

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL
PUBLIC SCOPING MEETING
FOR THE PG&E TOPOCK COMPRESSOR STATION
NOTICE OF PREPARATION
FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT

Thursday, May 29, 2008

5:30-8:30 P.M.

Needles Elks Lodge
1000 Lillyhill Drive
Needles, CA 92363

Transcribed by Statewide Transcription Services On Behalf of EDAW
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REPRESENTATIVES PRESENT:

KAREN BAKER - DTSC

SUSAN WILCOX - DTSC

1 JEANNE MATSUMOTO - DTSC
2 BOBBETTE BIDDULPH - EDAW
3 LESLIE REDFORD - EDAW
4 LEAHA MURPHY - EDAW
5 NANCY GRAHAM - EDAW
6 JAMIE CLELAND - EDAW
7 STEV WEIDLICH - EDAW

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P R O C E E D I N G S

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2 **MS. MATSUMOTO:** Welcome. Again, I'm with the State of
3 California Department of Toxic Substances Control. It
4 is a department within the California Environmental
5 Protection Agency and it is the lead regulatory agency
6 for the environmental investigation and clean-up of
7 the PG&E Topock Compressor Station. So, before we
8 start, I would like to make sure that everyone has the
9 handouts. You should have an agenda, a copy of
10 tonight's slide presentation. There is also a meeting
11 evaluation form and if you fill this one out, leave it
12 on the back table, this will be very helpful for me to
13 improve the meetings. This project will have more
14 meetings as we go further into the Environmental
15 Impact Report, so all feedback is welcomed. Also,
16 there is a comment card. If you plan to make a
17 comment, please fill one of these out and we will
18 collect them when it's time for comments that way
19 everyone will have a chance to make a comment and we
20 ask you, if it gets crowded, that you keep your
21 comment to five minutes or less. The purpose of the
22 meeting; why are we here? DTSC is preparing to
23 develop the Environmental Impact Report and we're
24 looking for input. Specifically, we are looking for
25 input from agencies, tribal reps, tribal government,

1 tribal members, stakeholders, and the public. We're
2 looking for input on environmental issues to be
3 analyzed and the potential solutions, the remedies for
4 the environmental concerns. Tonight for comments,
5 because we're using those to develop the EIR, your
6 comments are very important to us. Again, I discussed
7 the comment cards. When you do make a comment, please
8 stand and state your name for conversational purposes
9 only. Your names will not be part of the record, so
10 if you want to use just a first name or any name,
11 that's fine. It's just so that we can converse with
12 you. We will be recording your comments by two
13 methods. One is a very small digital recorder, that's
14 on right now, and the other is a graphic recording.
15 We'll have one of the EDAW members up here taking
16 notes that way we're sure we get them all. If you
17 have questions, we would like you to save those until
18 the end. After we take comments, we will not be
19 responding to the comments tonight. We want your
20 input. The, we will official close the comment
21 portion of the meeting and we will stay here for as
22 long as it takes to answer questions. I know the team
23 I work with loves questions, so please stay if you
24 have any. The agenda tonight, an introduction which
25 I'll do in a moment, we'll have background information

1 on the project history. We'll also have a segment on
2 the EIR process, then come the comments, after the
3 comments, we'll close that segment officially and
4 question and answers. Introductions, the DTSC Project
5 Team, we have Watson, who is not with us tonight,
6 Karen, who is with us and will be doing project
7 background, Aaron Yue, he's not with us tonight. His
8 daughter was reading a poem at school, was my
9 understanding, so he was not able to attend, and
10 myself. The office of planning and environmental
11 analysis, that team would include Kathie and Bill,
12 they're not with us, but Susan Wilcox is here tonight.
13 And the EDAW Team, EDAW is an independent consulting
14 firm that's helping prepare the EIR. And their team
15 includes Bobbette, Jamie, Leaha, Leslie, Nancy, and
16 Stev. And at this time, I would like to introduce
17 Karen Baker who will be doing project background and
18 history.

19 **MS. BAKER:** And obviously I'm not Aaron. Aaron will be out
20 but the contact information for Aaron is in your
21 handouts today. So, I want to cover a little bit
22 about the project background and our investigation and
23 clean-up process tonight. And I know some of you in
24 the room, like (inaudible), are very familiar with the
25 project background but we wanted to provide a little

1 bit of background for those who are not as familiar
2 with the project. The Compressor Station is 15 miles
3 southeast of Needles. It's right along the Colorado
4 River. The area, which many of you in the room know,
5 has a lot of cultural and spiritual significance to
6 Native American people in the area. It's also
7 surrounded by federal lands, including the Havasu
8 National Wildlife Refuge which is the habitat for
9 quite a few federally protected species. Here's a
10 nice map showing Needles. Can you guys see this back
11 there? It's in your handout if you can't. And then,
12 the Compressor Station is right here, right next to
13 where the I-40 bridge goes over the river. PG&E has
14 owned and operated the Compressor Station since 1951.
15 The function of the Compressor Station is to compress
16 the compresses the natural gas and then it's delivered
17 in Northern and Central California. This is a view of
18 the Compressor Station. You can see its relationship
19 here to the river, to Interstate 40, and something
20 I'll talk about a little further on in the
21 presentation is Bat Cave Wash. One of the cooling
22 towers, the source of the hex-chrome in groundwater
23 was the cooling towers, there's a lot of heat
24 generated in the compression of natural gas and they
25 use the cooling tower to dissipate the heat and in the

