THE COCOPAH INDIAN TRIBE
Cultural Resource Department/Topock Project
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Project Number: CCR-032-06-001

Via Electronic Transmittal

October 27, 2016

Mr. Aaron Yue, Project Manager
DEPARTMENT OF TOXIC SUBSTANCES CONTROL
5796 Corporate Avenue
Cypress, California 90630

Ms. Pamela S. Innis
Topock Remedial Project Manager
Office of Environmental Policy and Compliance
U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management - Arizona State Office
One North Central Avenue, Suite 800
Phoenix, AZ 85004-4427

Re: Comments on the September 21st, 2016 Topock Soil RFI/RI – Plan to Address Data Gaps Identified During Work Plan Implementation (DGWP-3)

Dear Mr. Yue and Ms. Innis:

The Cocopah Indian Tribe (hereafter referenced as "The Tribe") appreciates the opportunity to provide comments regarding September 21st, 2016 Topock Soil RFI/RI – Plan to Address Data Gaps Identified During Work Plan Implementation (DGWP-3). Our comments are as follows.

The 73-contingency sample limit in the Topock Soils EIR (referred to herein as the Soils EIR) was established to prevent significant impacts to the Topock site. To date twenty-seven contingency locations, not included in the Final Soils Investigation Work Plan, but identified in Data Gap Work Plan 1 (DGWP-1) and DGWP-2, have been sampled. While an additional 69 contingency samples have been proposed in DGWP-3, only 46 of these samples are being counted toward the allowable 73 contingency soil samples. Specifically, 23 of the 69 proposed contingency sample locations are not considered as "new" sample locations as they are to occur at locations that were previously sampled. Stating that only "new" sample locations qualify to be counted as an additional contingency sample

location is based on the incorrect assumption that impact to the site only occurs when a new area is sampled, and doesn't consider that returning to an existing location causes additional impacts. The Tribe disagree with this interpretation. The approach that DGWP-3 takes in defining what constitutes a "new contingency" sample location is not addressed in the Soils EIR, but rather is based on DTSC's interpretation of the Soils EIR. Furthermore, this interpretation has never been discussed clearly. The Tribe requests that DTSC provide a written summary of the Soils EIR review, which was referenced during the October 5th *Topock Soil Investigation: Overview of DGWP-3* teleconference meeting, and led to the agency interpretation for what constitutes a "new" contingency sample. In addition, as part of its Soil EIR review, the Tribe requests for DTSC to make a systematic assessment of those soil sampling locations which were re-visited during the various data-gaps sampling. The Tribe is particularly interested in sample locations where the initial samples were shallow, and collected using trowel or a hand auger, and the subsequent additional sample(s) were collected using a drill rig or vehicle-mounted equipment. In such cases, it is the Tribe's opinion that there is a significant increase in the impact and foot-print between the first and the second sampling event at that location. These types of incremental, compounding and cumulative impacts should be accounted for specifically in the Soil EIR analysis and review.

Extensive efforts have been made by the Tribes in determining the need for and location of soil samples included within the soil investigation. While there may not have been an agreement on the need for soil sampling in some locations, the rational determining the need for a sample location was typically apparent. In the case of DGWP-3, however, the vague and even absent rationales supporting the proposed contingency location hinders a thorough review of the need for and efficacy of the proposed sample locations. For example, there are numerous cases in DGWP-3 where contingency sampling is proposed to further define the nature and extent of metals, PAHs, PCBs, or dioxin/furans. However, DGWP-3 does not allow a reviewer to understand what specific metals, PAHs, PCBs, or dioxin/furans require additional characterization. In addition, no detail is provided, that would allow a reviewer to understand how soil screening thresholds are used to determine the need for additional soil characterization. For example, if a chemical exists below all identified screening values is there a need for additional soil characterization? In order for the Tribe to understand the decisions and recommendations contained in the DGWP-3 report, it is requested that for each proposed sample location the specific chemical(s) requiring additional characterization along with the soil screening criteria be provided.

Further hindering the Tribe's ability to thoroughly review the proposed contingency samples and locations is PG&E's refusal to distribute soil sample coordinates to the Tribes. These geospatial data have been requested several times, however, the Tribe has been told that "it was preferred to defer distribution of this level of information (field measurements) until the RFI/RI report development stage." Clearly the Tribe is unable to spatially review soil data without sample coordinates and therefore unable to review the nature and extent of known soil contamination in the context of requests for additional

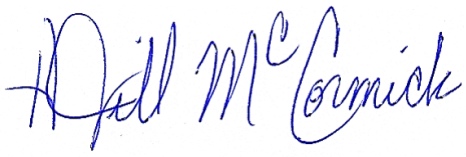
sampling and sample locations. Furthermore, the maps provided within DGWP-3 do not comprehensively report all soil sample locations taken to date. For example, XRF sample locations collected during the recent data gap soil investigation work have been omitted from the maps. Without maps displaying the locations of all soil sampling to date and lacking the sample coordinates the Tribe is at a disadvantage in thoroughly reviewing the DGWP-3. In the absence of this data the DGWP-3 appears to have been prepared with the idea that each reviewer or interested reader would find and take the time to iteratively step back and forth between the work plan, maps, and the excel workbook with 50k or more lines of data spread across many columns in certain sheets, in order to understand the preparers' thinking and rationale for adding additional sampling / testing at existing locations and sampling / testing at new locations. The cost to PG&E for it to pay numerous individuals on the e-distribution list to go through such an analysis is considerable, not to mention the time of the individuals who are trying to understand the rationale. Therefore, the Tribe reiterates its desire to have access to the soil sample coordinates which will allow for a comprehensive spatial understanding of the nature and extent of contaminants at the site.

Overall review of the DGWP3 document would be easier to use and interpret if AOCs and SWMUs were clearly and boldly identified with highlighted labels. In addition, all figures, distinctively highlight labels for existing locations recommended for additional sampling / testing and do likewise for new locations recommended for sampling and testing. (This is done on some figures, but not on all.) Furthermore, the topographic information and aerial imagery in many of the illustrations in DGWP3 is degraded, making it difficult or impossible to understand and interpret location and identification tags in the context of topography and image features. Imagery and topography should not be degraded so.

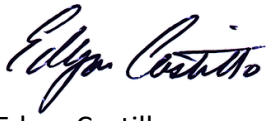
PG&E and DTSC now distribute Topock reports and documents mainly by digital / electronic means. On this and on each and all future digital reports, we suggest that you include an index page (or pages) that provide (provide) specific direction at to the sizes at which large format illustrations should be printed so that they will have legibility and readability intended by their preparer(s).

If you have any questions feel free to contact us at: Cell: 928-287-5042 or Office: 928-722-7522, or by email at CocopahTPM@gmail.com or mccormickj@cocopah.com

Sincerely,



H. Jill McCormick, M.A.
Cultural Resources Manager
Cocopah Indian Tribe



Edgar Castillo
Cocopah Indian Tribe
Topock Project Manager

CC: Linda Otero, ACS Director, FMIT
Chris Harper, FMIT Cultural Heritage Manager/Tribal Archaeologist
Ron Escobar, Project Coordinator, Chemehuevi Tribe
Dawn Hubbs, Director Hualapai Cultural Resources/THPO
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