http://www.nps.gov/history/nr/publications/guidance/TCP comments.htm. Respondents who do not want their names and/or e-mail addresses posted on the NR website along with their comments, or do not want their comments published at all, should clearly indicate that preference in their e-mail.

2) Can traditional cultural landscapes be considered historic properties under Section 106 of the National Historic Preservation Act?

Traditional cultural landscapes are considered by the NRHP to be a type of significance rather than a property type. Property types are limited to those specified in the NHPA and the NRHP regulations and include districts, buildings, structures, sites, and objects. Traditional cultural landscapes can and often do embrace one or more of these property types. It is important to note that the size of such properties or the potential challenges in the management of them should not be considerations in the evaluation of their significance. Any questions regarding eligibility for listing in the National Register of Historic Places should be referred to the National Register of Historic Places. Information about the National Register can be found at www.nps.gov/nr. See question 8 for additional resources.

3) How are traditional cultural landscapes identified in the Section 106 review process?

Traditional cultural landscapes, because they are often a property type such as a district or site, are identified in the same manner in the Section 106 process as other types of historic properties of religious and cultural significance to Indian tribes or Native Hawaiian organizations. The regulations at 36 CFR Section 800.4 outline several steps a federal agency must take to identify historic properties. In summary, to determine the scope of identification efforts, a federal agency, in consultation with the State Historic Preservation Officers (SHPO)/Tribal Historic Preservation Officer (THPO), must:

- 1. Determine and document the area of potential effect for its undertaking;
- 2. Review existing information; and,
- 3. Seek information from consulting parties including Indian tribes or Native Hawaiian organizations.

Based on the information gathered through these efforts, the federal agency, in consultation with the SHPO and any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by the undertaking, develops and implements a strategy to identify historic properties within the area of potential effects. Identification efforts may include background research, oral history interviews, scientific analysis, and field investigations.

A federal agency's consultation with Indian tribes or Native Hawaiian organizations is intended to ensure historic properties that may be of religious and cultural significance to them are both identified and appropriately considered in the Section 106 review process. In fact, the Section 106 regulations at Section 800.4(c)(1) require federal agencies to acknowledge the special expertise of Indian tribes and Native Hawaiian organizations in assessing the eligibility of historic properties that may be of religious and cultural significance to them.

4) Why is it important for federal agencies to consult with Indian tribes or Native Hawaiian organizations regarding traditional cultural landscapes?

Many assume that archaeologists can identify, through archaeological surveys, those properties that are of significance to Indian tribes or Native Hawaiian organizations. However, unless an archaeologist has been specifically authorized or permitted by an Indian tribe or Native Hawaiian organization to speak on its behalf, or has been determined by that entity to be qualified to conduct such surveys, it should not be assumed that the archaeologist possesses the appropriate expertise to determine what properties are or are not of religious and cultural significance to an Indian tribe or Native Hawaiian organization. The appropriate individual to make such a determination is the representative designated by the tribe or Native Hawaiian organization for this purpose. Efforts to identify these types of properties may include site visits and interviews with tribal elders or cultural experts.

Additionally, unless such traditional cultural landscapes have already been publicly identified, frequently the only entities aware of these landscapes are either an Indian tribe or a Native Hawaiian organization. Since such places are often comprised of related locations across some distance and for which the connections may not be obvious to those outside of the culture that holds them significant, it stands to reason that the most appropriate entity to inform such identifications and evaluations are either Indian tribes or Native Hawaiian organizations.

5) How can issues of confidentiality be addressed when traditional cultural landscapes may be affected by an undertaking?

Many Indian tribes or Native Hawaiian organizations have belief systems that require the location and even the existence of properties of traditional religious and cultural significance, including traditional cultural landscapes, not be divulged. Therefore, it is vital that the federal agency work with tribes or Native Hawaiian organizations to identify sensitive locations while respecting desires to withhold specific information about such sites. The Section 106 regulations at 36 CFR Section 800.4(b)(1) state, in part, that "[t]he agency official shall take into account any confidentiality concerns raised by Indian tribes or Native Hawaiian organizations during the identification process."

The NHPA and the Section 106 regulations also provide a vehicle for protecting information that an Indian tribe or Native Hawaiian organization has disclosed for the purpose of identification and evaluation of historic properties in the Section 106 process. Section 304 of the NHPA (16 U.S.C. 470w-3(a)) and the regulations at 36 CFR Section 800.11(c)(1) provide that the head of an agency, after consultation with the Secretary of the Interior, "shall withhold from disclosure to the public" information about the location, character, or ownership of a historic property when the agency head determines that the disclosure of such information may cause a significant invasion of privacy; risk harm to the historic property; or, impede the use of a traditional religious site by practitioners. After such a determination, the Secretary of the Interior, in consultation with the relevant agency, will determine who, if anyone, may have access to the information for purposes of the NHPA. When the information in question has been developed in the course of an agency's compliance with Section 106, the Secretary shall consult with the ACHP in reaching determinations on the withholding and release of information.

One important caveat: the Section 304 confidentiality provisions only apply to properties that are listed or eligible for listing in the NRHP. Thus, it is possible that information disclosed prior to an eligibility determination may not be protected. Therefore, the ACHP suggests that agencies and Indian tribes or Native Hawaiian organizations contact NR staff for guidance regarding the amount of information and detail needed to make a determination of eligibility when such information may be at risk of disclosure. It may be possible for a tribe or Native Hawaiian organization to share just enough information for the agency to identify the existence of a site and make a determination of eligibility without compromising the site or the beliefs associated with it. Such information might include general aspects of the historic property's attributes, i.e., that an important yearly ceremony takes place in a certain general location, that quiet is required in the area, that visual impacts will impede the ability to properly perform a required ritual, or that important ceremonial harvesting activities must occur at a particular place, time, or under certain conditions, as well as basic information about the relationship of the property to the project area. However, if there are questions about the adequacy of such information in making determinations of eligibility, the NR staff should be consulted.

Issues of confidentiality and sensitivity of information require flexibility and cooperation among the consulting parties. There may be situations where a tribe or Native Hawaiian organization is only willing to share information with the federal agency and not with the other non-federal consulting parties. This can challenge the traditional Section 106 process where the federal agency also consults with the SHPO to

determine eligibility of properties. In such cases, it is recommended that the agency promptly talk with the ACHP or the NR staff about how to resolve such a situation.

6) What types of features may be part of a traditional cultural landscape?

There is no single defining feature or set of features that comprise a traditional cultural landscape. Such places could be comprised of natural features such as mountains, caves, plateaus, and outcroppings; water courses and bodies such as rivers, streams, lakes, bays, and inlets; views and view sheds from them, including the overlook or similar locations; vegetation that contributes to its significance; and, manmade features including archaeological sites; buildings and structures; circulation features such as trails; land use patterns; evidence of cultural traditions, such as petroglyphs and evidence of burial practices; and markers or monuments, such as cairns, sleeping circles, and geoglyphs.

7) What is the role of the Advisory Council on Historic Preservation in the consideration and protection of traditional cultural landscapes in the Section 106 process?

A federal agency must afford the ACHP an opportunity to participate in consultation regarding the resolution of adverse effects to any historic property, including a traditional cultural landscape, if the property is listed or determined eligible for listing on the NRHP. The ACHP can also offer its advisory opinion on the substance of any finding, determination, or decision regarding the adequacy of an agency's compliance with the Section 106 regulations at any time at the request of any individual, agency, or organization. The ACHP cannot, however, comment on the eligibility of a property for listing on the NRHP. Therefore, an Indian tribe or Native Hawaiian organization can request that the ACHP review an agency's finding, determination, or decision regarding the potential effects of its undertaking and the resolution of effects to historic properties of significance to them.

8) Where can I get more information on cultural landscapes in general?

The U.S. National Park Service (NPS) provides additional information on cultural landscapes at:

http://www.nps.gov/history/hps/hli/landscape guidelines/index.htm http://www.nps.gov/history/hps/hli/landscape guidelines/using.htm

NPS also provides additional information on traditional cultural properties, which can also be landscapes at:

http://www.nps.gov/nr/publications/bulletins/pdfs/nrb38.pdf

International sources of information:

http://unesdoc.unesco.org/images/0013/001331/133121e.pdf http://www.international.icomos.org/centre_documentation/bib/culturallandscapes.pdf http://whc.unesco.org/en/news/588

State of California DEPARTMENT OF JUSTICE



Environmental Justice at the Local and Regional Level Legal Background

Cities, counties, and other local governmental entities have an important role to play in ensuring environmental justice for all of California's residents. Under state law:

"[E]nvironmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.

(Gov. Code, § 65040.12, subd. (e).) Fairness in this context means that the *benefits* of a healthy environment should be available to everyone, and the *burdens* of pollution should not be focused on sensitive populations or on communities that already are experiencing its adverse effects.

Many local governments recognize the advantages of environmental justice; these include healthier children, fewer school days lost to illness and asthma, a more productive workforce, and a cleaner and more sustainable environment. Environmental justice cannot be achieved, however, simply by adopting generalized policies and goals. Instead, environmental justice requires an ongoing commitment to identifying existing and potential problems, and to finding and applying solutions, both in approving specific projects and planning for future development.

There are a number of state laws and programs relating to environmental justice. This document explains two sources of environmental justice-related responsibilities for local governments, which are contained in the Government Code and in the California Environmental Quality Act (CEQA).

Government Code

Government Code section 11135, subdivision (a) provides in relevant part:

No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state....

While this provision does not include the words "environmental justice," in certain circumstances, it can require local agencies to undertake the same consideration of fairness in the distribution of environmental benefits and burdens discussed above. Where, for example, a general plan update is funded by or receives financial assistance from the state or a state agency, the local government should take special care to ensure that the plan's goals, objectives, policies

and implementation measures (a) foster equal access to a clean environment and public health benefits (such as parks, sidewalks, and public transportation); and (b) do not result in the unmitigated concentration of polluting activities near communities that fall into the categories defined in Government Code section 11135. In addition, in formulating its public outreach for the general plan update, the local agency should evaluate whether regulations governing equal "opportunity to participate" and requiring "alternative communication services" (*e.g.*, translations) apply. (See Cal. Code Regs., tit. 22, §§ 98101, 98211.)

Government Code section 11136 provides for an administrative hearing by a state agency to decide whether a violation of Government Code section 11135 has occurred. If the state agency determines that the local government has violated the statute, it is required to take action to "curtail" state funding in whole or in part to the local agency. (Gov. Code, § 11137.) In addition, a civil action may be brought in state court to enforce section 11135. (Gov. Code, § 11139.)

California Environmental Quality Act (CEQA)

Under CEQA, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects" (Pub. Res. Code, § 21002.) Human beings are an integral part of the "environment." An agency is required to find that a "project may have a 'significant effect on the environment" if, among other things, "[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly[.]" (Pub. Res. Code, § 21083, subd. (b)(3); see also CEQA Guidelines, \$ 15126.2 [noting that a project may cause a significant effect by bringing people to hazards].)

CEQA does not use the terms "fair treatment" or "environmental justice." Rather, CEQA centers on whether a project may have a significant effect on the physical environment. Still, as set out below, by following well-established CEQA principles, local governments can further environmental justice.

CEQA's Purposes

The importance of a healthy environment for all of California's residents is reflected in CEQA's purposes. In passing CEQA, the Legislature determined:

- "The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern." (Pub. Res. Code, § 21000, subd. (a).)
- We must "identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds from being reached." (*Id.* at subd. (d).)

¹ To support a finding that such concentration will not occur, the local government likely will need to identity candidate communities and assess their current burdens.

² The CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000, et seq.) are available at http://ceres.ca.gov/ceqa/.

- "[M]ajor consideration [must be] given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian." (*Id.* at subd. (g).)
- We must "[t]ake all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise." (Pub. Res. Code, § 21001, subd. (b).)

Specific provisions of CEQA and its Guidelines require that local lead agencies consider how the environmental and public health burdens of a project might specially affect certain communities. Several examples follow.

Environmental Setting and Cumulative Impacts

There are a number of different types of projects that have the potential to cause physical impacts to low-income communities and communities of color. One example is a project that will emit pollution. Where a project will cause pollution, the relevant question under CEQA is whether the environmental effect of the pollution is significant. In making this determination, two long-standing CEQA considerations that may relate to environmental justice are relevant – setting and cumulative impacts.

It is well established that "[t]he significance of an activity depends upon the setting." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718 [citing CEQA Guidelines, § 15064, subd. (b)]; see also *id.* at 721; CEQA Guidelines, § 15300.2, subd. (a) [noting that availability of listed CEQA exceptions "are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant."]) For example, a proposed project's particulate emissions might not be significant if the project will be located far from populated areas, but may be significant if the project will be located in the air shed of a community whose residents may be particularly sensitive to this type of pollution, or already are experiencing higher-than-average asthma rates. A lead agency therefore should take special care to determine whether the project will expose "sensitive receptors" to pollution (see, e.g., CEQA Guidelines, App. G); if it will, the impacts of that pollution are more likely to be significant.³

In addition, CEQA requires a lead agency to consider whether a project's effects, while they might appear limited on their own, are "cumulatively considerable" and therefore significant. (Pub. Res. Code, § 21083, subd. (b)(3).) "[C]umulatively considerable means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future

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³ "[A] number of studies have reported increased sensitivity to pollution, for communities with low income levels, low education levels, and other biological and social factors. This combination of multiple pollutants and increased sensitivity in these communities can result in a higher cumulative pollution impact." Office of Environmental Health Hazard Assessment, *Cumulative Impacts: Building a Scientific Foundation* (Dec. 2010), Exec. Summary, p. ix, available at http://oehha.ca.gov/ej/cipa123110.html.

projects." (*Id.*) This requires a local lead agency to determine whether pollution from a proposed project will have significant effects on any nearby communities, when considered together with any pollution burdens those communities already are bearing, or may bear from probable future projects. Accordingly, the fact that an area already is polluted makes it *more likely* that any additional, unmitigated pollution will be significant. Where there already is a high pollution burden on a community, the "relevant question" is "whether any additional amount" of pollution "should be considered significant in light of the serious nature" of the existing problem. (*Hanford, supra*, 221 Cal.App.3d at 661; see also *Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025 [holding that "the relevant issue ... is not the relative amount of traffic noise resulting from the project when compared to existing traffic noise, but whether any additional amount of traffic noise should be considered significant in light of the serious nature of the traffic noise problem already existing around the schools."])

The Role of Social and Economic Impacts Under CEQA

Although CEQA focuses on impacts to the physical environment, economic and social effects may be relevant in determining significance under CEQA in two ways. (See CEQA Guidelines, §§ 15064, subd. (e), 15131.) First, as the CEQA Guidelines note, social or economic impacts may lead to physical changes to the environment that are significant. (*Id.* at §§ 15064, subd. (e), 15131, subd. (a).) To illustrate, if a proposed development project may cause economic harm to a community's existing businesses, and if that could in turn "result in business closures and physical deterioration" of that community, then the agency "should consider these problems to the extent that potential is demonstrated to be an indirect environmental effect of the proposed project." (See *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 446.)

Second, the economic and social effects of a physical change to the environment may be considered in determining whether that physical change is significant. (*Id.* at §§ 15064, subd. (e), 15131, subd. (b).) The CEQA Guidelines illustrate: "For example, if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant." (*Id.* at § 15131, subd. (b); see also *id.* at § 15382 ["A social or economic change related to a physical change may be considered in determining whether the physical change is significant."])

Alternatives and Mitigation

CEQA's "substantive mandate" prohibits agencies from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that would substantially lessen or avoid those effects. (*Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 Cal.4th 105, 134.) Where a local agency has determined that a project may cause significant impacts to a particular community or sensitive subgroup, the alternative and mitigation analyses should address ways to reduce or eliminate the project's impacts to that community or subgroup. (See CEQA Guidelines, § 15041, subd. (a) [noting need for "nexus" between required changes and project's impacts].)

Depending on the circumstances of the project, the local agency may be required to consider alternative project locations (see *Laurel Heights Improvement Assn. v. Regents of University of*

California (1988) 47 Cal.3d 376, 404) or alternative project designs (see *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1183) that could reduce or eliminate the effects of the project on the affected community.

The lead agency should discuss and develop mitigation in a process that is accessible to the public and the affected community. "Fundamentally, the development of mitigation measures, as envisioned by CEQA, is not meant to be a bilateral negotiation between a project proponent and the lead agency after project approval; but rather, an open process that also involves other interested agencies and the public." (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93.) Further, "[m]itigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments." (CEQA Guidelines, § 15126.4, subd. (a)(2).)

As part of the enforcement process, "[i]n order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented," the local agency must also adopt a program for mitigation monitoring or reporting. (CEQA Guidelines, § 15097, subd. (a).) "The purpose of these [monitoring and reporting] requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded." (Federation of Hillside and Canyon Assns. v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1261.) Where a local agency adopts a monitoring or reporting program related to the mitigation of impacts to a particular community or sensitive subgroup, its monitoring and reporting necessarily should focus on data from that community or subgroup.

Transparency in Statements of Overriding Consideration

Under CEQA, a local government is charged with the important task of "determining whether and how a project should be approved," and must exercise its own best judgment to "balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian." (CEQA Guidelines, § 15021, subd. (d).) A local agency has discretion to approve a project even where, after application of all feasible mitigation, the project will have unavoidable adverse environmental impacts. (*Id.* at § 15093.) When the agency does so, however, it must be clear and transparent about the balance it has struck.

To satisfy CEQA's public information and informed decision making purposes, in making a statement of overriding considerations, the agency should clearly state not only the "specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits" that, in its view, warrant approval of the project, but also the project's "unavoidable adverse environmental effects[.]" (*Id.* at subd. (a).) If, for example, the benefits of the project will be enjoyed widely, but the environmental burdens of a project will be felt particularly by the neighboring communities, this should be set out plainly in the statement of overriding considerations.

The Attorney General's Office appreciates the leadership role that local governments have played, and will continue to play, in ensuring that environmental justice is achieved for all of California's residents. Additional information about environmental justice may be found on the Attorney General's website at http://oag.ca.gov/environment.

Office of Governor Edmund G. Brown Jr. - Newsroom

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APPOINTMENTS



ISSUES

EXECUTIVE ORDER B-10-11

9-19-2011

WHEREAS California is home to many Native American Tribes with whom the State of California has an important relationship, as set forth and affirmed in state and federal law; and

ABOUT

MULTIMEDIA

WHEREAS the State of California recognizes and reaffirms the inherent right of these Tribes to exercise sovereign authority over their members and territory; and

WHEREAS the State and the Tribes are better able to adopt and implement mutually-beneficial policies when they cooperate and engage in meaningful consultation; and

WHEREAS the State is committed to strengthening and sustaining effective government-to-government relationships between the State and the Tribes by identifying areas of mutual concern and working to develop partnerships and consensus; and

WHEREAS tribal people, as both citizens of California and their respective sovereign nations, have a shared interest in creating increased opportunities for all California citizens.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, by virtue of the power vested in me by the Constitution and the statutes of the State of California, do hereby issue the following orders to become effective immediately:

IT IS ORDERED that the position of Governor's Tribal Advisor shall exist within the Office of the Governor;

IT IS FURTHER ORDERED that the Governor's Tribal Advisor shall oversee and implement effective government-to-government consultation between my Administration and Tribes on policies that affect California tribal communities, and shall:

- · Serve as a direct link between the Tribes and the Governor of the State of California.
- · Facilitate communication and consultations between the Tribes, the Office of the Governor, state agencies, and agency tribal liaisons
- · Review state legislation and regulations affecting Tribes and make recommendations on these proposals.

IT IS FUTHER ORDERED that the Office of the Governor shall meet regularly with the elected officials of California Indian Tribes to discuss state policies that may affect tribal communities.

IT IS FURTHER ORDERED that it is the policy of this Administration that every state agency and department subject to my executive control shall encourage communication and consultation with California Indian Tribes. Agencies and departments shall permit elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

For purposes of this Order, the terms "Tribe," "California Indian Tribe", and "tribal" include all Federally Recognized Tribes and other California Native Americans.

This Executive Order is not intended to create, and does not create, any rights or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of California or its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order shall be filed with the Office of the Secretary of State and that it be given widespread publicity and notice.

IN WITNESS WHEREOF I have hereunto set my

hand and caused the Great Seal of the State of California to be affixed this 19th day of September 2011.

EDMUND G. BROWN JR. Governor of California ATTEST: **DEBRA BOWEN** Secretary of State

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NEWSROOM

Governor Brown Announces Appointments 01-17-2013



Governor Brown to Attend University of California Regents Meeting Tomorrow 01-16-



Governor Brown Announces Appointments 01-16-2013



Governor Brown Issues Statement on Death of Galt Police Department Officer 01-16-2013



Governor Brown to Attend University of California Regents Meeting Tomorrow 01-15-



Governor Brown Announces Appointments 01-15-2013



Governor Brown Issues Proclamation Declaring Dr. Martin Luther King Jr. Day 01-15-2013



Governor Brown Announces Appointment 01-



Governor Brown to Speak at San Jose State University Tomorrow 01-14-2013



Governor Brown Announces Appointments 01-14-2013

State of California California Environmental Protection Agency Cal/EPA-019 (New 05/18/05)

CAL/EPA POLICY MEMORANDUM	NUMBER: CIT-09-01
SUBJECT:	DATE ISSUED:
CAL/EPA POLICY FOR WORKING WITH CALIFORNIA INDIAN	10/19/09
TRIBES	EXPIRES:
	UNTIL RESCINDED
REFERENCES:	CATEGORY:
	CALIFORNIA INDIAN TRIBES

STATEMENT OF PURPOSE

The mission of the California Environmental Protection Agency (Cal/EPA) is to restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality.