1 water they would use hexavalent chromium to inhibit
2 corrosion. So, in the past, the water from the
3 cooling towers was then discharged to Bat Cave Wash.
4 They had some percolation ponds in the bottom of the
5 wash and the water would then seep in slowly into the
6 ground and then down to the water table. Once the
7 plume hit the water, it's migrated slowly towards to
8 the Colorado River. This is an air photo showing the
9 compressor station here, Bat Cave Wash, and then this
10 purple area, if you could see down through the soils
11 to where the plume was in the water, that's where the
12 plume is, this purple area. So, it's not that the
13 soil is contaminated; it's the water down below.
14 That's an important distinction. And then, I'm going
15 to use this slide to kind of set up the next slide,
16 which is something a geologist would call cross-
17 section, and if you were to think of this as a layer
18 cake, right now the purple area as you're looking down
19 at the top of layer cake, if you're going to take a
20 slice of the cake and be able to look at the layers,
21 that's what the next slide is. You can see through
22 the earth. We're going to focus on this area right
23 here where the plume comes closest to the river. So,
24 this area is the floodplain of the river and then you
25 go up across here, there's National Trails Highway and

1 it's a little bluff above the river. So, we're going
2 to focus on that area. So, this is that slice, so
3 think if you just cut the earth in half and now you're
4 looking at the side of it. Here is that bluff with
5 National Trails Highway and then the floodplain of the
6 river and then the Colorado River's here. Down below,
7 you have hard rock where you're not going to find
8 groundwater and this zone in-between is the
9 groundwater and that's the part we're most concerned
10 about right now in this project. So, if you see this
11 green area that represents the area where there's
12 hexavalent chromium in the water and the darker the
13 green the higher concentration of hexavalent chromium
14 on this map. And then the blue area, as you move out
15 over the floodplain, is the water that does not have
16 hexavalent chromium in it. So, you can see there's
17 this little sort of tongue that stick out and PG&E
18 recently finished installing wells on the Arizona side
19 of the river. We know those are clean. Next we'll
20 talk about our investigation and clean-up process.
21 There are really three main steps in this. The
22 questions are how bad is it, how should we clean it
23 up, let's clean it up. Right now, a lot of the
24 activities that have been occurring out at the
25 Compressor Station the last few years, our focus on

1 the this question of how bad is it, where is the
2 contamination, what kind of contamination, where do we
3 find it in soil and water. And we're doing this
4 project backwards from a lot of projects. Normally
5 you might look at soil first and then look at
6 groundwater, but because of the proximity to the
7 river, we wanted to focus on the water here first.
8 So, PG&E has installed over 150 wells to help us
9 understand where is the plume and how is it migrating.
10 Here's a picture of some monitoring wells, if you want
11 to know what they look like. Sometimes they can also
12 be flush with the ground. These are a little easier
13 to see and protect if they're sticking up. PG&E also
14 samples the Colorado River water in nine locations,
15 including upriver from the Compressor Station, across
16 from it and then downriver. We believe that the
17 groundwater investigation for the release, the Bat
18 Cave Wash, that that's done now and PG&E's writing a
19 report about that. We also know from many years of
20 sampling, that we've never found hexavalent chromium
21 in the water in the river. Some of the other
22 activities that have been going on up there are
23 something we call interim measures. So, in 2004, PG&E
24 installed that well we call Monitoring Well 34-100,
25 that one 165 feet from the river, and we found

1 hexavalent chromium in that well. So, the State
2 directed PG&E to begin extracting the groundwater,
3 treating it, so that we could pull the contamination
4 back away from the river. And since 2004, they've
5 treated over 2 million gallons of water. And from
6 that 2 million gallons of water, they've removed 4,700
7 pounds of hexavalent chromium. I think that's just
8 co-chromium, not hexavalent chromium. PG&E has also
9 identified 29 areas where they need to investigate
10 soil contamination. They have submitted a work plan
11 to begin additional soil investigation offsite and
12 that's awaiting the agency approvals. The next
13 question is how should we clean it up and that's sort
14 of the third component of what PG&E's been doing out
15 there the last few years is looking at data from the
16 field about how different technologies can clean-up
17 the contamination out there, how will they function,
18 can they clean it up, how fast can they clean it up.
19 This kind of information will be in something called
20 the Correct Measure Study or Feasibility Study, it
21 will have two titles, and then the Environmental
22 Impact Report. We'll look at what are the impacts if
23 we should actually implement one of those remedies.
24 And then, the last part, clean it up. The Department
25 will actually be public noticing what we think is the

1 best way to clean up the plume, along with the draft
2 Environmental Impact Report. We will accept public
3 comments on those documents and then make a decision
4 on the clean-up for the site. And after that, then
5 they will be implementing the clean-up. So, with
6 that, I actually would like to introduce Bobbette
7 Biddulph from EDAW.

