

CHAPTER 5

Tribal Responses

This chapter contains the Tribal comment letters received on the Pacific Gas and Electric Company (PG&E) Topock Compressor Station Final Groundwater Remediation Project (Final Groundwater Remedy Project, or proposed Project) draft subsequent environmental impact report (Draft SEIR) and the California Department of Toxic Substances Control's (DTSC's) individual responses to significant environmental issues raised in those comments (CEQA Guidelines, Section 15088). Each letter, as well as each individual comment within the letter, has been given an assigned letter and number for cross-referencing. In some instances, Master Responses presented in Chapter 2 of this final subsequent environmental impact report (Final SEIR) may be referenced in response to comments. Responses are sequenced to reflect the order of comments within each letter. **Table 5-1** lists all Tribal governments who submitted comments on the Final Groundwater Remedy Project Draft SEIR during the public review period.

TABLE 5-1
LIST OF TRIBAL GOVERNMENT COMMENTERS

Letter #	Commenter	Date of Comment	Comment Page Number	Response Page Number
T1	Twenty-Nine Palms Band of Mission Indians Anthony Madrigal, Jr., Tribal Historic Preservation Officer	February 23, 2017	5-2	5-4
T2	Cocopah Indian Tribe Edgar Castillo, Topock Project Manager	February 27, 2017	5-7	5-8
T3	Hualapai Indian Tribe Dawn Hubbs, Director/Tribal Historic Preservation Officer/Archaeologist	February 27, 2017	5-9	5-81
T4	Fort Mojave Indian Tribe Nora McDowell, Topock Project Manager	February 28, 2017	5-134	5-136
T5	Fort Mojave Indian Tribe Nora McDowell, Topock Project Manager	February 28, 2017	5-137	5-140
T6	Cocopah Indian Tribe Edgar Castillo, Topock Project Manager	March 6, 2017	5-141	5-175
T7	Fort Mojave Indian Tribe Nora McDowell, Topock Project Manager	March 6, 2017	5-220	5-291
T8	Cocopah Indian Tribe Jill McCormick, Cultural Resources Manager	June 1, 2017	5-344	5-346

Letter T1: Twenty-Nine Palms Band of Mission Indians



Comment Letter T1

TWENTY-NINE PALMS BAND OF MISSION INDIANS

46-200 Harrison Place . Coachella, California . 92236 . Ph. 760.863.2444 . Fax: 760.863.2449

February 23, 2017

**CERTIFIED MAIL # 7015 0640 0003 3939 8611
RETURN RECEIPT REQUESTED**

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

**RE: Draft Subsequent Environmental Impact Report for the PG&E Topock Compressor Station
Final Groundwater Remediation Project
SCH# 2008051003**

Dear Mr. Yue,

This letter is in regards to consultation in compliance with the California Environmental Quality Act (CEQA), regarding the Draft Subsequent Environmental Impact Report for the PG&E Topock Compressor Station Final Groundwater Remediation Project (Project). The objective of the Project is to clean up the groundwater contamination related to the historical release of chemicals at PG&E Topock Compressor Station. In concern to cultural resources, there are 11 known resources that are located within or overlap planned Project components. These include historic built resources and historic and prehistoric archaeological sites. Additionally, the Project Area is located approximately three miles from a culturally sensitive area and within the Chemehuevi Traditional Use Area. For these reasons, the Project has the possibility of inadvertent discoveries, which could have an adverse effect on potential cultural resources that concern the Twenty-Nine Palms Band of Mission Indians (Tribe).

T1-001

T1-002

There is an increased possibility of encountering cultural resources during the construction processes that may take place because there is evidence of prehistoric activity in and around the project area, all the natural geological units within the Project Area have the potential to contain surface archaeological resources, and the project is located within the Chemehuevi Traditional Use Area and in the vicinity of a culturally sensitive site. One of the objectives of the California Department of Toxic Substances Control is to protect biological, historical, and cultural resources by minimizing ground disturbance to the extent feasible. To minimize disturbance, the THPO concurs with the Aboveground Pipeline Infrastructure Alternative. This alternative would place piping above ground in three upland segments instead of below. This would reduce the amount of overall ground disturbance and subsurface excavation.

T1-003

The sensitivity and nature of this project require continued communication and consultation with Tribes. Physical avoidance of cultural resources would minimize some adverse effects of the Project. Furthermore, it is recommended that Native American Monitor(s) be present during any ground disturbing activities associated with this Project. The THPO requests

T1-004

Comment Letter T1

continued notification of project-related activities adequate time to comment on future notices. If you have any questions, please do not hesitate to contact the THPO at (760) 775-3259 or by email: TNPConsultation@29palmsbomi-nsn.gov.

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T1-004
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Sincerely,


Anthony Madrigal, Jr.
Tribal Historic Preservation Officer

cc: Darrell Mike, Twenty-Nine Palms Tribal Chairman
Sarah Bliss, Twenty-Nine Palms Tribal Cultural Specialist

**Letter
T1
Response****Twenty-Nine Palms Band of Mission Indians
Anthony Madrigal, Jr.
February 23, 2017**

T1-001

The commenter states the fundamental objective of the proposed Project. The commenter also states that 11 known cultural resources are located within or overlap with project components.

DTSC thanks the Twenty-Nine Palms Band of Mission Indians for taking the time to provide their comments on the Draft SEIR.

Regarding the 11 known cultural resources, please refer to the Draft SEIR Section 4.4, "Cultural Resources," and specifically Table 4.4-2, which gives more detail about the number of cultural resources identified within the Project Area. The 11 resources include 6 archaeological sites (CA-SBR-11704H, CA-SBR-11862H, CA-SBR-11939, CA-SBR-13791H, AZ L:7:16 (ASM), and Æ-Topock-210) and 5 historic-period built resources CA-SBR-2910H/ AZ I:15:156 (ASM)/AZ L:7:72, (ASM), CA-SBR-6693H/ AZ I:14:334 (ASM), CA-SBR-11997H, P-36-027648, and P-36-027678. Of these, two (CA-SBR-11704H and P-36-027648) have been found not eligible for listing in either the National Register of Historic Places (NRHP) or the California Register of Historic Resources (CRHR), and, in DTSC's discretion, does not meet the discretionary criteria of CEQA Guidelines Section 15064.5, Subdivision (a)(4), and are therefore not considered historical resources pursuant to the California Environmental Quality Act (CEQA). The remaining nine resources are considered historical resources under CEQA and an impacts analysis was conducted (Section 4.4, "Cultural Resources," pages 4.4-124 to 4.4-132). The analysis concluded that the proposed Project would not result in a direct impact to known prehistoric archaeological resources (CA-SBR-11939, AZ L:7:16 (ASM), and Æ-Topock-210); however, since these resources are considered contributors to the Topock Traditional Cultural Property (TCP), even with implementation of Mitigation Measures CUL-1b/c-1, -3, -4, -5, and -6, which require consideration of the locations of historical resources during design, monitoring, avoidance where feasible, and additional protective measures (such as annual condition inspections and worker training), impacts to these two resources would be significant and unavoidable.

T1-002

The commenter states that the Project is located approximately 3 miles from a culturally sensitive area and within the Chemehuevi Traditional Use Area. The commenter states that due to this proximity, the Project has the potential to result in inadvertent discoveries which would have an adverse impact on cultural resources that concern the Twenty-Nine Palms Band of Mission Indians.

DTSC thanks the Twenty-Nine Palms Band of Mission Indians for concern about the Chemehuevi Traditional Use Area and that the impacts to this area might impact the Tribe. Section 4.4, “Cultural Resources,” page 4.4-3, acknowledges that several Native American Tribes have long-standing historical and cultural ties to the Project Area and the surrounding region, including the Chemehuevi. The Chemehuevi are one of five Tribes that have traditionally been involved with the Topock Remediation Project (identified as the “Interested Tribes” in the SEIR) and were included in Native American scoping efforts conducted during the environmental review process for the proposed Project. A summary of outreach efforts and concerns expressed by the Chemehuevi are included in pages 4.4-7 to 4.4-8 and 4.4-40 to 4.4-47.

Mitigation Measure CUL-1b/c-4b requires that during construction, operation and maintenance, and decommissioning phases of the Project, procedures for the treatment of inadvertent discoveries of resources potentially qualifying as historical resources under CEQA shall be implemented in a manner consistent with Section 2.2, “Protocols for the Appropriate Treatment of Archaeological Materials,” of the Cultural Resources Implementation Plan (CIMP), and Section 8, “Discoveries,” and Appendix C, “Discovery Plan,” of the Cultural and Historical Properties Management Plan (CHPMP) (as described in Mitigation Measure CUL-1a-8q), and Appendix D, “Plan of Action,” of the CHPMP (as described in Mitigation Measure CUL-4). Section 2.2 of the CIMP includes continued collaboration with Interested Tribes, respecting their preferences for avoidance, and other treatment of archaeological discoveries; pre-construction field verifications; implementing procedures in Section IX of the Programmatic Agreement (PA) and Section 8.1 and Appendix C of the CHPMP (i.e., cease work measures, notification protocols, inspecting and evaluating significance of discoveries, avoiding discoveries if possible and establishing protective measures, and treatment of discoveries that cannot be avoided). Appendix D of the CHPMP requires that, in the event that human remains are discovered within the Project Area and without respect to land ownership, PG&E will cease work and establish a protective buffer; ensure that the remains are not disturbed further and are treated with appropriate respect and cultural sensitivity; notify the U.S. Bureau of Land Management (BLM) within 24 hours; and cooperate with parties responsible for carrying out the treatment measures described in CHPMP Subsections D.3.3.1–D.3.3.3.

DTSC has historically been and remains committed to involving Tribal Nations in remediation efforts located in and around the Project Area. On August 26, 2015, DTSC sent a letter to the Twenty-Nine Palms Band of Mission Indians. The letter described the proposed Project and asked that the Twenty-Nine Palms Band of Mission Indians reply by September 30, 2015, if they had concerns regarding the Project. Although DTSC did not receive a specific response from the Twenty-Nine Palms Band of Mission Indians regarding the August 26, 2015 letter, DTSC will continue to communicate with the Twenty-Nine Palms Band of Mission Indians if requested.

T1-003 The comment states that the Aboveground Pipeline Infrastructure Alternative is the preferred alternative for the Tribe since it would reduce the overall ground disturbance and surface excavation.

DTSC consulted with Interested Tribes during the 30, 60, and 90 percent design. Although this Alternative would potentially reduce impacts to cultural resources, as discussed in Chapter 7, “Alternatives to the Proposed Project,” starting on page 7-20, the Aboveground Pipeline Infrastructure alternative would not only add to the aesthetic impacts and biological impacts, it also would not meet the Project objectives as stated in Section 3.4 and 7.4.1 of the SEIR, some of which are to consider public safety and ensure efficiency and compliance with health and safety standards. The aboveground pipeline infrastructure alternative would result in greater worker safety issues associated with an increased risk of injury or even possibility of death related to the Project Area’s topography and steep slopes for construction and maintenance since aboveground infrastructure would have greater maintenance requirements such as repairs, painting and sand blasting as a result to exposure to the harsh desert environment. This preference by the Twenty-Nine Palms Band of Mission Indians; however, is noted for the record.

T1-004 The commenter states that the sensitivity and nature of the Project requires continued communication, consultation, and notification involving Tribes. The commenter also states that physical avoidance of cultural resources would minimize some adverse effects of the Project, and that Native American Monitors should be present during all ground-disturbing activities.

These comments are addressed through the existing mitigation measures provided in the SEIR and no comments were provided regarding their adequacy. Specifically, Tribes are afforded continued communication, consultation, and notification in accordance with stipulations provided in the PA (BLM et al. 2010), the CHPMP (BLM 2012), the CIMP (PG&E 2015), and SEIR Mitigation Measure CUL-1a-8q. Preference for physical avoidance of cultural resources is included in the PA (BLM et al. 2010), the CHPMP (BLM 2012, the CIMP (PG&E 2015), and SEIR Mitigation Measures CUL-1a-1, CUL-1a-10, and CUL-1a-15. Provisions for Native American (Tribal) monitoring of ground-disturbing activities are included in Appendix C of the PA (BLM et al. 2010), the CIMP (PG&E 2015), and SEIR Mitigation Measures CUL-1a-8q and CUL-1b/c-4.

Letter T2: Cocopah Indian Tribe

Comment Letter T2

From: Edgar Castillo <cocopahtpm@gmail.com>
Sent: Monday, February 27, 2017 10:23 AM
To: Yue, Aaron@DTSC; Baker, Karen@DTSC; Nazemi, Mohsen@DTSC
Cc: Christopher Harper; David Harper; Dawn Hubbs; Doug Bonamici; Jill McCormick; Lyndee Homell, Hualapai; Nora McDowell; Ron Escobar; Toni Carlyle, CRIT
Subject: DSEIR Comment Period Extension

Good morning Aaron

I have been appointed by the participating tribes (Fort Mojave, Chemehuevi and Hualapai) to respectfully request a 1 week extension to the SEIR comment period deadline. The main reason for this would be the Future Activities Allowance was unexpected and we need additional time to confer individually and internally regarding this issue and the overall DSEIR Document. We would greatly appreciate your consideration on this matter.

T2-001

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If you have any questions feel free to contact me.

Thanks

Edgar Castillo
Topock Project Manager
Cocopah Indian Tribe
14515 S. Veterans Dr.
Somerton, AZ 85350
Cell: 928-287-5042
Office: 928-722-7522

**Letter
T2
Response**

**Cocopah Indian Tribe
Edgar Castillo
February 27, 2017**

T2-001

The commenter requests a 1-week extension to submit comments on the Draft SEIR due to the unexpected addition of the Future Activity Allowance in the Draft SEIR.

Please see Master Response 2: Use of the Future Activity Allowance in the Draft SEIR, presented in Chapter 2 of this SEIR regarding the Future Activity Allowance. DTSC indicated to the Cocopah Tribe in an email dated February 27, 2017, that in the interest of cooperation and based on the provisions of Public Resources Code Section 21091(d)(2)(A), as well as CEQA Guidelines Section 15207, the Interested Tribes could submit comments after the close of the comment period, and that DTSC would accept, consider, and respond to Tribal comments received until 5:00 p.m., March 6, 2017, without officially extending the Draft SEIR comment period. The Cocopah Tribe submitted comment letters on March 6 and June 1, 2017, and the comment letters and responses can be found below as Comment Letters T6 and T8.

Letter T3: Hualapai Indian Tribe

Comment Letter T3

1 Hualapai Comment Letter DSEIR February 27, 2017



Hualapai Department of Cultural Resources
P.O. Box 310
Peach Springs, Arizona 86434

VIA ELECTRONIC MAIL

February 27, 2017

HDCR File: 2017-093

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: Hualapai Concerns and Recommendations regarding Draft Subsequent Environmental Impact Report (SEIR) for the PG&E Topock Compressor Station Final Groundwater Remediation Project.

The Hualapai Department of Cultural Resources thanks you for the opportunity to comment on the Draft Subsequent Environmental Impact Report (SEIR) for the PG&E Topock Compressor Station Final Groundwater Remediation Project. In addition, please find two attachments. Attachment A is a technical memo, "*Supporting Technical Information, Topock Project SEIR and Basis of Design Input Regarding Oatman Highway – Sacramento Wash Crossing Drainage Improvements Project Planned by the Arizona Department of Transportation and the Mohave County Public Works Department, February 13, 2016*", prepared by TRC. This memo concerns the design and operation of the Topock Groundwater Remediation Project in relation to Sacramento Wash. The second Attachment B, is a comment table in regards to the DSEIR Mitigation Table.

T3-001

As we have said in the past and continue to state, the Topock Cultural Landscape is culturally significant for the Hualapai Tribe; we are aware of the difficult nature of this Project and will support all attempts at best practices and avoidance where-ever possible.

T3-002

As you are well aware, the entire Topock Remediation undertaking indicates that the area of potential effects includes areas, which the Hualapai Tribe believes to hold religious and cultural significance for our Tribe, and for other tribes, which we ascribe as a potentially eligible Traditional Cultural Property, or TCP. We also have determined, many times, that the proposed project in total, is an Adverse Effect and we continue to be concerned about the cumulative impacts of the ever-increasing number of intermittent projects that are being proposed throughout the project.

T3-002

This comment addresses two of the Tribe's concerns: the SEIR's refusal to comply with AB 52's procedural requirements regarding tribal cultural resources; and the Tribe's objection to the proposed "Future Activity Allowance" which we see as an attempt to evade future CEQA assessments for activities that will significantly impact resources important to the Tribe. Based on these concerns, the Tribe requests that the FAA be removed from the Project at this time, and that instead, future CEQA review be conducted before any potential additional Project expansion would be considered should it become necessary to implement the Project.

T3-003

The Tribe also includes comment and response to specific project aspects in order to address tribal participation, increase protection of resources, and to improve outcomes.

Tribal Comments

The Hualapai Tribe, with spiritual connection to the Project property, and a government sovereign entity reiterates its strong desire to be included along with DOI and DTSC as primary parties to whom communication is addressed, if material deviation from work plan and design documents, MMRP action specific, and location specific ARARs occur. The current proposed use of monthly progress reports and periodic uploads to a SharePoint site, is not a sufficient level of involvement when it comes to decisions that could result in permanent disturbance to the Sacred landscape or Tribal property.

T3-004

For Hualapai, there is one area of intense concern with this Draft SEIR. This is the insufficient regulatory commitment in regards to the needs to consider all guidelines relevant to Assembly Bill 52, and incorporate these provisions into the PG&E Topock Chromium Soil and Groundwater Remediation Projects. The specifics are relating to the Future Activity Allowance (FAA) referred to throughout the document. We feel that using this unprecedented practice process essentially creates a situation where aspects of the Project could get pre-approval for work that *may negatively impact* the Tribes, without actually conducting any substantive or meaningful assessment of that impact. The FAA as described in the SEIR was not fully vetted to the Tribes. The only item similar to this was entitled, "Tribal Review of Future Project Design Documents," and nowhere in the July 12, 2016 Proposed Mitigation Measure Concepts for Cultural Resources Impact, (draft for discussion purposes only) does the document even mention the Future Activities Allowance. On January 18th, 2017 at a Consultative Working Group Meeting held in Henderson, Nevada, Tribes were presented with Table 3-1 (DSEIR) which described this FAA 25% measure. Please describe what exactly, and when, was information shared with the Tribes.

T3-005

We would like to emphatically point out, that such a process is very improper given the purpose of CEQA is to reveal and propose mitigation of the impacts projects through the law's procedural requirements. The Tribe notes that by proposing what is essentially an activity "over-run" of 25% of the project's final design and an unstudied additional 10 boreholes in Arizona, the CEQA process-including AB52's requirements of addressing tribal cultural resources-is all but nullified.

T3-005

We also stress the need for undertaking a full review under AB 52's requirements. The rationale for not conducting the DSEIR pursuant to AB 52 is weak. Some jurisdictions are proactively implementing the bill even if there was no NOP or the NOP was earlier to the bill's effective date. Given the severe impacts of the Project on resources of tribal concern, DTSC should explain in more depth its choices in this regard and how this may have affected the DSEIR analysis and consultation with Tribes. DTSC must also explain whether the proposed FAA approach is a veiled attempt to try and, avoid the requirements of AB 52 for future Project components. Regarding AB52, on page 4.4-95 in the DSEIR DTSC outlines why AB52 does NOT APPLY to this project:

T3-006

"On September 25, 2014, Governor Brown signed Assembly Bill 52 (AB 52) which requires lead agencies undertaking projects with a Notice of Preparation released on or after July 1, 2015

(AB 52 Section 11) to consider project-related impacts on "tribal cultural resources" as defined in PRC Section 21074 and to conduct consultation as prescribed in PRC Section 21080.3.1. The Notice of Preparation for this Project was released on May 5, 2015 and the Project is therefore not subject to provisions of AB 52. Nonetheless, the following cultural resources impacts analysis addresses Native American resources in the context of "historical resources" as defined by PRC Section 15064.5 and considers the extensive information gleaned through consultation between DTSC and Interested Tribes." (Underscore with emphasis, DH).

Please explain.

Significant detailed "Provisional" elements already allow for contingency expansion of the remedial system.

T3-007

Over the last 5 years during the development of the design for the Topock groundwater remedy, this Project has expanded significantly from the originally proposed design concept selected during the Corrective Measures/Feasibility Study. Stakeholders originally accepted the in-situ treatment method back in 2011 for its anticipated reduced impacts to the area compared to other engineering alternatives. However, with each design stage, (30%, 60%, 90% and 100%) the Project has grown in every dimension. DTSC has already made a concerted effort during the design process to look into the future and to consider the possible necessary expansion of the Topock Project.

To this end, DTSC and all interested parties working closely together over many years, added numerous "provisional" remedy features including 94% more remediation wells (46), and 33% more monitoring wells (24). Each of these "provisional" wells, which are NOT part of the initial planned remedy construction, were specifically discussed, their

locations walked and possibly adjusted due to cultural impacts, reviewed by all parties, and then finally included as “provisional” elements of the final design. Other planned infrastructure such as trenching and piping were also expanded in a capacity to accommodate the ability to connect these “provisional” features into the system. Any or all of the “provisional” wells MAY be installed at some future time, depending on the response of the groundwater remediation system, changes in the contaminant plume, or some other unforeseen factor.

T3-007

Other “provisional” elements, which describe in detail in Project design documents, include a “contingent freshwater pre-injection treatment system to reduce concentrations of arsenic”, and a contingency “dissolved metals removal system.” Again, details and locations of these contingency elements were included in the detailed designs, and discussed and considered by all parties to the Project design. These detailed, designed “provisional” and “contingency” Project elements considered within the scope of the draft SEIR, therefore sufficient flexibility already exists in the final design for contingencies.

Insertion of undefined “future activity allowance” (FAA) into DSEIR is arbitrary, unprecedented, excessive and inappropriate.

The Tribe questions the legal validity of and justification for the Future Activity Allowance (FAA) introduced in the Final Groundwater Remediation Project DSEIR. According to the DSEIR, the FAA includes two components, the locations of which are not specifically known at this time: (1) an additional allowance for all Project infrastructure, established at up to 25 percent of the parameter set forth in the Final Remedy Design, and 2), up to 10 additional monitoring well boreholes to be installed in Arizona (DSEIR, page 3-11). We are unfamiliar with this concept being used elsewhere in CEQA; please provide some examples where this concept has been successfully implemented.

T3-008

The Tribe objects to the use of this undefined, blanket FAA, that would only worsen the already significant and unmitigated impacts to resources of Tribal concern which include cultural resources and noise and cumulatively significant and unavoidable impacts identified relative to aesthetics, cultural resources and noise - all critical areas of concern to the Tribe. Yet, the release of this environmental document for public review is the first time the Tribe was introduced to this concept relative to the Project. It believes DTSC (and DOI and PG&E) should have specifically consulted with the Tribe about the FAA before proposing it as part of the Project. Given the extraordinary siting efforts made over the last ten years by the Tribes (and others) regarding specific Project components and to try to minimize impacts over a large and complex Project area, the newly-introduced, open-ended FAA is of great surprise and concern to the Tribe for the following reasons. Based on these concerns, the Tribe requests that the FAA be removed from the Project at this time, and that instead, future CEQA review be conducted before any potential additional Project expansion would be considered should it become necessary to implement the Project.

T3-009

First, numerous California court cases have held that an accurate, stable and finite Project description is the indispensable prerequisite to an informative and legally sufficient environmental document. This requirement was first set forth in *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, then incorporated into CEQA Guidelines section 15124 (Project Description). Moreover, none of the possible "exceptions" to a finite Project description, such as a Project having independent utility, a staged EIR or a Project with future phases, apply here.

T3-010

In contrast, the proposed FAA component of the Project lacks any of the hallmarks of an adequate Project description such as defined components, specific locations, defined boundaries, etc., making it difficult if not impossible to assess impacts, effects or adequacy of mitigation for these additional potential Project components in the DSEIR. Further, the DSEIR states that, "The 25 Percent Potential Allowance is intended to apply generally to the development and implementation of the Final Remedy Design, even if a particular parameter or aspect of the Project is not listed in one of the examples set forth in the following subsections." (DSEIR, page 3-11). Please explain in more detail what this statement means to DTSC. CEQA Guidelines section 15140 (Writing) requires that EIRs should be prepared in plain language such that the public can readily understand them. Does this statement mean there are no limitations on what Project elements or features could be included in this allowance? If so, this is an impermissible blank check to PG&E and the agencies.

T3-011

Without clear parameters or expressed standards referenced in the DSEIR for the agencies to use in the future, the mere promise that PG&E and DTSC will "track" activities to "ensure" that development of individual components is within the scope of the SEIR, is essentially meaningless and could allow for almost limitless discretion contrary to CEQA. (DSEIR, page 3-12). Accordingly, the asserted purpose for including a FAA, "... to be sure that this SEIR evaluates all the potential effects of the Project, including those that may be needed in the future" (DSEIR, pages 3-12 and 3-97) rings hollow: How can DTSC pretend it has evaluated what is not even located yet or specified in the Project description? This is not a small concern as the SEIR "... is intended to be used as the primary CEQA document for any permits or approvals from DTSC or other California public agencies which may be required for implementation of the remedial action as described in this SEIR, including investigatory, maintenance, repair, and infrastructure replacement activities" (DSEIR page 3-99). This is of particular concern as the Project will extend well into the future - over several decades.

T3-012

Second, a 25 percent "cushion" is extremely large, and even more so in a highly sensitive and biologically constrained area that also is a tribal Traditional Cultural Property (TCP) with religious values, containing many individual historical resources. Neither is a 25 percent enlargement within commonly encountered margins of error or substantial conformance. Please explain and justify the specific size of the proposed FAA and provide more detail on the inability to identify at this time the likely specific Project components or their likely specific locations in this DSEIR.

T3-013

The proposed FAA is highly inconsistent with past work to identify, justify and plan proposed remedy infrastructure and operations. For example, all proposed specific remedy wells, monitoring wells, buildings, soil placement, roads, pipes etc., and contingent or backup well locations have been carefully reviewed, discussed and evaluated both in the field and in maps. In Arizona, placement of any/all wells in the white clay area presents even greater concern as this is a TCP.

T3-014

We also note that according to the DSEIR, aesthetic and visual impacts, air quality, biology, hydrology and water quality, noise, utilities, service systems and energy and water supply are attempted to be included in the proposed FAA, even though in some instances, neither the Project features nor additional impacts can be located, quantified or described at this time. Are all impacts and CEQA resources categories subject to a blanket 25 percent allowance and if so, how have those potential impacts been analyzed and the potential increase in effects mitigated relative to each subject in the DSEIR? Which subject areas might be expected to exceed the 25 allowance (such as ground disturbance and biological impacts)? Where are their cumulative impacts addressed with cumulative-specific mitigation? Additionally, we request a standalone section on the proposed FAA in the SEIR to more readily capture, clearly analyze, and efficiently track the FAA, including cumulative effects, should DTSC retain the FAA approach over Tribal objections. Please describe what that review would look like in more detail than that provided at DSEIR pages 3-97 to 3-99 (Intended Use of This SEIR) to provide more transparency, predictability and structure to subsequent Project analysis.

T3-015

T3-016

Similarly, provisions must be made in the SEIR for additional CEQA and other review, to include tribal consultation, to be performed prior to initiating any ground disturbance under a FAA. Simply stating that "additional facilities beyond those specifically described in the Final Remedy Design may require approval from DTSC and perhaps other agencies" (DSEIR, page 3-12), does not address the potential (and likely) need for future additional CEQA review and timely tribal consultation.

T3-017

Adaptive management, mentioned in the SEIR¹, but not in any cultural mitigation sections, is currently in use with federal lands management systems. Agencies, "typically view the approach as a way to promote learning and proceed with actions in light of uncertainty about potential resource effects and future conditions." ² Adaptive management as a participatory tool, allows for a consideration of how the Project's implementation and impacts are actually playing out over time, which can be particularly valuable and appropriate in long-term operation and maintenance activities such as those in the Final Remedy, which also has modeling, condition and other uncertainties. What appears to be an attempt to utilize this system for environmental/biological purposes, Hualapai and perhaps other participating Tribes, see here, as a way of justifying the completely un-wanted Future Activity Allowance. The FAA is not cited, or provisional, or consistent with the CIMP as the FAA is not included, mentioned, cited, listed,

T3-018

T3-019

¹ AES-1(f-g) page GWMM-2,3; BIO-1a - b, and BIO-1b, and 2c.

² Schultz, C. and Martin Nie, 2012, *Decision-making Triggers, Adaptive Management, and Natural Resources Law and Planning*, in *Conservation Biology*, v26 #6, page 444.

described or referred to in the CIMP. Therefore, the FAA as included in this DSEIR is considered non-applicable and is in conflict with the PA, the CIMP and the CHPMP.

↑ T3-019

If FAA's are a means towards addressing uncertainty, then Hualapai and perhaps other participating Tribes, would prefer that full consultation and partnerships be adhered to. Furthermore, CERCLA requires (§ 121(d)(2)(A)), that remedial actions attain Applicable or Relevant and Appropriate Requirements (ARARs) at a minimum. FAAs will not meet this requirement.

T3-020

In fact, the FAA appears to be an extension of a possible pattern and practice by the agencies to have open-ended Project features and impacts. The Tribe commented on and objected to similar approaches used to justify not counting replacement wells in the well count cap in the 2011 Groundwater Remediation Project FEIR and not counting resampling activities in the 2015 Soil Investigation Project FEIR, despite the Tribe providing testimony that these additional activities would worsen certain environmental effects. In each instance, the Tribe also objected to the open-ended approach relative to the adequacy of the environmental documents' assessment of direct, indirect and cumulative impacts. The further notes the existence of "provisional wells and associated infrastructure (well vaults, pumps, instrumentation, electrical/communication conduits, etc.) . . ." and "contingencies that are specifically set forth in the Final Remedy Design and C/RAWP . . ." (DSEIR, page 3-11) which collectively could cause additional impacts and effects, including cumulative effects, which we observe lack cumulative-specific mitigation. Now, the FAA takes this same suspect approach to a whole new level for the ever-balloning Project and is offensive to the Tribe for the same reasons and therefore must be stricken from the SEIR. How have the cumulative impacts to the TCP and sacred area from these repeated assaults on the landscape been considered in the DSEIR?