This policy provides a framework for Cal/EPA and its Boards, Departments and Offices (BDOs) to improve and maintain communication and collaboration between Cal/EPA, its BDOs, and California Indian Tribes to further the mission of Cal/EPA.

This policy also provides a commitment to educate appropriate staff, to become informed about the cultural setting of California Indians, their environmental issues and tribal histories, for the purpose of improving Cal/EPA's understanding of and connection to California Indian Tribes.

DEFINITIONS

For purposes of this policy, the following terms shall have the meanings defined below:

California Indian Tribe: A federally-recognized California Indian Tribe (as listed on the Federal Register). With respect to cultural resources, a federally-recognized Indian Tribe and a non-federally recognized California Native American Tribe that is on the California Tribal Consultation List maintained by the Native American Heritage Commission (NAHC).

Tribal Sovereignty: Refers to the unique political status of federally-recognized Indian tribes. Federally-recognized Indian tribes exercise certain jurisdiction and governmental powers over activities and Tribal members within its territory. Some of these powers are inherent, some have been delegated by the United States, and all are subject to limitations by the United States. Existing limitations are defined through acts of Congress, treaties, and federal court decisions.

Indian Country [or Tribal Lands]: Have the same meaning as the term "Indian country" in title 18 United States Code section 1151 (see Statutory References).

Collaboration: Refers to California Indian Tribes and Cal/EPA and its BDOs communicating and working together to resolve respective issues of concern and/or mutual interest. This exchange is conducted by respecting the protocols each respective tribe has established for contacting its governing body or its delegated official. This exchange is also conducted through the Governor's appointed Agency Secretary, BDO Chairperson or Executive Director, or their delegated representatives.

BACKGROUND

The Office of the Secretary of Cal/EPA oversees and coordinates the activities of the following six BDOs: the Air Resources Board; the Department of Pesticide Regulation; the Department of Toxic Substances Control; the Integrated Waste Management Board; the Office of Environmental Health Hazard Assessment; and the State Water Resources Control Board.

Cal/EPA and its BDOs understand that protecting California's environment is a major undertaking that involves not only communicating and collaborating with federal and state agencies, local governments, and non-governmental organizations but also communicating and collaborating with California Indian Tribes.

California's environmental regulatory system is a complex framework, with training, compliance assistance, inspection, permitting and enforcement activities carried out by a number of federal, state and local government agencies. In order to fulfill Cal/EPA's mission, it is essential to understand the unique history of California Indian Tribes. By learning about tribal history, environmental issues, and cultural places, we can begin to put into context how the laws, programs and processes that Cal/EPA and its BDO's administer relate to California Indian Tribes.

California has the second largest number of federally-recognized tribes and, according to the 2000 U.S. Census, the largest Native American population in the United States. In California, there are 109 tribes that are recognized by the federal government. There are also indigenous communities which, although they existed prior to the formation of the United States, are not currently recognized as sovereigns by the federal government. At this time, there are 89 non-federally recognized California Indian Tribes of which 72 are engaged in seeking federal recognition. All California Indian Tribes, whether officially recognized by the federal government or not, may have environmental, economic, and public health concerns that are different from the concerns of other Tribes or from the general public. These differences may exist due to subsistence lifestyles, unique cultural beliefs and traditions, and/or specific connections to areas of California that are their ancestral homelands.

Cal/EPA recognizes that actions outside Indian Country may affect the environment, public health or economic well being of California Indian Tribes and its residents, just as the actions within Indian Country may affect the environment, public health or the economy outside those

ⁱ Federal recognition refers to acknowledgement by the federal government that a tribal government and tribal members constitute a tribe with a government-to-government relationship with the United States, and eligibility for the programs, services, and other relationships established for the United States for Indians, because of their status as Indians. (See 25 C.F.R. § 83.2.)

borders. Cal/EPA also recognizes that federally-recognized tribes may enact tribal civil regulations that affect natural resources, public health and environmental protection, and that they may assume treatment in the same manner as a state under certain federal environmental laws such as the Clean Water Act and the Clean Air Act.

In addition to working with other federal, state, local governments, and non-governmental organizations, Cal/EPA has an interest in working in collaboration with California Indian Tribes to pursue its mission.

GUIDING PRINCIPLES

To improve communication and collaboration, Cal/EPA and its BDOs should, to the extent feasible and legally allowable, be guided by the following principles and best practices. Nothing in this policy shall be construed to prevent Cal/EPA or its BDOs from taking timely action to fulfill their legal obligations to protect the public health and safety, or the environment; or to carry out federally-mandated duties under delegated federal programs. Cal/EPA and its BDOs shall:

- 1. Acknowledge and respect tribal sovereignty, as defined in this policy.
- 2. Understand that federally-recognized tribes have a unique relationship with the federal government.
- 3. Understand the importance of communication and collaboration with California Indian Tribes.
- 4. Communicate with California Indian Tribes in a manner that is respectful and considerate.
- 5. Seek to identify and include federally-recognized California Indian Tribes in decision-making processes that affect tribal lands.
- 6. Seek to identify and include federally-recognized and non-federally recognized California Indian Tribes in decision-making processes that affect cultural resources.
- 7. Recognize and respect the cultural resources of California Indian Tribes, whether or not on tribal lands.
- 8. Where appropriate, consider the potential impact of our activities or programs on tribal lands and cultural resources.
- 9. Encourage collaborative efforts between the California Indian Tribes and federal, state, and local government entities to resolve issues of mutual concern.
- 10. Promote efforts of California Indian Tribes to develop and expand environmental programs, and to achieve compliance with environmental laws.

ACTION PLAN

Cal/EPA and its BDOs will work together to implement the following actions to achieve its guiding principles, to the extent legal and practicable:

- 1. Establish a Tribal Stakeholder Group (with rotating membership) to discuss environmental issues and projects involving California Indian Tribes. The Tribal Stakeholder Group will include representatives from federally-recognized and nonfederally recognized California Indian Tribes. The Tribal Stakeholder Group will meet with the Secretary of Cal/EPA and the heads of each BDO, or their designees, at least once each calendar year.
- 2. Designate a tribal liaison within Cal/EPA and within each BDO as a central point of contact for California Indian Tribes.
- 3. Develop a communication protocol that will be followed by Cal/EPA and its BDOs, and that will promote appropriate collaboration with California Indian Tribes.
- 4. Establish a process to disseminate public documents, notices and information to California Indian Tribes, and make these documents readily accessible to tribes that may not have electronic capabilities.
- 5. Establish a process to conduct meetings, outreach and workshops at times and in locations that facilitate tribal participation.
- 6. Provide training to appropriate executive staff, managers, supervisors, and employees on how to implement this policy.
- 7. Establish a mechanism to obtain relevant and available information, studies and data from California Indian Tribes when conducting research or environmental studies that relate to, or could impact, tribal lands or cultural resources.
- 8. Assess eligibility of California Indian Tribes for Cal/EPA financial assistance programs such as grants, loans and scholarships.
- 9. Upon request by a California Indian Tribe, provide training and technical assistance, and share data, where appropriate.
- 10. Develop Memorandums of Understanding (MOUs), Memorandums of Agreement (MOAs), or other cooperative agreements with California Indian Tribes on specific projects or subject matters, as appropriate.

DISCLAIMER

This policy is intended solely for the guidance of employees of Cal/EPA and its BDOs and does not extend to other governmental entities. This policy is not intended, and should not be

construed, to define the legal relationship between Cal/EPA or its BDOs and the California Indian Tribes. This policy is not a regulation, and it does not create, expand, limit, waive, or interpret any legal rights or obligations.

STATUTORY REFERENCES

<u>Federal</u>

<u>Title 18 United States Code section 1151</u>: "Except as otherwise provided in sections 1154 and 1156 of this title, the term 'Indian country', as used in this chapter, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same."

State

Government Code section 11019.8: "All state agencies, as defined in Government Code section 11000, are encouraged and authorized to cooperate with federally recognized California Indian tribes on matters of economic development and improvement for the tribes."

Government Code section 65040.12(e): Provides a definition of environmental justice with regard to the Office of Planning and Research as the coordinating agency for environmental justice as: "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."

<u>Public Resources Code section 5024.1</u>: Establishes a California Register of Historical Resources as an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change.

<u>Public Resources Code section 5097.9 et seq.</u>: "Non-Interference With Native American Religious Expression: No public agency, and no private party using or occupying public property, or operating on public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977, shall in any manner whatsoever interfere with the free expression or exercise of Native American religion as provided in the United States Constitution and the California Constitution; nor shall any such agency or party cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require." This chapter establishes the Native American Heritage Commission, and specifies its powers and duties.

Public Resources Code section 21000 et seq.: California Environmental Quality Act of 1970 (CEQA) declares that it is state policy to "take all action necessary to provide the people of this state with...historic environmental qualities." It further states that public or private projects financed or approved by the state are subject to environmental review by the state. All such projects, unless entitled to an exemption, may proceed only after this requirement has been satisfied. CEQA requires detailed studies that analyze the environmental effects of a proposed project. In the event that a project is determined to have a potential significant environmental effect, the act requires that alternative plans and mitigation measures be considered. CEQA includes historic and archaeological resources as integral features of the environment.

Public Resources Code section 71110: "The California Environmental Protection Agency, in designing its mission for programs, policies, and standards, shall do all of the following: (a) Conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations of the state. (b) Promote enforcement of all health and environmental statutes within its jurisdiction in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations and low-income populations in the state. (c) Ensure greater public participation in the agency's development, adoption, and implementation of environmental regulations and policies. (d) Improve research and data collection for programs within the agency relating to the health of, and environment of, people of all races, cultures, and income levels, including minority populations and low-income populations of the state. (e) Coordinate its efforts and share information with the United States Environmental Protection Agency. (f) Identify differential patterns of consumption of natural resources among people of different socioeconomic classifications for programs within the agency."

Questions

Please direct all questions regarding this policy to Cynthia Gomez, the Assistant Secretary of Environmental Justice and Tribal Governmental Affairs, at cgomez@calepa.ca.gov or (916) 323-2559.

____(Original Signed By)____ LINDA S. ADAMS Secretary for Environmental Protection



July 30, 2009

Mr. Maziar Movassaghi, Director California Department of Toxic Substances Control 1001 I Street Sacramento, CA 95814

Re: PG&E Review of the Topock Project Administrative Draft EIR

Gas Transmission and Distribution

Robert T. Howard

Vice President

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Dear Maziar:

As you and I recently discussed, the Topock Remediation Project is a top priority for PG&E, and, as such, we have committed significant resources to assisting DTSC with the preparation of the Corrective Measures Study/ Feasibility Study for cleanup of groundwater and soil contamination at the Topock site. A large part of that effort has involved providing information, data and expert reports to DTSC to facilitate its preparation of the Project's Environmental Impact Report. The EIR is a central document to the Topock Remediation Project. Bluntly put, without a strong and accurate EIR, the Project cannot move forward.

The administrative draft of the EIR (the precursor to the Draft EIR, which DTSC anticipates publishing for public review sometime in early spring 2010) has recently been completed. PG&E has requested that it be allowed access to review the administrative draft for legal adequacy, but requests have been refused. There are several key reasons why providing us with access would greatly benefit the Project. I also understand that providing PG&E such access is entirely consistent with CEQA's rules concerning the preparation and publication of EIRs.

PG&E's review of the administrative draft will help ensure the technical accuracy of the EIR prior to its publication. For example, PG&E can confirm and ensure that the Remediation Project proposed is accurately described and evaluated. Its review will also assist DTSC with determining the legal sufficiency of the document. Once published, if the Draft EIR does not contain the information that is legally required to include, DSTC could be required to recirculate the Draft EIR, a process that could delay the certification of the Final EIR, and thus the Project, by several months, or perhaps as much as a year. PG&E wants to do everything possible to prevent this significant delay from occurring.

Also, as you know, the Topock Project is also subject to review by a variety of federal agencies, which will include a Section 106 consultation on cultural resource issues. As a practical matter, conclusions in the Draft EIR may be argued to set a precedent regarding how certain cultural resource issues are handled and evaluated by federal agencies. This adds further urgency to allowing PG&E to consult with DTSC regarding administrative draft's approach to cultural resources. Once the Draft EIR is published, DTSC will not be able to "put the cat back in the bag" so to speak. DTSC, PG&E, and the Department of the Interior/Bureau of Land Management will be forced, to a great extent, to live with the consequences of the Draft EIR's statements and conclusions, whether or not they are correct or whether or not a different conclusion might be more legally defensible.

Mr. Maziar Movassaghi

July 30, 2009

Page 2

Having made this request for access, let me assure you that CEQA permits a project applicant to review an administrative draft EIR. In fact, CEQA authorizes applicant involvement in preparing an EIR, so long as the lead agency independently reviews and analyzes an EIR to ensure that it reflects the agency's independent judgment. In fact, it is even permissible for a project applicant to *prepare* an EIR, as long as the EIR is independently reviewed by the agency. here, PG&E is seeking a much more limited involvement. PG&E seeks only to review the administrative draft EIR, and to meet with DTSC's EIR consultant to discuss the approach to issues in the EIR which are almost certain to be litigated.

We are aware that DTSC is already allowing third party stakeholders to review certain limited parts of the administrative draft. We note that it is highly unusual to allow third party stakeholders, and particularly third party stakeholders who are potential adverse litigants, to review portions of an EIR, without allowing the applicant who is funding the EIR, and who will be defending the EIR, to also review it.

Further, because PG&E and DTSC will be defending any action challenging the Remediation Project together, DTSC and its legal counsel can share documents or information relating to the administrative draft with PG&E and its legal counsel, without waiving any legal privileges which may attach to such documents or information.

I am hopeful that you will allow PG&E to have the requested access to the administrative draft EIR. Given the importance of the Topock Remediation Project, we want to make sure we have done everything we can to minimize or eliminate avoidable delays, and ensure that the Project's remediation efforts get underway as soon as possible.

Robert T. Howard

COLORADO RIVER BOARD OF CALIFORNIA

770 FAIRMONT AVENUE, SUITE 100 GLENDALE, CA 91203-1068 (818) 500-1625 (818) 543-4685 FAX



January 14, 2013

Mr. Scott Morgan Director State Clearinghouse 1400 Tenth Street P.O. Box 3044 Sacramento, CA 95812-3044

Regarding SCH# 2012 111 079: Notice of Preparation (NOP) for the PG&E Topock Compressor Station Soil Investigation Project draft Environmental Impact Report (EIR)

Dear Mr. Morgan:

The Colorado River Board of California (CRB) has received and reviewed a copy of the Notice of Preparation for the PG&E Topock Compressor Station Soil Investigation Project draft Environmental Impact Report (EIR), County of San Bernardino, California. At this juncture, the CRB has determined that it has no comments regarding the Notice. However, please continue to keep the CRB on the mailing list related to the PG&E Topock Compressor Station Soil Investigation Project draft EIR. If you have any questions, please feel free to contact me at (818) 500-1625.

Sincerely,

Tanya M. Trujillo

Executive Director

cc: Mr. Aaron Yue, Project Manager,

Geological Services Branch, Department of Toxic Substances Control

5796 Corporate Avenue, Cypress, CA 90630

OP Distribution List		County:	(KMC) INC	2012111079
ources Agency	Fish & Game Region 1E aurie Harnsberger	Native American Heritage Comm. Debbie Treadway	Caltrans, District 8 Dan Kopulsky	Regional Water Quality Control Board (RWQCB)
Resources Agency Nadell Gayou	Fish & Game Region 2 Jeff Drongesen Fish & Game Region 3 Charles Armor	Public Utilities Commission Leo Wong	Caltrans, District 9 Gayle Rosander Caltrans, District 10 Tom Dumas	RWQCB 1 Cathleen Hudson North Coast Region (1)
Waterways Nicole Wong California Coastal Commission Elizabeth A. Fuchs	Fish & Game Region 4 Julie Vance Fish & Game Region 5 Leslie Newton-Reed Habitat Conservation Program Fish & Game Region 6	Santa Monica Bay Restoration Guangyu Wang State Lands Commission Jennifer Deleong Tahoe Regional Planning Agency (TRPA)	Caltrans, District 11 Jacob Armstrong Caltrans, District 12 Marlon Regisford Cal EPA	RWQCB 2 Environmental Document Coordinator San Francisco Bay Region (2) RWQCB 3 Central Coast Region (3)
Dept. of Conservation Elizabeth Carpenter California Energy Commission	Gabrina Gatchel Habitat Conservation Program Fish & Game Region 6 I/M Brad Henderson Inyo/Mono, Habitat Conservation Program	Cherry Jacques Business, Trans & Housing Caltrans - Division of Aeronautics Philip Crimmins	Air Resources Board Airport/Energy Projects Jim Lerner Transportation Projects Douglas Ito	RWQCB 4 Teresa Rodgers Los Angeles Region (4) RWQCB 5S Central Valley Region (5) RWQCB 5F
Central Valley Flood Protection Board	Dept. of Fish & Game M George Isaac Marine Region er_Departments	Caltrans - Planning Terri Pencovic California Highway Patrol Suzann Ikeuchi Office of Special Projects	Industrial Projects Mike Tollstrup State Water Resources Control	Central Valley Region (5) Fresno Branch Office RWQCB 5R
Office of Historic Preservation	Food & Agriculture Sandra Schubert Dept. of Food and Agriculture Depart. of General	Housing & Community Development CEQA Coordinator Housing Policy Division	Board Regional Programs Unit Division of Financial Assistance State Water Resources Control	RWQCB 6 Lahontan Region (6)
Environmental Stewardship Section California Department of Resources, Recycling &	Services Public School Construction Dept. of General Services Anna Garbeff	Dept. of Transportation	Board Student Intern, 401 Water Quality Certification Unit Division of Water Quality	Victorville Branch Office RWQCB 7 Colorado River Basin Region (7)
Sue O'Leary S.F. Bay Conservation & Dev't. Comm. Steve McAdam	Environmental Services Section Dept. of Public Health Jeffery Worth Dept. of Health/Drinking Water	Caltrans, District 1 Rex Jackman Caltrans, District 2 Marcelino Gonzalez Caltrans, District 3	State Water Resouces Control Board Phil Crader Division of Water Rights Dept. of Toxic Substances Control	RWQCB 8 Santa Ana Region (8) RWQCB 9 San Diego Region (9)
Dept. of Water Resources Resources Agency Nadell Gayou	Delta Stewardship Council Kevan Samsam	Gary Arnold Caltrans, District 4 Erik Alm Caltrans, District 5	CEQA Tracking Center Department of Pesticide Regulation CEQA Coordinator	Other
h and Game Depart. of Fish & Game Scott Flint Environmental Services Division Fish & Game Region 1 Donald Koch	mmissions, Boards Delta Protection Commission Michael Machado Cal EMA (Emergency Management Agency) Dennis Castrillo	David Murray Caltrans, District 6 Michael Navarro Caltrans, District 7 Dianna Watson		Conservancy



Arizona Department of Environmental Quality

1110 West Washington Street • Phoenix, Arizona 85007 (602) 771-2300 • www.azdeq.gov



January 11, 2013

VRP 13:149

Mr. Aaron Yue Project Manager, Geological Services Branch California Department of Toxic Substances Control 5796 Corporate Avenue Cypress, CA 90630

Re:

Review of "Notice of Preparation for a Draft Environmental Impact Report"

Topock Groundwater Site

Needles, California

VRP Site Code: 506252-01

Dear Mr. Yue,

The Arizona Department of Environmental Quality (ADEQ) Voluntary Remediation Program (VRP) received the "Notice of Preparation (NOP) for a Draft Environmental Impact Report (EIR)" as drafted by the California Department of Toxic Substances Control (DTSC) and appreciates the opportunity to comment on the proposed scope of the report.

Based on our review, VRP has the following comments:

- 1. VRP notes that the proposed EIR study boundary for soil does not extend across the Colorado River into Arizona. Based on "soil dumping by Pacific Gas and Electric (PG&E)" comments from members of the public at the scoping meeting held in Golden Shores, Arizona on December 11, 2012, VRP believes there is sufficient cause to extend the boundary. VRP also requests that DTSC conduct interviews/surveys with the residents of the Topock/Golden Shores community to clarify these comments and identify the potential extent of "soil dumping", if any.
- 2. VRP requests that DTSC consider conducting a review of current and historical activities related to any aspect of PG&E's operations in Arizona and include the potential environmental impacts in the draft report.
- 3. VRP suggests inclusion of environmental impacts to air quality via airborne soil particles, and/or "ash" as described by local residents, emanating from the PG&E Topock Compressor Station for the entire region, inclusive of communities across the Colorado River in Arizona.