8 **MS. BIDDULPH:** Thank you, Karen. Thank you. I guess
9 before I kind of jump into the presentation, one of
10 the things I want to be very clear about tonight and
11 tell you all is that we really see this as the
12 beginning of the environmental review process and
13 getting you input on comments at the beginning of this
14 process will help us do our job in analyzing and
15 considering those environmental impacts. Obviously
16 DTSC and PG&E have been doing a lot of work at the
17 site focused on the groundwater plume and the
18 hazardous materials and other resource considerations
19 at the site. But we're really just kicking off this
20 process of considering what the effects of the final
21 clean-up of that groundwater and soils could be. So,
22 this is really just the start and just the beginning
23 of getting input from you on what those effects could
24 be and what we should consider in those studies. Just
25 giving a little bit of further description of why

1 we're here, an Environmental Impact Report is required
2 before DTSC implements the final clean-up of the
3 groundwater and the soils and that's actually required
4 under the California Environmental Quality Act.
5 Basically for any project that DTSC implements that
6 may cause an environmental effect or may cause a
7 significant effect on the environment, an
8 environmental analysis or an EIR is required and
9 that's what we're kicking off tonight. What we're
10 going to be considering in that EIR, in that
11 environmental analysis, is what affect the clean-up of
12 the plume, the groundwater, and the clean-up of the
13 soils at the property, what environmental effect those
14 activities could cause. We're going to be looking at
15 both, as I mentioned, the groundwater and the soils
16 clean-up activities associated with those actions.
17 And Karen also mention the report that is currently
18 underway that is called the Corrective Measures Study
19 or Feasibility Study, and what that document does is
20 it's a parallel effort that is really looking at the
21 different ways in which that clean-up could occur.
22 So, the CMSFS will talk about those different
23 approaches and then our Environmental Impact Report
24 will expand upon that and say what could be the
25 impacts to the environment that could occur if those

1 approaches or those actions were actually implemented.
2 Now, Karen mentioned that in this particular case,
3 because of the concern with the groundwater, that
4 we're doing it a little bit different than has been
5 done on previous efforts because of the concern about
6 the groundwater contamination. So, we actually will
7 know more about the level of detail and about how the
8 clean-up of the groundwater will or could occur. So,
9 the EIR is going to have more detail on those proposed
10 actions. The soils will be addressed in the
11 Environmental Impact Report in a broader sense and it
12 very well could be that future environmental analysis
13 might need to be undertaken prior to the actual clean-
14 up of the soils. So, the EIR is going to have more
15 detail on the groundwater clean-up and as much detail
16 as we have on the soils clean-up, and to the extent
17 that we need to, after that EIR is completed, it may
18 be supplemented by additional studies to address that
19 soil clean-up. Now, this is kind of a laundry list of
20 the environmental topics that are going to be covered
21 in the EIR, and this is what we call a Full Scope
22 Environmental Impact Report. So, what that means is
23 we'll be addressing everything that we can think of in
24 the EIR and we really encourage you to test us on that
25 or to provide additional input on that because we want

1 to make sure that we are addressing all of the
2 questions and the issues that could be of concern that
3 may result from these clean-up activities. So, this
4 is really a laundry list of those activities and as I
5 mentioned, and Karen and Jeanne have mentioned, we're
6 really looking for specific input on these topics or
7 any other topics that you might think of. In addition
8 to the broad listing of topics in the previous slide,
9 the Environmental Impact Report is also required to
10 think about other types of environmental effects and
11 considerations. Probably one of the more important
12 ones for this project is alternatives and what that is
13 is consideration of different approaches. So, we're
14 not only going to be looking at one possible approach
15 to clean-up of the groundwater but a range of
16 alternatives to cleaning up the groundwater. And the
17 reason we do that is we want to look at the
18 comparative differences of those alternatives, which
19 alternative results in the least environmental effect
20 and what are the pros and cons of the alternatives.
21 Maybe one alternative would result in clean-up sooner
22 than another or maybe one alternative wouldn't clean-
23 up the groundwater as well as another alternative.
24 So, those relative pros and cons of the different
25 alternatives will be studied in the EIR. As well,

1 we'll talk about impacts that have been found to not
2 be significant but we're not just going to list those
3 impacts. If we say that an impact is not significant,
4 we're going to describe why and provide substantiation
5 as to why we've made that conclusion. As well, if
6 there are impacts that we just can't avoid and we
7 can't think of any mitigation measures or alternatives
8 that would avoid those particular impacts, we will
9 disclose that. We'll tell you about that and explain
10 why we haven't thought of alternatives or different
11 approaches that could avoid those impacts. Similarly,
12 if there significant irreversible changes that can't
13 be avoided with implementation of the clean-up of the
14 groundwater for the various alternatives, we'll
15 describe those. Another effect, probably not a big
16 focus in this one but we'll still talk about, is
17 growth-inducing impacts. That's often the case for a
18 development project where it might result in
19 additional growth or population of housing, we'll talk
20 about; it's a requirement under the California
21 Environmental Quality Act. And then cumulative
22 effects are something that we will also describe in
23 the EIR. And cumulative effects are those effects
24 that you think of when you think of your project, the
25 clean-up project, as well as other activities that

1 might be happening in the are that if you combine all
2 those activities together maybe those impacts will be
3 greater than if you just thought of your projects by
4 itself. So, we'll be thinking about that too in our
5 analysis. Now, as I mentioned before, we're really at
6 the beginning here and we're going to be gathering our
7 information and the basis of our analysis through a
8 whole variety of ways, really hopefully everything
9 that we can think of. We're going to be using
10 published information and reports. Obviously PG&E has
11 done a lot of monitoring efforts and so we're going to
12 be using that information, as well as outreaching to
13 agencies and getting input for them on what their
14 issues and questions might be, and as I'm sure many of
15 you are interested in hearing, we definitely want to
16 get additional input from the tribes and we'll be
17 gathering information throughout the process as we
18 move forward through having conversations with you and
19 of course there's confidentiality related to those
20 conversations. In addition, where we need to and
21 where we don't have all the information that we feel
22 like is important in order to analyze these effects,
23 we'll be doing additional site specific studies to
24 supplement existing information. This graph, I know
25 you're probably not going to be able to read it, but