T3-021

Request that the Tribal Viewer be included as a unique viewer group.

In the 2011 Groundwater FEIR, Tribal Viewers were simply lumped into the "pedestrian" viewer group, to which Tribes objected. In this draft SEIR, there are still just the same four viewer groups, pedestrian, residential, vehicular and recreational. For every one of these four viewer groups, the draft SEIR states there are no changes that would affect these viewers groups since the 2011 Groundwater EIR. However, this 2017 DSEIR also acknowledges that new information was collected from Tribal members regarding the unique and specific sensitivities from the Tribal perspective. Supposedly this new information has resulted in "enhanced understanding of the Native American cultural ties to the area, and the distinctive sensitivity of Tribal Viewers." However, this unique Tribal viewer group is not still separately evaluated and the expanded impacts of the larger remedy to Tribal Viewers remain unevaluated. Given the new information provided by the Tribes, and the unique qualities and values of Tribal members, the Tribal Viewer Group should be separately addressed and evaluated to reflect and highlight the unique and greater sensitivities of Tribal members for this site, not simply lumped into the pedestrian/ recreational viewer groups.

T3-022

Mitigation Measure HYDRO-6a: Incorporate Non-Project Water Supply Wells and/or Additional Wells into Monitoring Program (New Measure).

“PG&E shall submit a well installation work plan to DTSC describing installation of a new nested monitoring well located between HNWR-1 and wells Topock-2/Topock-3 since wells Topock-2/Topock-3 are currently the largest producing non-Project supply wells in the area. The work plan shall also propose the installation of any additional monitoring wells that are needed to ensure protection of the water resource in the vicinity of the non-Project water supply wells. PG&E shall submit the well installation work plan to DTSC within four months of DTSC’s approval of the remedy design and would be implemented only after DTSC’s review and approval. Up to ten well locations from the total borehole count evaluated in this SEIR can be allocated for the monitoring of water quality to protect non-Project water supply wells. Overtime, wells may be added to or removed from the monitoring program (with prior DTSC approval) based on accumulated data or lack thereof.”[Emphasis added]

T3-023

It is unclear why DTSC waited until after the 100% design documents were completed to require these additional Project features, as many as 10 Arizona monitoring wells which were not included in the original design, or discussed during any of the TWG or CWG Project meetings to date. This represents yet another undefined expansion of the remedy footprint. While one of the ten wells is at least described generally with regard to location, a further nine wells are without any details, and therefore can not be evaluated in any way with respect to impacts under this SEIR. Are these additional wells to be considered a mitigation measure, or part of the planned design, or both? Regardless, these additional wells would need additional mitigation consideration. Future work plans for locating and installing any further monitoring wells under HYDRO-6a should be prepared with input from the Tribes and any other interested parties. At that time, the impacts from those installations can be assessed. During the summer of 2016, the Tribes formally requested that the Pump and Treat Alternative (F), be reconsidered. This alternative should have been reconsidered as part of the SEIR, and not once again dismissed as it was as part of the CMS.

T3-024

Use of Sensitive Areas for Storage and other construction uses.

Since 2013, The Tribes have provided detailed input regarding avoidance of areas of cultural importance when locating areas for staging and soils storage. As acknowledged by the agencies, the Tribes have repeatedly emphasized the unsuitability of areas #6, #7, #12 and #25 for construction/staging/storage activities. As stated in the agencies direction letter dated October 19, 2015, these staging areas should be used to the minimum extent possible, will not be used for long term storage, and no sanitary facilities will be placed in areas #6 & #7. In all cases, applicable draft mitigation measures and site procedures should be updated to reflect that PG&E should work with Tribal Monitors to demarcate the area allowable for use, utilizing the least destructive manner such as placement of straw-filled wattle for example. Even with improved use/mitigation parameters, the Tribes remain steadfast that these areas are inappropriate for such uses and that the proposed uses constitute significant impacts both at the Project and cumulative levels.

T3-025

Consistent and long-held Objections to use of the “white clay” area in the Topock Cultural Property for installation of wells and Project infrastructure.

For the past decade, the Tribes have consistently objected to any Project elements or infrastructure being installed along the Arizona side of the Colorado river, in the area known as the “white clay” area within the Topock Tribal Cultural Property (TCP) and have provided substantial information and documentation in the record about it. Early on, nested wells MW-54 and MW-55 were installed over the objections of the Tribes. And now, disregarding these same strong and consistent objections of the Tribes, additional monitor wells MW-X and MW-Y are planned directly in this area, without further analysis showing the justification for this location despite recent significant updates in the groundwater model. In addition, there are up to 10, heretofore undefined, additional Arizona wells contained in Mitigation Measure HYDRO-6a, to evaluate effects of pumping of Arizona freshwater wells on other supply wells in the area. There is no language limiting the location of these wells to outside of culturally sensitive areas such as the “white clay” area and the Topock TCP. There seems to be no recognition of these sensitive areas to limit placement of additional wells and/or infrastructure in these sensitive area. Tribes are currently in ongoing discussions with State and Federal agencies to delineate and provide formal recognition of this area as a listed TCP. The Tribes are also in the process of submitting even further, additional evidence in support of the cultural value of the area, which is corroborated by technical analysis. The effects and impacts of the proposed remedy components in this area are significant to the Tribes, both as a Project and cumulative impact.

T3-026

In regards to monitoring wells MW-X and MW-Y that are being proposed on the Arizona side of the Colorado River, we formally oppose implementing these two wells at the proposed locations on two main points; technically and spiritually. First, according to research completed by the Technical Review Committee (TRC) for the Topock Remediation Project, previous compiled field data are inadequate. Data and field-testing are limited and characterizations are inadequate. Available interpretations do not indicate that west-east sides of the river, at any depth, are hydraulically connected. In addition, conceptualization is inadequate and flow paths unknown.

Secondly, specifically to MW-X and MW-Y proposed locations, any Tribal knowledge and preferences as specified by tribal experts, take precedence for Hualapai, and as such, the location in question is connected to the creation of Hualapai due to clay deposits within the area, and to the confluence of the river at that specific location. It does not matter that such confluences may have been created by dredging in the last 90 years. For Hualapai, river confluences have an esoteric and spiritual meaning which translates into the landscape and into creation. Additionally, as all are aware, the Fort Mojave Indian Tribe holds this location to be sacred, and nomenclature endures through their cultural identity and place names. Hualapai were known to have crossed the Sacramento Wash environs to trade and to perform ceremonial duties at Topock and Hualapai oral history points out that for Hualapai, there is also an area near Topock, to the south named *Wi Kwit Kwit*.

T3-027

Framework for Tribal Participation for the Duration of the Project.

In regards to this sacred area being selected, we would like to take this opportunity to remind the agencies that the Advisory Council on Historic Preservation commented back in 2011, (December 5, 2011 Federal Property Management Section, Office of Federal Agency Programs, ACHP). In regards to expertise, the “details...are best specified by those experts at the local and state level with the most familiarity with the site.” Tribal experts have the most familiarity with this area. **We are aware that DTSC takes the perspective that the DTSC is not subject to S106, however there are best practices to consider, and continued consultation is of prime importance for the Hualapai.** Perhaps a working partnership that incorporates consultation protocols would at the very least, assist in furthering, cooperation, commitment, trust and relationship building.

T3-028

Changes to Mitigation Measure NOISE-3: Land Use Compatibility of Future Project Noise Levels with Places of Worship and the Topock Cultural Area.

This noise mitigation measure has been extensively changed from the original language in the 2011 FEIR. The original language stated:

“ Provided that the proposed Project would be required to achieve the normally acceptable exterior noise level standard for places of worship, the following mitigation measure shall be incorporated in the Project design... ”

The reference to appropriateness of using noise levels standards consistent with places of worship has been removed from the language of the NOISE mitigation measures. While this language was incorporated into the discussion of anticipated noise level impacts within the text of the SEIR, it should also be incorporated into the current draft NOISE mitigation measure language itself. While still insufficient to get at the specific noise concerns of the Tribes, maintaining the reference in the mitigation measure would better reflect the importance of noise suppression to a level consistent with the importance, reverence and solemnity of the Topock Cultural Property and especially those areas immediately adjacent to the Maze area. This will be especially important given the increase in infrastructure and location of an electrical generator in the evaporation ponds area, immediately adjacent to the main Maze Locus. The Tribes continue to believe that a Tribal-specific noise standard which considers noise level standards for outdoor worship should be developed to truly consider and mitigate impacts to Tribal users and religious practices.

T3-029

DSEIR does not address CUMULATIVE impacts.

Chapter 6 of the SEIR presents an analysis of the cumulative impacts associated with Project implementation. Specifically, the chapter attempts to address any incremental effects resulting from the Project when viewed in connection with the effects of past, present, and probable future Projects. In the course of evaluating the potential for impactful synergy between identified past, present, and future Projects, the SEIR concludes with regard to cultural resources that implementation of the Project in combination with other Projects could cause substantial adverse change in the Topock TCP. The conclusion of the SEIR is correct, except that it describes the Topock TCP as a historical resource, ignoring the elements of religious significance of sacred areas within the TCP. Such cumulative impacts are likewise cumulatively significant and cumulatively considerable. With regard to possible future development in the area due to

T3-030

T3-031

population growth and expansion, the application of the groundwater modeling emphasized the importance of scenario planning and the potential for using the model to implement credible future scenarios such as increased pumping associated with population growth as suggested in Chapter 6 Projections. In consideration of changing climate scenarios, generally anticipated to produce warmer, drier conditions, a scenario involving future groundwater resource development, for example, would be appropriate for consideration.

T3-031

“Treatment Plan” has not been completed even in draft form. Impossible to know whether is it consistent with this DSEIR or CEQA.

Cul-1a-19 calls for the implementation of a Treatment Plan for the Topock TCP. This mitigation measure has been discussed with the Tribes, and it was indicated that the Treatment Plan would be provided for review prior to issuance of the SEIR. Tribes were not included in any drafting of this document. This is another example of the Tribes not being allowed to assist/collaborate with these important mile stone documents.

T3-032

DSEIR Mitigation Measures were prepared with no input from Tribes. We were allowed to voice our concerns, but were not allowed to interact, discuss, or collaborate with the mitigation measures. We were allowed to complete comment letters, but collaborative processes were not mutual. As part of the CIMP, the Tribes were given the opportunity to participate in the process of developing procedures for implementation the various mitigation measures. It is requested that this same protocol be implemented in the course of finalizing MMs for the SEIR.

T3-033

Tribes should be included in development of final SEIR mitigation measures similar to work that was done in a DTSC organized meeting with Tribe in July 2016 and again August 2016 with review and discussion of earlier draft mitigation measures which were initially proposed and drafted by DTSC. The current draft SEIR does not reflect the recommended provisions that the Tribes proposed for consideration of the identified impacts by DTSC/ESA. The DSEIR admits there are several significant and immitigable cumulative impacts. CEQA places a duty to mitigate cumulative impacts on the lead agency. CEQA Guidelines section 15130. Yet no mitigation specific to cumulative impacts is proposed in the DSEIR - just double-dipping and using project specific mitigation to also try and cover cumulative impacts (DSEIR, page 6-35). This creates a mitigation deficit. There is also little discussion in the DSEIR's cumulative section on the severity of the impacts, which are otherwise required per CEQA (CEQA Guidelines section 15130(a)(3)). Tribes have commented extensively on the severity of the cumulative effects, yet none of the Tribes' letters appear in the DSEIR appendix that lists the references for each section. (Bibliography, SDEIR Cumulative section references, pages 8-25 to 8-26).

T3-034

Below are substantial changes that should be considered. Suggested mitigation measures are provided.

T3-035

(1) Area(s) of damaged cultural resources (biological, cultural, land) consumed by well pads, access roads, pipelines...any construction... should be summed, and per CEQA 20.15370(e) the lost cultural resources should be compensated for the impact by replacing or providing substitute resources or environments; for example, an equivalent area of land be set aside for a cultural preserve nearby.

T3-035

(2) Arsenic monitoring wells. The arsenic monitoring wells are proposed in very sensitive cultural locations; unpaved roads through sensitive cultural landscape will be used for 30 to 50 years to access these wells that are not technically necessary. The justification for proposed arsenic monitoring wells, roads, paths, and repeated visitation impacts need to be considered. **Suggested mitigation measure:** Acres of damaged cultural resources consumed by the DMRS should be summed up, and per CEQA 20.15370(e) the lost cultural resources should be compensated for the impact by replacing or providing substitute resources or environments; for example, an equivalent area of cultural preserve should be created nearby.

T3-036

Mitigation Measures HYDRO -5a, -5b, and -5c describe the installation and monitoring of the As monitoring wells AS a mitigation measure. HOWEVER; there is no mention of a matching mitigation measure which mitigates the CONSEQUENCES/RESULTING DAMAGES of installing these Arsenic monitoring wells - damage of installing, accessing (roads, pathways) or 30-50 years of monitoring activities of these Arsenic wells. Note that these wells are installed mostly in uplands areas as they are installed around the upland injection wells, therefore are in especially sensitive areas culturally. Recall the problems with siting the well MW-EE which is in the final 100% BOD as "provisional" due to the proximity/location of this well within a maze remnant on the uplands area. (See Figure 3-3c from DSEIR "Final Groundwater Remedy Project Components, Detail Map 3). The discussion section of the DSEIR starting on page 4.6-59 again treats these arsenic wells AS mitigation measures to mitigate themselves, to mitigate the potential arsenic levels as a result of injection of Arizona fresh water.

T3-037

Please clarify, as **there does not appear to be any specific mitigation of the impacts of the installation and use of these wells to cultural resources.** What mitigation measures address these concerns?

(3) Well Count and Soil Displaced by Well Drilling. The 100% Design well count exceeds the maximum of 170 wells from the 2011 FEIR. The current well count does not include the proposed multiple injection wells discussed in (1) above, and the well count does not include replacement wells over the 30 to 50-year life of the remedy, which could potentially triple or quadruple the total number of wells installed as part of the groundwater remedy, or to approximately the year 2065. The environmental impacts of the full count of wells constructed during the 30 to 50-year remedy period, and the impacts from these roads, paths, access, and visitation over 30 to 50 years, needs to be considered. **Suggested mitigation measure:** Acres of damaged cultural resources consumed by the DMRS should be summed up, and per CEQA 20.15370(e) the lost cultural resources should be compensated for the impact by replacing or providing

T3-038

substitute resources or environments; for example, an equivalent area of cultural preserve should be created nearby. ↑ T3-038

“Displaced Soil Procedures” DSEIR page 4.4-122; CUL-1a-17 deals only with the handling and management of displaced soils, including options for re-use. Please clarify as **there does not seem to be any mitigation for the actual disturbance of soils or their removal, other than these handling procedures**. What mitigation measures address these concerns? T3-039

(4) A further suggested mitigation measure to address the longevity of this Project: full university scholarships should be made available to tribal members to help create career paths towards continuing preservation work at Topock. These scholarships should be in the areas of archaeology, anthropology, hydrology, engineering and biology. Funding support for education and technical training for tribal members. In conjunction with all of the above, provide for full higher-education tribal scholarships (two per educational year per participating tribe) for biology and / or ethnobotanical degrees, archaeology, hydrogeology, and museum studies. CEQA makes it clear that this type of mitigation is seen as a positive venue (CEQA Guidelines section 15130(a)(3)). T3-040

(5) Physical disturbance within the Project area will occur to significant trails and will cut-off the ability of participating Tribes to travel physically and spiritually along these trails. In consultation with participating Tribes, extant trails in Topock Cultural Landscapes should be field mapped, and preserved by qualified cultural resource personnel with the assistance of participating Tribes and or tribal representatives. Low-level aerial photography and video photography should be used to document trails that are within the APE and throughout the Topock Cultural Landscape. It appears from present information that certain trail corridors can be preserved, including routes to Spirit Mountain, Boundary Cone, and the Needles. Physical disturbance within the Project area will occur to significant cultural resources including but not limited to, stone circles, rock cairns, stone scatters, trails, tool refining stations, spiritual teaching areas, minerals etc. In consultation with participating Tribes, the entire Topock Cultural Landscapes should be field mapped, and preserved by qualified cultural resource personnel with the assistance of participating Tribes and or tribal representatives. T3-041

(6) Tribal Interpretive Centers. Provide financial support for tribal interpretive centers on tribal lands that describe, educate, and engage tribal communities in disseminating and preserving traditional cultural identity through tribal languages. CEQA makes it clear that this type of mitigation is seen as a positive venue (CEQA Guidelines section 15130(a)(3)). Provide support through grants and phased funding, for tribal interpretive facilities/museums, language programs, and healthy food systems. Resulting programs could then be components for continued outreach and education to stakeholder/agency staff with linking cultural information at Topock. Grants to be phased over life of the remediation project. T3-042

(7) Create a trust fund for a Cultural Preserve at Topock. This would help in attempting to preserve the Topock Cultural Landscape in view of the encroaching Park ↓ T3-043

Moabi tourist facility and this could be a good start for **Partnership Considerations**. CEQA makes it clear that this type of mitigation is seen as a positive venue (CEQA Guidelines section 15130(a)(3)).

T3-043

(8) Funding for increased security measures around the Topock Cultural Landscape. Due to tourism and increasing numbers of visitors to the Topock area. This also relates to recent vandalism at Grapevine Canyon. We do not want this to happen at Topock. CEQA makes it clear that this type of mitigation is seen as a positive venue (CEQA Guidelines section 15130(a)(3)).

T3-044

(9) Continued support of the Technical Review Committee, and Topock Project Managers. The Topock Remediation Project is a long-term (30 to 50 year) undertaking. No doubt, there will be continued involvement from the Department of the Interior, the Bureau of Reclamation, the Bureau of Land Management, U.S. Fish and Wildlife, the California Department of Toxic Substances, the Metropolitan Water Board, and the California Water Board. Continued activities will be vetted with the Arizona Department of Water Quality and both the California and Arizona SHPOS. PG&E will undoubtedly continue to retain the services of Applied Earthworks, Arcadis and even CH2M Hill. Hualapai, and most likely the other participation Tribes would like to know that we will continue to have the support of both the TRC Topock Project Manager positions (as financially supported through PG&E), and open continued support from all Federal and State agencies. We ask that the TRC and the Topock Project Managers be retained in full, for 5-years after the start-up (Groundwater and then 5-years after Soils) and continue on, in an as needed basis for technical support through the year 2065. We ask for continued on-going reasonable compensation for tribal participation in monitoring, attending meetings, and participating in project development, as with the present Consultative Work Group, Technical Work Group, Clearinghouse Task Force, Monitoring, and subcommittee involvement. Funding support to continue through the life of the remediation clean-up project.

T3-045

Conclusion

The Hualapai Tribe, reiterates its strong desire to be included along with DOI and DTSC as primary parties to whom communication is addressed if material deviation from work plan and design documents, MMRP action specific, and location specific ARARs occur. The current proposed use of monthly progress reports and periodic uploads to a SharePoint site is not a sufficient level of involvement when it comes to decisions that could result in permanent disturbance to the Sacred-Cultural Landscape.

T3-046

Last, we would like to mention the Department of Interior’s Secretary Jewel’s Order 3335 issued on August 20th, 2014.³ The purpose of the order is to set forth “guiding principles that bureaus and offices will follow to ensure that the Department of the Interior (Department) fulfills its trust responsibility.” This document, and the responsibilities it details are critical; the trust responsibility between the United States and Indian Tribes must be reinforced; and agency policy and procedures to ensure that

T3-047

³ Order 3335, Reaffirmation of the Federal Trust Responsibility to Federally Recognized Indian Tribes and Individual Indian Beneficiaries.

tribal rights are respected must be followed. The foot-print that is being created at Topock is impacting resources of spiritual-cultural importance both historic and tribal; both tangible and intangible; and Hualapai is concerned that future activities, will impact the general Traditional Cultural Place that is encompassed with the Topock cultural landscape. A collaborative partnership is critically needed.

T3-047

We welcome the opportunity to continue working with the DTSC and the DOI in regards to the Topock Remediation Project and we reaffirm our ancestral social, cultural and historical affiliations within the Topock cultural landscape and the Colorado River. If you have any concerns or questions regarding our comments, please contact our office and we will be glad to assist. As always, we thank you for your prompt attention to this matter.

T3-048

Sincerely,



Dawn Hubbs
Director/Tribal Historic Preservation Officer/Archaeologist

Attachments: A and B

Cc: Chairman Damon R. Clarke, Hualapai Tribal Council
Vice Chairman, Mr. Philbert Watahomigie, Sr.
Mr. Stewart Crozier, Hualapai Tribal Council Member
Ms. Jean Pagilawa, Hualapai Tribal Council Member
Mr. William Lodder, Team Leader, Environment Compliance and Liability Management
Ms. Noble, DOI Office of Environmental Policy and Compliance Director
Mr. Mohsen Nazemi, DTSC Deputy Director Brownfields Environmental Restoration Program
Ms. Nancy Brown, Advisory Council on Historic Preservation
Ms. Julianne Polanco, CA State Historic Preservation Officer
Ms. Kathryn Leonard, AZ State Historic Preservation Officer
Ms. Ann Howard, Deputy SHPO, Arizona Office of Historic Preservation

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Attachment A

“Supporting Technical Information, Topock Project SEIR and Basis of Design Input Regarding Oatman Highway – Sacramento Wash Crossing Drainage Improvements Project Planned by the Arizona Department of Transportation and the Mohave County Public Works Department, February 13, 2016”, prepared by TRC

Supporting Technical Information

Topock Project SEIR and Basis of Design Input Regarding Oatman Highway – Sacramento Wash Crossing Drainage Improvements Project Planned by the Arizona Department of Transportation and the Mohave County Public Works Department

February 13, 2016

Introduction

The California Department of Toxic Substance Control (DTSC) is accepting review input concerning the draft Subsequent Environmental Impact Report (draft SEIR) for the Topock Groundwater Remediation Project, referred to herein as the Topock Project. Part of the SEIR process is to look at Topock Project impacts in the light of other major projects planned for the area or in progress. One such project identified in the draft SEIR is the Oatman Highway – Sacramento Wash crossing drainage improvement project, which was developed jointly by the Arizona Department of Transportation (ADOT) and the Mohave County Public Works Department (MCPWD). Each of these two agencies is responsible for a portion of the project. Construction funding was provided in large part by a \$1M grant from the Federal Highways Administration (FHWA) through their Accelerated Innovation Deployment (AID) program. FHWA indicates that:

“The Arizona Department of Transportation (ADOT) and Mohave County will construct a bridge over the Sacramento Wash in Topock, Arizona providing a 110-ft clear span that will pass the 2-year, 30-minute storm event using Prefabricated Bridge Elements and Systems (PBES) for the abutments and superstructure. The proposed bridge and roadway improvements will be constructed on the existing alignment and therefore a temporary roadway closure will be required to complete the work. Given the length of detour required during a road closure, accelerated construction alternatives will be implemented resulting in a full roadway closure timeframe estimated at four days. Fabrication of the PBE will be completed such that they are ready prior to the roadway closure.”

(from: https://www.fhwa.dot.gov/innovation/grants/projects/az_mohave15.cfm)

The principal motivation for the project is that Sacramento Wash, which drains an area (Sacramento Valley) of nearly 1,330 square miles, crosses the Oatman Highway (Old Route 66) at grade, several miles north of Topock on the Arizona side of the Colorado River in Mohave County. Such an at grade crossing is also known as a low water crossing, meaning that when there is flow in the wash, the flow crosses over the road. See the Figure 1, below – from the Kimley-Horn Final Drainage Report for Sacramento Wash Offsite Improvements (the MCPWD portion of the project).

In addition to the danger to motorists presented by water crossing the highway – particularly after major storm events, there are considerable amounts of sediment that may be deposited on the highway during these events, blocking the road, or, at a minimum, impeding traffic, and sometimes requiring temporary closure prior to sediment removal using heavy construction equipment.

1

Illustrations of flow and sediment impacts during and after recent flood events, none of them approaching the 100-year type of event, at this crossing and in the vicinity, can be seen by way of the following links:

<https://www.youtube.com/watch?v=9XwzB8UYinE> (Sacramento wash flooding aftermath January 2010. Note the extent of flooding/mud (to Topock marina/Route 66.)

<https://www.youtube.com/watch?v=6HoPCwIN1Eo> (Flash Flooding west of Needles, CA on 8-25-13 near interstate 40 and US highway 95. Chris Nichols Video)

<https://www.youtube.com/watch?v=w5TjR3r-xU0> (Colorado River Flash Flood, Needles, CA by Jim Ryan, published September, 2013. This was taken from across the river in Mohave Valley, AZ)

http://www.mohavedailynews.com/news/bridge-to-help-alleviate-sacramento-wash-flooding/article_aea2e7d2-7c79-11e5-941c-a7e776e359f0.html (Mohave Daily News Oct 27 2015 article on the planned Oatman Highway Sacramento Wash crossing project)

<http://justsaynews.com/not-all-roads-are-created-equal-the-story-behind-the-sacramento-wash/> (JSN Aug 2014 article on the planned project)

<http://kdminer.com/news/2007/aug/29/family-recovers-after-july-24-sacramento-wash-flo/> (Kingman Daily Miner article on July 24, 2007 Sacramento Wash flood)

<https://www.youtube.com/watch?v=LaH-CLaGWMQ> (June/July 2016 small Sacramento Wash flood).

Subject to funding limitations, ADOT and MCPWD looked at several alternatives and settled on a preferred design (see figure below, from the Kimley-Horn Final Drainage Report), premised on a 2-year 30-minute design storm that provides for:

- 1) Passage of a small portion of the flood at the existing crossing location;
- 2) Diversion of the majority of the design flood to the south, by rerouting the channel following what is held to be the historic path of the wash, and through a new drainage structure, a bridge, to be constructed as part of the project.

Project construction funding limitations dictated that the designers could not look at or design for higher-magnitude less frequent storm events (DOT and MCPWD are designing for their needs and not others').

ADOT's portion of the project consists of the bridge and other related drainage improvements to be constructed within the ADOT right of way – also known as the *onsite* portion of the project. The ADOT portion is presently under construction. MCPWD's project portion consists of channel changes and improvements to be constructed primarily upstream of the Oatman Highway (east of the Highway), on USFWS Havasu National Wildlife Refuge property – also known as the *offsite* portion of the project.

The MCPWD portion of the project is currently under review by the USFWS and an Environmental Assessment (EA is in progress).

Concerns Related to the Design/Operation of the Topock Groundwater Remediation Project

The Oatman Highway Sacramento Wash crossing drainage improvement project will likely be constructed over the next year. Concerns are as noted below.

Realistic Flood Impacts. Second, flood magnitude estimates developed as part of the design have a bearing on the assessment of flood hazards or potential damage to Topock Project infrastructure, specifically the Site B and HNWR wells and related infrastructure, on the Arizona side of the Colorado River. See Figure 2, below. ADOT consultant Kimley-Horn used an existing 2D hydraulic model to simulate hydraulic response to a fairly small 2-yr, 30-minute storm event (see Figure 3, below). Relative to Topock Remediation System operation time-frame this is very short. To better assess the extent and magnitude of flooding, and associated erosion and deposition near critical freshwater source wells, Site B and HNWR wells, these simulations should consider a range of possible floods for example, ranging from the 25-yr storm event to the 100-yr storm event. These longer recurrence interval events are more realistic and well within the timeframe associated with PG&E design/operation of remediation system (i.e., 30 – 100 + years). The flow for the 100-yr 24-hr storm is estimated in the Oatman Highway drainage reports to be in the range of 50,000 to 90,000 cfs, depending on the method used, whereas the 2-yr 30-minute flow is only 3,200 cfs. (To get a sense for a 50,000 cfs flow, link here to a video of such a flow at Cow Swim, Desolation Canyon, Green River, Utah: https://www.youtube.com/watch?v=s0MYj7I6_gw.) Approximate inundation mapping (showing the lateral extent of flooding) for the area was developed by the Federal Emergency Response Agency (FEMA) as part of its Flood Insurance Rate Map (FIRM) development for the area – see Figure 4, below.

PG&E considered flooding along Bat Cave Wash. When thinking about these extreme types of floods, it is vital to remember that the Colorado River may have been somewhat tamed by numerous dams large and small, but Sacramento Wash flows remain largely unimpeded and major flash flooding presents a considerably greater hazard as indicated in the many recent, yearly (monsoon) flood events, and need for this diversion. We note that PG&E and its consultants have already considered, as part of the Basis of Design Report for the Groundwater Remediation, similar potential flood impacts on project infrastructure in Bat Cave Wash, though these projected flow magnitudes are much smaller than for Sacramento Wash.

Long-term effects on Evapotranspiration and Recharge. The much higher magnitude (for the same recurrence interval and duration) Sacramento Wash floods could have a significant impact on the Site B and HNWR wells and related infrastructure, and this would range from short to longer term interruption of operations, and potential mitigation. A high magnitude flood has the potential to impact large areas of vegetation and affect recharge and evapotranspiration (ET) in the area, which then directly affect groundwater levels / flow paths & directions in addition to rates of flow near important PG&E remediation components (i.e., fresh water supply from HNWR or Site B well(s)).

3

Finally, it is possible that, subsequent to a major flood and sediment deposition event, groundwater quality could be affected in the vicinity of these supply wells. It is known that these supply wells tap groundwater that comes from a variety of sources – some shallower and some deeper. The increase in flow from any one source, in this case shallow groundwater flow toward the Colorado River from a major regional storm event that drives up channel subflow basin wide, could cause an oscillation in the Topock Project production wells water chemistry.

Recommendations

While our initial objective in looking at the ADOT and MCPWD Oatman Highway Sacramento Wash crossing project was for input to the ongoing SEIR, other insight gleaned from the inquiry are relevant to the design of Topock Project water supply infrastructure in Arizona.