Southern Regional Office 400 West Congress Street • Suite 433 • Tucson, AZ 85701 (520) 628-6733 Mr. Aaron Yue VRP 13:149 Page 2 of 2

If you have any questions, please contact me by electronic mail at dt3@azdeq.gov or by telephone at (602) 771-4414.

Respectfully,

Danielle Taber

Project Manager

Voluntary Remediation Program

cc: Julie Hoskin, VRP Unit Manager – ADEQ

Sybil Smith, Northwest Community Liaison – ADEQ

Pamela Innis, Project Manager – U.S. DOI

Yvonne Meeks, Topock Project Manager – PG&E

12-9-12

Dear Mr. Yue,

I'm writing to request a copy of the <u>Notice for Preparation</u> for the Topock Compressor Station, which I saw in the San Bernardino SUN newspaper, to which I subscribe. I do not own a computer, so am requesting a printed copy, as I'm very interested in environmental issues in Southern California.

Thank you.

Sincerely,

John K. Ziegler

330 Irving Rd.

York, PA 17403-3908

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364 SACRAMENTO, CA 95814 (916) 653-6251 Fax (916) 657-5390 Web Site www.nahc.ca.gov ds_nahc@pacbell.net



December 3, 2012

Mr. Aaron Yee, Project Manager

California Department of Toxic Substances Control

5796 Corporate Avenue Cypress, CA 90630

Re: SCH#2012111079; CEQA Notice of Preparation (NOP); draft Environmental Impact

Report (DEIR) for the "PG&E Topock Compressor Station Soil Investigation Project

EIR;" located at 145453 National Trails Highway; Needles; San Bernardino County,

California

Dear Mr. Yee:

The California Native American Heritage Commission (NAHC) is the State of California 'trustee agency' for the preservation and protection of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendment s effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC advises the Lead Agency to request a Sacred Lands File search of the NAHC if one has not been done for the 'area of potential effect' or APE previously.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway.

Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information.

Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends avoidance as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 et seq), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 et seq. and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 Secretary of the Interiors Standards for the Treatment of Historic Properties were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's Standards include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,

Dave Singleton

Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contacts San Bernardino County December 3, 2012

San Manuel Band of Mission Indians Carla Rodriguez, Chairwoman

26569 Community Center Drive Serrano Highland , CA 92346

(909) 864-8933

(909) 864-3724 - FAX

(909) 864-3370 Fax

Joseph R. Benitez (Mike)

P.O. Box 1829

Indio

9 Chemehuevi , CA 92201

(760) 347-0488

(760) 408-4089 - cell

Chemehuevi Reservation Edward Smith, Chairperson

P.O. Box 1976

Chemehuevi

Chemehuevi Valley CA 92363 chair1cit@yahoo.com

(760) 858-4301

(760) 858-5400 Fax

Fort Mojave Indian Tribe Timothy Williams, Chairperson

500 Merriman Ave

Mojave

Needles , CA 92363

(760) 629-4591

(760) 629-5767 Fax

Colorado River Indian Tribe

Eldred Enas , Chairman; Ginger Scott, Museum

26600 Mojave Road

Mojave

Parker , AZ 85344 Chemehuevi

crit.museum@yahoo.com

(928) 669-9211-Tribal Office

(928) 669-8970 ext 21

(928) 669-1925 Fax

AhaMaKav Cultural Society, Fort Mojave Indian

Linda Otero, Director

P.O. Box 5990

Mojave

Mohave Valley AZ 86440

(928) 768-4475

LindaOtero@fortmojave.com

(928) 768-7996 Fax

Morongo Band of Mission Indians

Michael Contreras, Cultural Heritage Prog.

12700 Pumarra Road

Cahuilla

Banning

, CA 92220

Serrano

Serrano

(951) 201-1866 - cell

mcontreras@morongo-nsn.

gov

(951) 922-0105 Fax

San Manuel Band of Mission Indians

Ann Brierty, Policy/Cultural Resources Departmen

26569 Community Center. Drive

Highland , CA 92346

(909) 864-8933, Ext 3250

abrierty@sanmanuel-nsn.

gov

(909) 862-5152 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012111079; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Pacific Gas & Electric Company (PG&E) Topock Compressor Station Soil Investigation Project; located near the City of Needles; San Bernardino County, California.

Native American Contacts San Bernardino County December 3, 2012

Fort Mojave Indian Tribe

Nora McDowell, Cultural Resources Coordinator

500 Merriman Ave

Mojave

Needles

, CA 92363

NoraMcDowall@fortmoiave.

(760) 629-4591

(760) 629-5767 Fax

Las Vegas Paiute Tribe

Attn: Cultural Resources Department

1 Paiute Drive

Paiute

Las Vegas , NV 89106

contact@lvpaiute.com

(702) 386-3926

(702) 383-4019 - FAX

Fort Mojave Indian Tribe

Esadora Evanston, Environmental Coordinator

500 Merriman Ave

Moiave

Needles , CA

, CA 92363

region9epa@ftmojave.com

(760) 326-1112

(760) 629-4591

(760) 629-5767 Fax

Ah-Mut-Pipa Foundation Preston J. Arrow-weed

P.O. Box 160

Quechan

Bard

, CA 92222 Kumeyaay

ahmut@earthlink.net

(928) 388-9456

MOAPA Paiute Band of the Moapa Reservation

Attn: Cultural Resources Department

P.O. Box 56

Paiute

Moapa

, NV 89025

lbradley@mvdsi.com

(702) 865-2787

(702) 865-2875 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012111079; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Pacific Gas & Electric Company (PG&E) Topock Compressor Station Soil Investigation Project; located near the City of Needles; San Bernardino County, California.

Appendix H-2

Public Scoping Meeting Comment and Speaker Cards

All contact information for individuals unaffiliated with any public agency or organization has been redacted for privacy protection.

County of San Bernardino REGIONAL PARKS DEPARTMENT



(909) 387-2410 Fax (909) 387-2052 777 E. Rialto Avenue San Bernardino, CA 92415-0763 agerber@parks.sbcounty.gov www.county-parks.com

A.J. GERBER Environmental Planner

OMMENT CARD

tate of California
of Toxic Substances Control
ssor Station Soil Investigation Project
mental Impact Report
Jooping Meeting



If you have any comments concerning the Notice of Preparation or the environmental issues to be addressed in the Environmental Impact Report, please fill provide this information below and mail in by January 14, 2013.

Comments (attach additional pages as needed):
Regional Perks of S. Benerdino Courty are Concerned
about offects to Pork Mochi es well as
Rolando Kruer + sorrounding area
- What activities will/may Occor at on
Mean entrance road?
- Have park residence been individudy Notified
- Have penh loncessioniers been individuely potitied.
-Hes water in Pork Mosts Well's been
tested for C-(M) ? + other Contements?
OPTIONAL:
Name: AJ Gerber
Address: 777 Pielto eve
City/State/Zip: Sa Bennardino, CA, 92415
Phone/Email: 909 387 2410 agerber@perks-sbcorty.gov
Affiliation (if any): So Bennerding Courter Panks

Please address all mailings to Aaron Yue, Project Manager, Department of Toxic Substances Control, 5796 Corporate Avenue, Cypress, CA 90630, fax: 714-484-5411, or email: aaron.yue@dtsc.ca.gov.



State of California
Department of Toxic Substances Control
PG&E Topock Compressor Station Soil Investigation Project
Environmental Impact Report
Scoping Meeting

If you plan to ask a question or make a statement, please fill in the information below and submit the



card when requested to do so. If you would like us to read your question or statement, please let us know. When speaking, please limit your comments to three minutes. Thank you.

Date: 12-12-12 Archaeolg & can Herr Lage Assuciation.

Name: Lath Musser-Lopez Affiliation: For mer Deedle)

Question/Comment:

Question/Comment:

Archaeolg & can Herr Loged Property Assuciation.

City Council

Member

Archaeolg & can Herr Loged Property Assuciation.

Affiliation: For mer Deedle)

Reinburg for costs to locals for their costs to sport the problem.



State of California Department of Toxic Substances Control PG&E Topock Compressor Station Soil Investigation Project Environmental Impact Report Scoping Meeting



Date: 15-15-17		
Name:	Affiliation: _	
Question/Comment:		
How is the clean-up	going to	De successfu?
count Dumple down to	contami	hatia groundwater
What is the contaminate	n Whole	Change of Olean up?



State of California
Department of Toxic Substances Control
PG&E Topock Compressor Station Soil Investigation Project
Environmental Impact Report
Scoping Meeting



Date: 12-12	
Name: Janice Paget	Affiliation: Needles Resident
Question/Comment:	
15 The soil investigation	being paid for by
The State?	
Are you employees of The	States
Has ground water contamin	ation been found going
INO the alorado River	



State of California Department of Toxic Substances Control PG&E Topock Compressor Station Soil Investigation Project Environmental Impact Report Scoping Meeting



Date: 12/12/12	
Name: Victoria Chav	Affiliation: <u>CA Dept. Fish & Game</u>
Question/Comment: How was the "equipment staging and	storage" area selected? Why there instead
of somewhere else?	
Note: the wash next to the station wo	old most likely be subject to SPA streambed
alteration agreement.	
The previous EIR was a no net 1055 h	abitat. Would this EIR follow the same suit?



State of California
Department of Toxic Substances Control
PG&E Topock Compressor Station Soil Investigation Project
Environmental Impact Report
Scoping Meeting



Date:	
Name: DAWN HUBBS	Affiliation: HUACAPAI DEPT.
Question/Comment:	RESOURCES



State of California
Department of Toxic Substances Control
PG&E Topock Compressor Station Soil Investigation Project
Environmental Impact Report
Scoping Meeting



Date: 12/17/17) l	1)		Self Murky Cuties
Name: Nova Mc	Jowell - 14	n force	Affiliation: _	Jett 1 19VIII Bociety
Question/Comment:	General	Theeght	Cornerit	on Topak Project.
	J			



State of California
Department of Toxic Substances Control
PG&E Topock Compressor Station Soil Investigation Project
Environmental Impact Report
Scoping Meeting



Date: _	17/12	
Name:	ANON	Affiliation:
Questic	on/Comment:	
	ONE of the potential	impacts of gublic Scoping meetings & EIR IS
	increased attention	and traffic to culturally sensitive areas how
		e addressed during the drafting of the Soil EIR
		soil investigation reports



State of California
Department of Toxic Substances Control
PG&E Topock Compressor Station Soil Investigation Project
Environmental Impact Report
Scoping Meeting



Date: _ ユー ュー ユー	
Name:	Affiliation:
Question/Comment:	Is there ground water
aon to mination	already?
V	1 1



State of California
Department of Toxic Substances Control
PG&E Topock Compressor Station Soil Investigation Project
Environmental Impact Report
Scoping Meeting

If you plan to ask a question or make a statement, please fill in the information below and submit the card when requested to do so. If you would like us to read your question or statement, please let us



know. When speaking, please limit your comments to three minutes. Thank you. Date: Affiliation: Question/Comment: ENU, ronment has been

before, due To polution - so why are you startements starting over again. We have startements from older employees that they dumped drums of stuff from older employees that they dumped drums of stuff in the BAT case wash. -



State of California
Department of Toxic Substances Control
PG&E Topock Compressor Station Soil Investigation Project
Environmental Impact Report
Scoping Meeting



Affiliation: NONE
for alleean
STUDY



State of California
Department of Toxic Substances Control
PG&E Topock Compressor Station Soil Investigation Project
Environmental Impact Report
Scoping Meeting



Name: Tom Daugherty	Affiliation: Bolden Shore	5
Question/Comment:		



State of California
Department of Toxic Substances Control
PG&E Topock Compressor Station Soil Investigation Project
Environmental Impact Report
Scoping Meeting



Date: 12-11-2012 Name: RoseADAMS	Affiliation:	
Question/Comment:	Don't You Care?	



State of California
Department of Toxic Substances Control
PG&E Topock Compressor Station Soil Investigation Project
Environmental Impact Report
Scoping Meeting



Date:
Name: Reta Hayka Houck Affiliation:
Question/Comment: Contamuales walg Usel to Impale
Soil for cross -> does that contanceration
get uso .



State of California Department of Toxic Substances Control PG&E Topock Compressor Station Soil Investigation Project Environmental Impact Report Scoping Meeting



Date: 12-11-12		
Name: CEE Educh	Affiliation:	
Question/Comment:		



State of California Department of Toxic Substances Control PG&E Topock Compressor Station Soil Investigation Project Environmental Impact Report Scoping Meeting



Date: 13-11-17-	+		
Name: Nancy Cafe	rino	Affiliation:	
Question/Comment:			
Junghehm			



State of California
Department of Toxic Substances Control
PG&E Topock Compressor Station Soil Investigation Project
Environmental Impact Report
Scoping Meeting



Date: _/2/// /
Name: MKE ExstEd Affiliation:
Question/Comment: With all do respect. W. T. F.? are we to
assume that after 10 years of invistigations, soil
pamples, and clean up that you are just now
looking for other problems?

Appendix H-3 **Transcripts of Verbal Comments from Public Scoping Meetings**

PACIFIC GAS & ELECTRIC COMPANY TOPOCK COMPRESSOR STATION SOIL INVESTIGATION PROJECT ENVIRONMENTAL IMPACT REPORT PUBLIC SCOPING MEETING

REPORTER'S TRANSCRIPT OF COMMENTS

Tuesday, December 11, 2012

6:50 p.m. to 7:37 p.m.

Golden Shores Community Center
13136 Golden Shores Parkway
Topock, Arizona

REPORTED BY: JULIETTE L. VIDAURRI CCR, RPR

AZ CR #50359/CA CSR #11081/NV CCR #748

1	APPEARANCES
2	FOR THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
	DEPARTMENT OF TOXIC SUBSTANCES CONTROL
3	5796 Corporate Avenue
	Cypress, California 90630
4	
5	Jose Marcos, P.G., Engineering Geologist
6	Karen Baker, CHG, CEG, Supervising Engineering
7	Geologist
8	Joan Isaacson, Consultant
9	Bobbette Biddulph, Consultant
10	Yolanda M. Garza, Public Liaison
11	
12	
13	
14	
15	
16	
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PROCEEDINGS
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 3
                     UNIDENTIFIED FEMALE SPEAKER ONE: Okay.
     Other than the report that they're going to address, I'm a
 4
5
     homeowner here in Golden Shores --
 6
                     UNIDENTIFIED SPEAKER: Can you use the mic,
7
     please.
 8
                     UNIDENTIFIED FEMALE SPEAKER ONE:
                                                       I'm a
9
     homeowner here in Golden Shores. I want to know why the EPA
10
     has strict guidelines in California over this project, but
11
      when it comes to Arizona, they have nothing to do with this.
12
                And because our state has a hundred parts per
13
     billion total chromium, it doesn't take up the hexavalent
14
      chromium 6 that's a carcinogenic. It's all lumped into one,
15
      and we're at a hundred parts per billion. So we can be
16
      getting fed 90 parts per billion of this hexavalent chromium
17
      and it's legal here.
18
                     MS. BIDDULPH: So -- so one -- if I may, um,
19
      we -- we'd like to reserve this comment period to be focused
20
      on the soils and --
                     UNIDENTIFIED FEMALE SPEAKER ONE: It is about
21
22
     the soil.
23
                     MS. BIDDULPH: The hexavalent chromium is --
24
     is -- I believe is --
25
                     UNIDENTIFIED FEMALE SPEAKER ONE: It is in
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- 1 the soil. You want to see the report?
- MS. BIDDULPH: Okay -- okay. So -- so then
- 3 I'm -- related to the soils, Jose, I'll --
- 4 MS. ISAACSON: I think her question had to do
- 5 with jurisdiction.
- 6 MR. MARCOS: You asked actually a couple of
- 7 questions. Let me respond to the very first one about the
- 8 report that you mentioned or a time-critical removal action
- 9 or AOC 4. Yes. That -- that -- there is a report on that,
- and that focuses on a very specific area of the project,
- which is this area down here, AOC 4.
- 12 UNIDENTIFIED FEMALE SPEAKER ONE: Uh-huh.
- MR. MARCOS: The soil investigation that is
- proposed is for the entire area.
- 15 UNIDENTIFIED FEMALE SPEAKER ONE: Right. I
- understand that.
- 17 MR. MARCOS: So to respond to your first
- 18 question, that report that you have is only for one of the
- 19 areas. And they did do clean up of that area. They removed
- 20 soil --
- 21 UNIDENTIFIED FEMALE SPEAKER ONE: When did
- they do that?
- MR. MARCOS: They removed several thousand
- cubic yards of soil in 2009 -- 2010, and it took several
- 25 months to do that, and they've completed that removal.

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1 What we're talking about here tonight is all the other areas and also including AOC 4 to see if there are any 2 residual soil contaminations --3 UNIDENTIFIED FEMALE SPEAKER ONE: Okay. Did 5 they --6 MR. MARCOS: -- just to clarify that. 7 UNIDENTIFIED FEMALE SPEAKER ONE: Okay. But 8 did they dump the -- the contaminated water into AOC 4 or 9 just in Bat Wash Cave? 10 MR. MARCOS: That removal action was 11 specifically for soil. Um, when I talk earlier about 12 historic releases of chromium-containing compounds, that 13 occurred decades ago in the '50s and '60s --14 UNIDENTIFIED FEMALE SPEAKER ONE: Right. 15 MR. MARCOS: -- where they discharged from 16 the station to that adjacent Bat Cave Wash here. 17 So that removal action that you have a report on was specifically for soils, and the work was performed, and 18 19 it will still be included in this investigation that we're 20 doing, but it will be a very limited because the bulk of the 21 work was already done. 22 UNIDENTIFIED FEMALE SPEAKER ONE: Well, it's

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I mean, if it was there, it's all over; right?

just scary because, I mean, it says on here that, you know,

exceeding human health and ecological risk base screening.

23

24

25

- 1 MR. MARCOS: And -- and that's why that
- 2 time-critical removal action was performed. It was time
- 3 critical because of the levels that the Federal Department
- 4 of Interior saw it, you know, exceeded the risk --
- 5 acceptable risk. That's why they said, you know, you've got
- 6 to go in there and remove that.
- Now, to respond to your other question about --
- 8 your second question has to deal with hexavalent chromium in
- 9 groundwater. You are talking about -- when you say the EPA,
- there are several EPA's, as you know --
- 11 UNIDENTIFIED FEMALE SPEAKER ONE: I know.
- 12 MR. MARCOS: There's the federal EPA, there's
- us, the state EPA, then we have our counterpart, the Arizona
- **14** EPA.
- You're asking about why, you know, the -- the
- 16 California has a different standard than Arizona?
- 17 UNIDENTIFIED FEMALE SPEAKER ONE: Well, the
- 18 feds are in there and they're not here.
- MR. MARCOS: Oh, why the Feds?
- 20 UNIDENTIFIED FEMALE SPEAKER ONE: Well, the
- 21 EPA is federal; correct?
- MR. MARCOS: Yes, EPA. There's federal EPA.
- 23 There is also state EPA.
- 24 UNIDENTIFIED FEMALE SPEAKER ONE: Yeah.
- 25 That's Region 9. I've already talked to him.

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- 1 MR. MARCOS: Okay. So, um, I think -- I
- 2 wanted to clarify that this -- you know, what I'm here --
- 3 you know, my purpose here today is to talk about the soil,
- 4 and what Bobbette and Joan and what we're trying to say is
- 5 that we want to focus on soil.
- 6 There was another meeting here last year around
- 7 this same time in December, and we talked about the
- 8 groundwater.
- 9 UNIDENTIFIED FEMALE SPEAKER ONE: Yeah.
- MR. MARCOS: And if you really want to talk
- 11 about the groundwater, I guess we can try and talk about it
- 12 after this meeting.
- 13 UNIDENTIFIED FEMALE SPEAKER ONE: I'm not
- referring to the groundwater. This is a soil report, isn't
- **15** it?
- MR. MARCOS: Okay. And I think I've already
- 17 responded to that question.
- 18 UNIDENTIFIED FEMALE SPEAKER ONE: Right. You
- **19** did.
- MR. MARCOS: It was a time --
- 21 UNIDENTIFIED FEMALE SPEAKER ONE: No. I just
- 22 wanted to know what was the difference as far as EPA because
- it's federal. I mean, shouldn't it supercede state law as
- far as protecting us at .02 rather than 18 parts per
- 25 billion, what we're getting out of our city wells?