1 basically what it shows is the different times at
2 which we're going to be officially looking for public
3 input and public comment. That's not to say we're not
4 going to be gathering that input throughout the
5 process, but this graphic shows when we're having
6 formal meetings, like this meeting tonight, or when
7 we're publishing fact sheets or official publications.
8 We're basically right here at the beginning of the
9 process and as we move forward and as we develop our
10 analyses, we're going to continue to have meetings
11 like this and look for your input on what we found and
12 on those analyses. So, the top row is when we're
13 publishing information, called fact sheets, and there
14 are some examples of what DTSC has done for fact
15 sheets in the past, as well as our recent fact sheet.
16 The blue diamonds are when we're looking to have
17 public meetings, like this one, and then we're also
18 going to be providing information in the information
19 repositories, mostly libraries, and Jeanne's going to
20 talk about the locations of those repositories in a
21 bit. But again, just emphasizing that we're kind of
22 at the beginning here of this process. This isn't the
23 last meeting we're planning on having or the last
24 opportunity for input, and we're looking to basically
25 complete a draft of our analysis in the Winter of

1 2010, that's in the beginning of 2010. And then, once
2 we get comment and respond to those comments, then the
3 final environmental analysis will be published, and
4 once again we'll be looking for input at that time and
5 that's projected to be in the Spring of 2010. So,
6 we've kind of talked about this previously, but I want
7 to reiterate that the purpose of tonight's meeting is
8 to really get that input from you. We're interested
9 in hearing what environmental effects should be
10 studied in the EIR. They can be general input or if
11 you have very specific concerns of things that we need
12 to address and think about. We'd like to hear that.
13 Also, if you have ideas for alternatives, alternative
14 ways to address the groundwater contamination, as well
15 as the soils contamination, we'd love to hear those
16 ideas, as well as ways to mitigate or to avoid impacts
17 during or after the clean-up activities are happening.
18 And as well, if you have project related questions, I
19 think you've probably gathered that we don't know the
20 exact occur. DTSC and PG&E are currently working on
21 those alternatives. So, I really think that getting
22 questions on the nature of the project will help us
23 answer those questions as we develop the exact
24 proposed remedy. And really, the EIR, the
25 Environmental Impact Report, we look at it as the

1 answer to those questions. So, you asking the
2 questions now or providing the input now, allows us to
3 ensure that we're doing a good job and a thorough job
4 in providing that analysis. This is too small of
5 print to read, but it's simply a listing of the
6 different meetings, like this one, that we're having.
7 This is our third meeting and we're going to have two
8 additional meetings. On Monday we'll be in Lake
9 Havasu City and that is at 2:00 and the location is in
10 your packet if you'd like to come again or invite some
11 folks, other friends. And then Big River is also
12 going to be occurring next week and that will be on
13 Thursday at 5:00. So, ways to provide comment; you
14 don't have to necessarily have to stand up tonight and
15 provide a verbal comment although it's encouraged, but
16 that's not the only way. And all comments will be
17 taken equally. So, you can tonight speak verbally,
18 and we'll take those comments in that way or you can
19 provide your comments in written form. There are some
20 comment sheets that have a space to write your
21 comments in. Or maybe that's not enough space to
22 write all your comments. If that's the case, feel
23 free to go home and write out a letter or type out a
24 letter on your computer and those can be mailed in to
25 DTSC. But it would be really great, it's really

1 important that you get those comments in to us by July
2 1st, that way we kind of will know that we have our
3 package of comments to kick off our environmental
4 review process. But as I mentioned, we are also going
5 to be looking for additional input from the tribes as
6 we move forward with out analysis. Okay. So, Jeanne,
7 I'll turn it over to you.

8 **MS. MATSUMOTO:** For more information about the project, you
9 can contact Aaron Yue, the Project Manager. His
10 contact information is also in the fact sheet and you
11 have a copy of it in your presentation packet tonight.
12 Myself, I'm usually available to answer questions.
13 And for media contacts, we have a PIO, a Public
14 Information Officer, her name is Jeanne Garcia. Also,
15 we have our information repositories for this project.
16 Because this is such a unique project and it involves
17 the Colorado River, we have several information
18 repositories. We have one in the Needles Public
19 Library, and I did go there today to verify that the
20 current information is in there, Chemehuevi Indian
21 Reservation, Golden Shores, Topock Library, I was
22 there today, Lake Havasu City Library, the Colorado
23 River Indian Tribes Public Library, and Parker Public
24 Library. In addition, the administrative record is
25 located in Orange County, Cypress, California, the

1 Region 4 office, also the Topock website,
2 dtsc-topock.com, that is very current and kept up-to-
3 date and documents are uploaded regularly. We also
4 have been talking about videotaping this presentation
5 and uploading it. So, people in the audience are
6 ahead of us. Now, we will start taking comments but I
7 need to talk to you about how we should do this. My
8 general rule is if there are more than ten people
9 giving comments then I ask you to fill out a little
10 half-piece of paper. If there are less than ten
11 people, we go around the room accepting comments. So,
12 does anyone have a preference? It can go either way.
13 So, let's save the paper. If it doesn't work out,
14 it's my decision. And we'll start on this side of the
15 room. Anyone in the first row? No, I don't think so.
16 Anyone in the second row would like to make a comment?
17 If you do, if you'd please stand, give your first name
18 for conversation purposes. Again, the names will not
19 be part of the record. If you don't want to make a
20 comment, that's fine too. I, myself, would not want
21 to stand for the meeting and make a comment. I don't
22 do those things, but that's why we have extra forms
23 for you to fill out. Anyone in the second row?
24 Please stand.