PG&E and its consultants should conduct a more formal evaluation of longer-term effects of flooding along Sacramento Wash with the new ADOT design and all potential impacts to the Topock Remediation System infrastructure/operation. In addition, PG&E and its consultants should also develop a contingency plan in the event critical remediation system components are impacted by flooding or related sediment deposition. Specifically, PG&E and their consultants should conduct a hydrologic and hydraulic modeling analysis similar to the ADOT- and MCPWD-chartered studies for the Oatman Highway Sacramento Wash crossing project. They should evaluate flooding impacts, soil erosion, scour and deposition impacts and impacts on groundwater flow and water quality using longer design storm recurrence intervals, i.e., 10, 25, 50 & 100 years, on key Topock Project infrastructure and operations. For example, over a 30-year time period, the 10-yr flood has a 96% chance, the 50-yr flood has a 45% chance, and the 100-yr flood has a 26% chance of occurring (FEMA publication 480, 2005, p. 3-5).

PG&E and its consultants should also consider that approximately 10 miles to the northeast of the Oatman Highway Sacramento Wash crossing project, the southern-most tributary to Warm Springs Wash (the drainage coming from Warm Springs Canyon) is rather close to a major tributary to Sacramento Wash. See Figures 5 & 6. With respect to Figure 6, this is in the area of Sections 23, 24 & 26, Township 17N Range 20W – near the boundary between USGS 7.5-minute quadrangle maps Warm Springs West and Warm Springs East. In this area channels are braided and meandering, apparently without significant intervening topography. Under certain circumstances, one tributary could coalesce with the other, further exacerbating flooding in the lower Sacramento Wash (and freshwater well) area. In the instance where the Warm Springs Wash tributary is captured by the Sacramento Wash tributary, the Sacramento Wash watershed area would increase by an estimated 30+ square miles of high elevation terrain. This could have a major additional impact on flooding in Sacramento Wash, particularly for more localized intense rainfall events. It is unclear whether ADOT or MCPWD considered this in their evaluations. However, a prudent risk analysis would consider this possibility.

An evaluation of scour impacts (for the 2-year event) was conducted by ADOT as part of its bridge design, showing significant scour at the new bridge. Design of a pipeline to Site B should consider longer-term design storms.

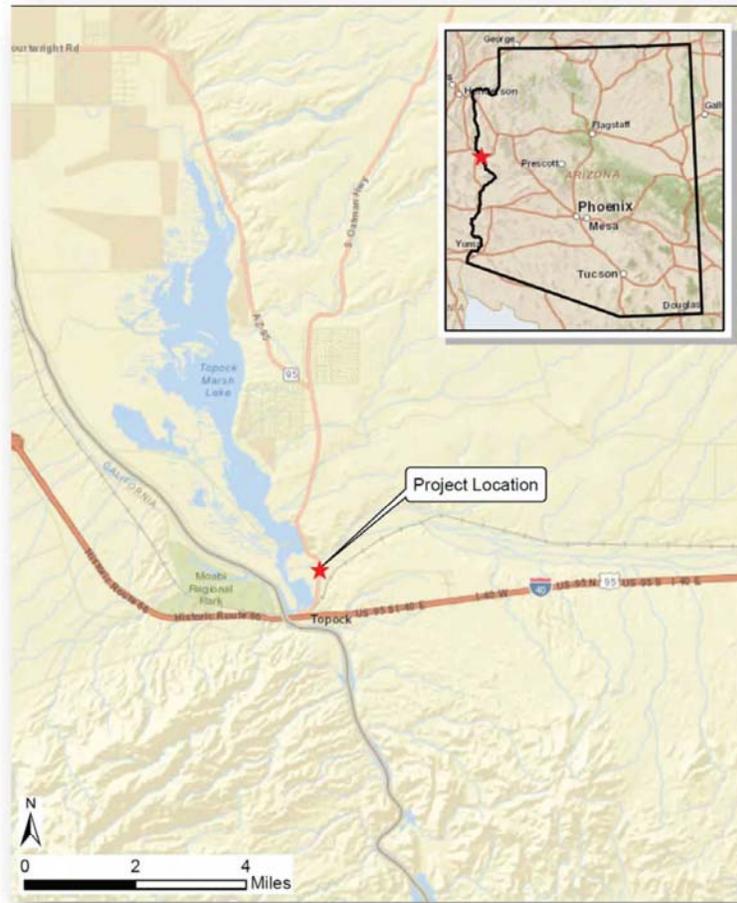


Figure 1 Project Location – from Kimley-Horn Final Drainage Report for Sacramento Wash Offsite Improvements (August 2016)

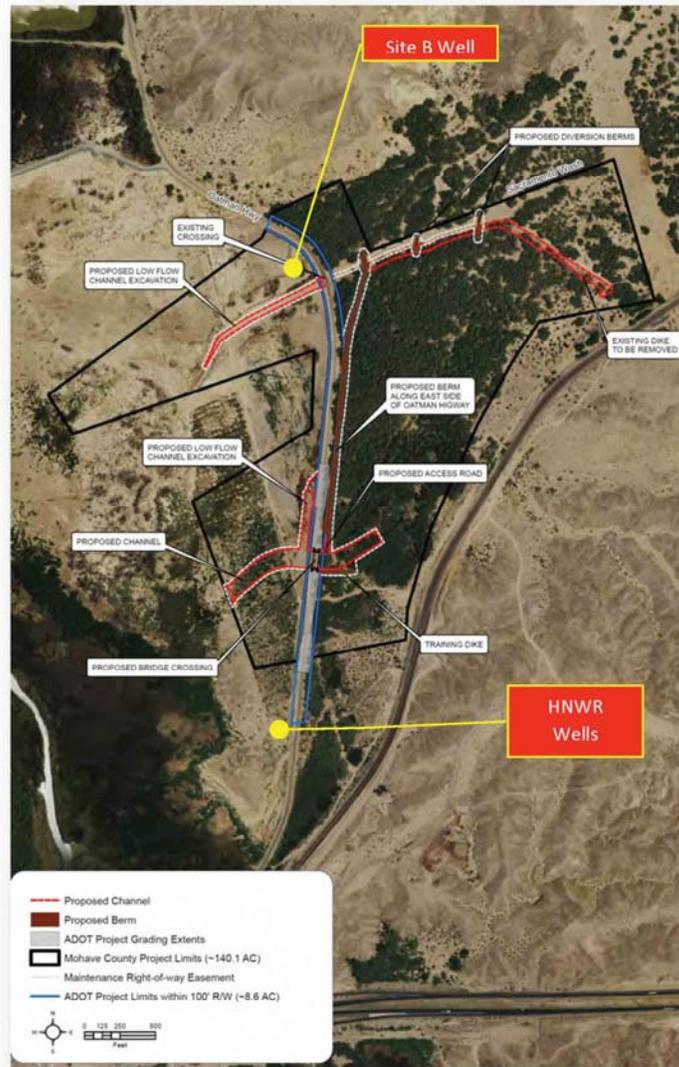
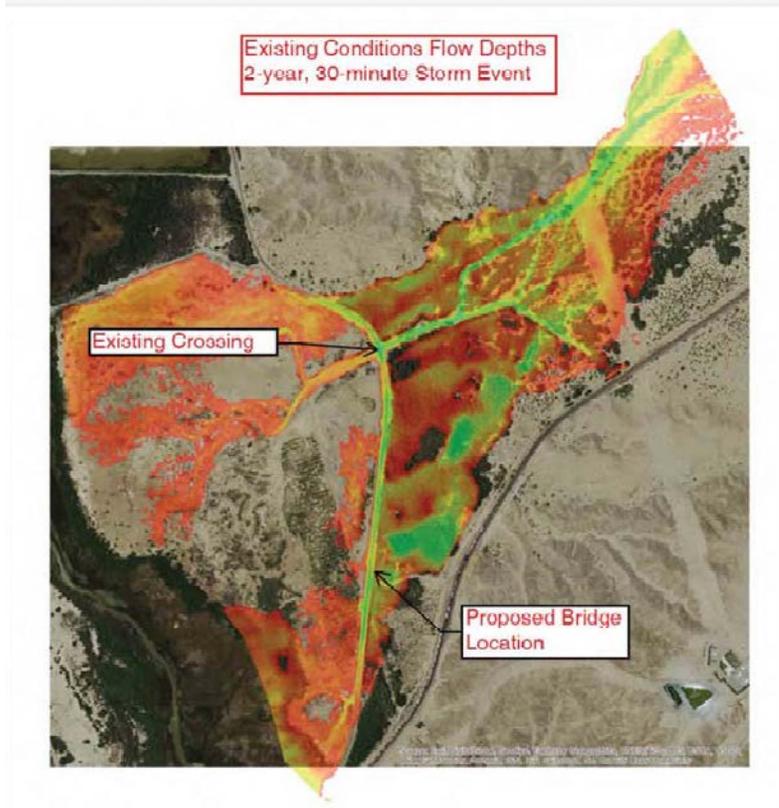


Figure 2 Topock Project water supply wells, superimposed on illustration – from Kimley-Horn Final Drainage Report for Sacramento Wash Offsite Improvements (August 2016)

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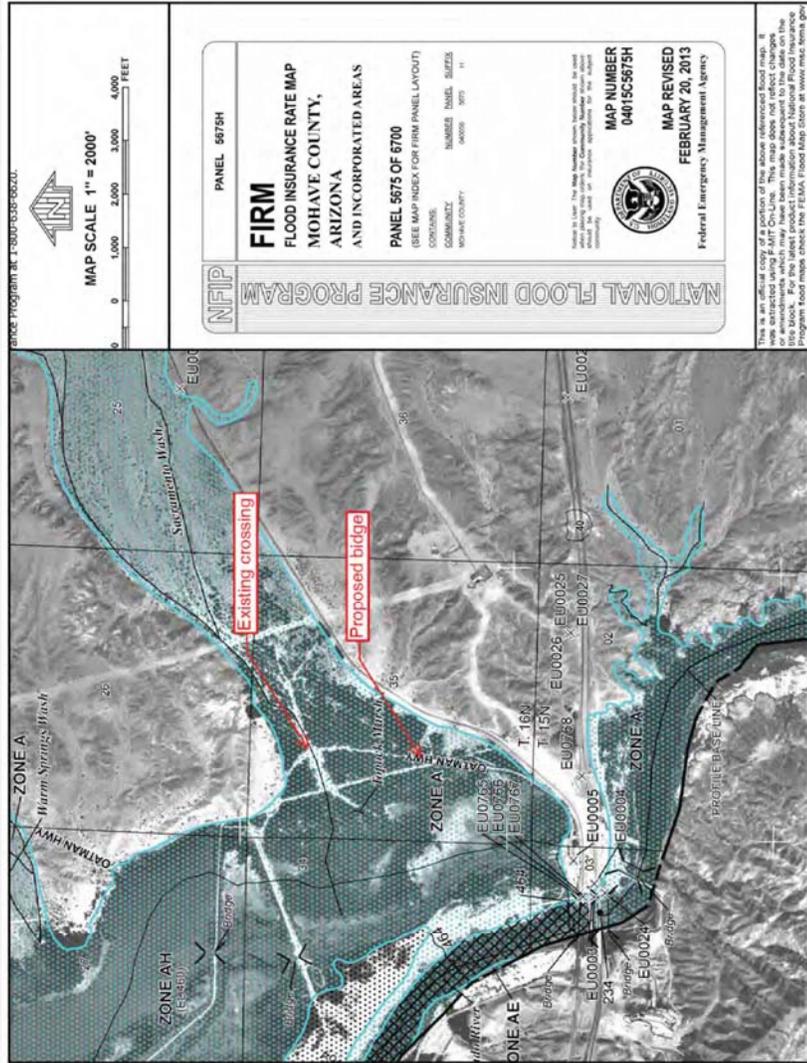


Figure 4 100-yr storm event inundation mapping prepared by FEMA – from Kimley-Horn Final Drainage Report for Sacramento Wash Offsite Improvements (August 2016)

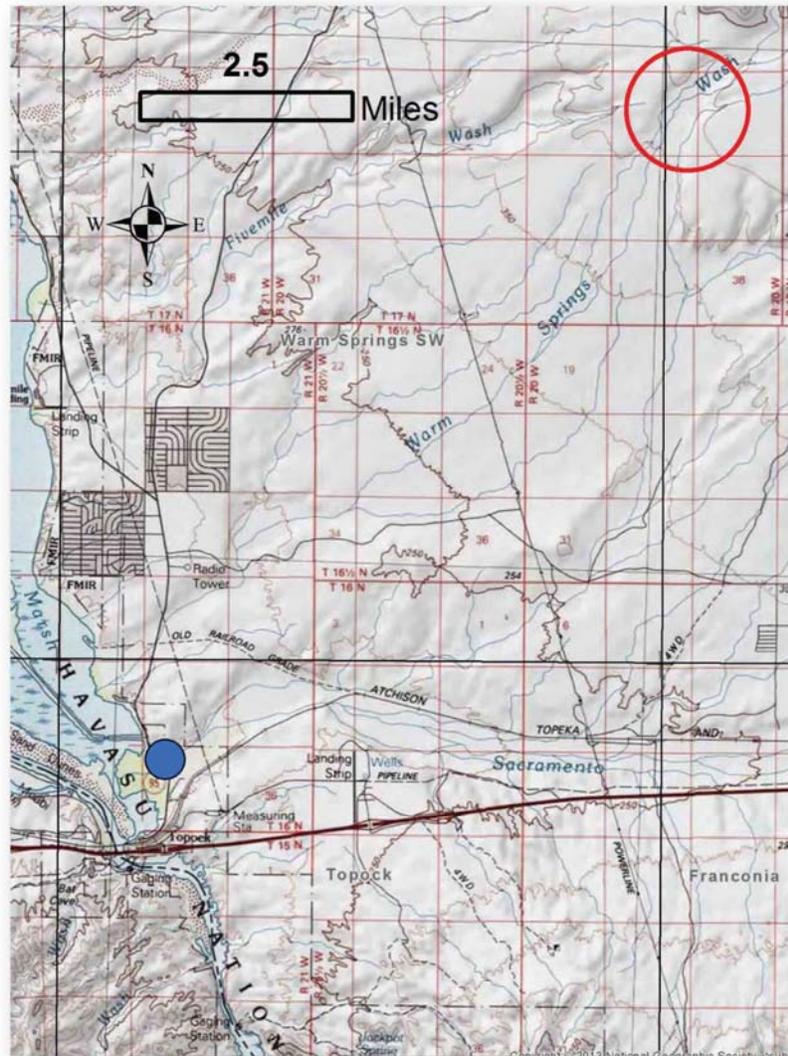


Figure 5 Regional map showing area (red circle) upstream of Oatman Wash Sacramento Wash crossing project (round blue marker). Image extract from ArcMap with USGS 7.5-minute quadrangle base mapping.

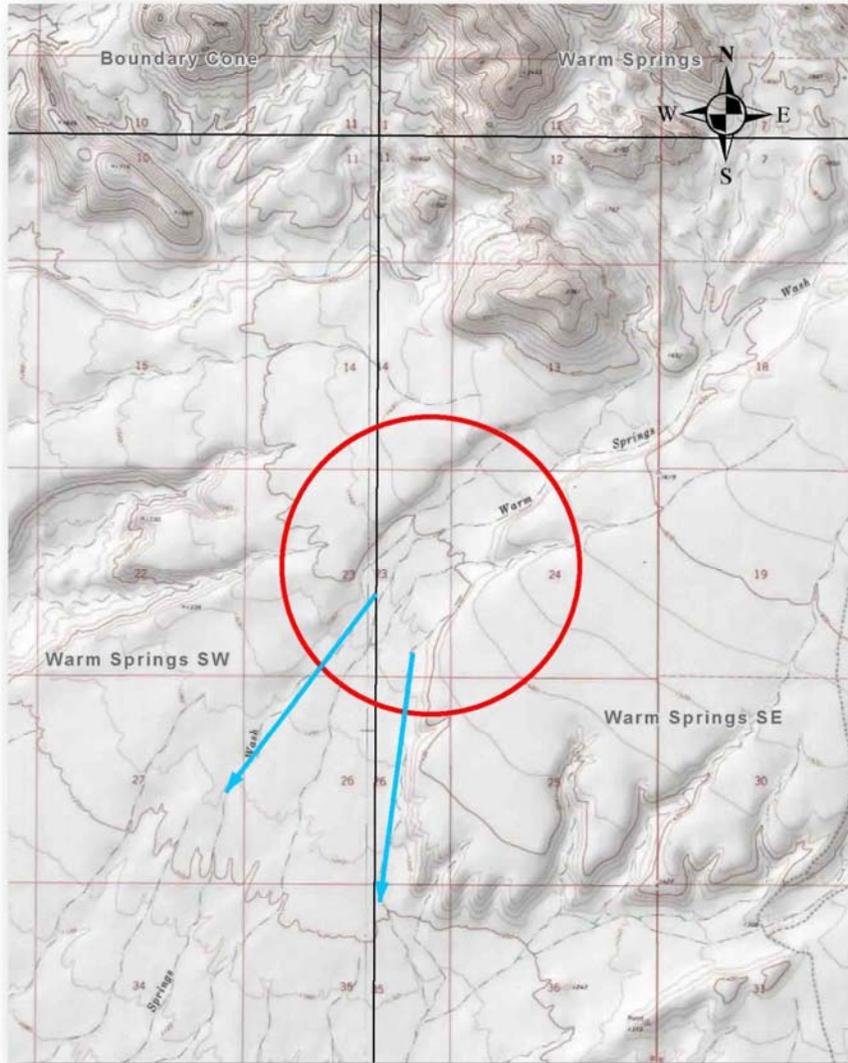


Figure 6 Area upstream of Oatman Wash Sacramento Wash crossing. Image extract from ArcMap with USGS 7.5-minute quadrangle base mapping. Arizona Township 17 North Range 20 West. Sections 13, 14, 23, 24, 25 & 26 are included in the red circle, which is centered on the area where a channel tributary to Sacramento Wash is in close proximity to Warm Springs Wash. The north to south arrow indicates the channel tributary to Sacramento Wash. The northeast to southwest arrow indicates Warm Springs Wash.

Attachment B

Materials from Boart Longyear
“Case Study: Successfully Meeting 65dBA Zoning Code Requirements”



DRILLING SERVICES ACHIEVES SOUND ABATEMENT WITH ELECTRIC ROTARY RIG

CASE STUDY:

Successfully Meeting 65dBA Zoning Code Requirements

Customer:
Mountain Regional Water Special Service District

Services:
Electric/Hydraulic Reverse Circulation

Application:
Municipal Water Well

Location:
Park City, UT



OVERVIEW:

Mountain Regional Water Special Service District is a large government water supplier which serves nearly 5,000 customers in the western region of Summit County, near Park City, Utah. The District covers roughly a 25 square mile territory and has an elevation gain of over 3,000 feet. "Serving customers in this area can be a real trial, not only because of the energy challenges with servicing such a diverse geography, but also the difficulties finding groundwater at high elevations, and in a steep mountainous environment. All groundwater sources in this territory are based on deep bedrock aquifers, with many obstacles. And most of the District's 15 or so wells produce 200 gallons per minute or less," says Mountain Regional Water District's Doug Evans.

In 2015, the District decided to expand its well production and targeted an aquifer that would be highly productive. The Bison Bluff well was proposed to be a 1,000 foot deep well, with a completed depth of 700 feet and fitted with a 16 inch diameter steel louvered casing.



A Boart Longyear™ LR™ 175 electric/hydraulic rotary drill with a quiet genset operating the electric motor and a self-contained electric mud system was utilized in place of the typical diesel/hydraulic rotary drill.

THE CHALLENGE:

Meeting 65dBA Residential Zoning Code Requirements

The District outlined several criteria that needed to be met to make this a successful project. First, the drilling to be performed near Park City was situated within a residential neighborhood. This would require critical noise control, as well as lighting and difficult access considerations. Secondly, the project needed to be completed in the winter, before the Christmas holiday season, when water demands were at a minimum. The timing was important because an existing production well near the project would be precluded from operation during the drilling. This all meant that the project would need to be drilled around the clock and would also be under the microscope of the local home owner's association and Summit County officials.

65 dBA
Zoning Code Requirements

Before the project started, existing dBA levels were measured between 60.3dBA and 69.3dBA which meant that essentially no recordable increase to the ambient dBA levels could be added by drilling activities.

Local County ordinances identified noise prohibitions as well as criterion for measuring noise levels when it is anticipated the requirements in the ordinance might be exceeded. The stated noise threshold required that the noise levels not exceed 65 dBA.

Before the project began, noise monitoring was conducted to measure and document the existing ambient conditions adjacent to the project site. The results of the ambient noise levels indicated existing dBA levels between 60.3dBA and 69.3dBA which meant that essentially no recordable increase to the ambient dBA levels could be added by drilling activities. Boart Longyear proactively prepared and delivered a detailed report of the study to both the District and the County.





Sound attenuation curtains were constructed on three sides of the project site and mufflers were installed on the drilling rig to further reduce noise output.

THE SOLUTION:

Used electric/hydraulic rotary drill and sound attenuation measures

As a result, a Boart Longyear™ LR™175 electric/hydraulic rotary drill with a quiet genset operating the electric motor and a self-contained electric mud system was utilized in place of the typical diesel/hydraulic rotary drill. This greatly reduced the typical operating noise level.

Sound attenuation curtains were also constructed on three sides of the project site and air dump mufflers were installed on the drilling rig, to further reduce noise output. In addition, since the drill site could create intermittent noise that could have exceeded the 65dBA threshold, Boart Longyear instituted additional mitigation measures.

- Shift changes were scheduled for 7.00 am and 7.00 pm.
- Truck deliveries were restricted to daytime hours.
- Back-up alarms were disconnected and spotters were used.
- Noise from banging, hitting of down hole tools, hand tools, and other equipment was monitored and reduced to "as absolutely necessary" situations and was restricted to daytime only.

THE RESULT:

Measured results well below threshold

Using the same methodology used for identifying the existing ambient noise levels, the maximum noise level generated by the Boart Longyear drilling operations was recorded at the same three locations. One additional site (SML 4) was added in order to evaluate how much of the noise energy traveled above the sound attenuation walls and potentially impacted the residences on the bluff overlooking the project site. The average measured and calculated noise levels were well below the threshold.

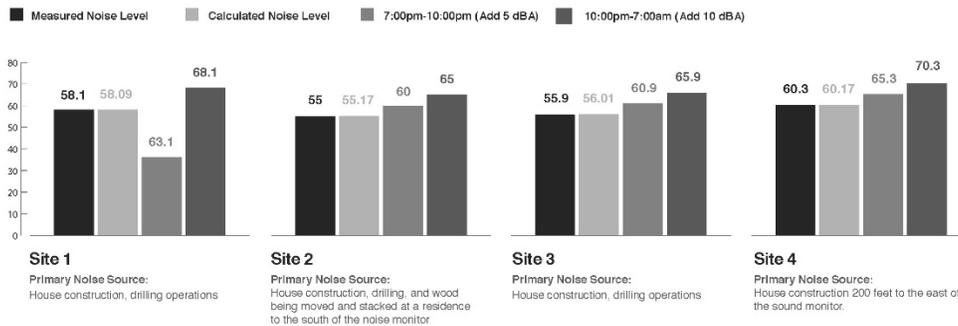
The project was completed successfully with no disruption to the local community and there was no recordable down-time or violations to the strict noise ordinance.

According to Doug Evans, Chief Technical Officer at Mountain Regional Water, "District management and staff could not say enough about the professionalism and technical expertise exhibited by the Boart Longyear team. The District was included in all phases of the drilling project, from initial safety planning to completion and cleanup. The Boart Longyear team met the challenges head on, and worked with the District on a community education plan, and even went door to door with District personnel as we handed out literature and educated the community, not only on the needs of the project, but how all of their concerns would be mitigated. Boart Longyear also utilized state of the art equipment in this project to minimize drill time and to lessen any impacts. Utilizing their LR175 electric drilling rig, which had an extremely large impact on noise, the entire site was also protected by sound walls, and lighting at night was minimized by using many small shop lights on the site instead of large construction flood lights. The site also abutted up against a very popular community walking trail and the area was kept very safe, clean, and neat."

8% Below Threshold Noise Level Requirements

"The completed well tested at 1,500 gpm, level was above our expectations. In the end, the project actually came in UNDER budget, primarily because of the fact that any extras which could be needed in the drilling contract, to deal with problems or delays, were for the most part – completely eliminated! Of the many drilling projects I have been involved with over the years, none has turned out to be as successful and trouble free as this one."

NOISE LEVEL OF 4 SITES MEASURED (DBA)



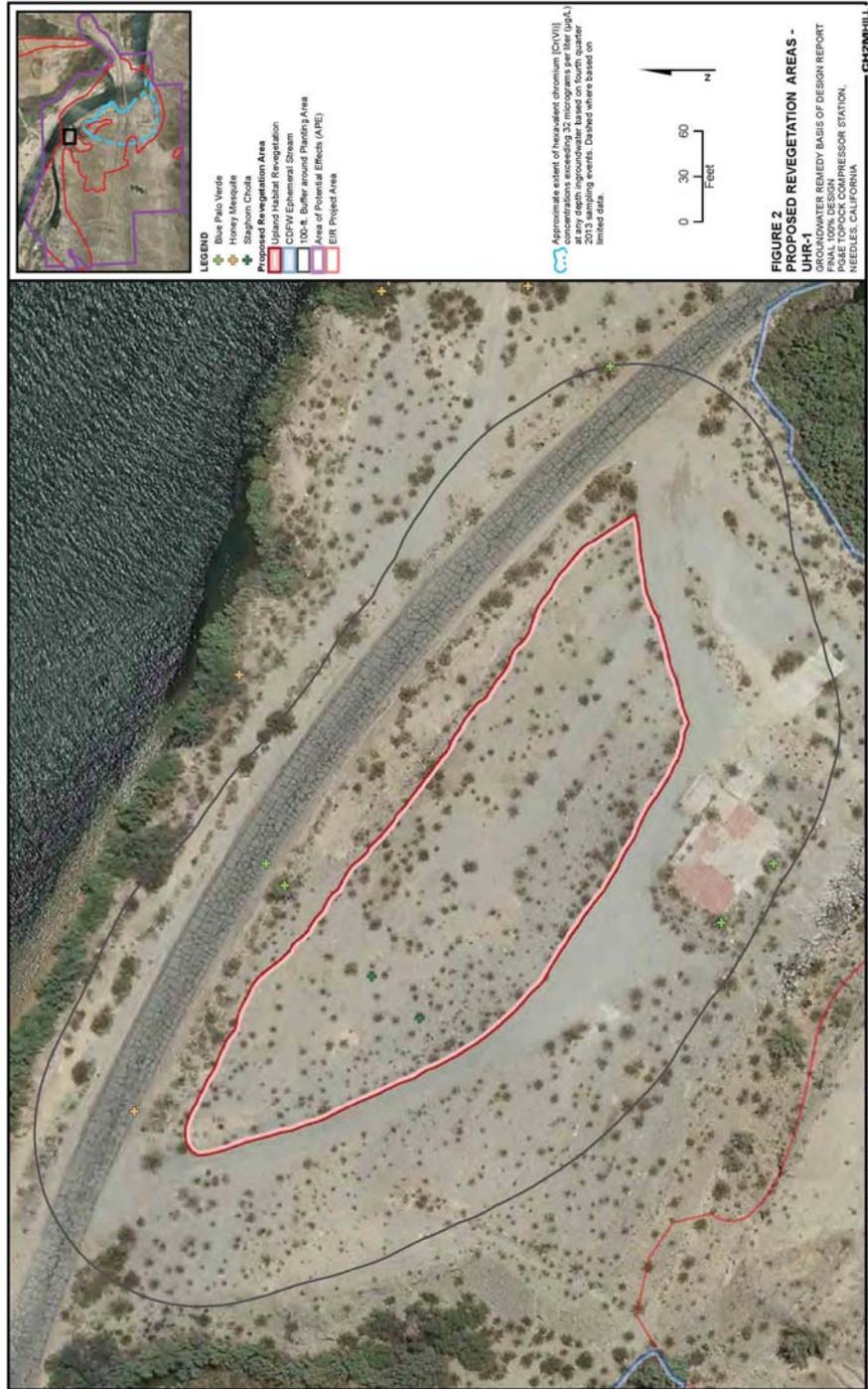
To learn more about Boart Longyear Drilling Services visit www.boartlongyear.com/drilling-services