- 1 MR. MARCOS: See, now you're referring back
- 2 to groundwater now, and we can try to clarify that, um,
- 3 after we had a -- we've given other people a chance to
- 4 respond.
- MS. BIDDULPH: And that -- that was actually
- 6 one of the things that I wanted to say that I'm not sure we
- 7 provided information on is that we do realize that a lot of
- 8 you are perhaps interested in the groundwater and getting
- 9 more detail on that, and the members of the team will be
- available after the official scoping meeting on the soils
- 11 to -- to try to answer any specific questions that you might
- 12 have on the groundwater.
- MS. CATERINO: If you have a stenographer and
- we -- and she's taking down everything we have to say, then
- why should we speak to you in private so that it's not taken
- down? I don't understand that. That's twofold and must --
- 17 MS. ISAACSON: Actually, we weren't
- 18 suggesting -- we weren't suggesting that.
- 19 MS. CATERINO: That's twofold and I do feel
- 20 like it's patronizing the whole --
- 21 MS. ISAACSON: Well, no, we weren't
- 22 suggesting that. What we would like to do is take specific
- comments on the Soils Investigation Report and the EIR so we
- 24 can do the scoping meeting.
- 25 After we hear your comments -- after everyone

- 1 speaks on the Soils Investigations EIR speaks, as a group
- we'll then turn to your questions having to do with
- 3 groundwater.
- 4 So if -- so --
- MS. CATERINO: Well, you're changing your
- 6 story now. You didn't say that before.
- 7 MS. ISAACSON: Well, that -- and our
- 8 apologies if it was miscommunicated.
- 9 MS. CATERINO: I had one more question while
- I'm at it, and that is addressed to you, Mr. Yue, is it?
- MR. MARCOS: No. It is Jose Marcos.
- 12 MS. CATERINO: Okay. When you gave your
- presentation here, you -- when you gave your presentation
- 14 here, you made a comment about someone else was
- investigating the water.
- Who's that someone else and how long have they
- 17 been investigating it and is it out of California?
- 18 MS. ISAACSON: Okay. So once again this is
- another groundwater question. Why don't you give a quick
- answer, then we can come back to it.
- 21 MR. MARCOS: The quick answer to that is the
- 22 same people working on the soil are the same people working
- on the groundwater, which is California Department of Toxic
- 24 Substance Control and the U.S. Department of Interior. So
- 25 it's the same regulatory agencies that are also working on

- 1 the groundwater portion of the project.
- MS. ISAACSON: All right. Larry Wehr.
- MR. WEHR: I've got four -- I've got four
- 4 questions here, but I'll be nice and try to lump them up.
- 5 Um, PG&E has been required to clean up Bat Cave
- 6 Wash over the years due to their terrific amount of
- 7 pollution that poured in there. They have had to put in
- 8 monitoring wells all over the place. They know the plume is
- 9 coming down. They know the plume has polluted all of our
- 10 aquifer. Um, so this ground remediation has been going on.
- Now they're doing water remediation. I hope they're still
- 12 doing it.
- Why are you guys starting over again with this
- cleanup when it's already been all done before? Are we
- 15 getting the cart again in front of the horse here and
- wasting more federal dollars? That's the thing to do, I
- 17 quess, now.
- 18 Um, and I would like to know where is the
- 19 environmental people from Arizona representing us? Are some
- of them here?
- 21 (Hands raised.)
- MR. WEHR: Great. I hope you're paying
- attention to double talk because I just -- we're going
- 24 around and around in a circle, and we're going to study it
- 25 and study it, and it's going to be another two years before

- 1 they move a shovel full of dirt. That's two more years of
- 2 chromium that comes down through Ecny (phonetic) Wash and
- 3 down over to us.
- 4 MS. ISAACSON: Thanks.
- 5 MR. MARCOS: Thank you for your comment. Let
- 6 me -- let me try to respond to that. So you -- you asked
- 7 why are we starting over again, and you have indicated that
- 8 we have historically done work at the site.
- 9 Um, as I indicated earlier, the majority of the
- work was done as part of the groundwater portion of the
- project, and the soil portion of the project really is only
- 12 starting to take off. So the -- the work -- the bulk of the
- work that's been done in the past, all of those monitoring
- wells that you're referred to, that's part of the
- 15 groundwater cleanup, and right now they're at the phase of
- designing the cleanup, actual remedy for that, but we really
- haven't looked at the soil, the soil cleanup, so --
- 18 MR. WEHR: You packed away I don't know how
- 19 many thousand cubic yards of dirt out of that place and
- 20 barrels and barrels of pollution that have been dumped in
- 21 there.
- MR. MARCOS: Right.
- MR. WEHR: Isn't that already been tested?
- You got to do this over again?
- MR. MARCOS: Yes, you are correct about that.

- 1 Um, it's related to the previous question. But as I
- 2 indicated previously, it is only for a small portion of the
- 3 project, and we are trying to investigate all the other
- 4 areas where pollutants may have been released, so...
- MR. WEHR: Okay.
- 6 MS. ISAACSON: All right. Any more comments
- 7 or questions about the Soil Investigation Program or
- 8 comments on the questions or topics to be addressed in the
- 9 Environmental Impact Report? If you can please give your
- name and -- and I just noticed I have another speaker slip
- in my hand.
- So, Tom, do you -- did you fill out a comment
- 13 card? No. Can you fill one out while the next speaker
- 14 goes.
- And I'm sorry. I had this in my hand and spaced
- 16 out. So Mike Exsted.
- MR. EXSTED: This gentleman here asked a
- 18 question that was important to where I was at as to why
- 19 after ten years of the ongoing project that we are just now
- looking at soil samples and the urgency behind this.
- 21 UNIDENTIFIED SPEAKER: Put the mic to your
- mouth so we can hear it.
- MR. EXSTED: Hello. Some of my questions
- 24 were answered. Okay. That doesn't mean I understand it.
- 25 It's typical for a government bureaucracy, but I'm a little

- 1 frustrated that having been involved in this whole process
- 2 for as long as I have that you are now coming here tonight
- 3 and showing us what it is you plan to do from here on out
- 4 with your soils. Okay.
- 5 With all due respect to Native Americans, the
- 6 environmental, and everything else that's going on that's
- 7 surrounded PG&E, okay, they've been basically laying waste
- 8 to that area since before I was born and since most of
- 9 these people were teenagers, okay.
- 10 Why is it so important now after basically no
- controls, okay, that we have all this importance? I mean,
- 12 obviously the environment is very important. I don't want
- to minimize it, but I -- it just -- it doesn't make sense to
- me. Okav.
- MR. MARCOS: Thank you for your comment.
- 16 That's something that we definitely will consider in the
- 17 evaluation.
- And as far as timing goes, I can't tell you that
- 19 there's an urgency now to do this. But like I mentioned
- 20 earlier, the soil portion is lagging because the groundwater
- 21 cleanup was given more priority because of the proximity of
- 22 the site to the Colorado River and the need to protect our
- natural resource in the form of the Colorado River. So that
- 24 was given urgency.
- 25 And the soil has just because of resources has

- 1 lagged. Okay. No, there's no urgency right now to
- 2 really -- You know, go ahead. You were going to follow up?
- MR. EXSTED: Well, are we to assume that in
- 4 their first investigation that they looked at every square
- 5 inch of that 60 acres for what may have happened there? And
- 6 don't you share any information within your agencies so that
- 7 you don't have to -- I mean, you can run simultaneous
- 8 investigations? I mean, this looks like a total waste of
- 9 taxpayer money, and, um, it just doesn't make sense.
- MS. ISAACSON: All right. Tom.
- MR. DAUGHERTY: Tom Daugherty. Golden
- 12 Shores. I was watching the presentation here, and I just
- have a hard time coming up with any comments because I don't
- 14 know what the little black square means when you're going to
- put equipment in there. We don't have any pictures of -- is
- it going to be big semis in there, big bulldozers? What are
- 17 we putting in that stuff? If we're moving this dirt out
- here, then we moved a bunch of dirt already.
- I don't know what to comment on after I've looked
- at your presentation here. I would like you to comment on
- 21 that. What are we going to actually have out there?
- MS. ISAACSON: Do you mean in terms of what
- is the investigation --
- MR. DAUGHERTY: Yeah. What's -- what's the
- equipment going to be out there? What's going to be there?

- 1 All we see is a black square.
- 2 MR. MARCOS: Yeah. Thank you for that
- 3 comment. That is one of the major issues that the EIR will
- 4 actually be evaluating. And to answer you specifically, um,
- 5 there will be equipment there such as drill rigs, and there
- 6 will be, you know, mostly drill rigs and trucks that will be
- 7 used for the drilling of the soil and collection of the soil
- 8 samples. So those station areas will mostly be for vehicles
- 9 and maybe some roll-off bins. So those are the type of
- mechanical equipment that we're looking at, and that's for
- the black staging areas that you were concerned with.
- MS. ISAACSON: We have another speaker card
- from I think it is James -- I can't read the last name --
- 14 Devine.
- 15 MR. DEVINE: I was just asking whether you
- identified all the dumps and if you are going to do a rain
- 17 analysis based upon the past years of this so-called dumping
- 18 and so you can track the amount of water flow that flows
- 19 down through these gorges and where it ended up at because
- 20 rainfall is very important, and I think you should basically
- 21 look at that.
- That's all I have to say.
- MS. BIDDULPH: Thank you. That's a great
- 24 suggestion -- a great comment.
- MR. MARCOS: Yeah. Thank you for that.

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1
                     MS. ISAACSON: Any more comments on the soils
2
      program before we take some questions on water?
 3
                     (One hand raised.)
                     MS. ISAACSON: And since you don't have a
 5
      speaker card, if you can please give your name before you
 6
      give your comments.
 7
                     THE COURT REPORTER: I'm sorry. I didn't
 8
      hear her name.
 9
                     MS. EDRICH: We've got swamp coolers, okay,
10
      and the dust and dirt comes in our houses this way. I mean,
11
      like is that killing us? I mean, something's killing us.
12
      But the dust from the swamp coolers from all the dirt coming
13
      down this way.
14
                     MS. ISAACSON: Your comment has to do with
15
      the effects of the dust from the site from the soil.
16
                     MS. BIDDULPH: And, again, that's a great
17
      comment, and I don't have the answer for you now. But
18
      thinking about that when we do our analysis is -- that's a
19
      really, you know, great comment for us to think about and to
20
      address; whether or not the project will cause dust that
21
      could potentially get into sensitive households or, you
22
      know, effect people that are living in the area. So thank
23
      you.
                     UNIDENTIFIED FEMALE SPEAKER ONE: Are they
24
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going to put air monitors out here to make sure?

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1
                     MS. BIDDULPH: Well, we haven't done the
      analysis yet, but I think a comment like that really helps
2
3
      us, you know, make sure we're doing everything we need to in
      that analysis.
 4
 5
                     MR. WEHR: We are receiving it every day.
 6
                     MS. HOUCK: I have a question.
 7
                     MS. ISAACSON: Questions or comments about
 8
      soil?
 9
                     MS. HOUCK: If they said that the water
10
      was -- if it's determined that the water was contaminated --
11
                     UNIDENTIFIED SPEAKER: It was.
12
                     MS. HOUCK: -- with like chromium 6, what
13
      about that water being used to water plants that create food
14
      that people ate? Does that go into the food? Does that
15
      contaminate the soil from using the contaminated water?
16
                     MS. ISAACSON: So your question has to do
17
      about the relationship --
18
                     MS. HOUCK: Yeah, the relationship. It goes
19
      back to contaminated water contaminates the soil that our
20
      crops grow in.
                     UNIDENTIFIED SPEAKER: But the soil is
21
22
      already contaminated. That's what they are trying to find
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town. If you have a greenhouse and you're watering your

MS. HOUCK: Well, I'm talking about here in

23

24

25

out.

- 1 plants -- your food with the contaminated water, does it go
- 2 on the soils and contaminate the soil that contaminates our
- 3 vegetables?
- 4 MS. ISAACSON: If you can give us your name
- 5 for the court reporter.
- 6 MS. HOUCK: It's Rita Houck.
- 7 MS. ISAACSON: Is that a possibility that
- 8 something that can be address with the EIR?
- 9 MS. BIDDULPH: Yeah. So I think that's a
- really -- I mean, it's a good question, and it's something
- 11 that we should think about as we're doing our analysis. So
- 12 I thank you for your comment.
- MS. ISAACSON: Okay. So I want to make sure
- 14 that we have all of the comments specific about the Soils
- 15 Investigation Program before we take groundwater questions.
- And if you can give your name first, please.
- 17 MS. SANDOVAL: Jeannine Sandoval. Often
- 18 times we'll see -- I don't know if it's, um, pressure being
- 19 burnt off on this side of the river part of the PG&E flames
- 20 high in the sky. Debris comes from it. I would like to
- 21 propose why the Sacramento Wash wouldn't be part of your
- 22 site. Ash everywhere.
- MR. MARCOS: So you're referring to flames
- 24 that are coming from the compressor station?
- 25 MS. SANDOVAL: It's part of the burn off that

- 1 they use. I don't know if it's when so much pressure is
- 2 accumulated in the pipes, but we'll see ash through our air,
- 3 and the Sacramento Wash is on this side of the river here
- 4 close to Topock. I want to say three miles out of town.
- MR. MARCOS: Okay.
- 6 MS. SANDOVAL: It would be something that you
- 7 really might want to look at.
- MR. MARCOS: Okay.
- 9 MS. SANDOVAL: There is clay beds there.
- 10 It's in close proximity to where the facility is that burns
- it off. It's a suggestion.
- 12 MR. MARCOS: All right. Yeah. Thank you for
- 13 that recommendation or that comment. I don't have a
- 14 response to that.
- 15 MS. ISAACSON: That is something that will be
- 16 considered by the EIR team for sure.
- (One hand raised.)
- 18 MS. ISAACSON: If you can please give your
- 19 name first.
- MS. BLACK: Kate Black. And, um, I guess I'm
- 21 curious because of the meeting sites. Um, Topock and Yuma
- are interesting to me because they're right on the river,
- but we're interested in the soil.
- 24 Um, why -- is it because we -- are you going to do
- 25 soil samples in those locations? What's -- just those

- 1 locations up there or do you plan -- what's the interest in
- 2 Yuma, first of all? That seems odd.
- 3 And, um, you know, it's taken -- with all due
- 4 respect, these things should been done simultaneously. I --
- 5 it's offensive really to have this meeting now and say,
- 6 yeah, we're interested in the soil now.
- 7 The wind blows here a lot. If the soil is indeed
- 8 contaminated in that way, you know, it's -- you're putting
- 9 it off too long. 2014. No.
- MS. ISAACSON: So the question has to do
- 11 about the meeting locations. I just want to let you know
- too that these meetings are not the only way we are
- soliciting input during the scoping process.
- 14 Um, hundreds of pieces of mail have been sent out
- 15 using the -- the contact list that's been developed over the
- years and years with community members names on it like you
- so that people can provide written comments through this
- 18 process and through the scoping period.
- 19 MS. BAKER: The reason for the Yuma meeting
- is because the PG&E Topock site is right along the Colorado
- 21 River. Many communities down the river from here are also
- very interested in the project, and specifically we have
- 23 been working with the Cocopah Indian Tribe and the Fort Yuma
- 24 Quechan Indian Tribe, and they have -- so we are going down
- 25 to those communities in Yuma to make sure we are

- 1 understanding their concerns that they may have about this
- project.
- 3 MS. BLACK: And that has to do with the soil
- 4 in Yuma or just the tribal interest?
- 5 MS. BAKER: They're just the tribal interest.
- 6 A lot of the concern over cultural resources as we move into
- 7 doing this investigation.
- 8 MS. BLACK: Seems like the water though,
- 9 doesn't it?
- MS. BAKER: Pardon me?
- MS. BLACK: It seems like they're addressing
- 12 the water --
- MS. BAKER: Um, no. Our -- our -- the
- meetings will really be about soils. And, you know, you saw
- Jose's figure up there, um, a lot of the biological and
- 16 cultural and archeological resources are a concern. As we
- 17 do this investigation, you're drilling into the ground, and
- 18 so we want to make sure we understand everyone's concerns
- about the soil before we go on.
- 20 MS. BLACK: The Yuma tribe isn't concerned
- about drilling into the ground over there?
- MS. BAKER: Over at the Topock Compression
- 23 Station, yes.
- MS. BLACK: No kidding. They are not worried
- about the health of the Topock residents? I would be

- 1 curious if they asked any questions like that at your
- 2 meeting.
- MS. BAKER: Yeah, I really can't comment on
- 4 that, but I know they are interested in the drilling
- 5 operations that would take place.
- 6 MS. CATERINO: Well, but the soil and the
- 7 water go hand in hand. You can't do one without the other.
- 8 And most likely that contaminated soil has been washing down
- 9 river for the last 40 years or better. Am I right or wrong?
- Soil moves, correct, by water?
- Okay. So you're investigating Yuma because you
- 12 know it. You people already know that these two go hand and
- hand, and all you're doing is dancing around the problem.
- 14 Hello.
- 15 (Applause.)
- MS. ISAACSON: I think we need a
- 17 clarification about the project's site for the Soils
- 18 Investigation Program.
- MR. MARCOS: Yeah. Let me clarify that
- 20 because I don't want people to leave this room with a
- 21 misconception. What -- what Karen indicated is that we are
- 22 not sampling Yuma. There are tribes and stakeholders in the
- 23 Yuma area that are interested in the project. That's why
- 24 we're holding a scoping meeting there, and we also hold
- 25 project meetings there, not because the contamination -- not

- 1 especially the soil -- not because the soil contamination
- 2 has reached Yuma. That is not the case.
- 4 interested in the project there. So that's why we're going
- 5 to that area so we can present --
- 6 MR. WEHR: But nobody in Lake Havasu City --
- 7 nobody in Lake Havasu City is worried about it?
- 8 UNIDENTIFIED FEMALE SPEAKER ONE: Chromium 6
- 9 has gone to Lake Havasu. They just left it there.
- MS. BLACK: Oh, is that it?
- 11 UNIDENTIFIED FEMALE SPEAKER ONE: Yeah.
- MS. ISAACSON: Well, we have the two meetings
- in this general area, and, um, and then we have the meeting
- in Yuma. So there's a total of three meetings that's being
- 15 held so that -- so the people who are interested in the
- 16 project have various times and places that they can come to
- 17 a meeting like this.
- (One hand raised.)
- MS. ISAACSON: Soils?
- MR. DEVINE: I have one question. Who's
- 21 coordinating these agencies --
- MS. ISAACSON: State your name.
- MR. DEVINE: My name is James Devine, and I
- was wondering who's coordinating all these agencies so that
- 25 they can really draw up a report and do an analysis and find

- 1 out really what's going on? Because it seems like
- 2 everybody's doing little bits and pieces, and there has to
- 3 be a central control. And without a central control, then
- 4 you just got eight arms running around and you're without a
- 5 head, and so who -- who's the driver that's going to drive
- 6 all these agencies and make a decision?
- 7 MR. MARCOS: Thank you. It's a good
- 8 question. Um, the response to that is that there are two
- 9 major agencies that are overseeing PG&E on this project.
- 10 That's us, the Department of Toxic Substance Control, which
- is a state agency, and also the U.S. Department of Interior,
- which is a federal agency.
- We work hand and hand, the two agencies, and
- 14 sometimes we have different requirements, but pretty much we
- 15 work independently, but we coordinate a lot so that we don't
- 16 duplicate work.
- 17 And sometimes we have different processes
- 18 especially when it comes to like public outreach. So we'll
- 19 do our own public outreach. They'll do their own public
- outreach, and sometimes we'll combine the two and do the
- 21 same work.
- As far as the actual site work, we coordinate so
- that we're asking -- we're telling PG&E to pretty much do
- 24 the same thing, but -- but it's basically those two agencies
- 25 that -- we coordinate very closely with each other, and we

- 1 have a very good working relationship with each other.
- 2 So there's no central head that, you know,
- 3 coordinates both. Both agencies work independently and in
- 4 close coordination with each other.
- 5 MS. ISAACSON: If you can please give us your
- 6 name first.
- 7 MS. EDRICH: Cee Edrich. Um, what I want to
- 8 know is if you take a sample of your dirt up there, and
- 9 it's, um -- I mean, it will come right out to exactly what
- it is; right? I mean, every little thing you know. It's
- 11 like you -- if it was somewhere else, put somewhere else.
- 12 Like, we went out here to a mine, okay, and we
- found it full of the dirt that they dumped, okay, um, we
- would know that it was from that if we took samples; right?
- 15 Can you understand what I'm saying? You know,
- 16 it's like --
- MS. BAKER: Signature? Maybe a signature?
- 18 MS. EDRICH: Yeah. Because, see, I know that
- 19 they dumped the dirt out there, you know, and which brought
- it back into our place, you know, into Topock, and, um --
- MS. GARZA: Joan, I have -- I have her name.
- MS. ISAACSON: You have her name. Okay.
- So the question has to do when you're doing the
- 24 testing is one of the things you look at in the testing the
- source of the contaminates.