25 **FEMALE:** My name is --. I'm a member of the Fort Mojave

1 Indian Tribe. I'm a member of the Fort Mojave Tribal
2 Council, as well as the (inaudible) Culture Society.
3 We have prepared a statement on behalf of the Fort
4 Mojave Tribe to have been read by the Chairman,
5 Chairman Williams. He's not able to make it tonight.
6 We talked with his earlier and we'd like for the
7 statement as part of the record of the EIR meeting
8 this evening. So, I will read that statement that
9 would have been read by him as part of the record.
10 "Statement of Mr. Timothy Williams, Chairman of the
11 Fort Mojave Indian Tribe, Environmental Impact Report,
12 Public Scoping Meeting, May 29th, 2008, Needles Elks
13 Lodge, Needles, California. As the elected leader of
14 the Fort Mojave Indians Tribe, I am here to express
15 deep concern for the area which you intend to evaluate
16 the environmental impacts of this project as part of
17 the approval process to select a final clean-up
18 remedy. First of all, the Fort Mojave Indian Tribe
19 has been a part of this area since time and memorial.
20 We are the Aha Macav, the people along the river. We
21 are a living culture and a caretaker of this land
22 given by the creator, Mutavilya. For many
23 generations, these oral traditions were handed down
24 and passed on to the leadership of the different clans
25 that make up the Aha Macav. During the early years

1 before the white man came, we were an intricate part of
2 this region, extending from north of Las Vegas to the
3 south to the Phoenix area and east into the Kingman,
4 as far as west as Santa Barbara. This was our
5 territory and traditional homeland. Today, most of
6 that tribal area has been reduced to what we have
7 today, 48,000 acres located on three states,
8 California, Arizona, and Nevada. We have many areas
9 of cultural and spiritual connections, all up and down
10 this valley. Much of the land is now owned or managed
11 by federal agencies, state and individual land owners.
12 Many historic and prehistoric places exist within the
13 area you are talking about for this particular clean-
14 up to be occurring. Our beliefs define who we are and
15 how we continue to exist as a people. Our affiliation
16 with the land, the air, and most importantly the
17 water, know to the many as the mighty Colorado River,
18 is the lifeline to millions who depend on this water
19 to exist. We are here today to state the protection
20 of the river is first the number one concern to our
21 tribe and many tribes downstream of the area mentioned
22 in the clean-up of Topock. From what we understand,
23 chromium six has not been detected in the river by the
24 monitoring agencies. The EIR and the scoping meetings
25 should make this clear. Second, the area is sacred to

1 the Mohave people and other tribes and cabinet and
2 infinite and content connection to this sacred area
3 also. We must ensure that EIR includes a thorough
4 cultural resource technical report and epigraphic
5 study. Our tribe is willing to contribute to the
6 drafting and technical view of those reports. This
7 will help to disclose the level of total impacts to
8 the Mojave's cultural resources and protect the area
9 from further desecration. If you'd looked on a map,
10 you would see the areas of cultural and sacred sites
11 significant to our people. This area is critical to
12 our beliefs, especially when we pass from this world
13 to the afterlife. This area should be treated with
14 respect and acknowledged for what it is, sacred in its
15 entirety, not picked apart as how most archeologists
16 see things or when an area has been experienced by
17 some fire disturbances. The Fort Mojave Tribe has
18 been a participant in this process since first
19 contacted in July of 2004 by the Bureau of Land
20 Management. We were informed of actions which were
21 never previously brought to our attention, in light of
22 the fact that DTSC and DOI were exempting their
23 activities from State and Federal environmental laws
24 as alleged emergency actions. Since that first
25 notification and meeting with the affected tribal

1 governments, we attempted understate federal law to
2 consult with the regulatory agencies to find out what
3 was going on out there and to get up to speed with
4 this complex process. We were never brought in or
5 advised of the actions taking place. We were viewed
6 more as a hindrance instead of tribal governments with
7 equal responsibility to be consulted on a government
8 to government relational basis. We welcome that an
9 Environmental Impact Report is finally being prepared
10 for the clean-up. We expect that at last an honest
11 assessment of the cumulative past, current, and
12 planned impacts to the sacred area, a cultural and
13 epigraphic landscape will finally occur. Without this
14 component, the document will be seriously flawed. The
15 federal agencies who are involved, Bureau of Land
16 Management, U.S. Fish and Wildlife, Bureau of Indian
17 Affairs, Bureau of Reclamation, and the Environmental
18 Protection Agency are equally responsible to our
19 tribal governments based on their obligations as our
20 trustee to uphold and protect the tribal interest.
21 The prior notice of exemption justified a water
22 treatment facility that was constructed directly in an
23 area of cultural and sacred sites. The federal
24 governments trust responsibility to see that the
25 concern and interests of the tribes involved are

1 protected and are managed with proper consultation,
2 are still in our estimation nonexistent and a reminder
3 of injustice of the past. If this clean-up is to take
4 place, this tribe and other tribes along the Colorado
5 River have to have a seat at the table, one of respect
6 and community and of true consultation based on our
7 concerns and guiding principles. The environmental
8 document must also be sufficient to meet requirements
9 of the National Historic Preservation Act and other
10 federal statutes, protective land use designation and
11 guidance if it is to form the basis of the final
12 remedy which has federal implications. To reiterate
13 our position, we are not a special interest group. We
14 are a tribal government who has equal footing in this
15 matter of clean-up and a final remedy determination
16 with our interests protected and acknowledged by the
17 regulatory agencies, State of California and the
18 Department of Interior, who are responsible under
19 federal law and settlement agreements to consult with
20 our tribal governing body to protect our cultural and
21 sacred sites within this area of clean-up. The tribe
22 is also a landowner within the effected area. We
23 expect that the EIR will be consistent with the terms
24 of those agreements. For the purposes of providing
25 comments for this public forum, this is a summary of