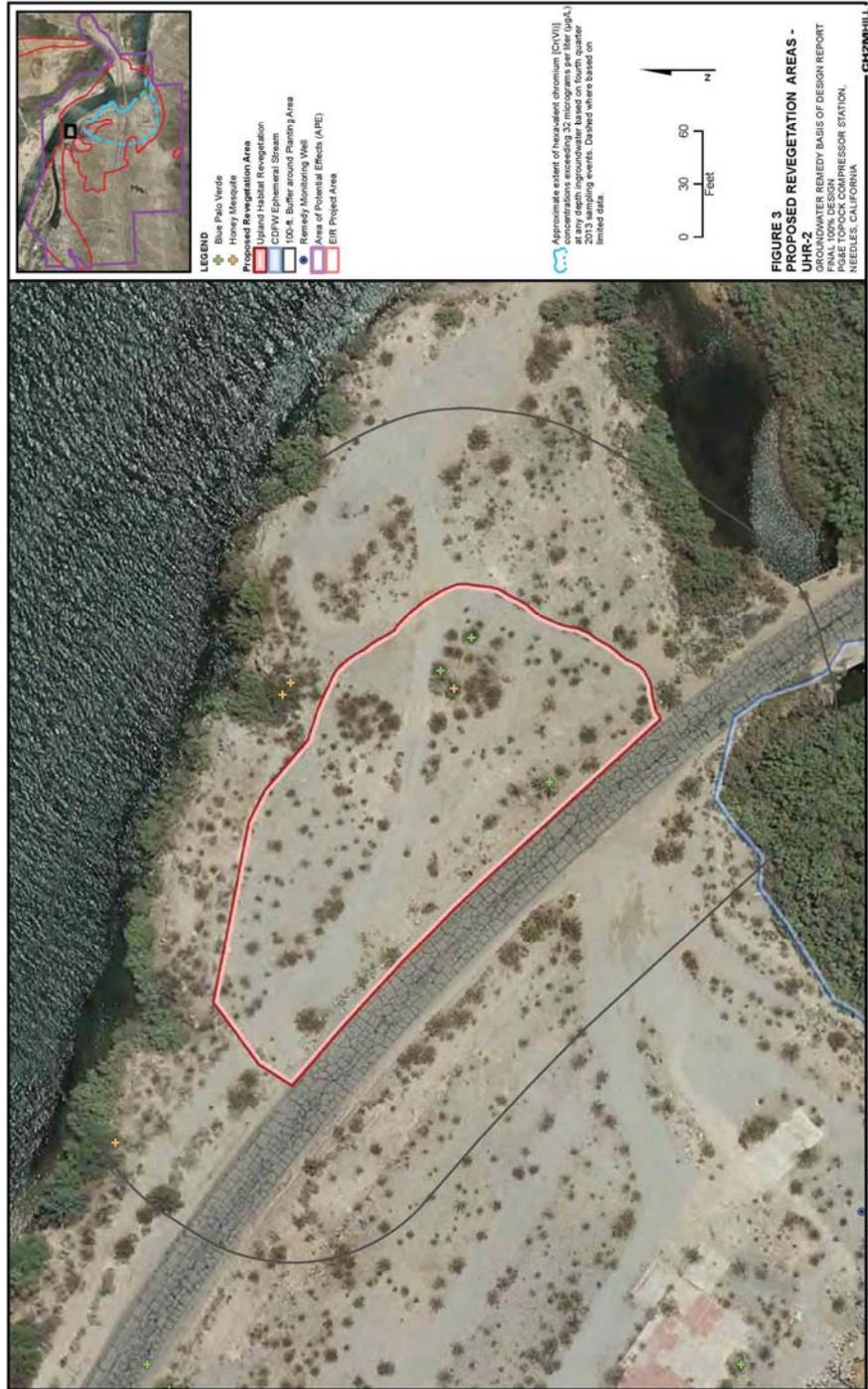


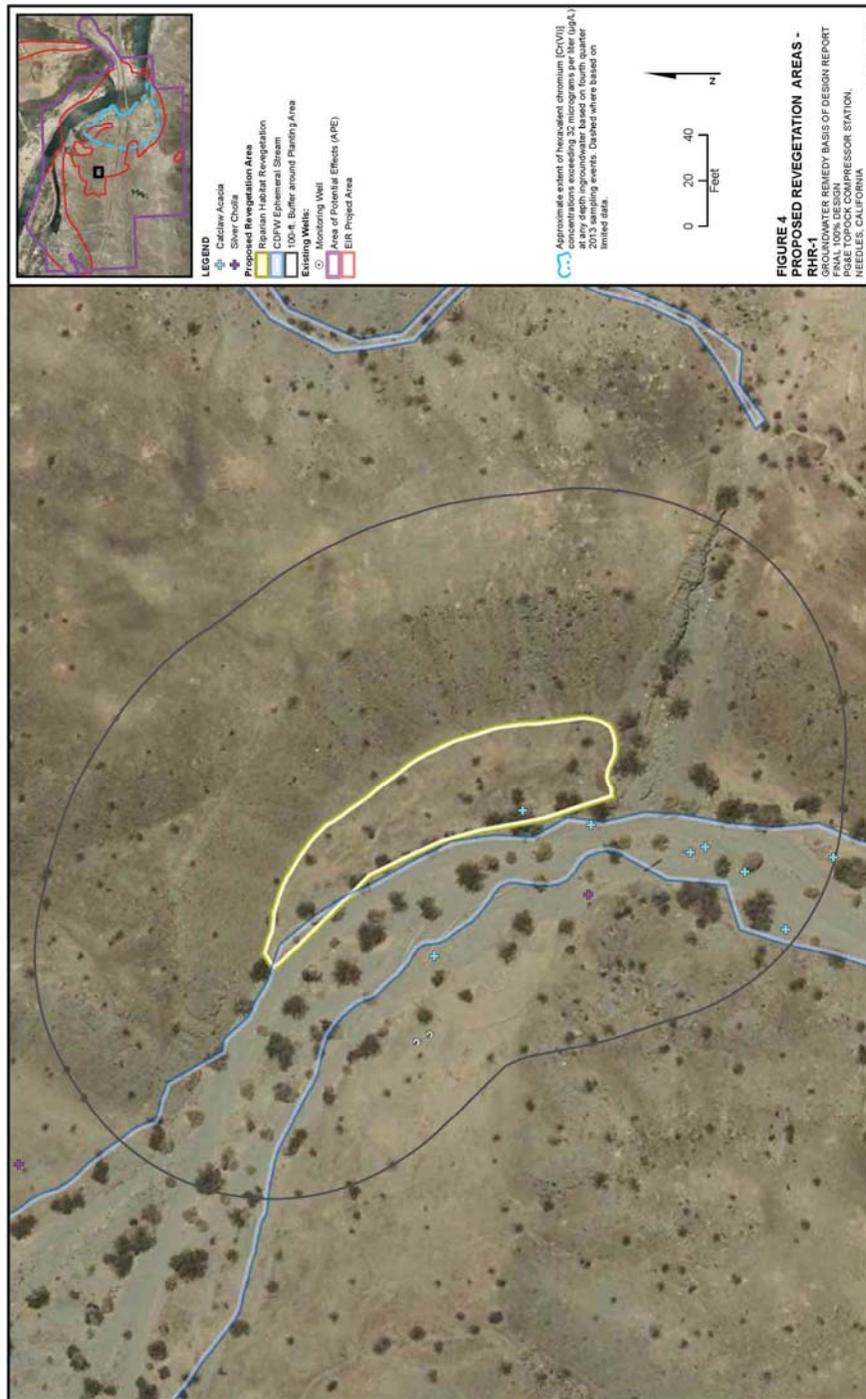
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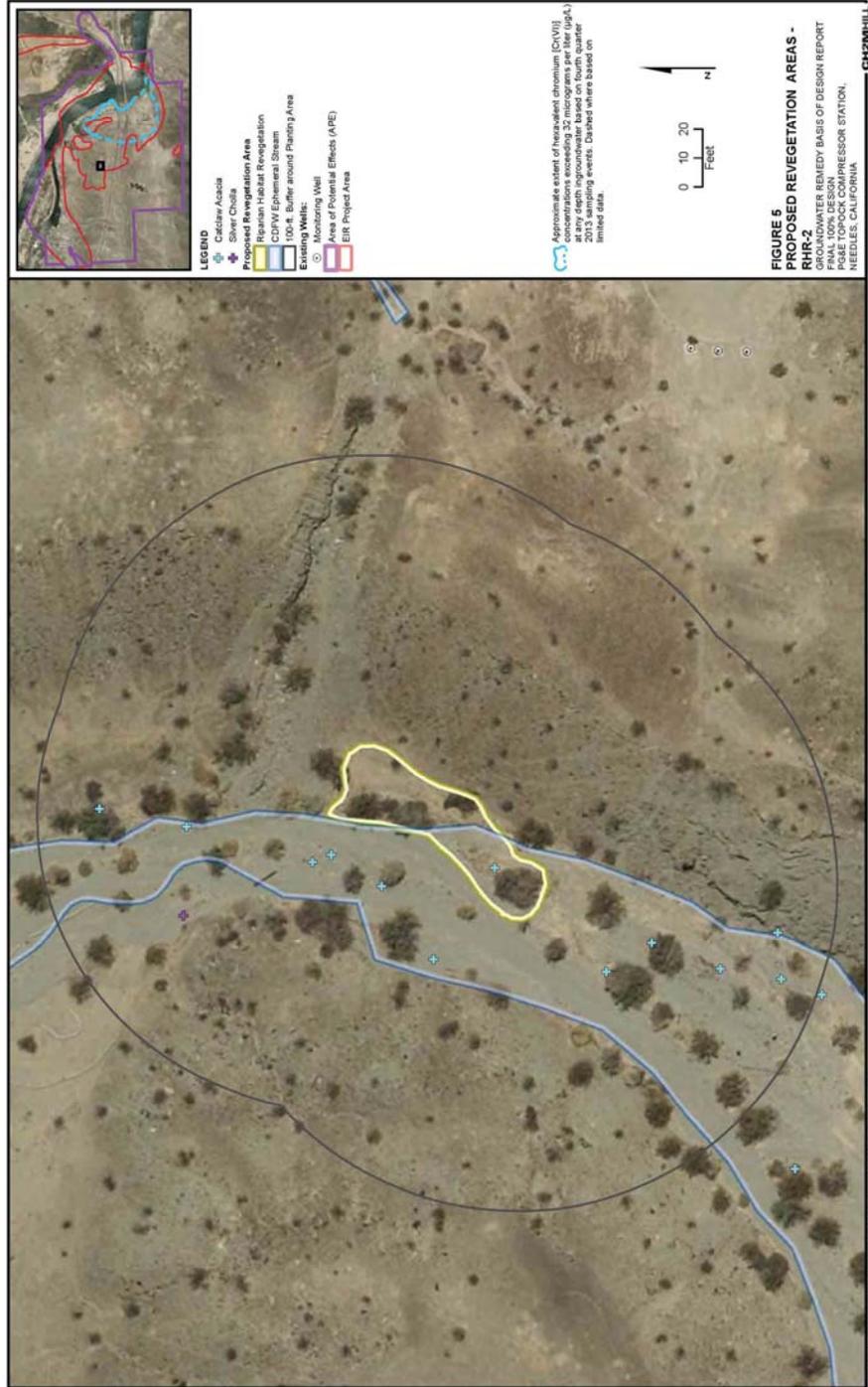
Attachment C

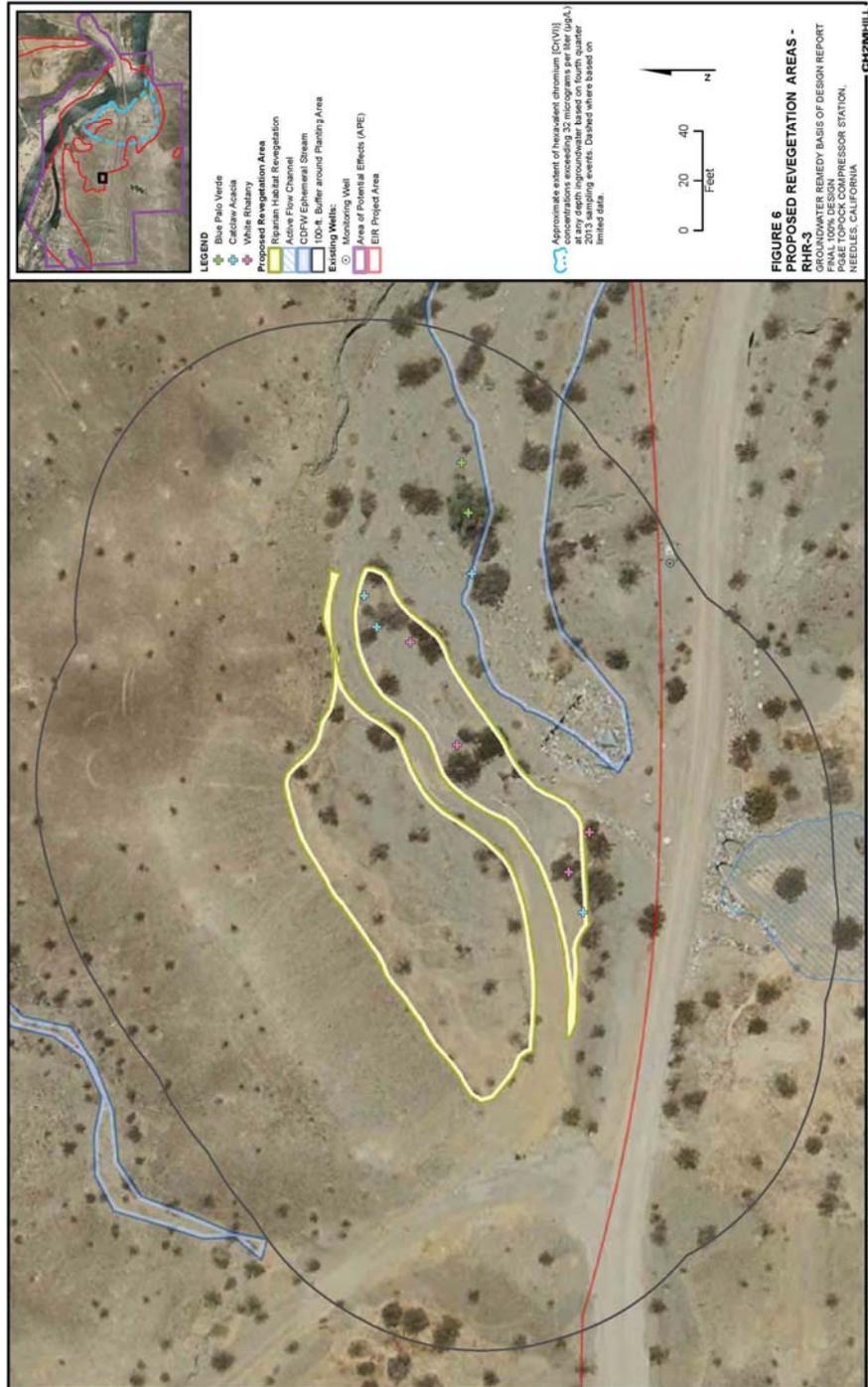
Figures from Appendix V, C/RAWP (Ch2MHill, 2015)
Technical Memorandum, “*Assessment of Proposed Mitigation Planting
Areas for Final Groundwater Remedy Impacts*”
Figures 1-15, Proposed Revegetation Areas