1 MR. MARCOS: Okay. I'm still trying to -- so 2 you're saying that -- you're thinking that --MS. EDRICH: It's just like going out here 3 and gold mining. You mark all these little places that 4 5 vou've --6 MR. MARCOS: And that goes to one of the 7 processes that I discussed earlier where we do a lot of 8 historical research to determine if the facility, in this 9 case, if PG&E had historically dumped wastes or contaminated 10 soil in other areas. And if we have information on that, we 11 will include those as part of the investigation. 12 MS. EDRICH: Is that right? Okay. 13 MR. MARCOS: So if we have information on 14 that. 15 And, um, so you're concerned about soils in your 16 area? 17 MS. EDRICH: Well, yeah. They put it up above us. Okay. They were taking truckloads out here and 18 19 then they would come back, and they weren't gone very long. 20 Okay. And, um, I know for a fact that they were dumping up 21 above us, and the rain comes and goes down to our place. 22 MS. ISAACSON: Other questions, comments, 23 ideas like that on things that to need to be considered in 24 the soils investigation?

MR. MARCOS: I'm sorry. I am actually very

- 1 interested in items like that. If you have details and
- 2 specifics -- any information that you have, we would like to
- 3 hear it just so we can like check everything.
- 4 MS. EDRICH: I'm going to validate it all
- 5 first myself so -- with somebody so it doesn't get all mixed
- 6 up.
- 7 MR. MARCOS: Okay. Yeah. If you can give us
- 8 a call or send us a note.
- 9 MS. EDRICH: I will.
- MR. MARCOS: Thank you.
- MS. ISAACSON: Okay. Any other comments,
- more questions about soils investigation, the Environmental
- 13 Impact Report which is going to be prepared for the soils
- 14 program?
- 15 MS. BAKER: Joan, can you also mention the
- soils work plan is in the repository?
- 17 MS. ISAACSON: Yes. The soils work plan
- 18 document itself is located in the repositories, and the
- 19 repositories -- and the addresses of the repositories are in
- the Notice of Preparation and the notice itself, and both of
- those documents are at the back table.
- MS. GARZA: And right -- the next door;
- right? The other side of the wall.
- 24 MS. ISAACSON: Oh. I'm sorry. And, obvious,
- 25 right next door.

- 1 Thanks, Yolanda. 2 MS. ISAACSON: The library. 3 So should we -- another soils question, comment? And please give your name first. 4 5 MS. SANDOVAL: Jeannine Sandoval. 6 (Multiple people speaking at once.) THE COURT REPORTER: Excuse me. 7 8 MS. SANDOVAL: It amazes me that we're on the 9 wildlife refuge that would not be taken into consideration 10 as far as where samples would come from. 11 MR. MARCOS: I'm sorry. I missed the first 12 part. 13 MS. SANDOVAL: We're part of the Havasu 14 National Wildlife Refuge. 15 MR. MARCOS: Yes. 16 MS. SANDOVAL: Why would it be that would be 17 excluded? I know we're on the opposite side of the river,
- I don't know if you've physically been out to what

 we locals call the pipeline where the white pipes go over

 the river. There's actually pipes where you can see debris

 that's gone off and down into the river. We're out there in

 our boats. We go by it all the time. It's just -- if you
- 24 can -- physically being in there, there's no way that our
- wildlife wouldn't be affected.

but as far as the proximity.

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1 MS. ISAACSON: Good input. Thank you. 2 Any other comments on -- for the soils 3 investigation? (No response.) 5 MS. ISAACSON: All right. So we will take 6 questions related to the groundwater program. I think there might be a few remaining. Okay. We want to make sure that 7 8 there truly are no more soils questions before we move to 9 groundwater just to make sure we've given that the 10 comprehensive coverage. 11 MS. CATERINO: I have one question on the 12 soil. They are doing all the soil testing. Excuse me. 13 They're doing all the soil testing over there on PG&E's area 14 of California. So if that's the case, then why are you 15 here? You are not testing our soil. 16 Now, as I said before, the ground, the soil, and 17 the water go hand in hand. So apparently you know the 18 water's already contaminated, and that's why you are here 19 informing us why you are doing the soil research. 20 Now, has this all happened just because Erin 21 Brockovich was here or were you people investigating it 22 prior to and no one knew about it? That's all I have to 23 say.

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investigating the soil and groundwater out of PG&E and

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MS. BAKER: Actually, we have been

- 1 Topock since about 1997, and, um, I know we have had some
- 2 meetings here in this community. I think we had a
- 3 groundwater EIR scoping meeting here in 2008, and I think
- 4 unfortunately some of our earlier meetings with this
- 5 community have been more into summer, and we realize that,
- 6 you know, this is really -- most of the community members
- 7 are here more in the winter, and we're trying to get out
- 8 here in the winter, as we did last year.
- 9 It really has nothing to do with Erin Brockovich.
- 10 It's just the timing of -- you know, as Jose said, normally
- 11 you try to do soil and groundwater together, but this one we
- 12 just didn't have the resources to do that, and we needed to
- focus on groundwater.
- And so you're right. Soil and groundwater goes
- 15 together. That soil can -- the contamination in the soil
- can migrate into groundwater, and we want to make sure we
- 17 understand where that is and that if we need to clean that
- 18 up so it doesn't continue on leeching into the groundwater
- 19 so that it doesn't blow its dust, and, you know, in
- 20 effect impact humans or the wildlife. So we really need to
- 21 do that.
- 22 And, um, we're here in -- in Golden Shores because
- when we were here last year there was a great concern in the
- 24 community about this project, and we wanted to make sure
- 25 that we were able to, you know, really understand your

- 1 concerns as we move into the soil investigation.
- 2 We've gotten some really good input here tonight,
- 3 and we really appreciate it.
- MS. GARZA: I was here last year, and I did
- 5 want to mention that we do come out to the communities
- 6 generally in all our projects that are impacted around the
- 7 sites that we work on. And so because PG&E Topock site is
- 8 an isolated site, you are the community that is in the
- 9 vicinity of the project as well as other state leaders that
- 10 asked for and are interested in the project.
- So we come out to try to make sure you remember
- the project, where we're at, and have questions, and remind
- you that we're still here trying to fix it and clean it up.
- 14 So that is part of the community outreach, and we will
- 15 have -- we came out and interviewed just a month ago, um, to
- a few of you here as well and asked you questions on how
- 17 best to outreach and continue to provide you information.
- 18 So I really thank you for allowing us to come here.
- 19 MS. SANDOVAL: Yolanda, I need to ask you
- 20 something. We were here last year. It's been more like 13
- 21 months ago. How abreast of the information are you as far
- as our wells are being affected? Do you keep up on that
- because you lacked poorly as far as communicating what
- 24 you're doing at your end as far as making everybody aware as
- 25 far as the levels in our water. You were here last year

- 1 regarding our water. We haven't heard anything from you as
- 2 far as -- we can go to our water company and say, okay, what
- 3 are the ratings now. I don't see anything coming from your
- 4 end.
- 5 MS. BAKER: For that issue we -- we actually
- 6 have no jurisdiction in your community in terms of your
- 7 water that you're getting from your --
- 8 MS. SANDOVAL: But as far as a public safety
- 9 liaison and making everybody aware of where the levels are,
- 10 you would think that would fall in there.
- MS. BAKER: Yeah. So we're actually with the
- 12 State of California, and we do work closely with -- I think
- 13 Daniel's back there somewhere from the Arizona Department of
- 14 Environmental Quality. Um, they are really the agency that
- 15 you should be contacting with concerns about the water
- that's being purveyed into your homes here.
- 17 The groundwater on the California side, the plume
- 18 from PG&E Topock. Um, as we talked about when we were here
- 19 last year, we determined that the plume stopped short of the
- 20 river. It doesn't go under the river into Arizona, so -- if
- 21 it did, we would lack jurisdiction of it then.
- 22 MS. HOUCK: My friend -- my friend -- I got
- pictures of him down at the water. He never got over his
- 24 knees. He was allergic, okay, to the chromium in the water
- 25 and broke out and he's dying right now. He's -- and so

- immediately --
- MS. BAKER: We have seen the results that
- 3 there is chromium in the groundwater here. It is within the
- 4 drinking water standards for the State of Arizona, and I
- 5 would, you know, encourage you to talk to Arizona Department
- 6 of Environmental Quality or the water purveyor here about
- 7 your water.
- 8 MS. SANDOVAL: We do. We ask for the
- 9 reports. I'm just concerned as to why if there's such an
- interest as far as the Department of Toxic Substances
- goes -- Yolanda's the liaison for the local community
- here -- why that would be more of a concern.
- MS. GARZA: If I may, part of the discussion
- 14 I was having was about the project. Our role in California
- 15 Department of Toxic Substance Control is to let you know
- what's going on with the project there.
- 17 Um, to get into working on the jurisdiction issue
- 18 from here, if it didn't come from PG&E, if we don't have
- 19 evidence that it's coming from PG&E, then we are informing
- you about what we do know of from the PG&E site.
- So the information I provided you --
- MS. SANDOVAL: I think the evidence is this
- has been a problem since the early '80s. It was identified.
- This isn't anything that is new. I mean, this is ongoing
- and ongoing.

- 1 As far as for me to be able to suggest what sites
- 2 you sample from, are you talking strictly about that
- 3 perimeter?
- 4 What is important here, we've got the wash, we've
- 5 got our wildlife refuge here in town, and that was never
- 6 plotted on your -- on your end or your prospective end.
- 7 That's my input in all of it.
- 8 MS. HOUCK: Am I understanding that right;
- 9 you're here to tell us you are testing California, but they
- are not going to test us? And we have loved ones that have
- passed away because of this and everything else. Well,
- we're not going to get tested because you're just here to
- 13 let us know you're going to test California. I don't
- 14 understand that. I don't get it.
- 15 Why don't the federal -- why don't you tell -- you
- said the federal government is part of it. Tell them we're
- the ones that need the help. We are the closest one to
- 18 them. California is over there. It's not as close to PG&E
- as we are and is not suffering as much of an effect of it as
- we are.
- MS. SANDOVAL: It is everywhere.
- MS. HOUCK: It is everywhere, but we are the
- closest. It's right here. Our soil needs to be tested.
- Like I said, my father passed away in '08 I
- 25 believe from chromium 6. He watered all of his -- all of

- 1 his plants in a greenhouse. He ate everything that came out
- of that garden. He has fruit trees. He didn't go to the
- 3 stores. He ate off the land and the water that he used.
- 4 Why isn't any of this being tested? Our soil that
- 5 we grow our plants in, why is it not being tested? Why is
- 6 California being tested right now?
- 7 This is the problem over here. They travel up and
- 8 down our roads carrying that contaminated dirt, dribbling it
- 9 all over the place. It's going in the air and nothing's
- happening. The federal government isn't stepping in. Why?
- I don't understand why you would come here to brag that
- you're doing California, but screw you guys.
- MS. CATERINO: Arizona doesn't have any, um,
- 14 standards for our water. That's the thing.
- MS. HOUCK: The federal should step in.
- MS. CATERINO: Yeah, but you have to get
- 17 Arizona first.
- 18 MS. HOUCK: Still they need to report it.
- 19 They need to test our soil the same. Also, to the federal
- 20 government, Arizona's involved. Their state doesn't want to
- 21 do anything, but dang it. They're being involved. They're
- 22 being affected by this. We need to get their state to
- realize this is what's happening.
- 24 (There was a conversation between Ms. Houck
- 25 and an unidentified speaker not heard by the

1	Court Reporter.)
2	MS. HOUCK: I wish I would have known at the
3	time. He died in '08. And, no, but he was diagnosed and
4	four weeks later the man was dead, and he was as healthy as
5	a horse, and it started with one spot and it's all right
6	down his spleen and his lungs. It's exactly the way
7	chromium 6 reacts. This man was healthy, worked hard all
8	day long, everything else, went to the doctors to have all
9	of the reports, never missed a doctor's appointment, and in
10	four weeks he was gone. One spot it started. This needs to
11	be taken care of in this town, not in California. I'm
12	sorry.
13	MR. WEHR: I'd like to make a plea as a
14	homeowner here to the California representatives who we have
15	in front of us to go back and look at our water meeting we
16	had, the last one, and look at the maps, and you will see
17	that all the data was actually from PG&E.
18	And please review that information, and please
19	look at this miracle map they showed us. They showed us all
20	this pollution of chromium 6 coming down, coming across the
21	river, and somehow miraculously there's a line right at the
22	state line in the middle of the river. There's chromium on
23	that side, and this side is zero.
24	So I would like you to just review that
25	information so you can see what I'm going to personally call

- 1 the biggest lies and coverups PG&E is putting out.
- 2 Thank you.
- MS. EDRICH: And also our -- our Beale --
- 4 Beale Lake out here, they dredged it. We can't even go near
- 5 it for 50 years. What kind of stuff is that? What is that?
- 6 MS. ISAACSON: Anybody else want to make a
- 7 comment about the groundwater situation?
- 8 (No response.)
- 9 MS. ISAACSON: All right. I want to wrap up
- 10 the meeting because some people are starting to leave. We
- just -- on behalf of the project team, we want to thank you
- for being here. It's obviously such tough issues, and we
- appreciate you taking the time to come talk with us, and
- we've taken -- you know, recorded your comments and
- questions, and we'll be considering them.
- And the process with the EIR for the Soils
- 17 Investigation Report will include, as Bobbette mentioned
- 18 earlier, the public review period for the draft EIR, and
- 19 that will be your next opportunity to provide comments in
- the soils investigation process.
- 21 Any other comments before we wrap up?
- (No response.)
- MS. ISAACSON: All right. Thank you very
- 24 much. Have a good evening.
- 25 (The public scoping meeting adjourned at

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                         7:37 p.m.)
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1	CERTIFICATION OF REPORTER
2	
3	STATE OF ARIZONA)
)
4	COUNTY OF MOHAVE)
5	
6	I, Juliette L. Vidaurri, CR, CSR, do hereby
7	certify that I took down in shorthand (stenotype) all of the
8	proceedings had in the above-entitled matter at the time and
9	place indicated, and that thereafter said shorthand notes
10	were transcribed into typewriting at and under my direction
11	and supervision, and the foregoing transcript constitutes a
12	full, true, and accurate record of the proceedings had.
13	In witness whereof, I have hereunto affixed my
14	hand the 26th day of December, 2012.
15	
16	
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18	
	Juliette L. Vidaurri, CCR, RPR
19	AZ CR #50359/CA CSR #11081/NV CCR #748
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PACIFIC GAS & ELECTRIC COMPANY TOPOCK COMPRESSOR STATION SOIL INVESTIGATION PROJECT ENVIRONMENTAL IMPACT REPORT PUBLIC SCOPING MEETING

REPORTER'S TRANSCRIPT OF COMMENTS

Wednesday, December 12, 2012

6:47 p.m. to 7:57 p.m.

Needles High School Auditorium

1600 Washington Street

Needles, California

REPORTED BY: THERESA A. SALSBERRY, RPR, AZ CR #50866

1	APPEARANCES
2	FOR THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
	DEPARTMENT OF TOXIC SUBSTANCES CONTROL
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	Cypress, California 90630
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1	PROCEEDINGS
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3	MS. ISAACSON: All right. So we're
4	going to start, and we'll start first with Jodie. And
5	Jodie, I'll just bring the microphone up to you.
6	JODIE (UNKNOWN LAST NAME): Oh, I don't
7	want to talk.
8	MS. ISAACSON: Would you like us to read
9	your question?
10	JODIE (UNKNOWN LAST NAME): That's fine.
11	MS. BIDDULPH: Jodie's question is
12	whether we are safe, and is there groundwater
13	contamination already?
14	So maybe a little bit of an overview about
15	the groundwater would help Jodie out.
16	MS. BAKER: Unfortunately, we don't have
17	a slide really handy here about the groundwater. I
18	can show you something later. We do have a really
19	good handle on what the groundwater plume is, and the
20	one thing I can say is it does not go into the river.
21	We actually do have an interim measure that's
22	been in place since 2005, and the goal of that interim
23	measure is to hold the plume back away from the river
24	and reduce the concentrations of chromium in the
25	floodplain along the river, so that has been happening

- 1 and is very successful.
- In the meantime, we have selected a remedy
- for the groundwater, and PG&E is designing that remedy
- 4 and then will hope to complete that design and
- 5 implement that in 2015.
- Are you safe from the groundwater? The good
- 7 part is that nobody is actually drinking this
- 8 groundwater. There are wells at like Park Moabi. The
- 9 plume does not extend over to Park Moabi. There are
- wells on the Arizona side that are used for drinking,
- and we feel very confident the plume does not go onto
- 12 the Arizona side of the river.
- The river is a very good hydrologic boundary,
- and the way it works is the groundwater flows towards
- the river on the California side, and it flows towards
- the river on the Arizona side and kind of comes up in
- 17 the river, and there's no contamination in the river.
- I think that's really important to say.
- There is some -- There's a lot of
- 20 geochemistry involved, and I won't go into a lot of
- 21 the details. Later we can talk more after, if you
- 22 would like, about the groundwater. The way it works
- is actually, Mother Nature is very helpful. It
- 24 actually transforms the hexavalent chromium into
- trivalent chromium that wants to stick to the soil,

- 1 and so it does not come up into the river.
- 2 So there's not an immediate health threat
- 3 that people are being exposed to the water, but long
- 4 term, the water is a very important resource to the
- 5 State of California and I'm sure to the people in this
- 6 area, and so we want to make sure we clean that
- 7 groundwater up so that it is a resource into the
- 8 future.
- 9 MS. ISAACSON: Thanks, Karen.
- Next we'll hear from Nora McDowell-Antone.
- MS. MCDOWELL-ANTONE: I just want to
- make some general comments as a personal part of the
- work that I do in the tribe affiliation of Fort Mojave
- 14 Tribe.
- And when this first came up in 2004, we were
- very concerned about the area only because of our
- water rights that we do have on the river and
- obviously growing up here in Needles, a small
- community, we know each other. Everyone that comes
- here, you know, stays for a reason.
- 21 And for us the river is important to the
- people as was mentioned at several meetings that we
- participated in before on the groundwater studies, how
- critical that is to all life and the namesake of the
- tribe is along the river and historically and

- traditionally we have in this area and territory.
- We have a beginning and end in life. For us
- 3 our beginning is on the other side of the AviKwa'ame,
- 4 Spirit Mountain, and when we leave this earthly
- 5 origin, our spirits go through this area, and so it's
- 6 very important to us as a people that live here and
- 7 part of our spiritual connection to all things above
- 8 ground, below ground, and the concern we have had for
- 9 the area since you became involved is still of
- 10 critical importance, not only to what they have found,
- the dumping of the chromium out there, but to the way
- that they are conducting the cleanup itself.
- And by cleaning it up, we know that's very
- important, and we are not against that. We support
- that because it is something that needs to be done.
- You might also need to look at the impact for the
- future generations to come, how important that is for
- 18 my grandchildren's children's children's
- children.
- We have to look that far down the road when
- we look at these types of unfortunate contaminations
- 22 of areas critically close to the Colorado River. We
- know there were other impacts from upstream with the
- uranium mining and the spills that have come from
- 25 different water sources being put back into the

- 1 Colorado River from up in Las Vegas and other areas,
- 2 different things that they're doing along the Colorado
- 3 River that also contribute.
- 4 But when you have something so close to our
- 5 area and our territories and where we live, friends
- 6 and families and colleagues and just our general
- 7 environment, who is going to be left here with that
- 8 cleanup? For 30 years it's going to probably take,
- 9 maybe longer, to really get it cleaned up. But after
- this is all said and done, who is going to live with
- those impacts? It's our children who will be here.
- I know the tribe is going to be here because
- we can't pick up and move away. This has been our
- homeland. We're still a part of it. Even though we
- don't own it anymore, it's still very important to us
- because our ancestors are spread across this whole
- valley. We didn't have cemeteries back then, so the
- ashes of our people and their homesites are all over
- in that area, including the Topock area.
- So of course it's important that the people
- and me, as a concerned tribal member, that it's done
- 22 with the least disruption and desecration to the area
- already. Just even with the groundwater, there's been
- so many wells that have been put in and anticipated to
- have more once they get the final design done on it.