1 comments on behalf of the Fort Mojave Tribe and
2 further defined detailed written comments will be
3 forthcoming for the record. While we are disappointed
4 that DTSC could not figure out a way to co-host a
5 scoping meeting for tribal members on the reservation,
6 we wish to inform DTSC that the tribe will be hosting
7 a forum for tribal member participation. Such a forum
8 will allow our people to discuss the project, tribal
9 sensitivities, and the scoping for its environmental
10 document in a more comfortable manner. We would like
11 those comments incorporated into this record for
12 defining the scope of the EIR and the interests of the
13 Fort Mojave Tribe. Thank you for the opportunity to
14 comment on behalf of the Fort Mojave Tribal government
15 and the (inaudible)."

16 **MS. MATSUMOTO:** Thank you.

17 **MS. BAKER:** Now, I'm trying to just capture some highlights
18 of some of the things that you had said. If there's
19 anything that's incorrect, please come up to me and I
20 will be happy to change anything if you don't like the
21 wording. And this is not the final record. We
22 recorded everything you said and we'll have your
23 letter, so I just want to make sure that that's clear
24 to everyone, that it's just to used to keep the
25 highlights present for everyone to recognize.

1 **MS. MATSUMOTO:** And our next comment?

2 **MALE:** My name is --. I'm a member of the Colorado River
3 Indian Tribe. My concern is I've never been updated
4 for the last few years, never kept track with myself,
5 and I just wondered if the chromium six reached the
6 river yet because it was pretty close last time I was
7 involved in this and I just wanted to be updated on if
8 it reached the river or not. Suppose it does reach
9 the river --

10 **MS. MATSUMOTO:** I can't answer that question. And I will
11 take the comments and if you stay afterwards, we'll
12 find someone who can answer that question.

13 **MALE:** But what my concern is what happened up at the
14 Barstow area, you and that rest stop out there by
15 Newberry, is you can't drink that water and I know
16 why. So, if it did reach the river, what do we say,
17 what do we do? Nobody swimming in the water, don't
18 drink out of it, don't go boating by it.

19 **MS. MATSUMOTO:** It's a reasonable concern and a reasonable
20 comment. Karen will answer that when we're done
21 taking comments. Thank you. Row three, any comments?
22 Four? Row five?

23 **MALE 2:** I'll break the comment.

24 **MS. MATSUMOTO:** Yes, sir.

25 **MALE 2:** I'll stand up and tell you. My name is -- and I'm

1 the representative from the Fort Mojave Tribe, have
2 been for a number of years, and I want you to know
3 that I found listening to her and you and being a part
4 of your project out there in the field, I found that
5 you didn't over it all but we're going to have another
6 meeting, you say. Fine. What we don't know is this
7 happened before. Why isn't that same method used out
8 there? And don't tell me because of the terrain and
9 all that because that won't work. I'm well aware of
10 what's going on and I'm also a retired water operator.
11 I also have drilled wells in the state of California.
12 The same thing happened years ago, in Barstow,
13 California. I'm well aware of this. I have not been
14 answered any kind of question that I full understand.
15 I see this runaround, passing the buck. (Inaudible)
16 will answer it next time. We don't want an answer
17 next time, we want it now, but you say there's going
18 to be another meeting. Hopefully they'll hear this
19 instead of we will discuss this that way or at a point
20 in time. We are the Native Americans, first Americans
21 according the (inaudible). Why are we treated
22 differently? Why are we treated (inaudible) what we
23 are. When there's a war that goes on, do you know
24 that the Native American that joins the military is
25 not classified Indian, he's classified Caucasian?

1 That's my (inaudible). I think I should be really
2 honest with you, I really don't believe in you yet and
3 I don't think I ever will.

4 **MS. MATSUMOTO:** I understand.

5 **MALE 2:** No, you don't. You say you do but you don't.

6 **MS. MATSUMOTO:** Well, I feel like I'm kind of stuck here.

7 The protocol I've been given is to take comments and
8 then close that part of it and then answer any
9 questions you have tonight. And I'd feel the same if
10 I were you, I'd want the answer now. I apologize.
11 We'll keep going and I will check with you tonight to
12 find out if someone answered any of your questions.
13 Or we could sit right here after we've closed the
14 comments and then we'll ask the questions again and
15 we'll all stay right where we are.

16 **MALE 2:** I understand that comment, not kill the messenger.
17 Thank you.

18 **MS. MATSUMOTO:** I'm the messenger. Okay. We made it
19 through row five, now we're at row six.

20 **MALE 3:** My name is -- and I'm a former employee with the
21 Mojave Tribe. I was employed as an EPA Director from
22 2000 to 2003. At that time, I attended a lot of these
23 kinds of meetings and I impacted them (inaudible).
24 When I was going up there, it was all different
25 (inaudible). They had all different (inaudible) to do

1 this kind of testing and let the tribe know if it's
2 going to be able to give that. And I went up there a
3 lot of times with the former vice chairman of the
4 tribe (inaudible). We used to go up there all the
5 time at the meetings you guys had up there, your
6 office there, and the Chemehuevi Reservation
7 (inaudible) your wells at. But every time we went,
8 Mr. (inaudible) would say how come they don't just
9 repeat that. Last time we went up there, there were
10 two Orientals. I don't see an oriental here.