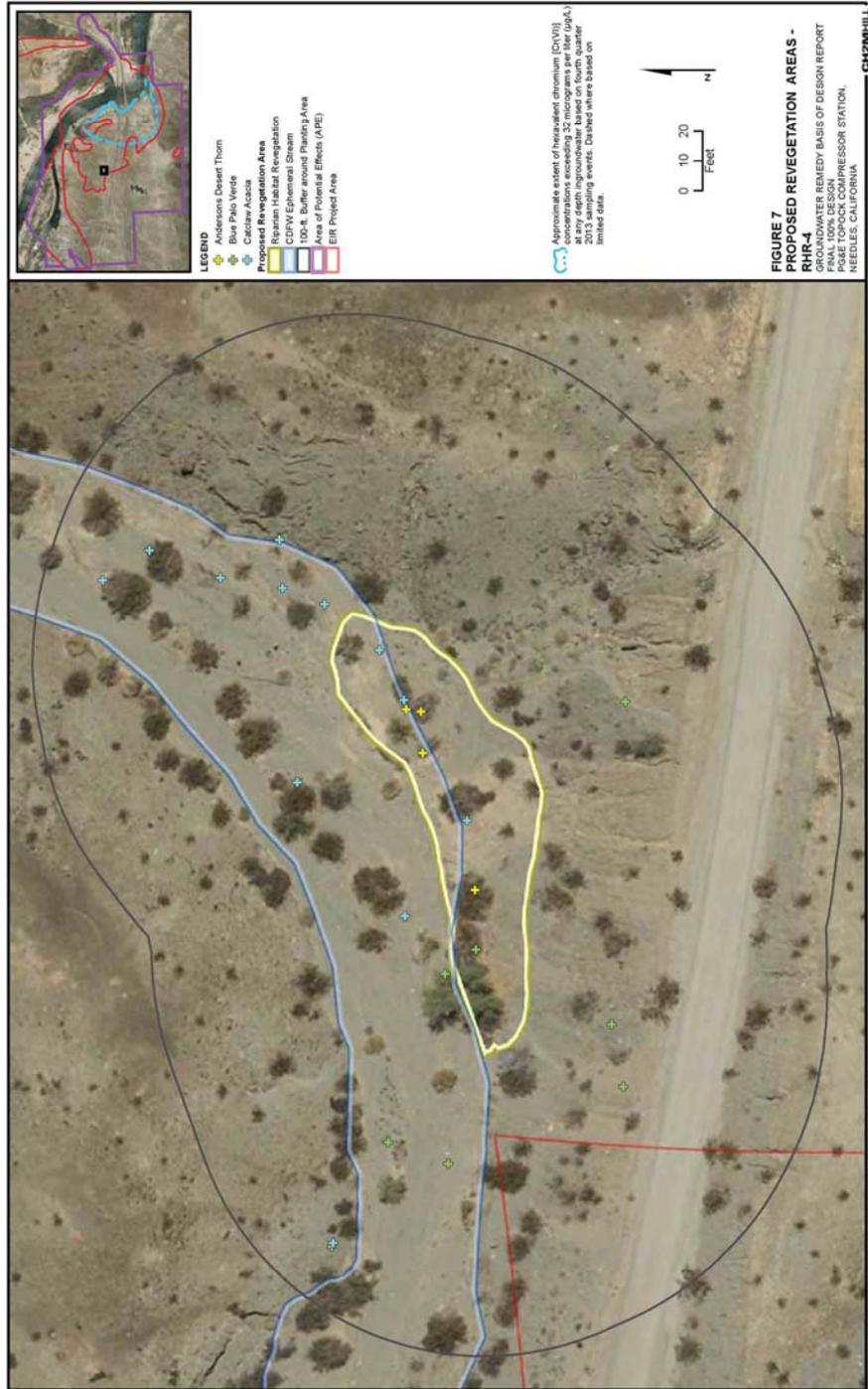


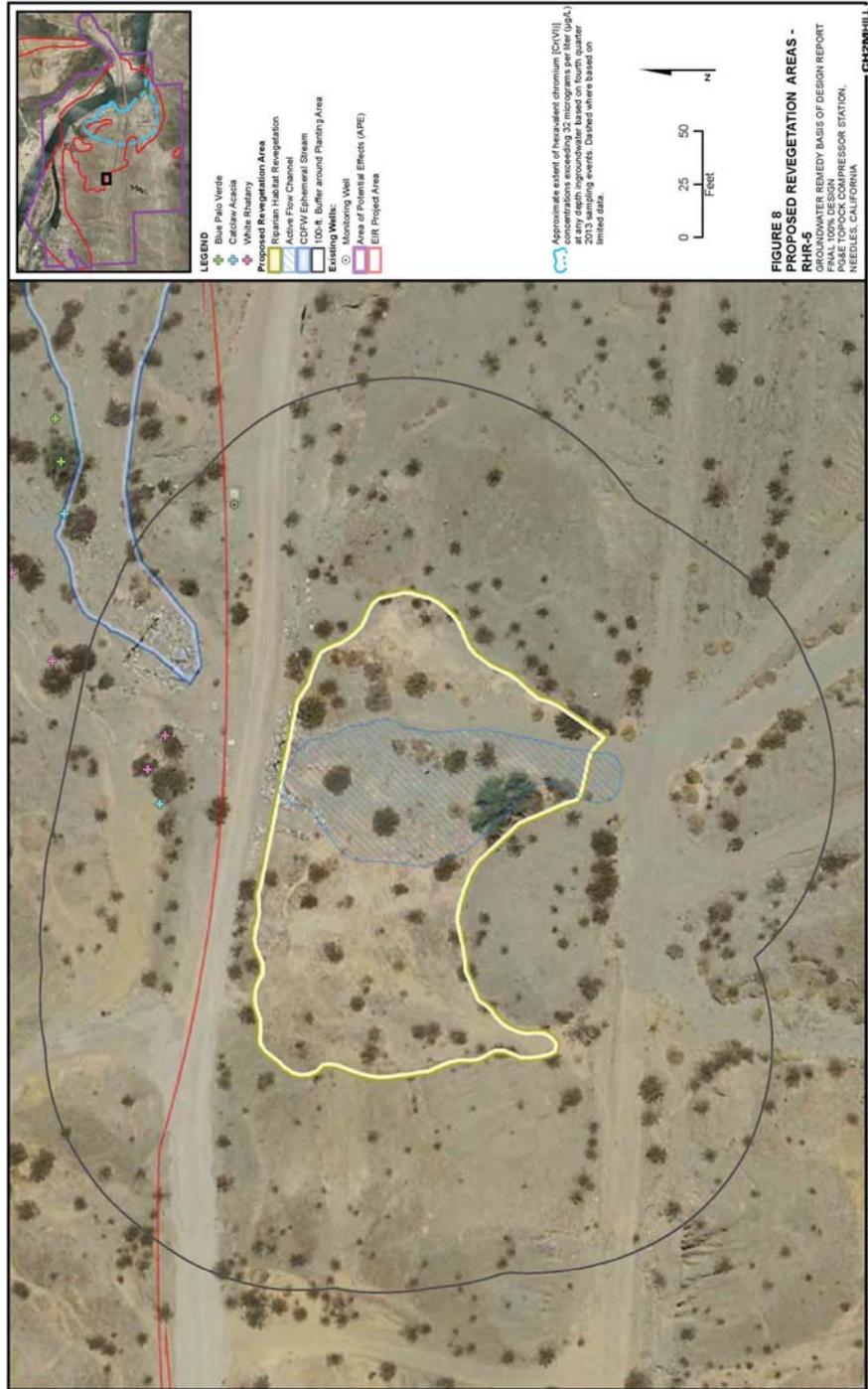


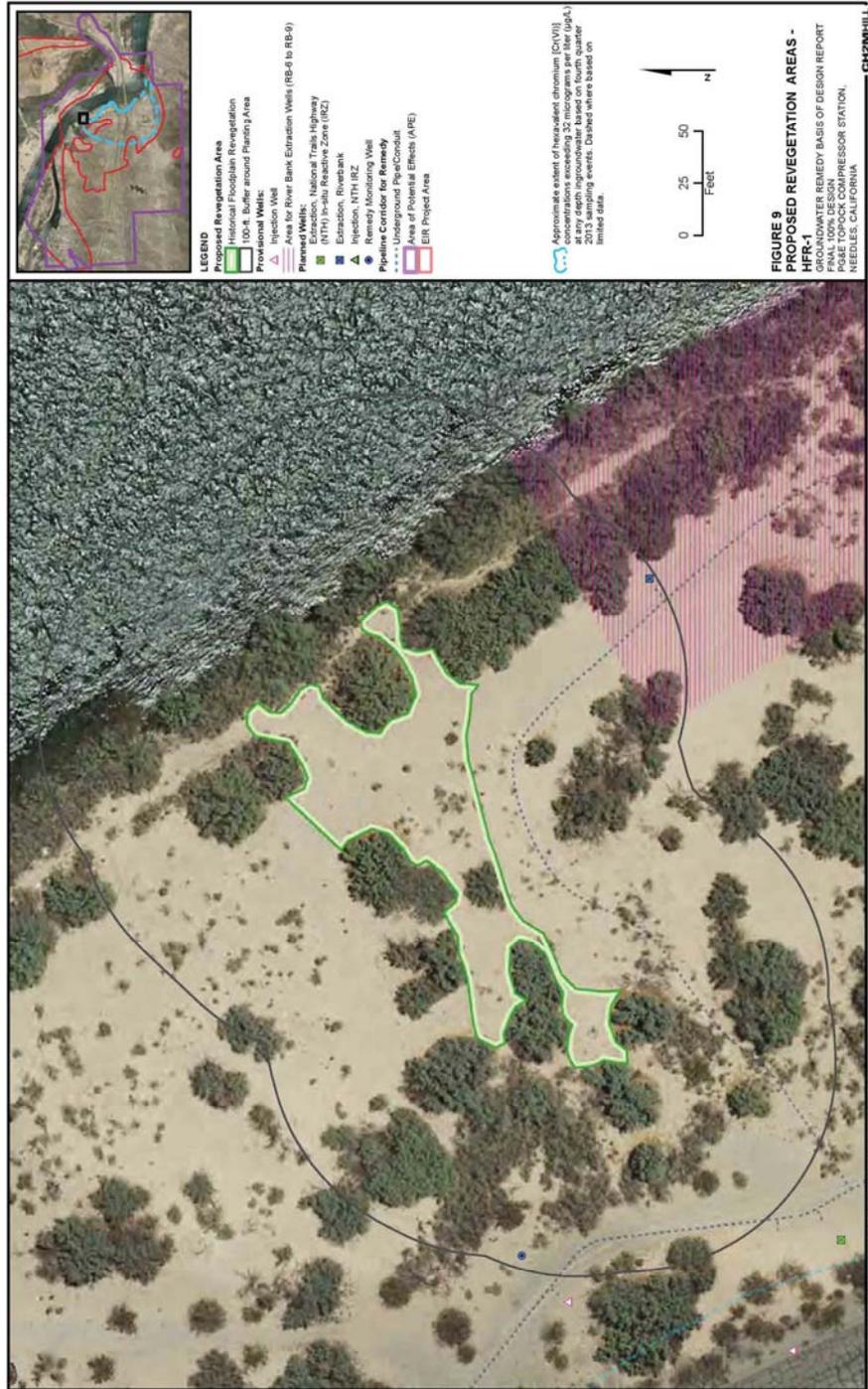




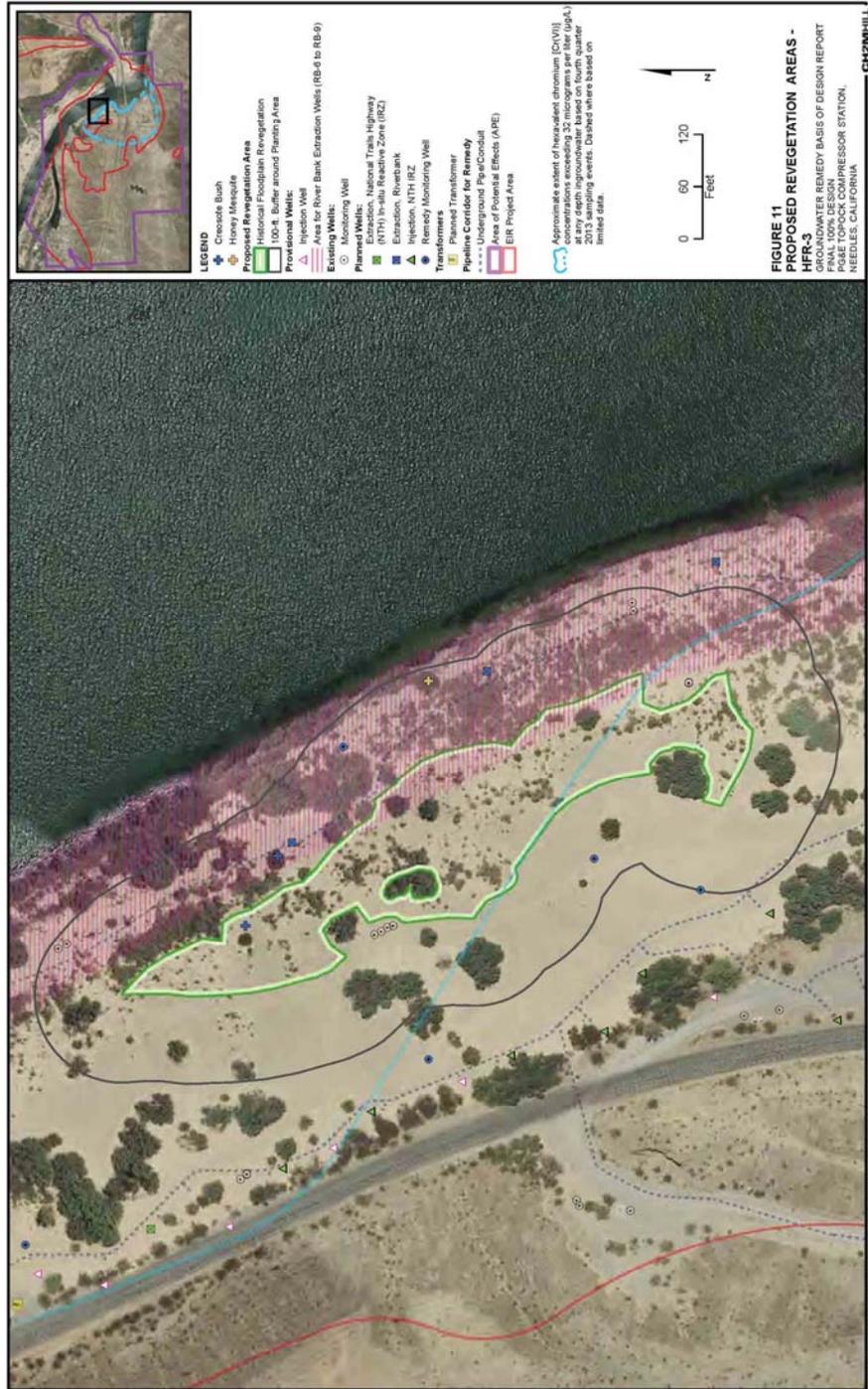


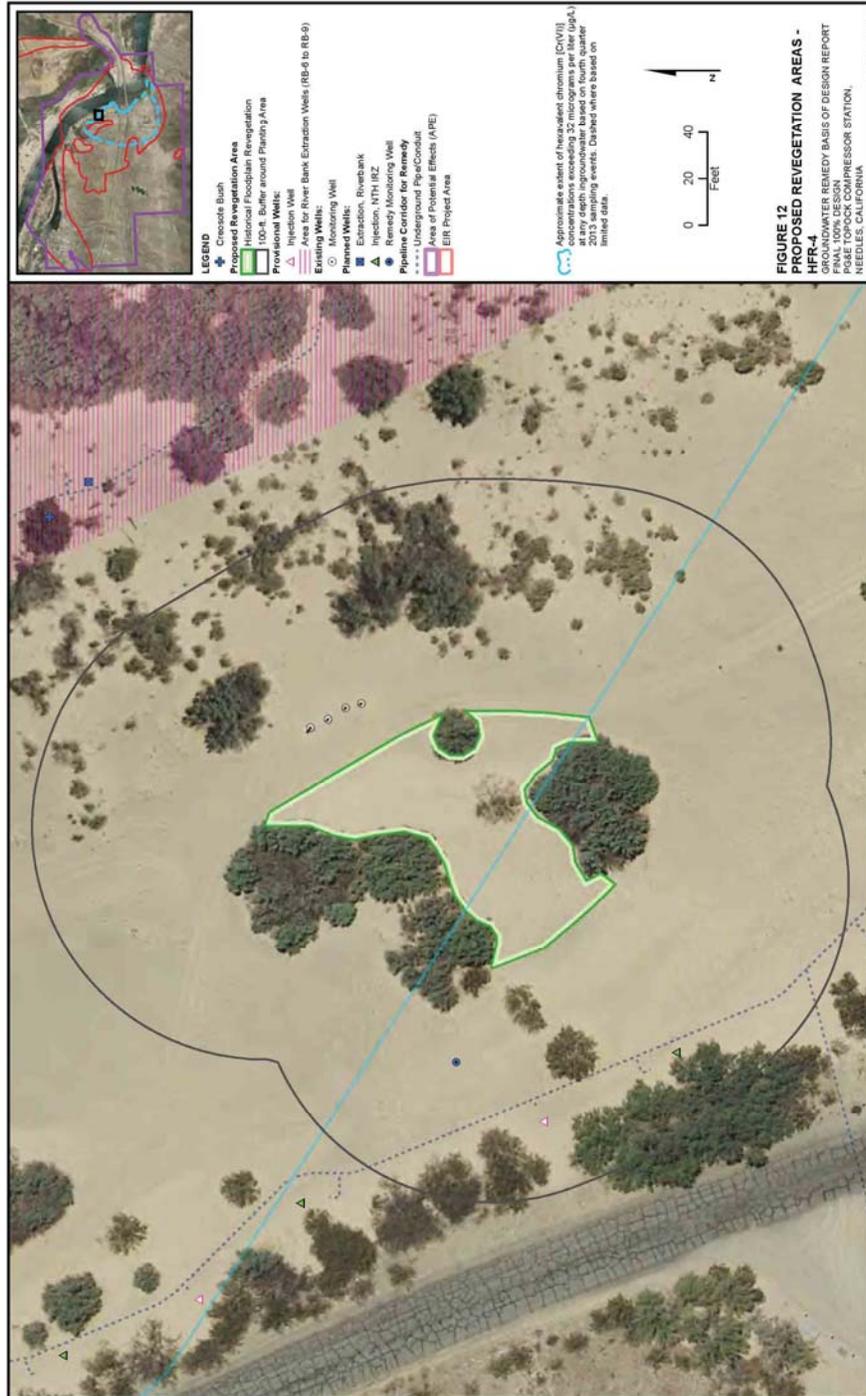


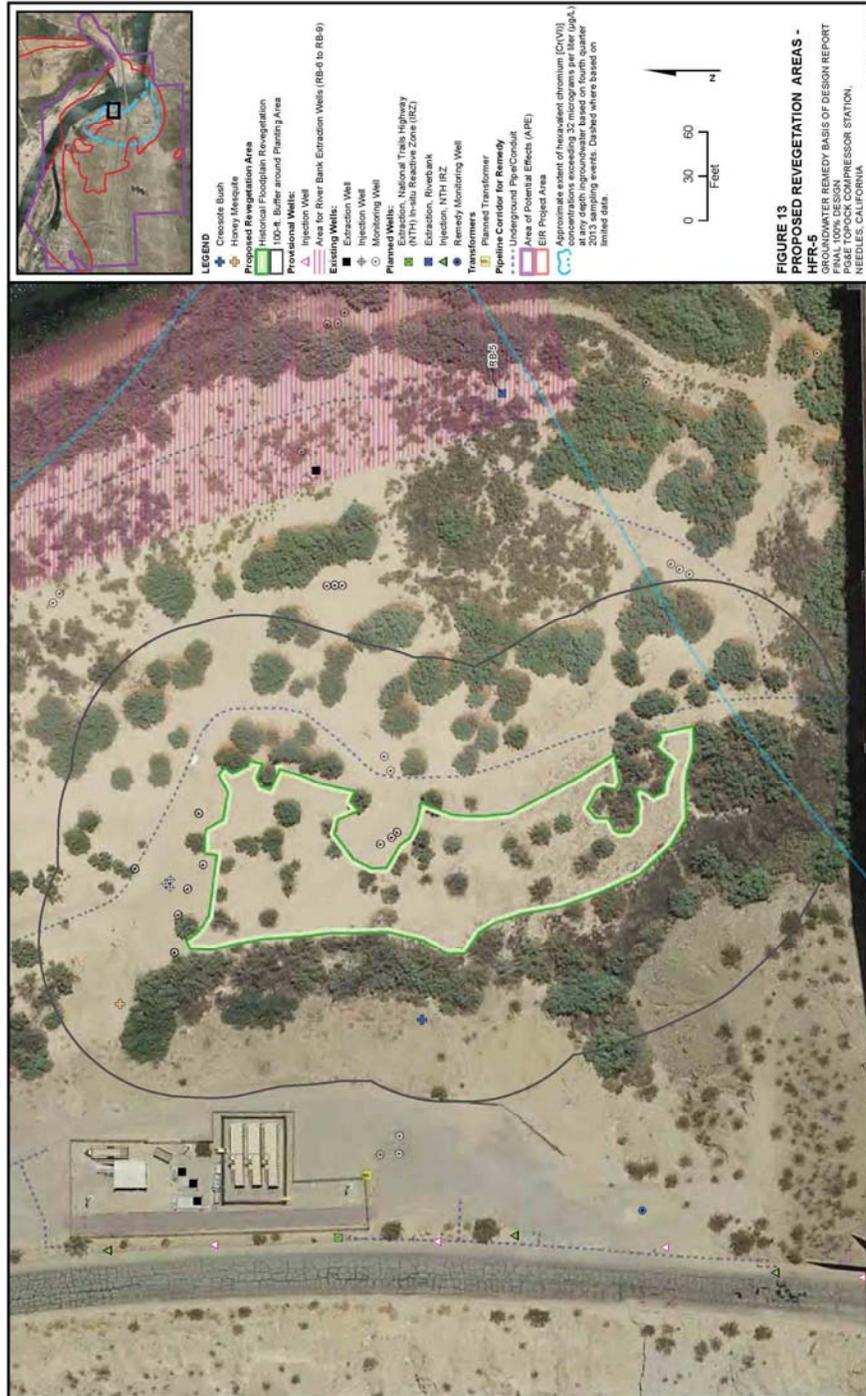


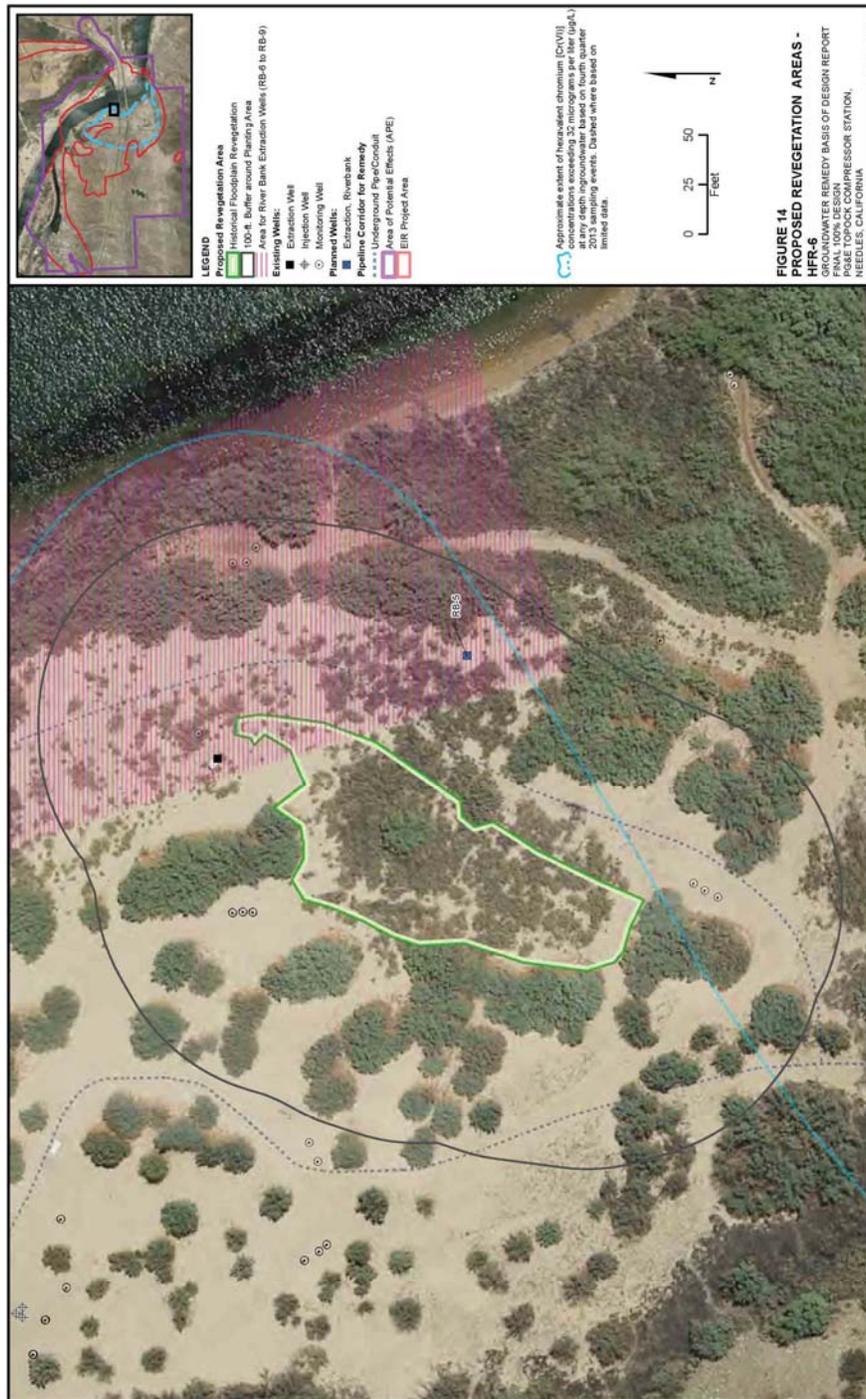


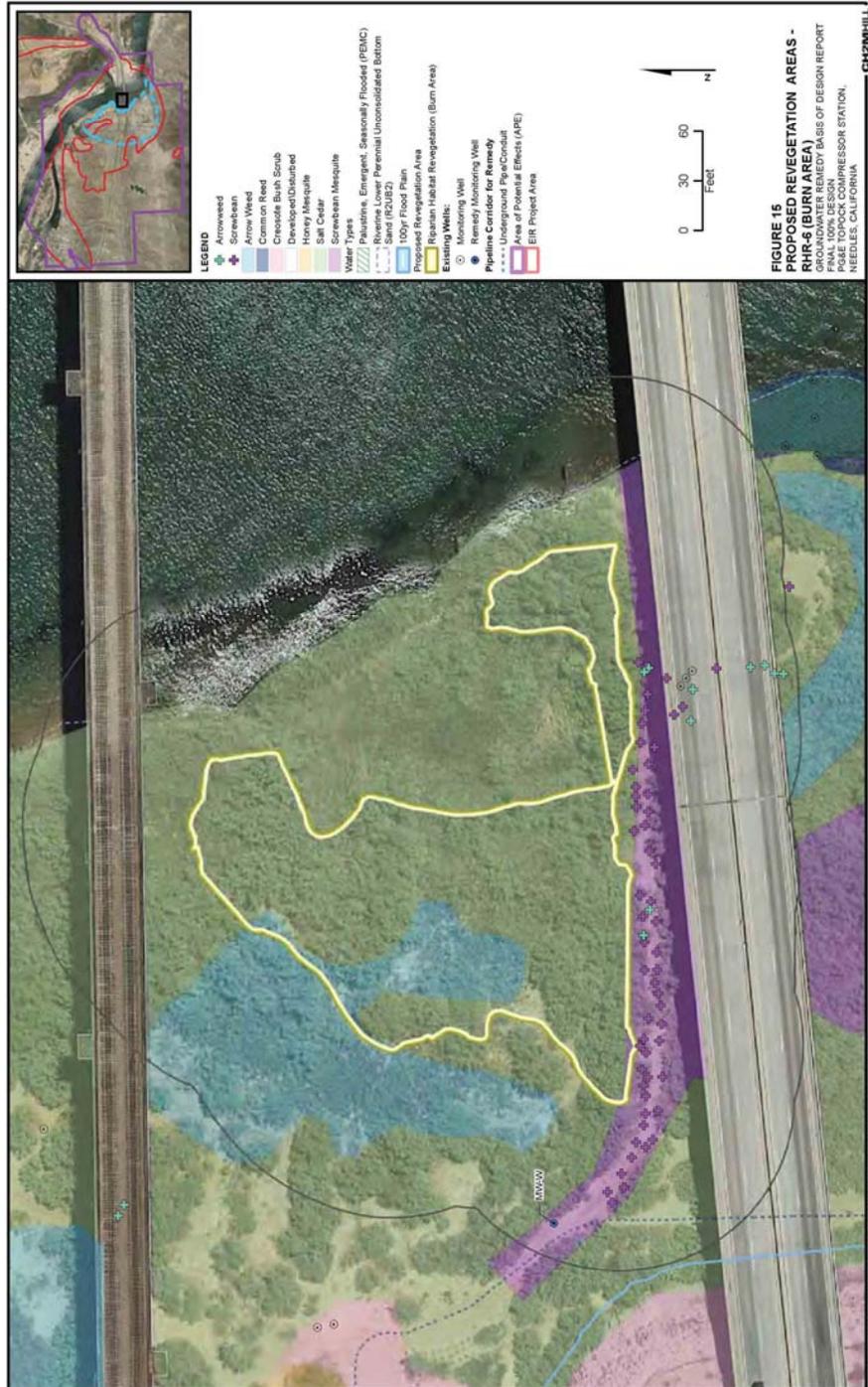












Attachment B. DSEIR HUALAPAI Comment Table

#	Section/ reference text	General topic	Comment text
1	Table 1-3	BIO-1B	Was a Jurisdictional Delineation done in the areas of project construction and infrastructure along Oatman Highway? If not, why not? T3-049
2	Section 2.3.2		In the section 2.3.2 <i>Alternatives Considered in the FEIR</i> , there is no discussion of the fact that, in the years since the FEIR was completed with the accompanying selection of <i>Alternative E – In Situ Treatment with Freshwater Flushing</i> as the preferred alternative, a much better understanding of the required size, infrastructure and impacts, compared with the original concept of the preferred alternative has been attained. Such a discussion needs to be included in the SEIR, even if the alternatives discussion itself does not change T3-050

3	Section 4: Environmental Analysis	4.1 Aesthetics	<p>The impacts determined within the aesthetics section were based on a visual analysis methodology which is based on:</p> <p>“site observations; review of technical data, including Final Remedy Design maps and drawings provided by the California Department of Toxic Substances Control (DTSC); aerial and ground-level photographs of the Project Area; state and local planning documents; computer-generated visual simulations; and a review of the Groundwater FEIR Aesthetics section”</p> <p>In addition, to document the visual change that would occur, 13 computer-generated visual simulations were chosen to show the Final Groundwater Remedy Project from key sensitive viewpoints.</p> <p>It is unclear however how the visual analysis methodology can be appropriately applied when up to 25% of the project footprint has yet to be defined. Specifically, the visual impact methodology requires knowledge of the infrastructure to make impact analysis. This is of relevance to the visual resource section as it has been concluded that there will be less than significant impact following mitigation. It is also unclear why the view point rather than the view shed approach has been used to evaluate potential impacts when the Tribes supported including the view-shed approach. Please explain.</p>
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T3-051

T3-052

4	Section 4: Environmental Analysis	4.2 Cultural Resources	<p>To date, potential cultural resources impacts associated with the groundwater remediation have been evaluated based on specific remedy infrastructure locations. To reduce the infrastructure impact on cultural resources, the Tribes have been actively and intimately involved in the design phase of the project (i.e. from conceptual 30% design through the final 100%BoD) and have had the opportunity to propose alternative design ideas and infrastructure locations. In addition, the Tribes have had the support of technical experts for a thorough review of remedy design proposals. This high level of participation has been crucial for the reduction of impacts to cultural resources within the TCP. As currently proposed in the draft SEIR, an unplanned but allowed 25% increase in the project footprint in addition to 10 well locations in Arizona as proposed by the draft SEIR ensures that Tribal involvement and tribal support is REDUCED prior to final design decisions on “future” elements. Furthermore, it is unclear how the extent of cultural resource impacts can be adequately evaluated if the final footprint of the remedy is yet to be understood. Please explain.</p>	T3-053
5	4.5 Air Quality		<p>It appears as though air quality impacts from subsurface remediation “operations”, i.e., the bioremediation activity itself, were not assessed. For example, under aerobic conditions over a 30+ year period, carbon monoxide or carbon dioxide would possibly be released to the environment. Similarly methane would possibly be released under anaerobic conditions.</p>	T3-054
6	4.5 Air Quality		<p>By not considering uncertainty in the groundwater modeling portion of the design (100% BoD Report), the SEIR Air Quality analysis necessarily had to address a 30-yr life of project, rather than a possibly longer life of project, thus potentially leading to an underestimate of life-of-project air quality impacts.</p>	T3-055
7	4.5 Air Quality		<p>It appears as though the SEIR Air Quality analysis did not consider air quality emissions from the IRS carbon substrate storage or transmission infrastructure, as well as its location(s) of application across the site.</p>	T3-056

8	4.5 Air Quality	p. 4.2-4	<p>At the top of this page, both the FEIR and the SEIR indicate that the “existing on-site operation resulted in criteria pollutant emissions of 1.0, 0.5, 2.3, 0.3, and 0.1 tons per year for ROG, NOx, CO, PM₁₀ and PM_{2.5}, respectively”. (It is not clear whether these are English-unit tons (2000 lbs) or metric tons (1000 kg), though the weights of the two are similar (2000 lbs versus 2200 lbs).) These amounts for the criteria pollutant emissions are suspect, as the CA ARB web resources indicate, for example, that the Topock Compressor Station emits nearly 390 tons, presumably metric, per year, of NOx. While the resulting analysis may not depend on these values, the data do set the context in which one may assess how much additional pollutant and GHG loading of the environment will occur because of the proposed project. Please clarify.</p>	T3-057
9	4.5 Air Quality		<p>As there were in the FEIR, there are several references to air quality impacts of generators (presumably fossil-fuel-fired electrical generators) and pumps. Please explain and quantify the air quality impacts associated with pump operation.</p>	T3-058

10	4.5 Air Quality	<p>In the FEIR (Table 5-6B), the selected Alternative E had a projected Annual Energy Use (presumably for the operational period) of 560,000 kW-hr, according to Table 5-6B on p. 165 or 800,000 kW-hr as reported on p. 1199. During the operational period (presumably), for the purposes of the Air Quality analysis, it was assumed (worst case with Alternative E and IM-3 operating at the same time) up to 1.8 MW-hr of power would be annually supplied by a 320 kW generator operating for 5,700 hrs per year (FEIR p. 4.2-31). Nowhere in the FEIR Appendix AQ, in which all the data sheets are flagged as “pump and treat”, which is not the alternative that was supposedly under consideration, can one establish where the air emissions for this 320 kW of electrical generation, reported in Table 4.2-7 of the FEIR, were developed or estimated. Moving beyond the 2011 FEIR to the SEIR, we expected to, but did not, see an analysis providing quantification of emissions from a similar Topock Compressor Station source that we understand will power the entire project. (<i>Section 3.5.1 Electrical Power Supply and Distribution in the 100% BoD Report</i> indicates that the remedy could require up to 4.3 MW-hr of electrical power on an annual basis.) Please add this information so that all may understand how air emissions from anticipated operation during the 30+/- year life of project were quantified for the air quality impact analysis.</p>
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T3-059

11	4.6.2.1	<p>Potential Surface Water Receptors: "PG&E conducted a risk assessment to evaluate the groundwater to surface water transport pathways (Arcadis 2009). The results indicated that the floodplain groundwater chemicals of potential concern are not being transported to the Colorado River at concentrations that exceed screening-level surface water criteria and no further surface water risk assessment was recommended. These conditions have not changed since the publication of the Groundwater FEIR."</p>	<p>Since 2009, significant changes and improvements have been made to the groundwater digital model which was used for this risk assessment. The risk assessment needs to be revised/re-assessed, given notable changes in conceptualization and flow modeling beneath river and in AZ. Models have been updated twice. This was in direct response to input from Tribal experts in technical meetings and discussions, and written directives from DOI/DTSC (2015 and 2016). Since 2009, the foot-print of this remedy has also extensively expanded to include Arizona. These factors clearly represent changed conditions and should be a basis for a more realistic evaluation of risk assessment of groundwater to surface water transport pathways.</p>
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T3-060

12	4.6.2.1	<p>Water Budget: “The inflow and outflow of water into the model domain are not known to have substantially changed since certification of the Groundwater FEIR. However, the groundwater model was revised in 2016 and is currently undergoing review and comments pertaining to the water budget, which may be incorporated into a future version. The results may be modified in response to agency and Tribal review.”</p>	<p>Notable changes and recommendations by Tribal experts to further improve the groundwater model should be incorporated into this evaluation.</p>	T3-061
13	4.6.2.1	<p>Potential Groundwater Receptors: “Plant uptake pathways and receptors were evaluated in the risk assessment, and the pathways were found to be potentially complete but the risks to ecological receptors were considered not to be significant.”</p>	<p>Dramatic changes in modeled ET rates/locations in the updated flow model have recently been made and could strongly affect future plant uptake. There should be a mechanism for this to be considered and reviewed during future modeling updates to see if a re-evaluation of risks to receptors should be done based on improvements to the digital model and changes in plant communities.</p>	T3-062

14	4.6.5.1	<p>“Inundation by seiche, tsunami, or mudflow does not apply because the Project Area is not subject to inundation by seiches, tsunamis, or mudflows”</p>	<p>To the contrary, the freshwater wells/infrastructure in AZ is HIGHLY subject to mudflows related to Sacramento Wash. In fact, the new diversion at Oatman Highway will increase the potential inundation of infrastructure. Given the project extent now involves a large area in AZ, including a water pipeline adjacent to Oatman Highway, why isn't this evaluated in this study? Such flows might also affect areas of particular cultural concern to Tribes.</p>	T3-063
15	4.7 Noise	<p>General comment</p>	<p>Please provide March 2016 noise measurement protocols that were followed for the SEIR CEQA noise measurements. Include detailed information on how background noise level measurement data were screened / filtered for times when wind speed exceeded a threshold value – as is typically done for these sorts of studies. Normal protocol is to use wind speed measurements made at the same location where the noise measurements are made, and this was not done.</p> <p>In the absence of adjustments or corrections, wind and rain noise can skew measurements of background noise levels to higher values. While the Topock Compressor Station wasn't running at all during for part if not all of the March 2016 noise measurement campaign, we are unaware of any suitable methodology for quantitatively comparing the relative impacts of each noise source (wind versus compressor station) to one another, and are concerned that the wind noise may have skewed measured background noise levels to higher than actual values.</p>	T3-064
16	4.7 Noise		<p>We do not see where noise shielding for the 30kW generator at the ponds is specified. We recommend that at least two layers of noise shielding be provided to achieve diminished receptor noise impacts – especially given that this western end of the APE has, up until the present time, been relatively free of PG&E O&M noise impacts and may add to impacts to sensitive cultural areas.</p>	T3-065

17	4.7 Noise	4.7.2.2	<p>The subheading language is extremely confusing in its use of the terms effects and impacts, as well as in the use of prepositions. For example, the first subheading reads: Effect of Long-Term Operational-Related Non-Transportation Noise Impacts. This subheading language begs the question: Effect ON WHAT of the long-term operational-related non-transportation noise impacts? The finding in the paragraph concerns impacts, but the paragraph begins with a focus on effects! Are effects the same as impacts? Are they totally different things? Are we talking about the effect OF the impacts? Are we talking about the effect (OF WHAT) ON the impacts?</p>	T3-066
18	4.7 Noise	4.7.5.3 Impact Analysis	<p>This comment applies to all the other subsection headings in the Section 4.7.2.2 and possibly to other portions of the document.</p>	T3-067
19	4.7 Noise	4.7.5.3 Impact Analysis	<p>This subsection includes a series of sub-sub-sections each of which commences with an indented bold-faced-hanging indented paragraph that presents an impact. The format appears to be one of presenting the conclusion and then the analysis, but that ought to be stated, because it is confusing. Why not present the analysis first, then the impacts determined therefrom?</p> <p>There is a brief analysis of vibration with no mitigation called for. This single brief paragraph on vibration is inadequate due to lack of specificity. A statement is made that "potential vibration sources [will be] at least 600 feet away from all sensitive receptors". While there is no mention of the Future Activity Allowance, such an allowance is indeed in the picture and if such activities are to fall under the project description then they must be considered in the SEIR. How does the analyst know that all such Future Activities will be at least 600 ft distant from sensitive receptors? The answer is that they do not and cannot provide any assurance to that effect. Thus, without Future Activity Allowance specificity and an associated mitigation measure providing buffering distances and parameters for such uses, there is either no analysis provided, or the analysis is inherently deficient.</p>	T3-068

20	4.7 Noise	4.7.5.3 Impact Analysis	<p>While NOISE-2 was in the FEIR as a construction activity mitigation measure anticipated to apply for at most 1-2 years, it is now stipulated in the SEIR to apply to both the 100% BoD remedy construction and any future remedy construction activities through the operation and maintenance portion of the project – nominally 30-years. Thus, we now have a potential 30-year duration of construction and all of the associated impacts (air quality, noise, etc.), which is deeply troubling. And this has been introduced into the SEIR process with nothing other than a 47-day public comment period and no discussion or comment resolution process. Please explain how these expanded future impacts will be considered.</p>	T3-069
21	4.7 Noise	Noise	<p>Cumulative noise impacts were not adequately estimated or modeled and will not be measured or monitored for exceedance of regulatory thresholds – unless a complaint is filed. How are cumulative impacts to be considered and treated for both existing and potential future infrastructure elements?</p>	T3-070
22	4.9 Water Supply		<p>It would appear that no consideration was given in this section to the Future Activity Allowance during the operational period, and we are not seeing that any consideration was given to such in the Arcadis Groundwater Modeling Report Addendum of January, 2017, nor in the February 2016 Arcadis Development of Groundwater Flow and Solute Transport Models. Please explain.</p>	T3-071
23	6.4.2.5	Sacramento Wash Improvements (4C) And Oatman Highway Crossing at Sacramento wash Project (6A)	<p>4C (p. 6-23) The Sacramento Wash Improvements project is a Mohave County project, not a USFWS and HNWWR project. Mohave County Public Works is the best source of information on this project, as compared to the Needles Desert Star. This information should be solicited and folded into the SEIR by DTSC. 6A (p. 6-23) ADOT is building the bridge, with construction having commenced in late 2016/early 2017.</p> <p>These corrections should also be made in the narrative text of this subsection.</p>	T3-072

24	4.6 Hydrology and Water Quality Appendix IS	Hydrology	<p>In the SEIR Appendix IS (Modified Initial Study), on p. IS-38, item (i) addresses exposing people or structures to a significant risk of loss, injury or death involving flooding. The Site B and HNWR-1a water supply wells, are well within areas that could be severely impacted by flooding on Sacramento Wash, even if the hazards presented to these areas by Colorado River flooding is low. The analysis presented for item i) on p. IS-43 is deeply flawed, as it only considers Colorado River flood hazards. Often, where a smaller tributary joins a much larger one, in this case where Sacramento Wash joins the Colorado River, people focus on flood hazards posed by flows in the larger river, and completely miss the hazards presented by floods in the tributary. In the case of Sacramento Wash, nature generates large floods on this major tributary that also transport and deposit significant amounts of sediment. There was flooding in this area as recently as between December 24, 2016 and January 2, 2017, with Oatman Highway closures on 2 separate occasions – from rainfalls that each reportedly yielded a precipitation total of up to an inch in 24 hours – not particularly large storms. Please see Attachment A to these comments that specifically addresses this matter (“Supporting Technical Information, Topock Project SEIR and Basis of Design Input Regarding Oatman Highway – Sacramento Wash Crisscross Drainage Improvements Project Planned by the Arizona Department of Transportation and the Mohave County Public Works Department, February 13, 2016”). This is an issue with implications for both hydrological and cultural resources.</p>
25	7 Alternatives to the Proposed Project		<p>During the summer of 2016, the Tribes formally requested that the Pump and Treat Alternative (F), be reconsidered. This alternative should have been reconsidered as part of the SEIR, and not once again dismissed as it was as part of the CMS.</p>

T3-073

T3-074

26	7 Alternatives to the Proposed Project	7.6.1	<p>The section has several misunderstandings regarding the proposed pipeline A alternative, including construction quantities, e.g., on p. 7-17 & 7-18 and on other pages in the section. Also, the impact of the Future Activity Allowance is not explicitly addressed in the narrative and this leaves us wondering if it was considered, e.g., in construction quantities.</p>	T3-075
27				
28	5 Other CEQA Sections	5.2, page 5-11	<p>On p. 5-11 construction period and operational period annual diesel and gasoline fuel consumption. These are cast in terms of relative percentages – the context being statewide fuel consumption. Is there a threshold at which consumption is held to be significant or untenable from a regulatory or CEQA point of view such as locally or regionally? If so, what are the thresholds?</p>	T3-076
29	Mitigation Measure <u>CUL-1b/c-4a</u>	Cultural Resources Monitoring Program	<p>The text for this mitigation measure uses the term “Native American monitors”. The term “Tribal monitors” has been used in this project and is defined in the CIMP. The term “Tribal monitors” is the correct term and should be used throughout this document.</p>	T3-077

30	<p><u>Mitigation Measure</u> BIO-1a No-net loss of Jurisdictional Wetlands/Water Function or Value</p>	<p>“In-place restoration of jurisdictional areas directly impacted by construction at a 1:1 ratio (i.e., 1 acre of restoration for each acre of direct impact to <i>non-disturbed</i> jurisdictional area) shall occur.” [emphasis added]</p>	<p>The text seems to imply that areas that are “non-disturbed” but have been additionally “disturbed” by project construction or operations activities will not be subject to restoration. This appears inconsistent with CEQA where all project impacts must be considered. Tribes have consistently maintained from the very start of the IM3 project that, from a cultural perspective, it just because an area has experienced some disturbance, does not sanction further degradation, and should not preclude restoration from further damage by remedy construction/operation activities. The SEIR must reference the Tribal perspective as it gets to the heart of integrity analysis under CEQA and the NHPA.</p> <p style="text-align: right;">T3-078</p> <hr/> <p>This Mitigation Measure also refers to “fourteen proposed mitigation planting areas” (See Attachment C). Prior to use of any of these 14 proposed areas, Tribes should be consulted and Tribal Monitors present when the specific area boundaries are demarcated.</p> <p style="text-align: right;">T3-079</p> <hr/> <p>The mitigation plan(s) to be prepared by PG&E under this mitigation measure should also be submitted to Interested Tribes. Tribes were omitted from the list of stakeholders listed to receive those plans.</p> <p style="text-align: right;">T3-080</p>
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31	<p><u>Mitigation Measure</u> BIO-1b Final Habitat Restoration Plan</p>	<p>The plan shall be submitted to DTSC, CDFW, BLM, BOR, USFWS, and DOI for review.</p>	<p>The final restoration plan(s) to be prepared under this mitigation measure should also be submitted to Interested Tribes. Tribes were omitted from the list of stakeholders listed to receive those plans. The Hualapai Tribe with religious and spiritual connection to the project property, and as a government sovereign entity, reiterates its strong desire to be included along with DOI and DTSC as primary parties to whom communication is addressed if material deviation from work plan and design documents, MMRP action specific, and location specific ARARs occur. The current proposed use of monthly progress reports and periodic uploads to a SharePoint site is not a sufficient level of involvement when it comes to decisions that could result in permanent disturbance to the Sacred-Cultural Landscape.</p>	T3-081
			<p>Last, we would like to mention the Department of Interior's Secretary Jewel's Order 3335 issued on August 20th, 2014¹. The purpose of the order is to set forth "guiding principles that bureaus and offices will follow to ensure that the Department of the Interior (Department) fulfills its trust responsibility." Hualapai feels that this document is very critical, and that the trust responsibility between the United States and Indian Tribes be reinforced, and that agency policy, and procedure be followed; such that tribal rights are respected. The footprint that is being created at Topock is impacting resources of spiritual-cultural importance both historic and tribal; both tangible and intangible; and Hualapai is concerned that future activities, will impact the general Traditional Cultural Place that is encompassed with the Topock cultural landscape. A collaborative partnership is critically needed.</p>	T3-082

¹ Order 3335, Reaffirmation of the Federal Trust Responsibility to Federally Recognized Indian Tribes and Individual Indian Beneficiaries.