1	So the concern of our tribal people is what's
2	going to happen with the land once they do the soils
3	studies? So I'm actually very glad to hear that the
4	DTSC has considered doing a full-blown EIR on the
5	soils because it's what we had asked for in the past,
6	and I think it's very important.
7	Unfortunately, we had to concentrate on the
8	groundwater to make sure that it didn't get into the
9	river, but yet as Karen had mentioned earlier, Mother
10	Nature already has her way of taking care of that.
11	Unfortunately, for people that want it done
12	sooner rather than later, it has provided that
13	protective barrier, but it would take maybe a thousand
14	years for it to totally clean it up, but yet, how long
15	did it take for it to contaminate? It took years to
16	get to where it is.
17	I would just suggest on your map that you
18	have the outline of the plume on there so people can
19	see it and know what the size of the plume is on that
20	particular photo you have up there right now. I think
21	it's important that they visually see that because
22	then you can see it connect together. You see the
23	plume and then you also see the ground and what could
24	have happened out there, so I think that's important.
25	I think some of the other things that we

- noted in the EIR contents that you're going to be
- 2 looking at, that's kind of a short list, I know there
- are other things to be considered. One comment I
- 4 wanted to make is because we are an Indian tribe and a
- 5 tribal government, that doesn't mean that we just fall
- 6 under the heading of culture, even though that's our
- 7 primary concern regarding the sacred area to our
- people and our tribe.
- 9 It encompasses everything. We look at things
- as a whole, not in fragments or pieces for us just to
- 11 be considered under culture because we are concerned
- 12 about the aesthetics, and we are concerned about the
- noise. We are concerned about the cumulative impact
- 14 that has occurred from the time it started the
- 15 investigation to the interim concerns that occurred to
- the tribe actually being notified in 2004.
- So I think we need to have that background,
- and I'm not sure what the background is for this, if
- it does go back to the beginning of the time you first
- started the interim measures, or I guess that could be
- 21 clarified somewhere in the document that you have
- provided.
- We hope that it would go back to the time of
- the interim measures and look at the cumulative
- 25 impacts that have occurred and that will continue to

- occur as the investigation moves forward, and I
- just -- I'm glad to see that it will be a full-blown
- 3 EIR and that considerations will be given to the
- 4 issues that we brought up.
- I know the tribe will be submitting formal
- 6 comments, so I'll go ahead and end my thoughts for
- 7 myself as a tribal member and just wanted to let you
- 8 know that, and hopefully, just because it's disturbed
- 9 doesn't mean that it's meaningless or it doesn't hold
- any kind of meaning to people anymore. Even if it was
- disturbed, it was during a time when we didn't have a
- 12 say so.
- We didn't have any rights to say no, you
- can't have that or no, you shouldn't do that. You
- know, our rights were taken away where we couldn't
- even comment on this, and so laws were actually put in
- place in the early '70's, '78 when the EPA started
- 18 looking at these things.
- So prior to that, we didn't even have a right
- to say anything about what they were going to do with
- that. But now we do, so we're here to speak up for
- the land. Not only that, but for the wildlife out
- there.
- We're fortunate to finally see out there the
- young female coyotes and the four bighorn sheep that

- 1 came up to get water, and they came right up next to
- 2 the Maze area. The Maze area is there, kind of where
- 3 the area is, the Topock Maze, if you live in Needles.
- 4 UNIDENTIFIED FEMALE: Where is the
- 5 Topock Maze on that map?
- MS. MCDOWELL-ANTONE: It's below here.
- 7 It's marked, those yellow areas there, the UA-18 on
- 8 the bottom portion, the orange, down in that area, and
- 9 so it used to be one bigger piece, but it's a fragment
- now because of the railroad and the I-40 coming in and
- the river crossing back in the early '40's and '50's,
- 12 so there has been a lot of historical destruction of
- the area because of those, what we call, essential
- improvements having people going west.
- But the Maze is very important and critical
- to our religious beliefs as well. It needs to extend
- 17 to the other side where some of this area also is
- 18 being considered for some of the exploration of the
- soils around here, too.
- But I think overall our concern is both the
- 21 religious standpoint as well as protection of the
- 22 river and eventual cleanup, but it's important, it's
- very sensitive, and we're very concerned about it.
- 24 Thank you.
- MS. BIDDULPH: Both of these comment

- 1 slips are from folks that would like us to read the
- 2 comments. One of them has a name, and one of them
- 3 does not. So the first is anonymous, and the question
- 4 is, how is the cleanup going to be successful? What
- is the cleanup plan? Is groundwater going to be
- 6 pumped down to contamination, and who is in charge of
- 7 cleanup?
- 8 MS. ISAACSON: Those are some good
- 9 questions, and I think we can provide some
- 10 clarification on that.
- MR. MARCOS: I guess I wanted to clarify
- first if these questions are for the soil or for the
- groundwater cleanup? But let me answer both unless
- the person wants to clarify. I don't know if
- anonymous wants to, but we'll answer both so we get
- both. I'll do the soil, and Karen will do the
- groundwater.
- 18 How is the cleanup going to be successful?
- 19 For the soils, we are still in the investigation
- phase, so we don't even know if we need to clean
- 21 anything up. As soon as we finish the investigation
- phase, we'll have a better idea if there are areas
- that need to be cleaned up, and if so, we will try to
- figure out the best way to clean it up.
- What is the cleanup plan? That goes back to

- 1 my response. We don't have any cleanup plan right now
- 2 because we are still evaluating. We are still
- 3 investigating. Once we have a good understanding of
- 4 the problem, we will come up with a plan. And now it
- 5 goes on to the groundwater.
- Is groundwater going to be pumped down to
- 7 contamination? That was the first question. Is
- 8 groundwater going to be pumped down to contamination?
- 9 What is the contamination? Who is in charge of
- 10 cleanup?
- MS. BAKER: I'm just going to ask
- Yolanda a question up there, if she might happen to
- have a flash drive with a picture of the plume?
- MS. GARZA: You'll have to give me a few
- minutes.
- MS. BAKER: Okay. Because I do have
- mine down here, and if we want to come back to this, I
- 18 can bring you my flash drive if you don't have one,
- 19 but I'll start and see what Yolanda can manage to pull
- up over there.
- Okay. So I will start like with just trying
- to outline with a flash thing here where the plume is,
- and hopefully Yolanda will be able to find the slide.
- This is the Topock Compressor Station, and this is Bat
- 25 Cave Wash (Pointing.), so most of the contamination in

- the plume originated here in Bat Cave Wash in this
- 2 kind of purply area, and the plume goes sort of out
- 3 into here and back across the floodplain and then out
- 4 over into here, around and then down to the --
- MS. MUSSER-LOPEZ: Can you take that big
- 6 square off in the middle of the picture?
- 7 MS. BAKER: She's just trying to change
- 8 the slide for me.
- 9 MS. MUSSER-LOPEZ: Yeah, you need ten
- 10 feet of map. You know, because --
- MS. ISAACSON: We're actually getting a
- better slide.
- MS. BAKER: We do have a slide with a
- plume on it, if she's got that available.
- 15 MS. ISAACSON: What we can do is we can
- 16 come back to that.
- MS. BAKER: Yeah. Unfortunately, she's
- back up there, and we're down here.
- 19 MS. ISAACSON: So should we go on to
- another comment?
- 21 MS. BAKER: Yeah. I'll come back to
- that.
- MS. BIDDULPH: This is Janet, I think
- it's Patchett. The question is, is the soil
- investigation being paid for by the State? Are we

- 1 employees of the State? Has groundwater contamination
- been found going into the Colorado River?
- 3 So Karen, can I just go ahead and hand those
- 4 to you?
- MS. BAKER: In terms of who is paying
- for this, actually PG&E, as the responsible party, is
- 7 required by State law to actually pay for this, so
- 8 they actually pay for the state and federal oversight
- 9 costs. They pay basically our salaries. They don't
- pay us directly. We send them bills. And they
- actually pay for the actual physical work that takes
- 12 place on the site, so it's not the taxpayers, either
- state or federal, that are paying for this.
- And are we employees of the State? Yes.
- 15 Actually, Jose Marcos, Yolanda Garza back up there and
- I are actually employees of the State of California,
- 17 Department of Toxic Substances Control, and we do not
- 18 work for PG&E. That's very important to clarify. And
- then Bobbette and Joan, they are contractors to the
- 20 State of California, so they actually work for us, not
- for PG&E, so I hope that's helpful.
- 22 And has groundwater contamination been found
- going into the Colorado River? The short answer to
- 24 that is no. And we have actually required PG&E -- I
- think we did about ten transects across the river

- 1 starting way north of the site going across from our
- 2 site and then down south of the site looking below the
- 3 river for contamination, hexavalent chromium and other
- 4 chemicals, and I think it's now quarterly, it used to
- 5 be monthly, we actually require PG&E to sample in the
- 6 river.
- 7 I think it's about ten locations, but there
- 8 are several locations both up river across the site in
- 9 the river and down river of the site where PG&E is
- required to look in. They look at the top of the
- water, the middle of the water, the bottom of the
- 12 water. We look on the shores, look in the middle, and
- we have not found hexavalent chromium or any other
- 14 contaminants associated with the site in the river.
- 15 MS. ISAACSON: We have a comment from an
- anonymous source. One of the potential impacts of
- 17 public scoping meetings and the EIR is increased
- 18 attention and traffic to culturally sensitive areas.
- 19 How will this impact be addressed during the drafting
- of the Soils EIR and other future soil
- investigation reports?
- MS. BAKER: I'm sorry. I spaced for a
- moment there. I did not hear your question.
- MS. ISAACSON: It's a good question. It
- 25 had several parts to it, so I'll read it again. It's

- probably one that Jose or Bobbette can answer. One of
- 2 the potential impacts of public scoping meetings and
- 3 the EIR is increased attention and traffic to
- 4 culturally sensitive areas. How will this impact be
- 5 addressed during the drafting of the Soils EIR and other
- 6 future soils investigation reports?
- 7 MS. BIDDULPH: So one of the -- When we
- 8 are working with culturally sensitive information,
- 9 it's really important for us to keep that confidential
- and so we, as an environmental consultant, only
- qualified cultural professional archaeologists are
- available to access the information about the location
- of culturally sensitive sites.
- So that's one of the safeguards that we use
- to try to avoid that type of the attention. Now, when
- we publish a document and talk about an overall area
- being culturally sensitive, we try to keep the
- information very general so that those concerns are
- avoided.
- MS. BAKER: I'm going to try to go back
- to, what is the cleanup plan? I'll try to explain it
- 22 here using this figure. So this is actually a better
- figure, so again, here is the Topock Compressor
- 24 Station, and this is Bat Cave Wash. So this is the
- 25 outline of the hexavalent chromium plume from the

- 1 Topock Compressor Station.
- 2 And so inside this line is hexavalent
- 3 chromium that is greater than the background
- 4 concentration for the area. There actually is
- 5 naturally occurring hexavalent chromium in the
- 6 environment, and we have required PG&E to do an
- 7 extensive study of both the Arizona and California
- 8 sides of the river to understand what is the naturally
- 9 occurring conditions and then work to define their
- plume.
- So that natural background area is about 32
- parts per billion. The drinking water standard in
- 13 California is actually 50 parts per billion, and what
- 14 PG&E is proposing to do with their cleanup is to
- actually clean up groundwater to the background level,
- which is that 32 parts per billion.
- So the goal is that any groundwater
- 18 contamination that is within this boundary here, PG&E
- is going to clean that up to the current background
- for the area. And the way they are going to do it is
- 21 this long technical name called institute treatment
- 22 with freshwater flushing. So one of the things that
- they are proposing to do is kind of use Mother Nature.
- Some of the things that are already happening
- out here along the floodplain, there is something

- 1 called reducing conditions that actually already help
- 2 try to convert the hexavalent chromium to trivalent
- 3 chromium, and an important consideration is hexavalent
- 4 chromium is very mobile in the environment, and it's
- 5 the more toxic form of chromium.
- 6 What we want to try to do is take that
- 7 hexavalent chromium and convert it into trivalent
- 8 chromium, and that chromium does not want to be in the
- 9 water. It wants to grab onto the soil and stay where
- it is, and it is a much less toxic form of chromium.
- You actually will have chrome-3 in your vitamin
- 12 tablets. So we want to take it out of the water and
- let it grab onto the soil.
- And so what PG&E is going to do is along the
- floodplain they will be injecting like a carbon
- source. It's something that's going to help the
- natural occurring microbes convert that chrome-6 to
- 18 chrome-3. I wish I had some great slides for you, but
- 19 I don't tonight. And the groundwater generally moves
- 20 in this direction. It moves from the site and down to
- 21 the north and then towards the river, but it doesn't
- move very fast.
- And somebody talked about that earlier. If
- we just let Mother Nature take care of it, our
- estimate, our engineering estimate, is that it would

- 1 probably take 1,000 or 2,000 years, so we want to make
- that happen faster. So that's where that freshwater
- flushing component comes in.
- 4 So what PG&E is going to do is pump water
- from along the floodplains. We're also going to get
- 6 water from another source. It may be up here in Park
- 7 Moabi. It may be over here in Arizona. But they will
- 8 inject water up gradient of the plume, and when they
- 9 do that, it's going to push the water towards the
- river and toward that treatment zone that they're
- 11 going to build along the river.
- It's kind of like going to be a big cycle
- where the water goes to the river, gets pumped out,
- 14 gets treated, pumped back up here, and it just kind of
- 15 keeps going in that loop until it's all clean. So
- hopefully that helps you understand a little bit about
- 17 the goal and the estimate for that is that it could
- take about 30 years for that cleanup to happen, and
- 19 then there will be ten years of monitoring afterwards
- 20 to make sure it stays clean and doesn't -- the
- 21 contamination doesn't rebound to that background
- level.
- Who is in charge of cleanup? I'll get to
- that last part. Actually, there are two agencies in
- charge of the cleanup. The State of California, which

- is us, the California Department of Toxic Substances
- 2 Control. And as they mentioned earlier, we work under
- a body of regulations called RCRA, Resource
- 4 Conservation and Recovery Act. Because PG&E operated
- 5 a hazardous waste facility, they are required under
- 6 that body of law to investigate and clean up their
- 7 site under the state oversight.
- 8 They also -- The U.S. Department of Interior
- 9 also has oversight authority over this project, and
- their job really is to protect their federal lands.
- 11 We saw those earlier; Bureau of Reclamation land, BLM
- 12 land and Havasu National Wildlife land. So PG&E has
- entered into an agreement with the U.S. Department of
- 14 Interior also to oversee the work and to pay for their
- 15 cost of overseeing the work.
- MS. ISAACSON: Thanks a lot, Karen, for
- that explanation about the groundwater. We're going
- 18 to get back on track here to the scoping process for
- 19 the soils investigation EIR.
- 20 And the next card is from Victoria Chaw.
- 21 She's with the California Department of Fish and Game.
- 22 And do you want me to read off your questions, or
- would you like me to go ahead and comment?
- MS. CHAU: Can I?
- MS. ISAACSON: Yes, please.

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1 So my first question is, how MS. CHAU: 2 is the equipment staging storage area selected? Why 3 was it in this particular area that was on the slide instead of anywhere else? MR. MARCOS: The staging areas for equipment, the majority of those are actually on the 6 7 actual compressor station. It's partly hidden by the 8 yellow shading earlier, but most of it is located 9 there. And there are some other areas, other big 10 black area that I can think of in the existing 11 retention ponds, and that's still a part of the PG&E 12 operation, so they still have control over that area, 13 and some of the smaller areas are to the west and to 14 the north. Actually, there was a north. PG&E still operated an interim measure facility there, so PG&E 15 16 still uses a portion of that area. 17 And in the other one, in short, all of these 18 areas PG&E has historically used to store and to stage 19 equipment either as part of their facility operations 20 and also as part of previous environmental work, so 21 those are all areas that PG&E has used before for the 22 same purpose. 23 MS. BIDDULPH: If I can maybe add onto 24 that. Our job in conducting the environmental

analysis will be to determine whether there are issues

25

- with using those sites, so we haven't done that
- 2 evaluation yet. So if there are any thoughts that you
- 3 might have about the resources on those sites, that
- 4 type of thing, that's something that we are interested
- 5 in hearing.
- 6 But we are planning on doing that type of
- 7 investigation, and if, in fact, we do come up with
- 8 resources that need to be protected on those sites or
- 9 as a result of those sites, those would be identified
- in our analysis. And perhaps if that was the case, we
- would also be looking at alternatives as well.
- MS. CHAU: The reason why I was asking,
- I haven't really personally looked it up, but for me,
- my concern as part of Fish and Game is if there's any
- threatened endangered species in these areas. So for
- advice, when I look at these documents, I go to the
- fish and game website, and I look at the CNDDB. I
- 18 think it's the California Native (sic) Diversity
- 19 Database. So what I do is go to the California GOV
- website, and then I just Google search CNDDB, and it
- 21 will show up right there, So that's what I use to look
- at threatened and endangered species.
- And then the other thing I have to say is
- since the compressor station is next to a wash, that
- would also probably be part of the Streambed

- 1 Alteration Agreement, so you might want to look into
- 2 that, also.
- 3 And then another question I had was for the
- 4 previous EIR with the groundwater for mediation. I
- 5 was talking to someone yesterday about that project,
- 6 and they said that it was a No Net Loss Habitat for
- 7 mitigation or like a one-to-one mitigation ratio. I
- 8 was wondering if that's the same case for this
- 9 project?
- MS. MUSSER-LOPEZ: What does that mean?
- MS. CHAU: It means that if -- I think
- what it meant -- Well, maybe they would know better,
- but if they disturb the area, like whatever area they
- 14 disturb, then they have to replace that same amount of
- area. So if they take off one acre to do -- For
- example, if they took one acre and put in a facility,
- then they would have to replace that one acre.
- 18 MS. BIDDULPH: Thank you very much for
- your input. Those recommendations are really helpful
- to us, and we will be using a similar approach in this
- EIR as was used in the previous EIR, so where impacts
- are identified, we'd be looking to mitigate or address
- those impacts, so that could include replacement of
- habitat, if it was being proposed to be removed.
- To be clear, we haven't done our analysis

- 1 yet, so if we find that is the case, then we would be
- 2 looking at ways to compensate that type of impact or
- 3 effect.
- 4 MS. ISAACSON: Thank you.
- 5 We are next going to hear from Dawn Hubbs.
- 6 She's from the Wildlife Department of Cultural
- 7 Resources.
- MS. HUBBS: I want to make a few general
- 9 comments. My name is Dawn Hubbs, and I work with the
- 10 Hualapai Department of Cultural Resources. I'm the
- program manager up there. We're located in northwest
- 12 Arizona up there at Peach Springs. We have a skywalk
- up there, so if you want to get up there, come see it.
- 14 I wanted to talk a little bit about the
- history of our involvement. One would ask, well, why
- are the Hualapai there? Historically, the Hualapai
- had been across the area since Hualapai first were
- 18 created, and Nora from Fort Mojave touched upon the
- important significance of this area just ever so
- 20 slightly.
- It's also extremely important for not only
- 22 Hualapai but for some of the other tribes that are in
- the area because of the river but also because of
- relations with common language and the bond that
- tribal peoples have. And in the past, a long time

- 1 ago, many Hualapai did not partake of any fish
- whatsoever because the fish was reserved for brothers
- and sisters down river from the Fort Mojave to
- 4 Chemehuevi all the way down to Cocopa.
- 5 So one of the things about Topock for us that
- 6 became extremely important and very exciting when one
- of our investigators was in Berkley, and they were
- 8 doing some research, and they had a book in their
- 9 hand, and they opened the book and the page fluttered
- out and landed on the floor. When they went down to
- pick up that piece of paper, it was an article from
- 1899 about Topock. And it mentioned the Hualapai and
- how the Hualapai were involved in the area way back
- then, so it was very encouraging just as a piece of
- ethnographic history for Hualapai.
- But the area itself today is extremely
- important because of the links and ties that many
- tribal peoples have with the area including the
- 19 various mountains, the features in the area and in the
- landscape. And it's very hard to explain that type of
- connection, but when damage occurs to anywhere in the
- world, we call that, of course, Mother Earth, as many
- of you know, there is a pain level that is associated
- with that. And for Hualapai in particular, Hualapai
- feel that when there is a negative impact in the area,

- there has to be some kind of healing process that
- 2 takes place.
- 3 So Hualapai have been involved with the
- 4 Topock Project for quite some time now, and we've
- 5 heard some very interesting things tonight and one of
- 6 them is the endangered species, and there's a lot of
- 7 stuff going on with this project, and every little
- 8 tiny thing is being looked at very, very carefully and
- 9 one of the really nice things that has happened in the
- last two years or so is the evolvement from the very
- stakeholders, including the tribal people.
- So I just wanted to reach out to the people
- of Needles and say thank you so much for coming
- because this is very important. We do have the common
- goal of having the river cleaned up, and we would love
- to have Mother Nature do it herself, but
- 17 unfortunately, that isn't the case because of the
- variety of State law, so we have to deal with people
- coming and trying to figure out how to clean this up.
- There is concern, but we also feel very confident in
- 21 the process, mainly because it is now becoming so much
- 22 more mutually inclusive with people being involved,
- and that's why these kinds of meetings are very
- 24 important.
- So even if you don't want to speak tonight,

- 1 please leave your comments and your questions because
- this is a very important part of the process where
- 3 there is a record that is filed with the state
- 4 government and the agencies who are accountable for
- 5 this. I just wanted to say those few words, and thank
- 6 you very much.
- 7 MS. ISAACSON: Thank you for the
- 8 comment.
- 9 The next speaker card I have is Ruth
- 10 Musser-Lopez from the Archaeological Heritage
- 11 Association.
- MS. MUSSER-LOPEZ: Hi everybody. Some
- of you I know, some I haven't seen for a long time. I
- was on the Needles City Council in the 1990's when we
- were first exposing the problem. It was really,
- really tough.
- Some of you were friends with a man who
- 18 worked for PG&E and was killed in an accident on his
- way home from the union meeting after he blew the
- whistle on PG&E where he worked. I happened to get
- pulled into this big huge soils problem because while
- I was on the council, we had a sewer plant that was
- leaking -- or not leaking. It was not operating one
- quarter of the time.
- 25 Do you remember how bad it smelled before the