11 **MS. MATSUMOTO:** My last name is oriental.

12 (POOR AUDIO QUALITY RESULTED IN EXCESSIVE INAUDIBLES)

13 **MALE 3:** But everybody starts to (inaudible) and you guys
14 don't do your job. Like you say, you guys aren't
15 doing your job. Who's going to come along and take
16 over your positions by next year? I know you are
17 (inaudible) and I know your smiling but you're not
18 being honest, but you guys (inaudible) that much
19 (inaudible). We need these things done because I used
20 to work with the BLM from Yuma; we used to come up
21 this way a lot of times. One of the projects he was
22 looking at, that was one of the areas we used to talk
23 about over there, the maze, the pathway to the Mojave
24 going into the Land of the Shadows, the (inaudible) of
25 the (inaudible). It's forbidden. Many Native

1 Americans (inaudible). We get a lot of non-Indians
2 over there and they party. They probably throw beer
3 cans, beer bottles, and stuff all around there. Do
4 you know what I call them? Desecration of race. I've
5 said this before the United States Government before.
6 I said do we Native Americans go over there to your
7 state capital and go over there and start digging,
8 (inaudible) there, (inaudible) this and that? No. I
9 said that's desecration of race. Automatically we'd
10 be going to (inaudible). But I said the non-Indians
11 would go over there and dig up our graves or walk on
12 our sacred site areas without any respect and this is
13 what I think we're talking about, respecting our
14 lands. The (inaudible) people, our first cousins to
15 the Mojave people, who were the first two tribes of
16 the Spanish who landed in the Gulf of Mexico when they
17 came over, we were the first two tribes. This is fact
18 because I went down into Mexico, Mexico City, and they
19 have a place over there that's like facing Washington
20 D.C., the (inaudible). They found artifacts that they
21 take back and they found that back in the 1600's and
22 1500's, recorded by these people that came up,
23 discovered in two tribes. When they came up here,
24 they talked about (inaudible) at the Land of
25 (inaudible) and I believe it today. But they had a

1 book there that you could plug it in, (inaudible)
2 Mexico, Mexico City, the capital. You stick it in
3 there and you press (inaudible) and it tells you the
4 story (inaudible) where they left the government
5 (inaudible). So, what the Mojave people are saying
6 right here, these are very sacred areas and you guys
7 just pounce around out there (inaudible). Before I
8 get (inaudible), the second side (inaudible), I say a
9 prayer as a little gift, and tell my ancestors that
10 are (inaudible) to (inaudible) prayers and spread them
11 (inaudible) spread them to people that need help.
12 There's times (inaudible) or change our (inaudible)
13 and that's to consider something (inaudible). Let the
14 love you have in your heart (inaudible). I do that
15 out of envy (inaudible). Before I do that, my mom and
16 dad were (inaudible) they used to tell me (inaudible),
17 that means say it in your own language that
18 (inaudible). So, I say it in the language
19 (inaudible). I've been up in that maze many times
20 (inaudible), some things that are happening
21 (inaudible), why us (inaudible), a gift that we give
22 consideration. These are food for thought and you
23 guys should take home tonight and think about these
24 things. Our mother earth to Native Americans is our
25 temple. We pray (inaudible). We prayed before

1 (inaudible). We had beliefs (inaudible). Native
2 Americans used to run around out here, you've probably
3 seen the pictures of the woman, how they were dressed,
4 grass skirts, no underwear, exposed at the top. The
5 men just had brief clothes, but it was like Adam and
6 Eve. Do you guys have that (inaudible). At the point
7 in time when our creator said (inaudible). We didn't
8 have less at that time. We have love, peace, harmony
9 amongst ourselves. We shared everything (inaudible).
10 But are we getting shared things now? No. I'm a very
11 spiritual person and it hurts me. I almost feel like
12 crying to see these things. (Inaudible) I see this.
13 And when the European came over, you guys now talk
14 about immigration laws and all that, you guys
15 illegally came over. Did you know that? It's not a
16 laughing matter if you really think about it, right?
17 You read about it in the history book. You guys were
18 more powerful. You had more people. You had more
19 advanced weapons than we did. That's the reason how
20 you guys took over our land. You call us slaughtering
21 white people, we didn't do that. We were fighting for
22 our fights, protecting our land. Somebody breaks into
23 your house, what do you do? You protect yourself,
24 right? That's what we're doing to our land and yet
25 you guys turn our history around. I know these for

1 fact because I went to school for that, college,
2 Native American Indian History. I studied this whole
3 southwest, that when I worked at BLM in archeology
4 from different areas, I've been up to Utah. I've been
5 on a lot of expeditions. I know these (inaudible). I
6 know these (inaudible). I hear it from different
7 (inaudible) tribes, they have the same beliefs. When
8 you pray for yourself, you pray (inaudible). Even the
9 non-Indian pray. They need help and we know it as a
10 tribe. Like right now, sometimes I'm home, I pray for
11 the soldiers that are over there, blacks, whites, all
12 of them. I pray for them to come home safely. My son
13 was the first one that went over there. The first
14 young (inaudible) 16 and a half (inaudible). He did
15 (inaudible) over. You think I was really mad? I was
16 really mad. I watched TV and sometimes I didn't want
17 to watch the news because I didn't want to hear his
18 name (inaudible). My prayer (inaudible). I think a
19 lot of you need to pray for our Native Americans to
20 get back (inaudible) who are there for (inaudible).
21 Let's not make promises, let's do. Don't be
22 (inaudible).