<p>32</p> <p><u>Mitigation Measure</u> BIO-2c Disturbance of Special-Status Species and Loss of Habitat Caused by Decommissioning</p>	<p>The final habitat restoration plan shall be submitted to DTSC, CDFW, BLM, BOR, USFWS, and DOI for review.</p>	<p>The final habitat restoration plan(s) to be prepared under this mitigation measure should also be submitted to Interested Tribes. Tribes were omitted from the list of stakeholders listed to receive those plans. The Hualapai Tribe with religious and spiritual connection to the project property, and as a government sovereign entity, reiterates its strong desire to be included along with DOI and DTSC as primary parties to whom communication is addressed if material deviation from work plan and design documents, MMRP action specific, and location specific ARARs occur. The current proposed use of monthly progress reports and periodic uploads to a SharePoint site is not a sufficient level of involvement when it comes to decisions that could result in permanent disturbance to the Sacred-Cultural Landscape.</p> <p>Last, we would like to mention the Department of Interior's Secretary Jewel's Order 3335 issued on August 20th, 2014². The purpose of the order is to set forth "guiding principles that bureaus and offices will follow to ensure that the Department of the Interior (Department) fulfills its trust responsibility." Hualapai feels that this document is very critical, and that the trust responsibility between the United States and Indian Tribes be reinforced, and that agency policy, and procedure be followed; such that tribal rights are respected. The footprint that is being created at Topock is impacting resources of spiritual-cultural importance both historic and tribal; both tangible and intangible; and Hualapai is concerned that future activities, will impact the general Traditional Cultural Place that is encompassed with the Topock cultural landscape. A collaborative partnership is critically needed.</p>
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T3-083

T3-084

² Order 3335, Reaffirmation of the Federal Trust Responsibility to Federally Recognized Indian Tribes and Individual Indian Beneficiaries.

33	<p><u>Mitigation Measure</u> BIO-2h Disturbance of Special-Status Plants</p>	<p>An enhancement plan for impacted special-status plants would be developed through coordination with CDFW. The plan shall be approved by CDFW and submitted to DTSC, BLM, BOR, USFWS, and DOI for review.</p>	<p>The enhancement plan(s) to be prepared under this mitigation measure should also be submitted to Interested Tribes. Tribes were omitted from the list of stakeholders listed to receive those plans.</p>	T3-085
34	<p><u>Mitigation Measure</u> CUL-1a-1 Avoidance and Preservation in Place</p>	<p>The agreed upon conditions would be detailed in a mitigation plan for impacted special-status plants. The plan shall be approved by CDFW and submitted to DTSC, BLM, BOR, USFWS, and DOI for review.</p>	<p>The mitigation plan for impacted special status plants to be prepared under this mitigation measure should also be submitted to Interested Tribes. Tribes were omitted from the list of stakeholders listed to receive those plans.</p>	T3-086
34	<p><u>Mitigation Measure</u> CUL-1a-1 Avoidance and Preservation in Place</p>	<p>PG&E shall carry out and require all subcontractors to carry out all</p>	<p>It appears the correct language should be that “subcontractors will be required to “implement” established protocols regarding project activities that avoid, and / or minimize significant impacts associated with the Topock TCP...” Sub-contractors are not responsible for mitigations. All of this mitigation measure needs to comply and be tied into CEQA ARARs.</p>	T3-086

35	<p>Mitigation Measure CUL-1a-2a Implement Tribal Access Plans</p>	<p>Procedures required by Appendix P of the C/RAWP include protocols and timelines for requesting access for religious, spiritual, or other cultural purposes</p>	<p>It needs to be clarified that the "request for access" procedures referred to relate <u>only</u> to Tribes desiring access to property <u>owned by</u> PG&E. How is this mitigation measure a "New Mitigation Measure."⁷</p>	T3-087
36	<p>Mitigation Measure CUL-1a-3a Professional Qualifications and Annual Historical Resource Condition Inspection</p>	<p>"In the event that PG&E needs to retain a new Qualified Cultural Resource Consultant, or additional cultural consultants, DTSC shall have approval authority over PG&E's selection of cultural resources consultants."</p>	<p>DTSC should solicit input from interested Tribes on the suitability and acceptability of any proposed new cultural resources consultant, and consider the Tribal input when approving any new cultural resources consultant.</p>	T3-088
37	<p>Mitigation Measure CUL-1a-3d Signage</p>	<p>"In addition to requirements set forth in Appendix P of the C/RAWP, PG&E shall install signage prior to the start of construction, if possible, <u>dependent on cooperation and input from land owners and land management entities.</u>" [Emphasis added]</p>	<p>Tribes should also be allowed to provide input on both signage language, location and installation methods. There have been issues in the past regarding the location and manner of installation of signage at the site.</p>	T3-089

38	Mitigation Measure CUL-1a-4: Technical Review Committee	<p>“A stipulation of the contract open grant shall be that <u>the scientific and engineering team shall provide all deliverables and results to all involved tribes.</u>” [emphasis added]</p> <p>“PG&E may reimburse the tribe or TRC members directly.”</p>	<p>This is not representative of the current protocol between the Tribes and the TRC. Technical products prepared by any TRC member(s) will not be made available to anyone without the express consent of the requesting Tribe. This mitigation measure description must be revised with input and review by the Tribes to be consistent with the existing TRC/Tribal protocol which has been working well and does not need to be changed. The TRC/Tribal Protocol needs to be acknowledged as a process tool developed by the Tribes for use by the TRC. It is not productive to have contradicting protocols. The TRC/Tribal Protocol is the preferred protocol.</p> <p>Hualapai, and most likely the other participating Tribes would like to know that we will continue to have the support of both the TRC and Topoek Project Manager positions (as financially supported through PG&E), and open continued support from all Federal and State agencies. We ask that the TRC and the Topoek Project Managers be retained in full, for 5-years after the start-up (Groundwater and then 5-years after Soils) and continue on, in an as needed basis for technical support through the year 2065. We ask for continued on-going reasonable compensation for tribal participation in monitoring, attending meetings, and participating in project development, as with the present Consultative Work Group, Technical Work Group, Clearinghouse Task Force, Monitoring, and subcommittee involvement. Funding support to continue through the life of the remediation clean-up project.</p> <p>It is unclear why this language was added. HDR or another consultant in same role is specifically tasked with providing administrative separation FROM PG&E, and contracts with and pays TRC members. This new mitigation language should be changed to reflect the actual process.</p>
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T3-090

T3-091	<p>This set of Protocols should also reference internal Tribal protocols, for example, there is a specific protocol that relates to excavation materials or drill cuttings which contain clay. These project protocols are specific to the Tribes, and in addition to the CIMP, CHPMP and PA.</p>	<p>Mitigation Measure CUL-1a-8q:</p>	<p>39</p>	
T3-092	<p>A "request" for access is necessary only for PG&E-owned property. Outside of PG&E-owned property, typically a courtesy call is given. This should be clarified.</p>	<p>Implement Impact Program Section 2.11 - Protocols to Accommodate Tribal Ceremonies or Activities Involving Topcock Cultural Area</p>	<p>Mitigation Measure CUL-1a-8q: Implement Cultural Impact Mitigation Program</p>	<p>40</p>

<p>41</p> <p>CUL-1a-II: Open Grant Funding</p>	<p>The Topock Remediation Project is a long-term (30 to 50 year) undertaking. No doubt, there will be continued involvement from the Department of the Interior, the Bureau of Reclamation, the Bureau of Land Management, U.S. Fish and Wildlife, the California Department of Toxic Substances, the Metropolitan Water Board, and the California Water Board. Continued activities will be vetted with the Arizona Department of Water Quality and both the California and Arizona SHPOS. PG&E will undoubtedly continue to retain the services of Applied Earthworks, Arcadis and even CH2M Hill. Hualapai, and most likely the other participation Tribes would like to know that we will continue to have the support for the Topock Project Manager positions (as financially supported through PG&E), and open continued support from all Federal and State agencies. We ask that Topock Project Managers be retained in full, for 5-years after the start-up (Groundwater and then 5-years after Soils) and continue on, in an as needed basis for technical support through the year 2065. We ask for continued on-going reasonable compensation for tribal participation in monitoring, attending meetings, and participating in project development, as with the present Consultative Work Group, Technical Work Group, Clearinghouse Task Force, Monitoring, and subcommittee involvement. Funding support to continue through the life of the remediation clean-up project.</p>
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T3-093

42	Mitigation Measure CUL-1a-14: Tribal Notification of Potential Future Activities	<p>For any potential future activities that the agencies will require PG&E to prepare a work plan, interested Tribes shall be notified and afforded the opportunity to provide input consistent with the general process described in Section 2.3 and Section 2.4 of the CIMP as defined in CUL-1a-8q. In circumstances where only one design cycle is deemed necessary by DTSC for the potential future work, steps A through H of Figure 2-1 MMRP CUL-1a-8d Design Review Protocol Flow Chart will be followed. PG&E shall, likewise, notify Interested Tribes at least two weeks in advance of project related ground-disturbing activities whenever possible in accordance with Section 2.10 of the CIMP.</p>	<p>T3-094</p> <p>The Hualapai Tribe with religious and spiritual connection to the project property, and as a government sovereign entity, reiterates its strong desire to be included along with DOI and DTSC as primary parties to whom communication is addressed if material deviation from work plan and design documents, MMRP action specific, and location specific ARARs occur. The current proposed use of monthly progress reports and periodic uploads to a SharePoint site is not a sufficient level of involvement when it comes to decisions that could result in permanent disturbance to the Sacred-Cultural Landscape.</p>	<p>T3-095</p> <p>We would like to mention the Department of Interior’s Secretary Jewel’s Order 3335 issued on August 20th, 2014³. The purpose of the order is to set forth “guiding principles that bureaus and offices will follow to ensure that the Department of the Interior (Department) fulfills its trust responsibility.” Hualapai feels that this document is very critical, and that the trust responsibility between the United States and Indian Tribes be reinforced, and that agency policy, and procedure be followed; such that tribal rights are respected. The footprint that is being created at Topock is impacting resources of spiritual-cultural importance both historic and tribal; both tangible and intangible; and Hualapai is concerned that future activities, will impact the general Traditional Cultural Place that is encompassed with the Topock cultural landscape. A collaborative partnership is critically needed.</p>
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³ Order 3335, Reaffirmation of the Federal Trust Responsibility to Federally Recognized Indian Tribes and Individual Indian Beneficiaries.

43	<p>Mitigation Measure CUL-1a-15: Future Activity Allowance Cultural Resources Survey</p>	<p>During the planning phase of any designed Future Activity Allowance activities.....</p> <p>IF DTSC determines that an expedited action is necessary in order to respond to the changing needs of the remedy, pre-construction inspection protocols identified in Section 2.16, "Protocols for Inspecting Remediation Facilities and or Staging Areas During Construction" of the CIMP shall then be followed.....</p> <p>In instances where Future Activity Allowance activities are proposed in the field due to the need for immediate deviation from a planned activity from unforeseen circumstances, PG&E shall conduct the activity in consultation with an archaeological monitor and Tribal Monitor</p>	<p>If FAA's are a means towards addressing uncertainty, then Hualapai and perhaps other participating Tribes, would prefer that full consultation and partnerships be adhered to. Furthermore, CERCLA requires (§ 121(d)(2)(A)), that remedial actions attain Applicable or Relevant and Appropriate Requirements (ARARs) at a minimum. FAAs will not meet this requirement.</p> <p>In fact, the FAA appears to be an extension of a possible pattern and practice by the agencies to have open-ended Project features and impacts. The Tribe commented on and objected to similar approaches used to justify not counting replacement wells in the well count cap in the 2011 Groundwater Remediation Project FEIR and not counting resampling activities in the 2015 Soil Investigation Project FEIR, despite the Tribe providing testimony that these additional activities would worsen certain environmental effects. In each instance, the Tribe also objected to the open-ended approach relative to the adequacy of the environmental documents' assessment of "provisional wells and cumulative impacts. The further notes the existence of "provisional wells and associated infrastructure (well vaults, pumps, instrumentation, electrical/communication conduits, etc.) . . . , " and "coningencies that are specifically set forth in the Final Remedy Design and C/RAWP" (SDEIR, page 3-11) which collectively could cause additional impacts and effects, including cumulative effects, which we observe lack cumulative-specific mitigation. Now, the FAA takes this same suspect approach to a whole new level for the ever-ballooning Project and is offensive to the Tribe for the same reasons and therefore must be stricken from the SEIR. How have the cumulative impacts to the TCP and sacred area from these repeated assaults on the landscape been considered in the DSEIR?</p>
			T3-096
			T3-097

44	Mitigation Measure CUL-1b/c-4a: Cultural Resources Monitoring Program.	PG&E shall invite Native American monitors to participate.	<p>The text for this mitigation measure uses the term "Native American monitors". The term "Tribal monitors" has been used in this project and is defined in the CIMP. The term "Tribal monitors" is the correct term and should be used throughout this document.</p>	T3-098
45	Mitigation Measure CUL-1b/c-7: Compliance with SOI Standards	PG&E shall retain a qualified architectural historian.....	<p>PG&E should also solicit input from interested Tribes on the suitability and acceptability of any proposed architectural historian, and consider the Tribal input when approving an architectural historian.</p>	T3-099
46	Mitigation Measure HYDRO-6b: Water Supply Mitigation		<p>PGE should provide DOI/DTSC a list of all existing wells potentially impacted by the remediation system. .</p>	T3-100
47	Mitigation Measure NOISE-1, -2 & -3		<p>Within the NOISE mitigation measures, provisions should be added to stipulate the use of low-noise electric/hydraulic equipment, such as models and procedures available from Boart Longyear. As documented in Attachment B to this submittal, equipment and procedures exist that can attain noise levels as low as 65 dBA. Topock groundwater remediation project injection/production and monitor well drilling can be done with considerably less noise generated, using available technology.</p> <p>Also, especially given the long duration of the Project, the Noise mitigation measure(s) must include analysis and adoption of better technology that further lessens environmental effects.</p>	T3-101

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ATTACHMENTS:

Attachment A - *“Supporting Technical Information, Topock Project SEIR and Basis of Design Input Regarding Oatman Highway – Sacramento Wash Crossing Drainage Improvements Project Planned by the Arizona Department of Transportation and the Mohave County Public Works Department, February 13, 2016”*, prepared by TRC

Attachment B – Materials from Boart Longyear, “Case Study: Successfully Meeting 65dBA Zoning Code Requirements”

**Letter
T3
Response****Hualapai Indian Tribe
Dawn Hubbs
February 27, 2017**

T3-001

The commenter thanks DTSC and the U.S. Department of the Interior (DOI) for the opportunity to comment on the Draft SEIR for the proposed Project. The commenter notes that there are two attachments to the letter. Attachment A is a technical memo, *“Supporting Technical Information, Topock Project SEIR and Basis of Design Input Regarding Oatman Highway – Sacramento Wash Crossing Drainage Improvements Project Planned by the Arizona Department of Transportation and the Mohave County Public Works Department, February 13, 2016,”* prepared by the Technical Review Committee (TRC). This memo concerns the design and operation of the Final Groundwater Remedy Project in relation to Sacramento Wash. DTSC notes that there are also other attachments (Attachments B and C) behind the February 13, 2017, memo prepared by the TRC. Attachment B is a *“Case Study: Successfully Meeting 65dBA Zoning Code Requirements”* by Boart Longyear, and Attachment C is part of a technical memorandum included in the *Construction/Remedial Action Work Plan for the Final Groundwater Remedy, PG&E Topock Compressor Station, Needles, California (C/RAWP) “Assessment of Proposed Mitigation Planting Areas for Final Groundwater Remedy Impacts – Figures 1-15, Proposed Revegetation Areas.”* The second attachment referenced by the commenter in this comment, Attachment B, is a comment table in regard to the Draft SEIR Hualapai Comment Table.

DTSC thanks the Hualapai Tribe for taking the time to provide their comments on the Draft SEIR and for their continued participation in the Final Groundwater Remedy Project. Response to comments in the body of the letter can be found in T3-002 to T3-048. Response to comment T3-073 addresses the technical information provided in Attachment A. Response to comments in Attachment B, the Draft SEIR Hualapai Comment Table, (as referenced by the commenter in T3-001) can be found in T3-049 to T3-101. DTSC appreciates the information on the Boart Longyear drill rig case study and will forward that information to PG&E for consideration to reduce and minimize noise during construction. Although an electronic drill rig may have a lower noise footprint during operation, this drilling equipment is not widely available. Furthermore, DTSC notes that this Project does not have a zoning code requirement to restrict the construction activity to attain a similar stringent 65dB noise ceiling. The drill rig is only one of many construction equipment that would be used which will result in generating vibration and noise. The use of the Boart Longyear drill rig would not eliminate or reduce vibration during drilling. Nevertheless, similar to the case study, DTSC has required the use of sound barriers when appropriate to reduce the construction related noise. Regarding

Attachment C (mitigation planting figures), a response is provided in association with response to comment T3-079.

T3-002

The commenter states that the Topock Cultural Landscape is culturally significant for the Hualapai Tribe, that they are aware of the difficult nature of this Project, and that they support all attempts at best practices and avoidance where-ever possible. The commenter also states that the area holds religious and cultural significance for the Hualapai Tribe, and for other Tribes, and is TCP. The Hualapai Tribe has determined that the proposed project is an Adverse Effect and continues to be concerned about the cumulative impacts.

DTSC recognizes that the Project is within a TCP that holds religious and cultural significance to the Tribe. Pages 4.4-57 through 4.4-60 of the Draft SEIR describe the Hualapai Tribe's particular perspective as to the importance of the Topock landscape, to which the Hualapai Tribe in a letter dated February 18, 2014 provided input as part of the Soil Investigation EIR. Chapter 4.4, "Cultural Resources," page 4.4-108 of the Draft SEIR acknowledges that even with the implementation of mitigation measures, impacts to the Topock TCP would remain significant and unavoidable. Chapter 6, "Cumulative Analysis," page 6-35 of the Draft SEIR also acknowledges that cumulative impacts would remain significant and unavoidable after implementation of the mitigation measures and the Project in combination with other projects in the area would continue to contribute considerably to a cumulatively significant impact to the integrity of those physical characteristics that convey the significance of the Topock TCP and to historical resources unique and important to the region. Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property.

T3-003

The commenter states that the SEIR has not complied with the procedural requirements of Assembly Bill (AB) 52 regarding Tribal cultural resources and objects to the proposed Future Activity Allowance which the commenter claims would avoid future CEQA assessments for activities that may significantly impact resources important to the Hualapai Tribe. The commenter requests that the Future Activity Allowance be removed from the Project and that future CEQA review be conducted before any potential additional Project expansion is considered.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR and Master Response 3: Inapplicability of Assembly Bill 52 in Project Approval for a detailed response to this comment.

T3-004

The commenter states that the Hualapai Tribe has a spiritual connection to the Project area, and as a government sovereign entity has a strong desire to be included along with DOI and DTSC as primary parties to whom communication is addressed, if material deviation from work plan and design documents, Mitigation Monitoring and Reporting Program (MMRP) action specific, and location specific Applicable or Relevant and Appropriate Requirements (ARARs) occur. The commenter states

that the current proposed use of monthly progress reports and periodic uploads to a SharePoint site is not a sufficient level of involvement when it comes to decisions that could result in permanent disturbance to the Sacred landscape or Tribal property.

DTSC acknowledges that if and when construction of the Project begins, methods and frequency of communication would evolve. Input from the Hualapai Tribe has been considered throughout the development of this Project (see Appendix COM for details), and not merely through monthly progress reports and document uploads to the Project's SharePoint site, as inferred here. DTSC anticipates Tribal involvement to continue as the Project moves forward. Mitigation included in Chapter 4.4, "Cultural Resources," of the SEIR includes procedures for Tribal notification (see CUL-1a-8q: Implement Cultural Impact Mitigation Program [Section 2.1 – Protocols for Continued Tribal Communication]), which requires notification to Interested Tribes at least two weeks prior to ground-disturbing activities whenever possible. In addition, CUL-1a-14: Tribal Notification of Potential Future Activities (see Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for changes to the mitigation measure as part of this Final SEIR) outlines the processes and timing for which Interested Tribes would be notified in the event that Project activities associated with the Future Activity Allowance are needed. DTSC is committed to continued involvement from the Interested Tribes throughout the construction, operation and maintenance, and decommissioning activities.

T3-005

The commenter expresses concern that the Draft SEIR does not comply with AB 52, and states that use of the Future Activity Allowance is unprecedented because aspects of the Project could get pre-approval for work that may negatively impact the Tribes, without DTSC actually conducting any substantive or meaningful assessment of that impact or soliciting involvement of the Tribes. The commenter further asks for clarification on what and when information about the Future Activity Allowance was shared with the Tribes. The commenter states that the Future Activity Allowance is improper given that the purpose of CEQA is to reveal and propose mitigation of the Project's impacts through the law's procedural requirements.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR and Master Response 3: Inapplicability of Assembly Bill 52 in Project Approval for a detailed response to this comment.

T3-006

The commenter requests undertaking a full review under AB 52's requirements given the severe impacts of the Project on resources of Tribal concern. The commenter requests a detailed explanation of why AB 52 does not apply to this Project, why it was not conducted regardless, and if the proposed Future Activity Allowance approach is an attempt to avoid the requirements of AB 52 for future Project components.

Please refer to Master Response 3: Inapplicability of Assembly Bill 52 in Project Approval for a detailed response to this comment.

T3-007

The commenter states that significant detailed provisional elements already allow for contingency expansion of the remedial system. The commenter notes that the in-situ treatment method was chosen in 2011 for its anticipated reduced impacts to the area as compared to other engineering alternatives. The commenter notes that with each design stage the Project has grown. The commenter states that DTSC has already made a concerted effort during the design process to anticipate possible necessary expansion of the Final Groundwater Remedy Project and added numerous provisional remedy features, which were designed in consultation with the Tribes. The commenter states that these detailed, designed provisional and contingency Project elements provide sufficient flexibility in the final design to allow for contingencies.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T3-008

The commenter states that the insertion of an undefined Future Activity Allowance into Draft SEIR is arbitrary, unprecedented, excessive and inappropriate. The commenter questions the legal validity of and justification for the Future Activity Allowance. The commenter requests examples where this concept has been successfully implemented in other CEQA projects.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T3-009

The commenter states that the Future Activity Allowance would worsen the already significant and unmitigated impacts to resources of Tribal concern, and that DTSC (and DOI and PG&E) should have specifically consulted with the Hualapai Tribe about the Future Activity Allowance before proposing it as part of the Project. The commenter expresses concern about the Future Activity Allowance, requests that it be removed from the Project, and that future CEQA review be conducted for any Project components associated with the Future Activity Allowance.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T3-010

The commenter states that numerous California court cases have held that an accurate, stable and finite project description is the indispensable prerequisite to an informative and legally sufficient environmental document and cites *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185 and CEQA Guidelines Section 15124 (Project Description). The commenter states that none of the possible exceptions to a finite project description, such as a project having independent utility, a staged EIR, or a project with future phases, apply here.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T3-011

The commenter states that the proposed Future Activity Allowance component of the Project lacks any of the hallmarks of an adequate project description such as defined components, specific locations, defined boundaries, which make it difficult adequately assess impacts, effects, and mitigation. The commenter requests clarification on the language in the Draft SEIR project description which indicates the 25 percent component of the Future Activity Allowance can apply to a project feature not included in the Final Remedy Design. The commenter questions whether there are no limitations on what Project elements or features could be included in the Future Activity Allowance, indicating it would be a blank check to PG&E and the agencies.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment, which includes clarifying revisions in this FEIR regarding the specific text that was cited in the comment.

T3-012

The commenter questions the ability for DTSC and PG&E to track components of the Future Activity Allowance and ensure that development of individual components are included in the scope of the SEIR. The commenter further questions how DTSC has evaluated unknown components of the Future Activity Allowance when these features are not yet located or specified in the Project description, and questions how the SEIR act as the CEQA document over long-term Project implementation.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T3-013

The commenter states that the 25 percent component of the Future Activity Allowance is large, particularly in a highly sensitive and biologically constrained area that also is a Tribal TCP with religious values and many historical resources. The commenter requests further clarification on the size of the proposed Future Activity Allowance and why specific Project components or their likely specific locations could not be identified in this Draft SEIR.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T3-014

The commenter states that the proposed Future Activity Allowance is inconsistent with past work to identify, justify, and plan proposed remedy infrastructure and operations. The commenter notes that all proposed specific remedy wells, monitoring wells, buildings, soil placement, roads, pipes etc., and contingent or backup well locations have been carefully reviewed, discussed and evaluated both in the field and in maps. The commenter indicates that placement of any/all wells in

Arizona in the white clay area presents even greater concern as this is a TCP.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response regarding this particular concern.

DTSC understands that the Arizona area (referred to by the Interested Tribes as the *Amut ahar* area) is considered culturally sensitive for its association with clay materials important to Tribes, and that correspondence between the Fort Mojave Indian Tribe (FMIT) and the BLM has ensued since the close of the comment period for the Draft SEIR (on February 27, 2017). As is stated in a letter from the FMIT to the BLM on May 11, 2017, “the area is part of a culturally significant natural landscape where significant traditional activities and events took place. The Topock Cultural Landscape is highly significant to the Mojave and other Yuman speaking tribes where this TCP is a contributing element of the overall cultural landscape related to the Colorado River” (FMIT 2017). DTSC understands that the BLM is in ongoing consultation with the FMIT regarding the importance of the *Amut ahar* area, and that the BLM intends to evaluate its eligibility for listing as a TCP per Section 106 of the National Historic Preservation Act (NHPA) (BLM 2017; FMIT 2017).

Nevertheless, DTSC acknowledges in the SEIR that the area referred to by the commenter in Arizona is considered culturally sensitive for its association with clay materials important to Tribes and is a particularly sacred area to the FMIT, as was recognized in the Draft SEIR at page 4.4-56 of Chapter 4.4, “Cultural Resources.” Similarly, Chapter 4.4, page 4.4-58, notes that Hualapai tradition holds that they were created from the sediment clay and reeds found along the Colorado River’s banks, and that clay deposits are considered an important resource to the Hualapai Tribe as related to their creation.

As such, a special clay handling protocol was developed, in consultation with the Hualapai Tribe, and is included in the Final Remedy Design which is appended to this SEIR as Appendix BOD (see C/RAWP Appendix L – “Soil Management Plan”, Section 2.4 – Handling and Storage of Clean Soil within the Final Remedy Design). Additionally, DTSC will provide opportunity for Tribal notification and input for future activities, if any, and in accordance with Mitigation Measure CUL-1a-14: Tribal Notification of Potential Future Activities, including for any future Project infrastructure that may be needed as part of the Future Activity Allowance in Arizona that is not now reasonably foreseeable and therefore has not been discussed or contemplated during the final remedy design development. Chapter 4.4, “Cultural Resources,” page 4.4-108 acknowledges that even with the implementation of these and other mitigation measures, impacts to the Topock TCP and its contributors, including clay deposits, would remain significant and unavoidable.