- new sewer plant was put in? I'm not going to be
- 2 limited to three minutes, am I? It's going to take me
- a little bit longer. Anyway, the waste was not being
- 4 processed, and they were drying it, and it was the
- 5 sludge that they were taking down to our landfill.
- 6 We had a landfill at that time. Much to my
- 7 husband's chagrin, we do not have one now. Where are
- 8 we going to put our branches or things that we used to
- 9 easily dispose of? Now we take it across the river
- where there is not as strong of regulation, probably
- even a worse problem area than it was here, but we
- have no landfill.
- The employee of the Fish and Game department,
- what is your name?
- MS. CHAU: Victoria.
- MS. MUSSER-LOPEZ: Victoria was talking
- about replacement of acreage for acreage for soils
- 18 that cannot be remediated. Well, our landfill needs
- to be replaced, thank you, the whole thing. We do not
- have a landfill because PG&E took their soils and
- disposed of them in our landfill.
- (Applause.)
- And because the County and the City and the
- 24 BLM were all in charge of the landfill, and none of
- them wanted to take the blame for this, and they kept

- on monkeying around and pushing it back on each other,
- 2 running down the same rabbit hole as the BLM employee
- 3 who wished to remain anonymous forever and didn't want
- 4 to lose his job. That's the way he put it. I learned
- 5 a lot from that person that worked for the BLM. It
- 6 will come out in my book one day after a few more
- 7 people are already gone, sadly.
- 8 But this man put me in a bad position because
- 9 I was on the council, and I knew our sewer plant
- wasn't working, and I knew that sludge was taken down
- there, and when the sludge got put into the landfill,
- we did not know where our sewer plant sludge was being
- put or where the soils were that were being brought up
- that were contaminated from the chromium. It all got
- mixed up.
- Uronic acid, from what I was told, once it
- 17 mixes with the chromium, hexavalent chromium, causes
- 18 the chromium to become a more mobile balanced state.
- 19 This was a cause of great concern and the reason why
- we had to spend all that money to put monitoring wells
- 21 at our landfill and why our landfill got closed down,
- they were afraid that plume would go down into the
- river.
- 24 Well, when I was on the council, I exposed
- 25 the fact that there were also trucks coming into our

- 1 manholes and dumping in them. I was then asked, Who
- 2 told you this, and how do you know that it could
- 3 possibly cause bacteria in our sewer plant which
- 4 would -- It's a long, confused story but causes death.
- 5 And then also this stuff getting into the sludge that
- 6 would be taken into the landfill, which is chromium.
- 7 I did not want to tell who I had been
- 8 speaking to. I figured, you know, I'm on the council,
- 9 I'm there to make statements. I don't need to
- disclose all my sources.
- Do you remember Susan McDougal, the famous --
- from the Clinton era? She got put in jail for an
- unlimited amount of time because she wouldn't disclose
- a fact. That's what happens to people -- I was taken
- into a kangaroo court in the city of Needles, and I
- would not disclose who I spoke with concerning that
- 17 situation.
- I was sued by my own city, my own city
- council, and they spent about a million dollars suing
- 20 me from what I understand. I myself, just to defend
- 21 myself, because they said that I was in contempt,
- 22 contempt of court, because I would not disclose who I
- spoke with. So I did disclose who I spoke with. I
- 24 disclosed numerous BLM employees who I spoke with, and
- they fired the guy at the sewer plant.

1 He should be compensated for this situation, 2 because if it wasn't for PG&E, he would not have been 3 fired. This whole thing happened because of PG&E's chromium -- the soil, the chromium-laced soil that's 5 put in our landfill. My cost, \$200,000. I want to be 6 I want to get compensated. I lost my reimbursed. life because of that. I got cancer afterwards from 7 8 the stress. 9 Other people here have suffered because of 10 this project, this dumping. All you do is talk about cleaning up the landfill. You better clean up the 11 community, too. We had to suffer a long time. A lot 12 13 of people have spent their money just trying to get to 14 the bottom of it, trying to find out what to do. 15 MS. ISAACSON: I think --16 MS. MUSSER-LOPEZ: I'm not done. 17 MS. ISAACSON: -- that's the reason why we're having this meeting --18 MS. MUSSER-LOPEZ: I know. I want to 19 20 thank you for that. I want to thank you for coming 21 here. I want to ask you, have you ever had a meeting 22 here before on this in Needles? 23 MS. BAKER: Yes.

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first one I heard about, and it's because somebody

MS. MUSSER-LOPEZ: Well, this is the

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- sent me this in the mail this week. I did not get it
- 2 at my home, even though I've asked to be placed on the
- 3 list.
- 4 MS. BAKER: We will make sure we get
- 5 that done.
- 6 MS. ISAACSON: So all the meetings have
- 7 been noticed in local newspapers that goes around
- 8 twice.
- 9 I want to see if anybody else has comments to
- make this evening.
- 11 UNIDENTIFIED FEMALE: I can tell you in
- the same era that she's talking about I had several
- lumps removed, and numerous other woman in the city
- 14 had lumps removed from them that the doctors have no
- idea what these lumps were occurring in all of us from
- all in the same time frame.
- So yeah, there may be -- Given that it's a
- small town, when you say well, we did mailings or it's
- been in the newspaper, this and that, some of us don't
- even know if we have a newspaper anymore because it
- 21 used to come out one day a week. This is Mayberry.
- If you want us to know something, you've got to post
- it on the door. You've got to post it on the bank
- 24 door. We still utilize like that.
- How did I find out? From Zack's Facebook

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page. That's how I find out.
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- MS. ISAACSON: That's really good input
- for us, and Yolanda, who is in the project room, she's
- 4 the DTSC Public Participation Manager of this project,
- 5 and she's taking note of that, so --
- 6 UNIDENTIFIED FEMALE: But yeah, what
- 7 she's talking about, I was rushed to the Mayo Clinic.
- 8 I woke up and couldn't hear. All of us women in town
- 9 were popping up with lumps with -- not cancerous
- 10 lumps. They call them fatty tumors. But you know,
- when you have lumps growing out of your chest and
- 12 lumps all of a sudden appearing on your side, and the
- doctors are taking those out, and then three months
- later they're coming back, and they're coming
- somewhere else, and you're going to get your nails
- done, and that lady says, Oh, hey, I had one taken out
- of my lung. I had one taken out of my side over here,
- and you're thinking, what is going on here?
- Then whatever took place after that part,
- things changed because so far there's no more lumps,
- 21 but there are some that have been taken out of me, and
- nobody ever had an answer for what was the cause of
- that. So that's something for PG&E to really take a
- look at and think, you know, hey -- My first comment
- to her was, Is this another Hinkley? Are we safe?

- Because we don't need to wait until we're that bad
- before we all get -- are supposed to get out of here.
- 3 MS. ISAACSON: I know that there has
- 4 been an incredible amount of work that's gone into the
- 5 cleanup project, and I was reminded a couple of months
- 6 ago that there are many, many documents on the DTSC
- 7 Topock website. It goes into a lot of detail about
- 8 the cleanup programs for the Topock area.
- 9 UNIDENTIFIED FEMALE: Like she said,
- that cleans up the dirt. That doesn't clean up the
- autoimmune things that have been caused from these
- toxins and things like that in people, all of those
- things.
- You know, I've been to doctors because of my
- thing that -- Will I go to another doctor? No.
- Because I can't be on antibiotics ever again or any of
- that because it upsets my system, you know. Luckily,
- 18 we have Dr. Pacquin (sic) until the football season
- 19 opens. But, you know, he oversees us all, and this is
- a concern, I'm sure to him, too.
- MS. ISAACSON: Those are important
- comments, and we're recording them. I want to see if
- anybody else has comments to make this evening
- especially related to the Soils Investigation Program
- and the EIR.

1 Victoria has another comment. MS. CHAU: I just have one quick 2 3 question. If you do find -- Because I know this EIR is meant for soil investigation, but if you do find contamination in the soil, do you have a second EIR coming for the cleanup? So it's like a second stage? 6 7 MR. MARCOS: Yes. 8 MS. ISAACSON: Good question. Let me 9 run down to Jose. 10 MR. MARCOS: Victoria, yes, the answer 11 is yes. 12 MS. ISAACSON: Can you clarify that so 13 that everyone understands? 14 MR. MARCOS: Oh, okay. The EIR is being 15 prepared for the Soil Investigation Project, and this 16 is going to take a while, and once we determine if 17 there is a problem and it needs to be cleaned up, when we get to that stage that we need to figure out how to 18 19 clean it up, another evaluation will be performed 20 because that cleanup, whatever that cleanup is, may 21 have different impacts to the land. 22 I can't tell you what it is right now, but it

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another evaluation for that phase of the project.

investigation that's being performed, so we will have

may have different impacts as compared to the

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1 MS. ISAACSON: Because this meeting is a 2 scoping meeting for the EIR that's being prepared for 3 the Soil Investigation Program, I want to make sure that before we talk about broader issues that we collect all the comments on the Soil investigation Program and specifically on the EIR, so do we have 6 7 anymore comments on the soil program? (Hand raised.) 9 Can you please give your name for the record. 10 MR. VAN FLEET: Ronald Van Fleet, Fort 11 Mojave Tribal member. I was involved in the water 12 cleanup in the soil that you say is not contaminated 13 going into the river. But in Senator Geraldo's (sic) 14 Clean Water Act of 2010, he states that PG&E, that the 15 Topock Maze is a hexavalent chromium-6 leakage, along 16 with Lake Havasu, the McCulloch Corporations, were 17 also leaking the hexavalent chromium-6 in the Colorado 18 River. 19 If this bill states it, then it's a statement 20 of fact. How can you deny -- Is it a low amount of 21 hexavalent chromium-6 that's in the water? 22 what the people want to know. 23 MS. BAKER: I think we actually have 24 about 200 monitoring wells out at the PG&E Topock 25 Compressor Station right now. Unfortunately, I don't

- 1 have a good cross section here. As you move across
- 2 the floodplain towards the river, because of that
- 3 natural reducing condition that is there, the plume
- 4 really stops and does not go into the river. It comes
- 5 very close, so we have about 60 feet from the river
- 6 that is contaminated, and that water which is
- 7 contaminated is actually below the river level. It
- 8 doesn't actually flow into the river.
- 9 But I feel very comfortable -- I am a
- hydrogeologist -- that we understand where this plume
- is and that the chromium from the PG&E site is not
- qoing into the river there. And our goal is we
- actually do have that interim measure in place. What
- the interim measure does is that actually has wells
- away from the river that pump and reverse the gradient
- so that the groundwater wants to flow from the land
- 17 towards the river. And what those wells do is
- 18 actually pull the water the other direction, away from
- the river, so the chromium can't get any closer and is
- actually being cleaned up along the floodplain.
- So I'm not sure of the source of this other
- information you're citing and maybe we can talk with
- you after because I have not heard of that source.
- 24 MS. ISAACSON: Another comment related
- to the soil or EIR?

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                    (Hand raised.)
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                    MR. ROSENBLUM: My name is Eric
 3
                 My question is, is the soil investigation
      Rosenblum.
      for the soil investigation EIR addressing this
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      potential contamination source in the landfill, and in
      the background research that was done as you have
 6
 7
      indicated, Jose, for looking at potential releases of
 8
      contamination, was the landfill identified as a
 9
      potential source of contamination?
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                    MR. MARCOS: Eric, that's a good
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      question. My response to that is the work plan does
12
      not address the potential coming from PG&E being taken
13
      to the Needles landfill, so to me that's -- The
14
      information presented earlier is new information to
15
      me, and I think Karen has additional information about
16
      the landfill.
17
                    MS. BAKER: And actually, it's not new
      information to me. I actually worked on the PG&E
18
19
      project since 1993, so we actually did talk to PG&E
20
      many years ago. We are aware that they did bring
      waste to the Needles landfill, and I'm a little fuzzy
21
22
      on whether it was the County of San Bernardino or if
23
      it was the Regional Water Quality Control, but another
24
      agency was actually in charge of investigating the
25
      chromium that was put into the Needles landfill, so
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- that is why it's not included in our investigation was
- because another agency took jurisdiction and did that
- 3 investigation previously.
- 4 And I wish I could remember -- I don't know
- 5 if Kurt or Glenn, if you remember which agency that
- 6 was?
- 7 UNIDENTIFIED MALE: The water board.
- MS. BAKER: Okay, I thought it was the
- 9 water board. So the California Regional Water Quality
- 10 Control Board was in charge of investigating the
- releases from the Needles landfill, and that is pretty
- much how it works in California is those types of
- municipal landfills are regulated by our water board.
- MS. ISAACSON: Okay. Does anyone have
- other comments related to the soils EIR, the Soil
- 17 So we're going to continue taking questions,
- 18 but I just want to -- Because this is an official
- scoping meeting for the EIR, I want to kind of wrap up
- that discussion so that -- But now we'll just open it
- up to some other questions.
- 22 MS. MUSSER-LOPEZ: The question I -- The
- statement I have has to do with the soils EIR, and
- it's on a different subject, but I would like to
- finish off.

1 What I was going to say is that the dust from 2 the landfill the chromium in that dust blowing around 3 could have been the cause for a lot of health concerns in the community, and I would like to see the State include that in this particular EIR because we have never had an opportunity to have this issue addressed. 6 7 It was not addressed thoroughly the last time. 8 Whoever did investigate it, there was no ability for 9 the public to comment. Number one, the health issues 10 probably were not apparent yet. 11 Now, I'm going to go to another, which is a 12 little bit controversial, and that is the Mystic Maze. 13 I know that there's been already a lot of research 14 completed concerning the Native American concerns over 15 this particular site and the archaeological concerns 16 and historical concerns. I would like to say that 17 whether that Mystic Maze is historic or prehistoric, 18 Native American or American, it's very important to 19 the people of this nation because it played a big role 20 in bringing people out on the railroad to this area, tourism and because it is a landmark site, a national 21 22 landmark site. 23 Now, had it not been there, there is a 24 question if the railroad did indeed actually do the 25 groundwork mining operation there that resulted in

- that formation, that particular gravel formation.
- 2 There is some very strong evidence that there were
- 3 prehistoric ground figures, intaglios, rock art or
- 4 ground art that was destroyed. We know of one that
- 5 was documented.
- Now, my concern is that I have not seen to
- 7 date any thorough investigation by PG&E or by any
- 8 anybody who's been doing these studies as to -- I
- 9 haven't seen any photo -- any great photo
- documentation. There could possibly be historic
- documentation with the railroad that has not been
- researched. I've seen reports from archaeologists.
- 13 They've gone in and kind of reiterated the same thing
- other people have said.
- 15 There haven't -- I have suggested several
- 16 different types of methodology, scientific
- methodologies that could be used, archaeological
- 18 methods that could be used to investigate the Mystic
- Maze, but I haven't seen anybody's report on that or
- any documentation that's been done. I'm the only one
- that I know of and Art Hansel (sic), the only
- archaeologist that's really written about it,
- investigated it, and my proposal to Fish and Wildlife
- is it's kind of been ignored.
- I think you should pay me for having

- 1 completed the investigation that I did. It took me
- 2 months to do that research because I really want to
- 3 get to the bottom of this of the history or prehistory
- 4 of the Mystic Maze. And I don't care if it's historic
- or prehistoric. It's still important. That area is
- 6 still important to the Mojaves and the Hualapais and
- 7 everybody else that's related to these -- this
- 8 Yuman-speaking people.
- 10 Topock to Newberry Mountains and beyond. This whole
- valley is the mother lode, the heart of the
- 12 Yuman-speaking people, and this site down there, it
- doesn't matter. There's ancient trails going through
- there that you can see even now.
- MS. ISAACSON: So let's hear from
- 16 Bobbette about how the Maze is being considered in the
- EIR process.
- MS. BIDDULPH: And actually, I would
- love to get more specifics from you after the meeting
- or specific written recommendations that you are
- 21 making in terms of the methodologies so that we can
- really consider that and respond.
- MS. MUSSER-LOPEZ: Pay for my -- Pay for
- me doing my paper that actually zeroes in on how you
- can get, you know, find the age of the Mystic Maze.

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1 And go back to the photo documentation, and pay the
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- 2 railroad to get the photographs. Why hasn't this been
- done yet? I don't understand it.
- MS. BIDDULPH: One of the -- we
- 5 sometimes have competing interests and desires. One
- of the questions previously in the meeting was about
- 7 how do we keep this cultural information sensitive,
- 8 how do we protect the resources that are there?
- And so we definitely are very sensitive to
- providing more detailed information or detailed
- analysis if it's perhaps not necessary in order for us
- 12 to draw our conclusions. So I'm not saying that's the
- case here, but I just want to make it very clear that
- our goal is to protect the resources and identify ways
- in which the project could be implemented without
- harming the resources.
- MS. MUSSER-LOPEZ: May I say something?
- Okay, that is the problem right here. You're
- saying -- She's saying protect the resources, right?
- 20 Well, okay. Archaeologists are not even allowed to go
- 21 to the Mystic Maze because it's Native American and
- 22 prehistoric. How do you know that? We cannot even do
- an analysis there because it's so protected? Come on.
- We're not allowed to go in there and do a
- true archaeological investigation, and it has not been

proven that it is even Native American. Then we need 1 2 to do an analysis to either show one way or the other. 3 So we're not allowed to go in. MS. ISAACSON: It's noted. 5 MS. MUSSER-LOPEZ: Okay. 6 MS. ISAACSON: So we don't have any more 7 speaker slips. Does anyone have any other comments, 8 and if not, we're going to wrap up the meeting. 9 (No response.) 10 The project team is going to stay here, so if 11 you have additional questions, we can follow up on a 12 one-on-one basis. And also, we do have the comment 13 cards. You can fill those out now, and put them in, or you can fill them out later, mail them in. 14 15 And I think on behalf the project team, we 16 want to tell you how much we appreciate you being here 17 this evening. We know it takes a lot of commitment to 18 come out to a meeting like this, especially when it's 19 cold and cold in this room, too. 20 So thank you very much and have a good 21 evening. 22 (The public scoping meeting adjourned at 23 7:57 p.m.) 24

1	CERTIFICATE OF REPORTER
2	
3	State of Arizona)
)
4	County of Mohave)
5	
6	I, Theresa A. Salsberry, CR, do hereby certify
7	that I took down in shorthand (stenotype) all of the
8	proceedings had in the above-entitled matter at the
9	time and place indicated, and that thereafter said
10	shorthand notes were transcribed into typewriting at
11	and under my direction and supervision, and the
12	foregoing transcript constitutes a full, true, and
13	accurate record of the proceedings had.
14	In witness thereof, I have hereunto affixed my
15	hand the 2nd of January, 2013.
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	Theresa A. Salsberry RPR, AZ CR #50866
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STATE OF CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL

IN THE MATTER OF THE NOTICE OF)
PREPARATION FOR A DRAFT)
ENVIRONMENTAL IMPACT REPORT FOR)
THE PG&E TOPOCK COMPRESSOR) PUBLIC SCOPING
STATION SOIL INVESTIGATION) MEETING
PROJECT.)
) PUBLIC COMMENT

At:

Yuma, Arizona

Date:

December 13, 2012

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PETERSON REPORTING, VIDEO
& LITIGATION SERVICES
530 B Street, Suite 350
San Diego, CA 92101-4403
(619) 260-1069
BY: MICHELE E. BALMER, RPR

AZ Certified Reporter No. 50489

1	BE IT REMEMBERED that a Public Scoping Meeting in
2	the above-mentioned matter was held at GILA RIDGE HIGH
3	SCHOOL AUDITORIUM, 7150 East 24th Street, Yuma, Arizona,
4	commencing at 6:00 p.m. on the 13th day of December, 2012.
5	Public comment commenced at 7:06 p.m., and was
6	reported stenographically by Michele E. Balmer, Certified
7	Reporter No. 50489 for the State of Arizona.
8	
9	PROJECT TEAM MEMBERS PRESENT:
10	Ms. Joan Isaacson
	Ms. Bobbette Biddulph
11	Mr. Aaron Yue
	Mr. Christopher Guerre
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1	(/:U6 p.m.)
2	MS. ISAACSON: What I would like to do with the
3	public comment portion, you know, we have a small group.
4	We can keep it informal. And we have a court reporter
5	here who will be transcribing comments so that we have a
6	good record, an accurate record of what was said, so that
7	Bobbette's team can go back and review the comments. And
8	we'll also keep an audio recording of the comments as
9	well, and I actually need to grab the recorder.
10	So do we have anyone here this evening who has
11	questions or would like to provide comment?
12	And again, if you don't want to give comment this
13	evening, written comments can be submitted all the way up
14	through January 14.
15	(Pause in the proceedings.)
16	MS. ISAACSON: Do we have anyone who would like
17	to make comments or are there questions for Aaron about
18	the soils investigation program or for Bobbette about the
19	EIR? And if not, we can go ahead and conclude the
20	meeting, the official meeting, but continue to have
21	one-on-one conversations.
22	(No response.)
23	MS. ISAACSON: Okay. So I think we'll conclude
24	the official
25	MR. HARPER: We're still trying to debate and get