23 **FEMALE 2:** My name is --. I just feel after everything
24 that has happened, the impact to my people is just
25 reflected again in your slides, in your handouts. I

1 mean, the devastation to us, you can put it into
2 words. (Inaudible) was mentioned, tribal outreach or
3 tribal communications, its more than that. We should
4 be the first on the page because that's a sacred site
5 and this land is our birthright. It was given to us
6 by the creator, to no one else. We might not own most
7 of it, but it's still ours. It was given to us and
8 that's the way we still look at it. It's all our,
9 this whole valley is our, and with that comes the
10 responsibility to be caretakers of the land and water,
11 everything, and that place is so sacred that you
12 cannot comprehend it and I cannot explain it to you.
13 You explain the creator when you explain God. You
14 can't do that and that has to be in these documents,
15 the spirituality of the people. We're not just
16 bodies. This life here, this life we have as Mojave
17 people, is a lot of pain of suffering and we look
18 forward to the next life because that's what our
19 hearts are set on, that's what we plan for, that's
20 where we're going, and that place is desecrated and
21 continues to be desecrated and none of us are at peace
22 with that and we can't hold that out to you people
23 because it's so slow and people are just not
24 understanding that area. There are different laws
25 that apply to different areas and, us, we can be hurt

1 and I'm guessing the same would be for you. You're
2 people, you're human like us, but to us as I said
3 before, there's no other place for us to go but
4 through that valley. That's ours. That's where we
5 go. There's not another alternative. It's not like
6 that here. We didn't create it. We didn't make it.
7 That's what we were given and that was our job to
8 protect. And to me, I want to see it in paper that
9 the state agency responsible for protection
10 environmental act covers our (inaudible). What
11 happened? How did we end up here? How did this
12 happen to us and our children and their children? Are
13 we going to be separated from them? Are elders going
14 to be separated from us? I don't know, but that's not
15 us, that's people, because we're all one. We're not
16 choosing to be who we are. We're born who we are and
17 there's nothing in there about how we got into this
18 mess. We're not just talking about this chromium;
19 we're talking about how we were treated as people. If
20 we had been able, we would have fought the freeway, we
21 would have fought the railroad, we would have fought
22 PG&E earlier, but our people were just struggling to
23 survive after being flooded out, after having no
24 reservation, after supposedly genocide, after
25 everything our people and our ancestors suffered.

1 There's no mention of that, what we've gone through,
2 the tens of thousands of us and now we're down to
3 hundreds. Where was that understanding? Where was
4 that meeting of the minds when the people came from
5 Europe? That should have happened. It never
6 happened. Instead, it was just (inaudible). So, to
7 me, this is something that needs to be corrected and
8 it has to come from your heart. It can't come from
9 paper. It can't come from measuring and these tools.
10 It's just taking a little bit of what that place is.
11 In regard to measure of God, how can you? Who would
12 even have the audacity to try? But that's what it
13 feels like to me, is taking this huge other dimension
14 and trying to say we're going to go in and clean-up a
15 mess that we have no idea what the effects are. And
16 even cleaning it up might not be the right way to do
17 it. You've already made a mess. You already spilled
18 something, broke something. Can you go and put it
19 together? If I bust up that chair, can you fix it
20 just with your bare hands? Would it be the same?
21 Would you even try? Those are a lot of things to
22 consider. To me, I feel we're not going about it the
23 right way but I want the history of our people in here
24 because otherwise nobody's going to understand and it
25 will happen again to some other people. As long as we

1 keep on not communicating and not respecting each
2 other, then we'll never grow as people, realize who we
3 are and we're (inaudible) totally the spirituality of
4 us as people in that area where (inaudible) would not
5 even touch this. But to have that honor for our
6 creator and for us for ancestors, without them being
7 strong enough to face each blood, each taking of the
8 children away when they were six, each boarding school
9 beaten. All of the things that we've gong through,
10 this is just one more. There was no protection. All
11 the protocol, that's good. It's good to sit here and
12 have this but where was it when we needed it. We're
13 just going to have to (inaudible). That's what I say,
14 I want an (inaudible). It's like when your child is
15 kidnapped, you lose something precious. Do you want
16 to know what happens if you never see that child
17 again? Do you know what to know if he or she is
18 alive, is tortured, murdered? I think everyone wants
19 to know. To me, that's like this. This is precious
20 to us. How we did get here? How did this happen?
21 Who's responsible; because there needs to be an
22 accounting for. They need to know that this thing
23 that happened is huge and it hurts all of us. It's
24 hard not to cry when you talk about this. It's hard
25 not to go through it again, but you can't stay in that

1 beautiful place for long when it's like that all time.
2 It's hard to come to meetings. It's hard to be there
3 because it's just painful. I guess that, to me, what
4 I want to see for our children.

5 **MS. MATSUMOTO:** Any other comments? At this time, I would
6 like to officially close the comment portion and let's
7 take questions.

8 --oOo--

9 - MEETING ADJOURNED -

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TRANSCRIBER'S CERTIFICATION

This is to certify that I, Kelli Wells,
transcribed the digitally-recorded public meeting of the
California Environmental Protection Agency, Department of
Toxic Substances Control, dated May 29, 2008; that the
pages numbered 1 through 42 constitute said transcript;
that the same is a complete and accurate transcription of
the aforesaid to the best of my ability.

Dated June 30, 2008.



Kelli Wells, Transcriber
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