Additionally, Chapter 6, “Cumulative Analysis,” page 6-35 of the Draft SEIR (and as revised in this Final SEIR) also acknowledges that cumulative impacts would remain significant and unavoidable after implementation of the mitigation measures and the Project in combination with other projects in the area would continue to contribute considerably to a cumulatively significant impact to the integrity of those physical characteristics that convey the significance of the Topock TCP, including clay deposits, and to historical resources unique and important to the region. The commenter is also referred to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property.

DTSC understands the Hualapai’s concern about infrastructure located in the white clay area in Arizona; however, Project wells and associated infrastructure in Arizona are required for the remedy for three important purposes: 1) supplying water to operate the remedy; 2) monitoring the plume to ensure it does not escape and expand into Arizona; and 3) protecting non-project water supplies. DTSC reiterates that for all future infrastructure, if any, deemed necessary to be located in Arizona (as part of the Future Activity Allowance), the mitigation measures identified in the Final SEIR would remain applicable to avoid and reduce impacts to the larger Topock TCP. Coordination with the Tribes regarding the location(s) of any future infrastructure deemed needed would also occur as required by CUL-1a-14.

T3-015

The commenter states that the Draft SEIR does not include analysis of the Future Activity Allowance components related to aesthetic and visual impacts, air quality, biology, hydrology and water quality, noise, utilities, service systems and energy and water supply, and questions which topics might be expected to exceed the 25 allowance and where cumulative impacts are addressed with cumulative-specific mitigation. The commenter also questions whether the 25 percent allowance has been analyzed within all environmental topics included in the SEIR.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property and Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T3-016

The commenter requests a standalone section on the proposed Future Activity Allowance in the SEIR to more readily capture, analyze, and track the Future Activity Allowance, including cumulative effects. The commenter asks for further clarification on the review process, above what is provided on Draft SEIR pages 3-97 to 3-99 to provide more transparency, predictability and structure to subsequent Project analysis.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

- T3-017 The commenter requests that provisions be made in the SEIR for additional CEQA review and Tribal consultation prior to initiating ground disturbance for Future Activity Allowance components.
- Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.
- T3-018 The commenter states that the adaptive management concept, which allows for a consideration of how a project’s implementation and impacts are actually playing out over time, appears to be used for environmental/biological purposes as a way of justifying the Future Activity Allowance.
- Use of the Future Activity Allowance over the lifetime of the Project will be based on the need for additional facilities to control the groundwater plume above what was anticipated in the Final Remedy Design and depending on the additional information gathered as a result of implementation and operation of the Final Remedy Design. DTSC is not proposing to use adaptive management in any way related to the Future Activity Allowance. Rather, the intent is to allow some flexibility for a Project that, by its inherent nature, is anticipated to require that some revisions be made in the future. If revisions are needed, DTSC will consider whether they are substantial, consistent with CEQA Guidelines Section 15162. Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to the purpose and rationale for including the Future Activity Allowance in the SEIR.
- T3-019 The commenter states that the Future Activity Allowance is not consistent with the CIMP as the Future Activity Allowance is not included, mentioned, cited, listed, described or referred to in the CIMP. The commenter states that the Future Activity Allowance as included in this Draft SEIR is considered non-applicable and is in conflict with the PA, the CIMP and the CHPMP.
- Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.
- T3-020 The commenter states that the Hualapai Tribe would prefer full consultation if the purpose of the Future Activity Allowance is to address uncertainty for the proposed Project. The commenter states that CERCLA Section 121(d)(2)(A) requires that remedial actions attain ARARs at a minimum and that Future Activity Allowances will not meet this requirement.
- Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.
- T3-021 The commenter states that the Future Activity Allowance is a pattern by agencies involved in the Topock remediation efforts to include open-ended Project features and impacts, and states that such additional

activities would worsen certain environmental effects including cumulative impacts. The commenter indicates historical objections to such practices and requests that the Future Activity Allowance be stricken from the SEIR. The commenter further asks how have the cumulative impacts to the TCP and sacred area from these repeated assaults on the landscape been considered in the Draft SEIR.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property and Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T3-022

The commenter states that new information was collected from Tribal members regarding the unique and specific sensitivities from the Tribal perspective; however, the commenter states that this unique Tribal viewer group was not separately analyzed in the Draft SEIR. The commenter states that the Tribal Viewer Group should be separately addressed and evaluated to reflect and highlight the unique and greater sensitivities of Tribal members for this site, not simply lumped into the pedestrian/ recreational viewer groups.

The Draft SEIR Section 4.1.3.4, page 4.1-33 includes a discussion of Tribal groups as a distinct viewer group and describes how these viewers were previously considered as ‘pedestrians’ in the Groundwater FEIR certified in 2011. However, the Draft SEIR analysis includes Native American Tribes as a unique viewer group and concludes that “Because many Tribal users are intimately familiar with the views and overall viewshed associated with the cultural landscape and would be sensitive to visual changes in the landscape, viewer sensitivity is considered high” (Draft SEIR page 4.1-33). Therefore, the commenters request that the Tribal Viewer be included as a unique viewer group has been included in the SEIR.

T3-023

The commenter questions why DTSC waited until after the Final Remedy Design was complete to require as many as 10 Arizona monitoring wells as part of the Project, and questions why none of this information was presented at any of the Technical Working Group (TWG) or Consultative Work Group (CWG) meetings. The commenter further states that there is insufficient information to properly evaluate impacts under this SEIR, and questions whether the additional wells are considered a mitigation measure or part of the Project. The commenter states that future work plans for locating and installing any further monitoring wells under HYDRO-6a should be prepared with input from the Tribes and any other interested parties and the impacts from those installations assessed.

In consideration of protecting Arizona groundwater users from potential impacts from PG&E’s groundwater remedial action, which may occur with extended extraction at the HNWR-1A well, DTSC gave PG&E the option to negotiate access agreements and monitor water from existing wells or to establish a baseline with a new well nearby. The potential

new wells as proposed are considered a mitigation measure for groundwater impacts (see the IMPACT HYDRO-1 discussion in the SEIR starting in Section 4.6.5.4). However, CEQA also requires that potential impacts from actions associated with mitigation measures be considered in the SEIR, and as such, these up to 10 potential wells have been included as part of the Future Activity Allowance to ensure the impacts of these wells are evaluated appropriately throughout the SEIR. For a discussion on use of the Future Activity Allowance, please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR.

T3-024

The commenter states that during the summer of 2016, the Tribes formally requested that the Pump and Treat Alternative (F), be reconsidered. The commenter states that this alternative should have been reconsidered as part of the SEIR.

Chapter 7, “Alternatives Analysis,” subsection 7.5.1 “Alternative Remedial Technology,” includes a discussion of other remedial technologies previously considered and rejected by DTSC. Additionally, Chapter 2, “Introduction,” subsection 2.3.2 “Alternatives Considered in the FEIR,” gives rationale as to why each alternative remedial technology proposed in the 2011 Groundwater FEIR was rejected, including Pump and Treat (Alternative F). DTSC notes that this option was fully considered in the Corrective Measure Study (CMS) and the Tribes objected to the consideration of a treatment plant for the groundwater remedy.

Moreover, as a result of the Tribes’ recommendation to reconsider Pump and Treat during the October 2015 CWG meeting, DTSC and the Department of the Interior (DOI) did subsequently engage the Tribes and requested the proposal in writing. The Agencies were told by a representative of the Hualapai Indian Tribe that this may be the subject of a recommendation letter after their Tribal Council meeting in November 2015; however, the Agencies were subsequently told that the Hualapai would not proceed with this recommendation and the subject was dropped. As a matter of record, DTSC notes that the CMS did consider the continued operation of the Interim Measure Groundwater Treatment (Alternative I). Although this system has been in place and operated successfully for the interim measure to control the net flow direction of the contaminated plume, the current system was not designed to operate as a standalone system to remediate the entire plume. There is also a settlement agreement between DTSC and FMIT that the IM-3 Treatment Plant be decommissioned and removed, as provided for in the agreement, by PG&E after DTSC approval of the decommissioning and after the adoption of a construction completion report or equivalent demonstrating that the Groundwater Remedy is operational. Furthermore, even if PG&E is successful in maintaining the system, the current interim measure pump-and-treat system would not meet most of the Project objectives identified in Section 3.4 of the SEIR, including because it would take an unreasonable length of time to fully

remediate the plume (between 100 and 960 years [CH2M Hill 2009a:5-41]).

Subsequent to commenting on the Draft SEIR, the commenter met with DTSC on August 14, 2017 and followed up with a letter on August 18, 2017 requesting DTSC consider the use of a pump and treat alternative in lieu of the selected remedy. In the meeting and follow up letter, Hualapai Indian Tribe requested DTSC to “reconsider a pump and treat alternative to the planned in-situ reactive zone (IRZ) system.”

On December 4, 2017 DTSC met with the commenter to discuss the request. On December 12, 2017 DTSC sent a letter to the commenter stating that, based on review of the information presented by the Hualapai Indian Tribe and our analysis of the Project, DTSC believes that the remedy selected by DTSC and DOI will be effective and protective, and that there is no cost, technical, legal or schedule basis that would support a decision to change the remedy at this point in time.

T3-025

The commenter states that the Interested Tribes have provided detailed input regarding avoidance of areas of cultural importance when locating areas for staging and soils storage, which has repeatedly emphasized the unsuitability of staging areas #6, #7, #12 and #25 for construction/staging/storage activities. The commenter requests that applicable draft mitigation measures and site procedures be updated to include that PG&E work with Tribal Monitors to demarcate the area allowable for use, using the least destructive manner, such as placement of straw-filled wattle. The commenter states that even with these improved use/mitigation parameters, the Interested Tribes remain steadfast that these areas are inappropriate for such uses and that the proposed uses constitute significant impacts both at the Project and cumulative levels.

DTSC recognizes and acknowledges the importance of the Topock area to the Interested Tribes as a significant cultural and historic area and DTSC understands that there are Tribal sensitivities to the use of all areas within the Project Area. Since 2013, DTSC has encouraged Tribal input on staging areas to be avoided during implementation of the Final Groundwater Remedy Project and has attempted to seek a balance in Tribal preference with the necessities of the cleanup project by hosting discussions and conducting site visits to identify suitable areas for the soil staging and storage areas. As part of the response to comment process, FMIT, Hualapai Indian Tribe, and Cocopah Indian Tribe submitted a table indicating which staging areas should be avoided in the Final Groundwater Remedy Project. However, agencies must also consider the practical necessity of staging areas for construction of the remedy. As a result of significant discussion the agencies issued the Final Remedy Design Directive letter dated October 19, 2015, which details the staging areas that were eliminated from use, or are limited in use for the Final Groundwater Remedy Project, including areas requested to be excluded by Interested Tribes. Although Tribes maintain that several support areas remaining in the Final Remedy Design, specifically areas

6, 7, 12, and 25 should be eliminated from use, PG&E considered staging area options in lieu of their use in a technical memorandum as Appendix W in the C/RAWP report titled “Proposed Use of Certain Areas for Construction, Staging, and Soil Storage at PG&E Topock Compressor Station” and maintained their preference based on space constraints of the existing road, increased public safety, reduced environmental impacts, reduced construction duration as a result of efficiency, and the need for temporary supporting facilities. DTSC acknowledges the Tribes’ continued concern regarding the suitability of these four areas for use as work/storage areas during construction. In the letter, DTSC also detailed conditions PG&E must follow when using Staging Areas 6, 7, 12, and 25 in order to minimize impacts on the areas and surrounding areas. These conditions include:

- Staging Area 6 – PG&E shall not place portable toilets within this area. PG&E may also use this area to assess wells; however, this area will not be used for long-term storage of soil or any other material. PG&E shall minimize the extent of area used at this area and demarcate the area allowable for use.
- Staging Area 7 – Although PG&E may use this area as a support zone, PG&E cannot locate restroom facilities in this area. PG&E may move the restrooms to the IM-3 Facility area and should preclude other support zone activities that are not critical to the construction as much as possible. This area will only be used for essential staging activities, not as long term storage.
- Staging Area 12 – PG&E shall demarcate the area allowable for use and provide specific instructions to workers on the limit of area to be accessed.
- Staging Area 25 – PG&E shall avoid any impacts to the Route 66 sign. PG&E shall demarcate all working areas and may use protective barriers to safeguard the Route 66 sign during construction as proposed in Appendix W of the C/RAWP document.
- PG&E shall continue to evaluate the use of the staging areas during construction and an effort should be made to limit the actual area used, and to minimize impacts on these areas and their surroundings.

In short, DTSC solicited input from the Tribes, made changes to the staging areas in response to the comments and concerns of the Tribes, and has thereby avoided and reduced impacts from the staging areas to the extent feasible while still ensuring the ability of the Project to move forward if approved.

T3-026

The commenter states that the Interested Tribes object to any Project elements or infrastructure being installed along the Arizona side of the Colorado River, including the 10 proposed monitoring wells and MW-X and MW-Y, in the area known as the white clay area within the Topock TCP. The commenter states that proposed remedy components in this area will result in project-level and cumulative impacts. The commenter states current data and field-testing are limited and characterizations are

inadequate, and that further analysis is needed to justify the locations of monitoring wells MW-X and MW-Y. The commenter notes that the Interested Tribes are currently in ongoing discussions with State and federal agencies to delineate and provide formal recognition of this area as a listed TCP, and are in the process of submitting additional evidence in support of the cultural value of the area.

As indicated in response to comment T3-014 above, DTSC acknowledges that the project area located in Arizona (referred to by the Interested Tribes as the *Amut ahar* area) is considered culturally sensitive for its association with clay materials important to Interested Tribes. DTSC understands that the BLM is in ongoing consultation with the FMIT regarding the importance of the *Amut ahar* area, and that the BLM intends to evaluate its eligibility for listing as a TCP per Section 106 of the National Historic Preservation Act (BLM 2017; FMIT 2017).

Project wells and associated infrastructure in Arizona are required for the remedy for three important purposes: (1) supplying water to operate the remedy; (2) monitoring the plume to ensure it does not escape and expand into Arizona; and (3) protecting non-project water supplies. DTSC indicated that for this remedy, wells MW-X and MW-Y are a critical part of the monitoring program. DTSC would be extremely unlikely to approve the remedy design without them. The reason is that PG&E's remedy intentionally accelerates the flow of the chromium containing groundwater to the east toward Arizona. Please refer to DTSC's response to comment #17 in Appendix I – Response to Comments on the 90% Design Documents for additional details. PG&E's updated groundwater model continues to document eastern flow into and toward Arizona (Arcadis' Addendum to Development of Groundwater Flow and Solute Transport Models dated January 2017).

While MW-X and MW-Y are not located within the *Amut ahar* area as defined by the BLM in their June 2017 letter, the Tribes have stated that these Project components are located in an area sensitive for clay material which they associate with *Amut ahar* which is sacred to some Interested Tribes and considered an important aspect of the Topock Cultural Landscape. Other activities that would occur within the *Amut ahar* area as defined by both the FMIT and the BLM include construction of below ground and above ground pipelines to deliver freshwater to California to operate the remedy; soil storage and staging at areas 26, 27, 28, and 29, and improved access to existing wells (see Figures 3-3d and 3-8 of the SEIR, for example). In addition, infrastructure that may be needed as part of the Future Activity Allowance could be located within the *Amut ahar* area, depending on the initial results of implementation of the Final Remedy Design and potentially including a future monitoring well between HNWR-1 and Topock 2 and 3 for protection of existing water users.

For any infrastructure locations in Arizona as part of the Future Activity Allowance that are not now reasonably foreseeable and therefore have not been previously discussed in detail during the design development,

DTSC will provide opportunity for Tribal input in accordance with Mitigation Measure CUL-1a-14: Tribal Notification of Potential Future Activities (see Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for changes to the mitigation measure as part of this Final SEIR), and all mitigation measures identified in the SEIR will apply. Also as noted in response to comment T3-014, a special clay handling protocol was developed, in consultation with the Hualapai Tribe, and is included in the Final Remedy Design which is appended to this SEIR as Appendix BOD (see C/RAWP Appendix L – *Soil Management Plan*, Section 2.4 – Handling and Storage of Clean Soil within the Final Remedy Design).

DTSC will continue to monitor the ongoing consultation between the Tribes and BLM regarding the white clay area, and will ensure, as the Lead Agency responsible for approving the Project, that any future activities, including any in Arizona, are consistent with the conclusions presented in the Final SEIR and that the required mitigation measures included herein reduce impacts to the extent feasible.

T3-027

The commenter states that the proposed locations for monitoring wells MW-X and MW-Y are associated with the creation of the Hualapai given the presence of the white clay. The commenter further states that river confluences have an esoteric and spiritual meaning which translate into the landscape and into creation. The commenter notes that the FMIT holds this location to be sacred, as reflected in their nomenclature.

DTSC acknowledges the importance of the area to the Hualapai Tribe and other local Tribes, and thanks the Tribe for including their Tribal history related to the white clay area. Please see response to comment T3-026 for additional details on the need for MW-X and MW-Y.

T3-028

The commenter states that Tribal experts have the most familiarity with the Project Area and surrounding landscapes. The commenter states that DTSC is not subject to Section 106 of the NHPA, but requests that DTSC consider a working partnership that incorporates consultation protocols to assist in furthering, cooperation, commitment, trust and relationship building.

As a State agency, DTSC is not subject to Section 106; however, DTSC has engaged in continued consultation with the Interested Tribes since 2008 with regard to the cleanup of the hexavalent chromium plume, as described in Chapter 4 of the Draft SEIR (Section 4.4.2, “Summary of 2011 Groundwater FEIR Cultural Resources Analysis,” pages 4.4-7 to 4.4-9, “Native Heritage Resources,” and Section 4.4.3.2, “Native American Heritage Resources,” pages 4.4-40 to 4.4-43). See also the complete index of outreach conducted between DTSC and Tribes for all Topock-related efforts in Appendix COM, PG&E Topock Tribal Communications Summary Table of the SEIR. DTSC continues to engage in consultation with the Interested Tribes in accordance with California Executive Order B-10-11 and California Environmental

Protection Agency (EPA) Policy Memorandum CIT-09-01: EPA for Working with California Indian Tribes.

T3-029

The commenter states that Mitigation Measure NOISE-3 has been extensively changed from the original language in the 2011 Groundwater FEIR. The commenter is requesting that the reference to noise level standards consistent with places of worship should be incorporated into the mitigation measure.

Mitigation Measure NOISE-3 from the 2011 Groundwater FEIR is not included in the SEIR, because the requirements are largely redundant with those of Mitigation Measure NOISE-1 and NOISE-2 in the SEIR. Mitigation Measure NOISE-3 from the 2011 Groundwater FEIR also required PG&E to communicate the remediation activities scope and schedule with Tribes after the final design was completed. This is no longer relevant to the SEIR as the Final Remedy Design has been prepared and the Tribes continue to be involved in scheduling and process discussions through the CWG meetings with agencies and PG&E. Mitigation Measures NOISE-1 and NOISE-2 apply to Project-related noise with the potential to impact the Topock Cultural Property and other sensitive land uses, and, as such, adding a reference to the appropriateness of using noise level standards consistent with places of worship is unnecessary and potentially confusing.

Mitigation Measure NOISE-3 in the SEIR is a new mitigation measure that was created in response to the reasonably foreseeable and potentially significant cumulative noise impacts of the proposed Project, as explained in Chapter 6, “Cumulative Impacts,” page 6-41. As stated therein, “... Measure NOISE-3 is a new measure from what was identified in the Groundwater FEIR....”

T3-030

The commenter agrees with the SEIR’s cumulative impact conclusions that implementation of the Project in combination with other projects could cause substantial adverse change in the Topock TCP and cultural resources. The commenter further states that the Topock TCP is analyzed as a historical resource, ignoring the elements of religious significance of sacred areas within the TCP, and that such cumulative impacts are likewise cumulatively significant and cumulatively considerable.

As described in Chapter 6, “Cumulative,” Section 6.6.5, “Cultural Resources,” pages 6-33 to 6-35, cumulative impacts to cultural resources, including the Topock TCP, were analyzed and found to be significant and unavoidable. The BLM determined that the Topock TCP is eligible for inclusion in the NRHP under Criterion A (BLM et al. 2010). Because the Topock TCP has been determined eligible for inclusion in the NRHP, it is automatically listed in the CRHR (Public Resources Code Section 5024.1(d)(1)) and is considered a historical resource as defined in CEQA Guidelines Section 15064.5(a). While considered a historical resource for the purposes of analyzing impacts to the environment under CEQA, Chapter 4.4, “Cultural Resources,” acknowledges that the Topock TCP is of religious significance and sacred to Interested Tribes (see in particular

Section 4.4.3.2 Native American Heritage Resources). (See also Section 4.4.5.3 Impacts Analysis, pages 4.4-104 to 4.4-106). The commenter is also referred to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property, which includes additional mitigation to address cumulative impacts.

T3-031

The commenter states that the application of the groundwater modeling emphasized the importance of scenario planning due to population growth and that the model could be potentially used to implement credible future scenarios such as increased pumping, associated with population growth. The commenter states that in consideration of changing climate scenarios, a scenario involving future groundwater resource development would be appropriate for consideration.

The groundwater model was developed to simulate the response of the contaminant plume to various treatment method scenarios. It was not designed to simulate the response of regional aquifers to increased use of groundwater from unknown supply well locations. Growth inducing impacts are discussed in Chapter 5, "Other CEQA Sections," Subsection 5.3, "Growth Inducement." That section explains that while there is a chance that the proposed Project could result in off-site infrastructure or service expansions related to electrical and water supply systems which could serve other future development in the area, due to the relatively isolated nature of the area, other limiting factors to development, and the projected growth forecasts, the Project is not anticipated to result in significant indirect or growth inducing impacts. Although the groundwater model may have included scenario planning due to population growth, the Draft SEIR's impacts are focused on the design details included in the Final Remedy Design, and are unrelated to the response of regional aquifers to increased use of groundwater from unknown supply well locations. DTSC and DOI, however, would conduct 5 year reviews of the remedy. During these periodic reviews, resource allocations and growth induced impacts on the remedy could be considered if warranted.

T3-032

The commenter states that the Treatment Plan described in Mitigation Measure CUL-1a-19 has not been completed and suggests this may be inconsistent with CEQA. The commenter states that the Interested Tribes have not reviewed nor been allowed to assist/collaborate on the drafting of the Treatment Plan.

The Treatment Plan is currently being prepared by the BLM to resolve adverse effects to historic properties under Section 106 of the NHPA in compliance with the Stipulation VII(B) of the PA and Chapter 7 of the CHPMP. DTSC agrees that the Treatment Plan has not been finalized; moreover, if additional impacts to historic or pre-historic resources are discovered or potentially impacted by the Project, the Treatment Plan should be revised to address those resources. DTSC notes that a draft Treatment Plan has, at this point, been provided to the Interested Tribes for review and comment. Comments were received from the FMIT in a letter dated April 28, 2017, and from the Cocopah Tribe in a letter dated

April 24, 2017. DTSC and DOI are considering the comments and revising the Treatment Plan as necessary. Under CEQA this approach is consistent with current standards and practices of requiring preparation of a Treatment Plan as part of the mitigation, identifying the general principles that will be addressed in the Treatment Plan (i.e., additional documentation, interpretation, data recovery, as relevant to the specific identified resource) and including performance standards. (See CEQA Guidelines, Section 15126.4, subd. (a)(1)(B) [“measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way”]; *Preserve Wild Santee v. City of Santee* (2012) 210 Cal. App. 4th 260, 279 [finding plaintiffs had not established that the City improperly relied on a draft subarea plan to avoid analyzing the project’s cumulative biological impacts, or that the EIR’s analysis of the project’s cumulative biological resources impacts was otherwise inadequate].) Here, the Draft SEIR includes mitigation measures and performance standards to avoid and substantially reduce significant impacts to historical and cultural resources from the Final Groundwater Remedy. It is therefore not required for DTSC to wait until completion of the Treatment Plan before relying on it as part of the Project approval.

T3-033

The commenter states that the mitigation measures in the Draft SEIR were prepared with no input from Tribes. The commenter states that the Tribes were able to address their concerns in comment letters, but Tribes were not consulted with or able to participate in the development process for preparing and implementing mitigation measures.

Since this is an SEIR, the basis of the mitigation measures is the 2011 FEIR. On August 21, 2013, DTSC met with representatives of Chemehuevi, CRIT, Cocopah, Hualapai, FMIT, and PG&E at the FMIT Tribal Office to discuss, provide clarifications of, and receive input on the Groundwater Mitigation and Monitoring Response required by the 2011 Groundwater FEIR. DTSC considered the input received from Tribes during this meeting in the development of the mitigation measures in the Draft SEIR. In addition, DTSC also met with members of the Interested Tribes to discuss mitigation on several occasions, including meeting with representatives from the Chemehuevi, Cocopah, CRIT, FMIT, and Hualapai Tribes on July 19, 2016, and August 5, 2016, specifically to discuss conceptual mitigation options that could be included in the SEIR. DTSC also participated in a meeting with representatives from the Cocopah, CRIT, FMIT, and Hualapai Tribes on April 19-20, 2017, to discuss Tribal comments on the SEIR mitigation measures. The following is a summary of changes that were made to the mitigation measures as a result of these meetings, and in addition, other changes were made to various sections of the SEIR as a result of this input:

- CUL-1a-3a: added option for DTSC to request PG&E initiate a meeting with agencies and Interested Tribes to discuss the findings of Annual Historical Resource Condition Inspection reports.

- CUL-1a-3c: changed “tribal cultural resource specialist” to “Tribal representative.”
- CUL-1a-3c: added timeframe for development and completion of outreach materials.
- CUL-1a-3d: included the Interested Tribes as key stakeholders in the design and installation of signage and added timeframe for installation of signage.
- CUL-1a-4: removed stipulation that the TRC shall provide all deliverables and results to all involved tribes, and extended funding for the TRC until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the TRC will be assessed by DTSC.
- CUL-1a-8q: included a provision that the CIMP may be amended if protocols or procedures require modification due to unforeseen circumstances.
- CUL-1a-11: removed reference to PG&E and FMIT settlement agreement, and extended open grant funding until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the cultural resource specialist/project manager positions will be assessed by DTSC.

Please also see Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property for new Mitigation Measure CUL-5, and Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for changes to Mitigation Measure CUL-1a-14 as part of this Final SEIR, both of which are included as a result of comments provided by the Interested Tribes on the Draft SEIR.

T3-034

The commenter states that Tribes should be included in the development of Final SEIR mitigation measures, and that the Draft SEIR does not reflect the recommended provisions that the Tribes proposed for consideration. The commenter further states that the Draft SEIR fails to include mitigation measures specific to cumulative impacts and uses Project-specific mitigation to also cover cumulative impacts. The commenter also states that Tribes have commented extensively on the severity of the cumulative impacts, but none of the Tribes’ letters appear in the appendix that lists the references for each section.

DTSC thanks the Tribes for the comment and providing additional considerations on the mitigation measures presented in the draft SEIR. Please also see Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property for new Mitigation Measure CUL-5, and Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for changes to Mitigation Measure CUL-1a-14 as part of this Final SEIR, both of which are included as a result of comments provided by the Interested Tribes on the Draft SEIR.

Regarding the comment that none of the Tribes' prior comments on cumulative impacts were included in the bibliography chapter of the Draft SEIR, the Tribal perspectives section of Section 4.4, "Cultural Resources," is where all of the Tribal perspectives, including those related to cumulative impacts, is contained. Those perspectives were taken into account when formulating the cumulative impacts scenario for the proposed Project's impacts, which was then analyzed in Chapter 6, "Cumulative Impacts," and may not specifically be referenced in the Bibliography.

T3-035

The commenter suggests several changes and mitigation measures (each is addressed specifically in responses T3-035 through T3-045). The commenter states that areas of damaged cultural resources consumed by any construction should be summed and lost cultural resources should be compensated for the impact by replacing or providing substitute resources or environments (CEQA 20.15370(e)). The commenter provides an example that an equivalent area of land be set aside for a cultural preserve nearby.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property for a detailed response to this comment.

T3-036

The commenter states that the arsenic monitoring wells are proposed in sensitive cultural locations, that the unpaved roads through these sensitive locations are not necessary, and that the justification for these wells and associated access impacts needs to be considered. The commenter suggests a mitigation measure that would require acres of damaged cultural resources consumed by the Dissolved Metals Removal System to be summed up, and lost cultural resources should be compensated for the impact by replacing or providing substitute resources or environments per CEQA Guidelines Section 15370(e).

The justification for the arsenic monitoring wells is explained in the Draft SEIR (see specifically Section 3.6.3.1, "Final Groundwater Remedy Operation and Maintenance," subsection on Contingency Operations). The purpose is to monitor the concentrations of arsenic down-gradient of the Topock Compressor Station (TCS) Recirculation Loop and adjust the operations in the event that the concentrations of arsenic exceed action levels. Note that efforts have already been made to reduce the need for installing additional wells. For example, as discussed in Section 3.9.2, "Access to Non-Federal Lands," Page 3-97 of the Draft SEIR, PG&E relocated the freshwater injection Well FW-1 in order to use two installed monitoring well clusters and thereby avoided drilling additional new monitoring wells on the FMIT property.

According to the Final Remedy Design, the Dissolved Metals Removal System is a contingency system to remove mainly scaling iron from the remedy produced water during well rehabilitation. The Dissolved Metals Removal System was introduced in the pre-final (90%) design based on comments received on the interim (60%) design. As shown in design

drawings A-12-03 in Appendix B for the interim (60%) and prefinal (90%), the square footage of the remedy produced water conditioning plant remained the same (1,700 square feet) even with the addition of the Dissolved Metals Removal System. The Dissolved Metals Removal System is designed to be fully integrated into the planned conditioning process for remedy-produced water and has space allocated for it in the design, thereby allowing for installation without expansion of the building footprint if required in the future. As a result, no additional impacts would occur to cultural resources as a result of construction of the Dissolved Metals Removal System. The commenter is also referred to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property for a detailed response to the comment about suggested mitigation measure.