- 1 to a point here.
- 2 MS. ISAACSON: Oh, then keep going. We've got
- 3 plenty of time.
- 4 MR. HARPER: Well, we don't.
- 5 I've got a couple of questions. The first one is
- 6 in regards -- I went to a meeting over at the Interior,
- 7 and a couple of other people, the CEO of PG&E and stuff,
- 8 and we were talking about the cultural significance of the
- 9 area per se.
- 10 Has there -- has PG&E or DTSC or anybody -- I
- 11 know at San Francisco EPA, one issue that I brought up was
- we wanted a cultural advisor in the mix of this process.
- Has this ever been addressed? And I don't mean cultural
- monitors, but somebody on staff, tribal liaison person,
- somebody that, you know, you don't always have to go to
- the grocery store to find the information but you have
- 17 someone in-house. Was that ever addressed by anybody at
- any level?
- 19 MR. YUE: I don't believe it is something that
- the Department of Toxic Substances Control would be doing,
- 21 although we do have open discussions right now within
- 22 CAL-EPA as an agency to -- with the tribes to talk about,
- you know, Native American involvement in the cleanup
- 24 process.
- I know the Department of Interior, from their

- 1 end, I think the feds are looking at potentially a tribal
- 2 liaison type of a person.
- MR. HARPER: Yes.
- 4 MR. YUE: So that, I think, is in the works.
- 5 I'm with the California, just state, so I'm not
- f really aware of the updates as far as the up-to-date, you
- 7 know, progress of that particular process, but I do know
- 8 that something was being discussed and is in the works, I
- 9 think.
- MR. HARPER: And I know that the Department of
- Justice met with the tribe in regards to who was the lead
- agency because, if you go to a meeting like tonight,
- you're saying DTSC is, which is probably the first time
- anybody ever owned it. Because if you went to DOJ, they
- 15 would say, "Oh, that's DTSC, not us," or the EPA say, "Oh,
- that's DOJ, not DTSC." So there was always a confusion
- who was actually in charge.
- 18 I know the tribe was concerned -- the reason why
- 19 they had talked to Department of Justice is because they
- felt at some point they didn't feel that their voice was
- being heard enough on the significant cultural and
- spiritual sense of the area.
- Because I know one tribe was adamant about not
- wanting any of the issues bothered. Like now you're
- 25 talking about the soil plan, and I think that's a real big

- 1 issue because, you know, that area is totally significant
- 2 to our next life. And so if it's going to be removed,
- disturbed, or if even after the work plan they say, "Well,
- 4 this whole bluff is contaminated; we're going to have to
- 5 take out the whole bluff," certainly people are going to
- 6 say, "Wait a minute."
- 7 But we only heard of the chromium-6, but we never
- 8 hear of the other stuff that you listed. So it's really
- 9 good that I can take back and tell on you. But we can go
- back and get better information.
- But the question, I guess, I have is when you do
- the soil plan, see, there's a story that goes amongst the
- native people or Mojave people. They say, if you look at
- a piece of wood -- no. If you look at the desert floor
- and there's a piece of wood and there's no termites, why?
- If you look on the sand and there's no ants, why? If
- there's no bees in the trees, why? Because then there's
- 18 an imbalance in nature.
- 19 And so I guess the question we would ask, then,
- is in the soil plan as it's being analyzed and assessed,
- 21 what if there is no plant life, there is no bug life,
- 22 there is nothing? And you had mentioned that that will be
- a whole different study. Well, then, why? I mean,
- because if you came back and said, "Boy, you know, we
- 25 found three-headed lizards and we think it might be the

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1 chromium-6 in the soil, "what you're saying is you're
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- 2 going to assess the soil but you're not going to assess
- 3 the effect of the soil, right?
- 4 MR. YUE: Yeah. The --
- MR. HARPER: And so that's the issue, somewhere,
- 6 when is that -- will that happen?
- 7 MR. YUE: And that was the slide, if I can go
- 8 back, I believe, to the process.
- 9 MR. HARPER: I think that was the second or third
- one, right?
- 11 MR. YUE: Yeah. This is the risk assessment
- process. We call it a risk assessment. Essentially, is
- we would look at what was found and then, based on
- scientific studies and literatures, to look at its
- 15 corresponding impact or effects to potentially, like, the
- wildlife or the plants and saying whether or not there's
- 17 scientific suggestion that the concentration that were
- 18 found, if, in fact, it would have potential impact to
- 19 either the wildlife or the, you know, the plant species.
- 20 MR. HARPER: But you would also have a collateral
- 21 damage percentage too, right? But like say, for instance,
- what would be safe and unsafe? If the chromium-6 in the
- soil plan, say you found out there is some contamination,
- 24 what would be safe and unsafe? At what level is safe?
- 25 MR. YUE: There are -- wow, that's a big

- 1 question. Because essentially, it's not just a clean-cut
- 2 level as much as you have to take into consideration how
- 3 much time are you being exposed to that particular
- 4 chromium. So, obviously, the more you're exposed to it,
- 5 the more impact you'll have. And so there are just a
- 6 different level of evaluation that you're doing at the
- 7 same time. So it's not as easy as saying, well, the
- 8 cut-off is, let's say, you know, in groundwater,
- 9 50 micrograms per liter. It's just not that clean cut.
- Now, there are regulation that tells us that at
- this particular level it shouldn't be in the groundwater,
- for example, but that's not saying that it is unsafe or if
- it's safe to use. It is just regulatorily, we don't allow
- this particular level.
- 15 So the risk assessment goes beyond that, which is
- to look at, well, how much time -- let's say if it's a
- 17 person, how much time is that particular person out at the
- 18 site? How much of that time that they're out there would
- 19 be exposed to that particular material, the contaminated
- 20 material. And then based on that, you can look at child
- and adult, they have different weights and different
- intake amounts and saying, well, you know, a cross-
- spectrum of the children, would there be any impact to
- that particular child. And with an adult, you know, would
- that be an impact to that adult.

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1
               And here at this particular site, I'm pretty sure
 2
      the sensitivity would be to the creatures that live in the
 3
      area. Like you said, you know, whether or not the
      tortoises or the birds or even the lizards, whether or not
 5
      they would be impacted by these particular concentration.
 6
               Now, you brought up a very good point. It's like
7
      if you do find contamination, then what do you do? You
8
      know, if it's -- let's say the study says that, yeah,
 9
      there's a likelihood that the lizards living there would
10
      potentially have effect, like they would have a lesser
11
      birth rate, now that's imbalance.
12
               But that becomes a decision that we would have to
13
      make to say whether or not that warrants the cleanup of
14
      that particular site, knowing that there's a potential
15
      impact to the cultural sensitivity. So that's why we are
16
      out here. That's why we want to hear from, you know,
17
      stakeholders and Native American tribes. Tell us what you
      think, and then we can try to find that balance. It's not
18
19
      an easy balance. There's no way of really finding -- you
20
      know, there's no good solution to all of it. We know we
21
      just don't want contamination laying around if it
22
      potentially could be harmful, but then what do we do?
23
               MR. HARPER: So say, for instance, in the back --
24
               COURT REPORTER: I'm sorry. You're going to have
25
      to speak up a little bit because the rain is very loud.
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1 MR. HARPER: So the soil plan is like, say, for
2 instance, on top, right? What the degree -- like, see,
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- 3 right now it's raining. And Bat Cave Wash, it's a wash
- 4 that goes into the river, right? So the soil plan
- 5 includes the soil that's in the river?
- 6 MR. YUE: Actually, there is some sediment -- and
- 7 Chris may want to address this, our geologist. Right now,
- 8 there are -- a portion of the site that we're looking at,
- 9 we will look at the sediment, meaning it's the wet
- naterial that's by the river or in the river. I don't
- 11 know -- most of it was actually just before the water
- itself, right? It's a wet material, the sediment.
- MR. GUERRE: The sampling plan does look at
- sampling the source area where no discharge has occurred
- 15 farther away from the river. But then you want to also
- look at the possibility of, over the years, when you have
- a flood event after rainstorms, potential movement of
- 18 contaminant downstream and deposition near the mountains.
- MR. YUE: Yes.
- 20 MR. GUERRE: So we have sampling. If you look at
- 21 that green area showing where we have samples at the
- bottom, samples at that mouth.
- MR. HARPER: Now, is that -- the chromium-6, is
- that heavier and -- well, it's not going to float, right?
- 25 It's going to go --

1 MR. YUE: Actually, chromium-6 mixes with water 2 very well and it stays within the water. And that's the 3 issue with the groundwater is because, once it gets there, it gets mixed up in it and it doesn't like to come out of 5 solution. Unlike, you know, some of the other materials 6 like, let's say, PCBs. They like to stick to the soils 7 more. And even if you run water through it, it probably 8 will still stick to the soil. So it depends on the 9 different chemicals that we're looking at. 10 And that's why we're looking at, you know, very 11 specifically what type of chemical or what type of 12 material or contaminant we're talking about. And each one 13 of those will have its own risks and each one of them will 14 have its own impact, essentially. 15 MR. HARPER: Now, the Mystic Maze that sits on 16 top, there's been a lot of controversy of what the Mystic 17 Maze was. I know some of the tribal people say that it's not that significant. Well, a lot of the other grassroots 18 19 people talk about it was used during wartime or when 20 death -- Mojave runners would run through it to take off 21 whatever spirits, if they had taken -- they were in war 22 and they had taken somebody, they would run through this 23 maze. And, in fact, we still have runners that run and do 24 that during funerals and stuff.

Is that area going to be -- that soil going to be

- 1 reviewed, too? Because I know part of it was removed at
- 2 some point, too. It was affected.
- MR. YUE: Currently, we're not doing anything
- 4 within the physical manifestation of the maze. We have
- 5 been in contact and Fort Mojave has been telling us what
- their preferences have been. And right now, we're not
- 7 touching any of the physical manifestation.
- Now, I know in the past, for example, like when
- 9 the highway went through, part of the maze potentially
- 10 could have been destroyed. There's nothing that we, as an
- environmental agency, can do about what was done in the
- past. All that we can do right now is protect what we
- have in place.
- 14 There are a few areas in front of the maze that
- we are potentially looking at for past buried pipes. What
- we've heard and from some of the documentation it was
- suggested that in the past PG&E had taken some used pipes
- 18 that had asbestos material that they buried, you know, in
- 19 the ground, and so we want to find if that is the case, if
- 20 it was there.
- 21 What we're going to do is a different story. We
- 22 haven't figured that out yet. And that's why later on in
- the process we'll go, "Okay, well, this is what we have.
- 24 What do we do?" That's a different decision point. But
- 25 for now we're just saying, "Is it or is it not there?"

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1
               Now, we've heard from the Fort Mojave that they
 2
      didn't want us to disturb the maze or even in front of
3
      that area, and they didn't want us to dig that up. And so
      for now that's why in this particular work plan we're only
 4
 5
      looking at, you know, using essentially like -- I don't
 6
      know. What is -- ground penetrating radar type of
7
      technology to try to see if there's --
 8
               MR. GUERRE: Remote sensing.
 9
               MR. YUE: Yeah, to see if there's any potential
10
      subsurface disturbance that doesn't look like, you know,
11
      how it's been in the past. And it will show up like --
12
      essentially like a sound wave that's different. Then, you
13
      know, you map that and go, you know, "Does it look
14
      something like a pipe or something seem like it was
15
      deposited there by man?" So yeah.
16
               MR. HARPER: And then in your consultation with
17
      the tribes, like I hear you refer to Fort Mojave, and I
      was just telling this gentleman here, you know, we're
18
19
     Mojave, too, but we just happen to be 60 miles from Fort
20
     Mojave.
21
               And so our issue is -- our position and Fort
22
     Mojave's positions have to be the same because we're from
23
      the same people. We're from the same. And so, you know,
24
      the issue is on the location. Fort Mojave is above; we're
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below. So I think -- I know there was an issue on this

- 1 300 wells that were going to be dug and Fort Mojave was
- 2 oppositional to that in the water and so -- but the
- 3 question was -- we believe traditionally and spiritually,
- 4 culturally we're the same. We're just geographically
- 5 different. And so the issue that I think that -- I don't
- 6 know what Colorado River's representation is. I know that
- 7 we have cultural monitors out there, but we haven't really
- 8 seen the cultural impact statements for Topock, as Amanda
- 9 was telling the Tribal Council. So I guess maybe I should
- defer to her on that question.
- But as far as traditional people are concerned,
- 12 you know, one of the -- about a year ago, I guess it was,
- over at the Parker Dam, we were pushing the issue that we
- really needed a tribal liaison person. Because, you know,
- industry sometimes says, Oh, you guys are lying or you're
- not being truthful or not telling the whole story. And so
- there's also consistency of, well, what is true and not
- 18 true, especially when you have several tribes involved.
- 19 But I guess my -- as we go into this, the big
- issue is the cultural impact that it's going to have.
- Because I know you have to do this. I know you have to do
- a soil review, because that's the right thing to do to
- determine contaminants, the level of contaminants.
- We did some work out in the California desert on
- 25 solar projects, and we said, you know, if you're going to

- do this, if you're going to take out our funerary
- 2 cremations, then we want some time to see -- you're going
- 3 to have a determination of whether this soil, this land
- 4 area is alive or dead. Because if it's contaminated, it's
- 5 dead, right? It's no good. You can't use it.
- 6 MR. YUE: Hopefully we can clean it up.
- 7 MR. HARPER: Yeah, clean it up by removal or by
- 8 chemical, by whatever. But, I mean, at some point on the
- 9 cultural significance and the reverence of traditional
- people, there has to be in your plan a portion of cultural
- significance of what is the tribe's cultural
- recommendation, too.
- Because especially these areas is so spiritually
- important and involved in our lives, right? It's
- 15 religious-based, so that's our next world. So if I want
- to get to the next world, there's this traditional
- spiritual, cultural landscape pathway that I have to go
- 18 through to get there, and this so happens to be the area.
- MR. YUE: Right.
- MR. HARPER: So that's why I think it's so
- 21 important somewhere down the road that in your work plan,
- 22 maybe just a little portion of some cultural input from
- the tribes.
- 24 MR. YUE: We actually -- yeah, and that brings up
- a really good point. We actually do evaluate the

- 1 cultural --
- 2 MR. HARPER: But not just one tribe. Not just
- 3 Fort Mojave.
- 4 MR. YUE: And that's the whole thing, and that's
- 5 actually one of the reasons why we're here at Yuma is
- 6 because we know, you know, the Quechan is down here. The
- 7 Cocopah is down here. You know, CRIT, you guys are
- 8 somewhat in between. So we actually have been sending
- 9 information to all the tribes, all the river tribes that
- we know of, all part of the Yuman-speaking tribes.
- MR. HARPER: And that's great to hear, but we
- hear that the solar people are using the California
- Heritage, and some of the tribes along the river aren't
- part of the California Heritage. But originally there
- 15 were eleven river tribes and there's nine now. And the
- river went down to the Gulf of Mexico, so the Kumeyaay and
- Paipai, who are Yuman tribes, and the Maricopa. Cocopah
- 18 is not. Cocopah is original mountain, Eagle Mountain on
- 19 the Mexico side. So they're not of Yuman descent.
- MR. YUE: Okay.
- 21 MR. HARPER: So that's why I'm saying that it's
- 22 so important you have a tribal liaison or somebody within
- the capacity who understands what the traditional -- who
- 24 the traditional people are, or the tribes and stuff, and
- 25 so maybe you'll get it from the tribe. I don't know.

1 MR. YUE: And that's what we want. We actually 2 have to have a tribal liaison, and we really don't want 3 one person speaking to all the tribes as much as we want the tribes to talk to us. Let us know exactly what you 4 5 just said. You know, tell us what it is that you want us 6 to evaluate, what your beliefs as a tribe are, and tribes, 7 in your case. And the Fort Mojave, we're soliciting 8 information from them. 9 And so rather than actually making a decision as 10 an agency, "Well, you know what? I believe this tribe and 11 not this tribe," we're saying just give us all of the information, we'll document it all, and we'll take it from 12 13 there. 14 So yes, we welcome -- absolutely welcome your 15 comments and your input. And we have met with 16 essentially, you know, various tribes at various times, and we welcome if, you know, the CRIT would ask us to do a 17 briefing, for example, to the Tribal Council, we're more 18 19 than happy to do that, and we've done that in the past. 20 We have done that in the past. 21 MS. BARRERA: Actually, we are going to need it. 22 We have a changing of the guards the first of the year, so 23 new people come that haven't been following it. And since

I was the liaison and I'm stepping out, somebody else

needs to step to the table. The core group of the

24

- 1 Attorney General's museum are running with it as it is,
- but the council, somebody needs to step to it.
- MR. YUE: Okay.
- 4 MS. BARRERA: Once we got to the table and
- 5 started presenting our portion and did our position paper,
- 6 then I step back and monitored through them.
- 7 MR. YUE: I know, you know, Doug Bonamici has
- 8 been very helpful in our process and he's been,
- 9 essentially, our interface with the tribe at this
- particular point.
- MS. BARRERA: Yeah.
- 12 MR. HARPER: And the problem is that's great
- administratively, but we don't get the cultural issues
- from the grassroots people to the table, because it's
- 15 administratively.
- One of the things we were trying to get PG&E or
- 17 Topock people is to have a cultural summit at Topock so
- 18 the cultural people can come together, the people, look at
- 19 the site, talk about the site, and give the cultural
- 20 traditional recommendation. And that was one of the
- 21 things we were really pushing for, because we think it's
- 22 so significant and it's so important for the people to be
- on the land to see the impact, but also for industry to
- hear what they're impacting. Because it's just a
- compression station from 1951, right? That's all that

- means to some people.
- 2 But for us, because our expansion, Avi Kwa Ame
- 3 above Laughlin to the Gulf of Mexico is so huge, you know,
- 4 we were just talking about this yesterday at the solar
- 5 meetings, is that a sacred site is a sacred site, but
- 6 there's a connection to those sacred sites. And so, you
- 7 know, you can draft a map and show different sites, I
- 8 said, but there's a spiritual content that brings those
- 9 things together. It's kind of like the galaxy, right?
- 10 There's a process.
- And in our tribal Mojave religion, we have that
- process. We know it. And so this impact on this sacred
- site affects and creates imbalance in the spiritual world.
- So there's a big question that always is asked: How does
- this significantly impact your cultural and spiritual life
- to your people?
- 17 And I think that somewhere down the road, if
- there's a tribal summit on the area, you know, everybody
- 19 will be -- I certainly don't want to go in and mess up the
- whole day-to-day process, but again, this has significant
- cultural impacts to us. And so I know about a year, a
- year and a half ago, that's what we were asking and
- pushing for. Because, you know, it has to happen
- 24 somewhere down the road.
- 25 And I know Fort Mojave has been up there at

- 1 nighttime a couple of times doing stuff, but that was a
- 2 couple of years ago. You know, we still want and need
- 3 participation at some point. So that's all I had to say.
- 4 MR. YUE: Thank you.
- 5 MR. HARPER: You've probably got to get on the
- 6 road because it's raining.
- 7 MR. YUE: It's pouring.
- 8 MS. ISAACSON: Maybe we should talk longer and
- 9 let it die down.
- MS. BARRERA: We might not get home.
- MR. HARPER: But, you know, we felt it was
- important enough -- we were in Palm Springs yesterday, and
- we felt it was important for us to be here today. I know
- we missed the Golden Shores and Needles one, but, you
- 15 know, the Mojave elders committee, the elders sent me
- because, you know, we did see the notice, and we just
- 17 didn't know at what point where this project was at.
- 18 You know, the water, the area where Fort Mojave
- is, that's the birthing place for the Mojave people. My
- grandmother was born there, my mother. And so we know in
- 21 our day-to-day life now how significant that is. And so I
- 22 know the position of Fort Mojave was leave it because
- that's a natural birthing area, cleansing area. We knew
- 24 that. We know that the maze is significant to my clan,
- 25 which is a warrior clan, when we went out to war. So we

know that's significant to the clan. 2 We also know, as you look in that area, there are 3 I will tell you this one story that I know. In 4 the Mojave religion, it talks about when people die, that 5 the songs take you to spiritual landscapes because it's 6 your last journey and you are going. And as you come to 7 the end, in the morning, in the morning hours, a song 8 takes you to this place. To the left is the badger. To 9 the right is the next world. But the song never tells you 10 which way you go, because it's based on your life of how 11 you lived. So it only takes you to that point, and that 12 point is in that area, and that's how significant it is to 13 us. And so I just want to leave that, because it does --14 it is really significant. 15 MR. YUE: Thank you. Thank you for that. 16 MS. BIDDULPH: Thank you for coming out tonight. 17 MS. ISAACSON: Anybody else? 18 (No response.) MR. YUE: With that, I guess we would close the 19 20 meeting. We thank everyone for coming out. 21 MS. BIDDULPH: Thank you very much. 22 (Concluded at 7:40 p.m.) 23 24

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      COUNTY OF YUMA
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      transcript of all of the proceedings had in the above
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      matter, all done to the best of my skill and ability.
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