T3-037

The commenter states that Mitigation Measures HYDRO-5a, -5b, and -5c describe the installation and monitoring of the arsenic monitoring wells, but the Draft SEIR lacks corresponding mitigation measures which mitigate the consequences/resulting damages of the installation of these monitoring wells. The commenter states that these wells are installed in mostly upland areas, which are especially sensitive cultural areas. The commenter requests clarification on specific mitigation on the impacts of the installation and use of these wells to cultural resources.

Because these wells are considered as part of the Project, all mitigation measures that apply to Project infrastructure (including the construction, operation and maintenance, and decommissioning phases) would apply to these wells. For example, and specific to Tribal notification, mitigation included in Chapter 4.4, "Cultural Resources," of the SEIR would apply to selection and installation of potential future arsenic monitoring wells. In particular, CUL-1a-14: Tribal Notification of Potential Future Activities (see Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for changes to the mitigation measure as part of this Final SEIR) includes notification and input procedures and CUL-1a-15: Future Activity Allowance Cultural Resources Survey includes procedures for future surveys and Tribal involvement. Furthermore, please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property for a detailed response to the comment about suggested mitigation.

T3-038

The commenter states that the Final Remedy Design well count exceeds the maximum of 170 wells from the 2011 Groundwater FEIR. The commenter states that the current well count does not include the proposed multiple injection wells discussed above or the replacement wells over the 30- to 50-year life of the remedy, which could potentially increase the total number of wells as part of the Final Groundwater Remedy Project. The commenter states that the impacts from the full count of wells during the remedy period and the impacts from the associated roads, paths, and visitation during this period should be considered. The commenter suggests a mitigation measure that would require acres of damaged cultural resources consumed by the Dissolved

Metals Removal System to be summed up, and lost cultural resources should be compensated for the impact by replacing or providing substitute resources or environments (CEQA Guidelines Section 15370(e)).

As suggested by the commenter, given the life of the Project over 30 to 50 years, there is an element of Project infrastructure that cannot be quantified at this time with a great level of certainty. That is why DTSC has included the Future Activity Allowance as part of the Project, to account for that reasonably foreseeable need for flexibility. Table 3-1 in Chapter 3, "Project Description," summarizes the estimated boreholes for the 2011 Groundwater FEIR, the total number of boreholes for the Final Remedy Design, and the Future Activity Allowance. As the commenter noted, the borehole count increased from the 170 estimated in the 2011 Groundwater FEIR to the 191 estimated for the Final Remedy Design. The count of 191 includes all injection wells. As explained in Draft SEIR Section 3.6.3.5 "Well Maintenance," wells would be maintained with well repair or rehabilitation, as needed. In severe cases, the well may require repair or replacement. Holes or gaps in the casing might be repaired using commercially available well patch materials. Wells might also be relined with a new well casing inside the older casing, although this also means that the casing diameter would be smaller, reducing well performance, but using the same borehole. If the damage is too severe, the well may need to be reconstructed in place by removing the well casing and reconstructing the well with new materials in place. Alternately, the damaged well could be destroyed and a new well could be constructed at a new location, with approval of the regulatory agencies. Construction of a new well at a new location would be the last option.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property for a detailed response to the comment about suggested mitigation.

T3-039

The commenter states that CUL-1a-17 deals only with the handling and management of displaced soils, including options for re-use, and that there does not seem to be any mitigation for the actual disturbance of soils or their removal, other than these handling procedures.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property for a detailed response to this comment.

T3-040

The commenter suggests a mitigation measure to address the longevity of the Project that requires full university scholarships be made available to Tribal members to help create career paths toward continuing preservation work at Topock. The commenter states that these scholarships should be in the areas of archaeology, anthropology, hydrology, engineering, and biology. The mitigation measure would provide for full higher-education Tribal scholarships (two per educational year per participating Tribe) for biology and / or

ethnobotanical degrees, archaeology, hydrogeology, and museum studies.

This suggested mitigation measure is found to lack a nexus and rough proportionality to the identified impacts of the Project to the Topock TCP. (See CEQA Guidelines, Section 15041.) The funding of education for members of the Tribe, while a benefit to the Tribe, would not directly mitigate any significant adverse impacts of the Project on the physical environment within the Topock TCP. As such, despite the worthy nature of the request, DTSC cannot legally impose such a requirement on PG&E. (See Public Resources Code, Section 21081.6, subd. (b) [agency must ensure mitigation is legally enforceable], 21004 [CEQA does not expand agency authority to impose condition]; CEQA Guidelines, Section 15126.4, subd.(a)(2),(4) [same].). However, as indicated in Master Response 2: Use of the Future Activity Allowance in the Draft SEIR, Mitigation Measure CUL-5 has been required as part of this Final SEIR. This measure requires funding that could be used by the Tribe to facilitate actions to preserve the cultural and ecological integrity of the Topock TCP, and that would provide interpretation, and/or educational programs related to the Topock TCP.

T3-041

The commenter states that physical disturbance within the Project Area will occur to significant trails and will prevent participating Tribes to travel physically and spiritually along these trails. The commenter states that extant trails should be field mapped and preserved by qualified cultural personnel and Tribal representatives. The commenter states that certain trail corridors, including routes to Spirit Mountain, Boundary Cone and Needles, can be preserved. The commenter states that disturbance to the Project Area would result in significant impacts to cultural resources, including but not limited to stone circles, rock cairns, stone scatters, trails, tool refining stations, spiritual teaching areas, and minerals.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property for a detailed response to this comment.

T3-042

The commenter states that financial support should be provided to Tribal interpretive centers on Tribal lands that describe, educate, and engage Tribal communities in disseminating and preserving traditional cultural identity through Tribal languages. The commenter states that resulting programs could be used for continued outreach and education to stakeholders linking with cultural information at Topock and grants would be phased over the lifetime of the remediation Project.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property for a detailed response to this comment.

T3-043

The commenter states that a trust fund should be created for a Cultural Preserve at Topock, and that this would help in attempting to preserve

the Topock Cultural Landscape in view of the encroaching Moabi Regional Park tourist facility. The commenter states this could be a good start for partnership considerations.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property for a detailed response to this comment.

T3-044

The commenter states that there should be funding for increased security measures around the Topock Cultural Landscape due to tourism and increasing numbers of visitors to the Topock area. The commenter states that vandalism occurred recently at Grapevine Canyon and does not want this to happen at Topock.

DTSC appreciates the commenter's concerns with security. Although everyone involved with the Project is vigilant on protecting cultural resources, the Project Area is within land owned and managed by DOI. Although neither DTSC nor PG&E has any enforcement authority on federal land, DTSC has considered additional awareness to be important in protecting the resources at the Project Area. Mitigation Measure CUL-1a-3b from the Groundwater FEIR included development of a Site Security Plan. This mitigation measure has subsequently been completed and included as Appendix Q of the C/RAWP. The Site Security Plan will be adhered to for the duration of Project implementation, as required by SEIR Mitigation Measure CUL-1a-3e.

T3-045

The commenter states that there should be continued long-term (30 to 50 years) support of the TRC and Topock Project Managers, open continued support from all federal and state agencies, and funding support to continue through the duration of the remediation clean-up Project. The commenter requests that all the TRC and Project Managers be retained for 5 years after startup of the project and continue on as-needed for technical support through the year 2065. The commenter states that ongoing reasonable compensation be continued for Tribal participation in monitoring, attending meetings, and participating in Project development, as with the present Consultative Work Group, Technical Work Group, Clearinghouse Task Force, Monitoring, and subcommittee involvement.

DTSC agrees that funding for the TRC and Project Managers should be extended until the groundwater remedy is determined by DTSC to be operating properly and successfully. As a result, modifications are made in this Final SEIR to Mitigation Measures CUL-1a-4 and CUL-1a-11 as indicated below. DTSC is committed to continued involvement with the Interested Tribes throughout the duration of the Project.

CUL-1a-4: Technical Review Committee (Groundwater FEIR Measure with Revisions). ...~~Upon conclusion of the construction phase of the Project,~~ Funding for the TRC shall continue until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the

TRC shall be assessed by DTSC ~~and , at which time~~ the provision of the TRC may be extended, reduced, or terminated. During the operation and maintenance and decommissioning phases, the necessity of the TRC shall be periodically evaluated by DTSC.

CUL-1a-11: Open Grant Funding (Groundwater FEIR Measure with Revisions). ... ~~Upon conclusion of the construction phase of the Project,~~ Funding for these positions shall continue until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the cultural resource specialist/project manager positions shall be assessed by DTSC ~~and , at which time~~ the positions ~~may shall~~ be extended, reduced, or terminated. During the operation and maintenance and decommissioning phases, the necessity of the positions shall be periodically evaluated by DTSC. These positions shall be inclusive of those referenced by CR-1e-9 in the Topock Soil Investigation Project EIR and MMRP.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T3-046

The commenter states that the Hualapai Tribe emphasizes its desire to be included with DOI and DTSC as primary parties to whom communication is addressed if material deviation from work plan and design documents, MMRP action-specific, and location-specific ARARs occur. The commenter states that the current use of monthly progress reports and periodic uploads to SharePoint site are not sufficient levels of involvement regarding decisions made that could result in impacts to the Sacred-Cultural Landscape.

The comment is noted for the record. See response to T3-004 for more specificity.

T3-047

The commenter states that the purpose of the DOI’s Secretary Jewel’s Order 3335 is set forth “guiding principles that bureaus and offices will follow to ensure that the Department of the Interior fulfills its trust responsibility.” The commenter states that the agency policy and procedures to ensure that Tribal rights are respected must be followed and the trust responsibility between the United States government entities and Indian Tribes must be reinforced. The commenter states that Hualapai is concerned that future activities will impact the Topock cultural landscape and a collaborative partnership is critically needed.

The comment is noted for the record. Order 3335 is a federal order applicable to bureaus and offices within the DOI that helps guide the government-to-government relationship between the department and Tribes. DTSC recognizes the sovereignty of the Hualapai Indian Tribe and respects their rights. DTSC will continue to consult with the

Hualapai and other Interested Tribes for the duration of the Final Groundwater Remedy Project.

T3-048 The commenter states that they welcome the opportunity to continue working with DTSC and the DOI on the Final Groundwater Remedy Project and to please contact their office about any concerns or questions regarding these comments.

DTSC thanks the commenter for their statements and will continue to consult with the Hualapai and other Interested Tribes on the Final Groundwater Remedy Project.

T3-049 The commenter inquires if a jurisdictional delineation was completed in the areas of proposed construction and infrastructure along Oatman Highway.

As noted on page 4.3-25 et seq. of the Draft SEIR, “[j]urisdictional wetlands and waters in the Project Area were delineated in 2012 and 2014 to satisfy Mitigation Measures BIO-1 of the Groundwater FEIR (CH2M Hill 2013; PG&E 2014a). Follow-up surveys were performed in 2016 to identify potential jurisdictional wetlands and waters in areas recently added to the Project Area (CH2M Hill & Transcon Environmental, Inc. 2016).” Thus, jurisdictional delineation surveys were performed within the entire Project Area, including portions that border Oatman Highway. Refer to Figures 4.3-2a through 4.3-2d of the Draft SEIR for a depiction of jurisdictional delineation survey results. The survey area and results associated with jurisdictional delineation surveys are detailed in *Wetlands and Waters of the United States, Final Delineation for the Topock Compressor Station Groundwater Remediation Project, San Bernardino County, California* (PG&E 2014a) and *Assessment of Biological Resources for Additional Potential Environmental Impact Areas: Final Groundwater Remedy, Topock Compressor Station, California* (CH2M Hill & Transcon Environmental, Inc. 2016). Copies of these reports are included in the administrative record for the Draft SEIR. Also the *Assessment of Biological Resources for Additional Potential Environmental Impact Areas: Final Groundwater Remedy, Topock Compressor Station, California* is included in Appendix A13 to the *Supplemental and Errata Information for the Final (100%) Design for the Final Groundwater Remedy* (CH2M Hill 2016; included as Appendix BOD to the Draft SEIR). Because *Wetlands and Waters of the United States, Final Delineation for the Topock Compressor Station Groundwater Remediation Project, San Bernardino County, California* was not appended to the Final Remedy Design, or subsequent Errata published in November 2016, DTSC has decided to append it to the Final SEIR as Appendix WETLAND for reference.

T3-050 The commenter states that a much better understanding has been reached regarding the details associated with constructing the preferred alternative, *Alternative E – In Situ Treatment with Freshwater Flushing*, and as such discussion needs to be included in the Draft SEIR detailing these changes.

DTSC thanks the commenter for noting that additional information is now available when compared with the information available during the preparation of the 2011 Final EIR. Indeed, DTSC is preparing this Draft SEIR precisely because additional information warrants further evaluation under CEQA. The scope of this SEIR is not to reselect another remedy, rather it is an evaluation of project-level impacts based on the preferred alternative selected by DTSC and DOI as memorialized in the Statement of Basis and Record of Decision, respectively, and upon which the Final Remedy Design is based. As the commenter mentions, DTSC has undergone an extensive design iteration process. Please refer to Chapter 2, "Introduction," subsection 2.2 of the SEIR which gives an explanation of the additional design details and Project circumstances that led to preparation of an SEIR for Final Groundwater Remedy Project.

T3-051

The commenter questions how the visual analysis methodology can be appropriately applied when up to 25 percent of the Project footprint has yet to be defined as part of the Future Activity Allowance, as the visual impact methodology requires knowledge of the infrastructure to make an impact analysis.

The visual analysis in the SEIR allows for the Future Activity Allowance based on best available technical information that determined the likely future location of these future actions as well as the type of equipment or activity that would occur (Table 4.1-4 on page 4.1-66). The Draft SEIR analysis relies on standard professional practice methods including identification and evaluation of changes that would occur as seen from key observation point/key viewpoint and includes consideration of similar design activities as part of the Future Activity Allowance throughout this key viewpoint aesthetics analysis (Section 4.1.5.3). While the exact locations are currently unknown, DTSC assumes that infrastructure would likely be located in close proximity to existing/planned features. For example, additional boreholes could be located in the floodplain and in the vicinity of existing/planned boreholes, and additional buildings/structures would likely be situated near other existing/planned structures and facilities (at the Station, Transwestern Bench, and Long-Term Remedy Support Area, etc.). The key viewpoints identified in this SEIR represent the general range of potential adverse impact to scenic resources, and any additional infrastructure developed as part of the Future Activity Allowance (i.e., 58 additional boreholes) would be required to comply with Mitigation Measures AES-1 and AES-2 (pages 4.1-80 and 4.1-85). However, prior to adoption and implementation of Future Activity Allowance, DTSC must evaluate if the proposed Project is within the scope of the SEIR findings and if new significant environmental effects or a substantial increase in the severity of previously identified significant effects are associated with the proposal. Additional CEQA analysis might be conducted depending on the outcome of that review. (See also *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1469 [finding no prejudice resulting from an EIR's failure to include a discussion of the visual impacts of a fire station and water tanks where,

“[a]lthough the County did not specifically analyze the visual impacts of these structures, the public and the decision makers were informed of their existence and could readily understand that they might be visible from outside the project”].)

T3-052 The commenter questions why the viewpoint rather than the viewshed approach has been used to evaluate potential impacts in the SEIR, especially when the Tribes supported including the view-shed approach.

The Draft SEIR includes a discussion of the viewshed and the cultural significance of the regional viewshed to the Tribes that was not part of the 2011 Groundwater FEIR (pages 4.1-29, 30). In addition, a set of figures including panoramic photographs and view area maps are included to support the viewshed discussion and impact analysis (Figures 4.1-2A through 4.1-2D). Annotations showing locations of key landscape features seen within the Project viewshed are included on the set of panoramic photographs. Further evaluation of the Project viewshed related to visual impact is included in the discussion of Impact AES-1 (pages 4.1-75 – 4.1-78). As the commenter does not provide specific issues or concerns regarding how this viewshed analysis is presented in the Draft SEIR, no changes have been made.

T3-053 The commenter states that the Tribes has been able to review various remedy design iterations with the support of technical experts, and that the high level of participation has been crucial for reduction of impacts to the Topock TCP. The comment further states that the Future Activity Allowance would in fact reduce Tribal involvement and support prior to final design decisions on “future” elements. The commenter further states it is unclear how the extent of cultural resources impacts can be adequately evaluated if the total Project footprint is unknown.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T3-054 The commenter states that the air quality impacts from the subsurface remediation activities were not assessed in the Draft SEIR, citing that carbon monoxide, carbon dioxide, and/or methane could possibly be released during the remediation process.

Due to the nature of the Project and as described in the Final Remedy Design and explained below, there is no evidence of reasonably foreseeable potentially significant adverse impacts to air quality from subsurface remediation activities. As explained in the Draft SEIR, the Final Remedy Design would inject ethanol to generate the reducing conditions necessary to reduce Cr(VI) to Cr(III). As a part of this process, one of the half-cell reactions is for ethanol to go to carbon dioxide ($1/12 \text{ C}_2\text{H}_6\text{O} + 1/4 \text{ H}_2\text{O} \rightarrow 1/6 \text{ CO}_2 + \text{H}^+ + \text{e}^-$). As discussed in the *Final Remedy Design, Appendix B, Section 6.2.7, page 42*, “CO₂ generated will be at a low enough concentration that it will remain dissolved and be flushed through the IRZ over time. Further, pH buffering to circumneutral (or approximately neutral) values by the

aquifer solids will ensure that most of the inorganic carbon generated will be present as bicarbonate rather than dissolved CO₂. Formation of H₂(g), H₂S, and methane will be limited by controlling total organic compounds (TOCs) concentrations to limit byproduct generation. Formation of these gases (as well as N₂ formation) was not an issue during the pilot testing conducted in the floodplain.” Because CO₂, CO, and methane would not be generated in appreciable quantities, and would remain dissolved in the water during treatment, and further was determined during pilot testing to not be an issue, the quantification of the indirect above surface air emissions of CO, CO₂, and CH₄ as part of the air quality analysis is not warranted because there is no evidence that such emissions would exceed the thresholds of significance used in the Draft SEIR.

T3-055

The commenter states that that the analysis in Section 4.2, “Air Quality” relies on a 30-year life of the proposed Project rather than a potentially longer lifetime and therefore underestimates the life-of-project air quality impacts.

As shown in table 4.2-7 on page 4.2-28 of the Draft SEIR, the MDAQMD has established daily and annual mass emission thresholds by which the significance of criteria pollutant impacts are to be evaluated, and an annual mass emission threshold for Greenhouse Gas Emissions (GHGs). Thus, the air quality and GHG analyses properly assess impacts based on maximum daily or annual emissions, as applicable. The analysis does not rely on life-of-project emissions to determine significance. Because the greenhouse gas threshold is cumulative and based on annual emissions, the construction and operational emissions are considered together by adding operational emissions to construction emissions amortized over the anticipated life of the Project. Based on industry standards, and the foreseeable life of the Project as explained in the Project Description of the Draft SEIR, the use of a 30-year Project lifetime provides a conservative estimate of annual emissions.

T3-056

The commenter states that the Draft SEIR does not assess emissions from the IRS (presumably meaning the in situ reactive zone [IRZ]) carbon substrate storage or transmission infrastructure or the locations of application across the site (Project Area).

The Air Quality analysis included in Section 4.2.5.3 is based on maximum daily and annual emissions resulting from the proposed Project, consistent with best practice and current methodology for analyzing air quality impacts as identified in the MDAQMD’s Guidance document (*California Environmental Quality Act and Federal Conformity Guidelines*). Because the type of day-to-day activities would vary depending on the needs of the Project, and no one activity would necessarily occur independent of other activities, individual activities were not identified in the emissions modeling. Instead, peak daily construction was determined based on phases and the type and amount of construction equipment that was provided as the anticipated maximum

equipment on-site on any given day. Additionally, annual operational emissions are based on the combined activities that would occur on-site during the operation of the remediation. While it is not appropriate to assess individual activities using the methodology recommended by the commenter DTSC includes the following information about emissions related to the IRZ. Liquid carbon substrate (e.g., ethanol) would be stored in above ground storage tanks and pumped to injection wells through enclosed pipelines. These stationary sources and operations are governed by existing air district rules. Volatile organic compound (VOC) emissions are expected but the amounts are minimal. For instance, at the PG&E Hinkley Compressor Station's ethanol system, which is nearly identical to the proposed ethanol system at Topock, the ethanol tanks are permitted by the MDAQMD and are equipped with Phase I vapor recovery systems per CARB Executive Order G-70-132-B. PG&E is also required to log daily input, output, average stored volume and temperature of the ethanol. The tanks are subject to annual static pressure decay tests and PG&E must conduct leak testing compliant with CARB testing methodologies. In addition, the carbon substrate (e.g., ethanol) is not a health hazard under the Office of Environmental Health Hazard Assessment (OEHHA) guidance. Overall, the emission sources commented here would not cause significant air quality or health risk impact.

T3-057

The commenter seeks clarifications of the on-site emissions identified in the Draft SEIR. The commenter questions if the units used in the Draft SEIR are English or metric tons. The commenter also states that the annual emissions of criteria pollutants presented on page 4.2-4 of the Draft SEIR are relatively low in comparison to the California Air Resources Board (CARB) reported emissions for the Topock Compressor Station.

In response to the first question, the units used in reporting emissions of criteria pollutants in the Draft SEIR is English tons, as is the industry standard for this analysis and reporting. With respect to the second question, as indicated on page 4.2-1 of the Draft SEIR, the text included in Section 4.2.2 is a summary of the analysis included in the 2011 Groundwater FEIR. As such, the 2011 existing emissions assessment was taken directly from the Groundwater FEIR and, as stated on page 4.2-3, quantifies emissions only from the commuting emissions from the active employees. The emissions identified by CARB would take into account the electrical generation that occurs on-site and not the commuter activities. Therefore, there is a difference in emission sources being quantified. Because the Draft SEIR is focused on analyzing the air quality impacts of the Project activities that would occur, the existing activities are already accounted for in the ambient air quality (part of the baseline) for the region. The emissions thresholds for the air quality and greenhouse gas analysis are based on emission levels that a project can emit before there is the potential for the project to impact that ambient daily or annual emission levels that are currently seen in the air basin. Because of this, emissions from projects are judged independently of the existing baseline conditions. Therefore, the existing emissions are

provided for informational purposes. By calculating the emissions from the proposed Project, the SEIR does, in fact, provide information on quantity of additional pollutants and GHG loading as a result of the Project as requested by the commenter.

T3-058

The commenter states that, similar to the Groundwater FEIR, there are several references to generators and pumps proposed to be used as part of the proposed Project, and they request that the air quality impacts be explained and quantified.

Emissions from consumption of natural gas and production of electricity were calculated as an aggregate and therefore cannot be separated out as individual units to remodel individual generators used as part of the Project. The emissions from the pumps and generators are included in the air quality modeling, as was done in the 2011 Groundwater FEIR (see Draft SEIR, pages 4.2-35, 4.2-59, and 4.5-21). Consequently, and consistent with current methodology and best practice for analyzing air quality impacts, they are collectively included within the annual emissions quantifications for the Project. As shown on page 4.2-35 of the Draft SEIR, the electrical consumption from the pumps is anticipated to be 7.8 million kilowatt hours (kWhs) annually, and the natural gas consumed by the generators is anticipated to be 3.2 million kilo British Thermal Units (kBTU) annually. The overall emissions associated with this consumption of electricity and natural gas were calculated using the CalEEMod model, consistent with current commonly accepted methodological approach. The CalEEMod output that provides this detail is included in Appendix AQ of the SEIR.

T3-059

The commenter states it is not clear in the Groundwater FEIR where the emissions for the 320 kW electrical generation was developed or estimated. Additionally, the commenter states that the Draft SEIR fails to quantify emissions from the Station that will power the Project.

The purpose of the Draft SEIR is to analyze the changes in the Project that have occurred subsequent to the certification of the original Groundwater FEIR; please refer to the 2011 FEIR for the basis of the cited emissions. The emissions from the Station are not included in the analysis as the Station's operations are part of the existing conditions. The emissions from the Station are not included in the analysis as the Station's operations are part of the existing conditions. The Project-related consumption of natural gas and electricity, 3.2 million kBTU and 7.8 million kWhs annually, respectively, is expected to be consumed operating the Project-related pumps and additional throughput for the generators. The emissions from each individual piece of equipment that would operate on-site were not quantified individually; instead the emissions from the total annual consumption were analyzed using the CalEEMod model. The output from the CalEEMod modeling is included in Appendix AQ of the SEIR.

T3-060

The commenter states that significant changes and improvements have been made to the "groundwater digital model" which was used for the

2009 risk assessment and requested that the risk assessment should be re-run to evaluate the groundwater to surface water transport pathway since the footprint of the remedy has been expanded to Arizona (Section 4.6.2.1).

The January 2017 Arcadis document titled, “*Addendum to Development of Groundwater Flow and Solute Transport Models*” concludes that recent groundwater model updates (e.g., eastern boundary conditions; evapotranspiration and river cells) had minimal impact on water levels and flow conditions in the vicinity of the site. The expansion of the Project footprint to Arizona is due to the addition of the freshwater source well(s) located in Arizona not due to any Project-related contamination in Arizona. Therefore, there is no significant change in the Project or circumstances surrounding the Project that warrant re-running the risk assessment.

T3-061

The commenter states that notable changes and recommendations by Tribal experts to further improve the groundwater model should be incorporated into the evaluation regarding the water budget within the groundwater model.

DTSC and DOI have considered Tribal input on the groundwater model which were incorporated into the Agencies direction to PG&E for the requested model updates including the latest January 2017 addendum. DTSC will continue to solicit and incorporate Tribal input as part of the continuing Project communication process.

T3-062

The commenter states that changes in the modeled [evapotranspiration] ET rates/locations in the updated flow model have been made and that those changes may affect the future plant uptake of groundwater. The commenter requests that there should be a mechanism for this to be considered and reviewed during future modeling updates to see if a re-evaluation of risks to receptors should be done based on improvements to the digital model and changes in plant communities.

The January 2017 Arcadis document titled, “*Addendum to Development of Groundwater Flow and Solute Transport Models*” indicates that while updated River and ET cells affected simulated water levels in the vegetated area between the Colorado River and Topock Bay, there was minimal impact on water levels and flow conditions in the vicinity of the Site. Based on this conclusion, currently there is not a need to re-evaluate the risk to receptors. In terms of plant communities, the types and locations of plants within the Project Area are not anticipated to change substantially from those that have been identified in the Draft SEIR as part of the existing environmental setting and which are known to generally exist in the area. There is, therefore, no evidence of any substantial change in reasonably foreseeable impacts from an increase in plant uptake of groundwater from what was previously analyzed in the 2011 Groundwater FEIR. However, PG&E acknowledges that as the remedy is constructed and implemented, additional data would be available from the proposed monitoring program for periodic model

review and calibration. Tribes will be notified of monitoring results as part of the continuing communication process and are welcomed to review and provide input as the model is recalibrated.

T3-063

The commenter refers to Section 4.6.5.1 and states that mudflows may occur in the area of the freshwater supply wells and adversely affect the wells or the water quality of the freshwater wells.

This comment is addressed below in T3-073, which discusses flooding.

T3-064

The commenter requests an explanation of the protocol used to account for the high winds and Station inoperability during the March 2016 ambient noise measurement events. The commenter is concerned that noise from the strong winds that occurred during the March 2016 noise measurement events may have skewed readings of ambient levels to higher than actual values.

DTSC acknowledges that during this monitoring event, conditions at and around the Station were not necessarily typical of day-to-day conditions in the vicinity. DTSC wishes to direct the Commenter to pages 4.7-11 through 4.7-13 of the Draft SEIR, in which the results of the March 2016 noise monitoring effort are summarized and discussed. On page 4.7-11, the Draft SEIR states “Wind gusts ranged from 5 miles per hour (mph) to 24 mph during the first 2 days of monitoring, which are not atypical for locations in the Project Area. Although wind gusts may cause a periodic increase in recorded noise levels, the proper use of windshields, as were employed during this monitoring effort, results in accurate data.”

As stated in the last paragraph on page 4.7-11, “Comparison of results in Table 4.7-3 with Table 4.7-1 and Table 4.7-2 demonstrate that data gathered in 2016 were within reasonable ranges of prior noise surveys”. The analysis goes on to state that the data gathered in 2016 shows ambient levels 3.7 dBA lower than levels recorded in 2008 at survey location 1 (short-term, 15 minute) and 3.1 dBA lower at survey location A (long term). The SEIR surmises these difference may be explained by the inoperability of the Station, lower traffic levels on Interstate 40 (I-40), or some combination of the two factors.

Although the 2016 observed values were lower than previous surveys, the SEIR relied on these data in determining impacts. For example, as shown on Table 4.7-11, 43.5 dBA was used as the ambient conditions for the Tribal Sensitive Receptor and not 47.2 dBA as recorded in 2008 for that location. Using a lower noise level to represent ambient conditions makes the analyses more conservative because the introduction of noise is more noticeable in a quieter existing condition. As stated on page 4.7-11, “For the purpose of this analysis, a lower ambient noise reading, such as the 2016 noise survey results, yields a more conservative and worst-case scenario, as it requires a lower sound level increase to cause a significant impact.” The increases at that location are expected to be no more than 3.6 dBA over ambient.

Existing noise levels experienced in the 2016 event, during which appreciable wind gusts were experienced and noted, were found to be lower than noise levels during prior surveys. This is contrary to the expectation (wind effects typically creates higher noise levels), but as stated earlier, the result may be explained due to the use of proper wind shield equipment, the inoperability of the Station during the time of the surveys, lower traffic noise, or some combination of these reasons. Nonetheless, these lower ambient levels were used in the analyses of potential Project impacts. The modeling showed noise impacts would be less than significant even for these conservative analyses. For these reasons, no modified protocol was needed to account for the windy conditions during the 2016 measurement events.

T3-065

The commenter states that they were unable to locate discussion about noise shielding for the 30-kW generator at the TCS Evaporation Ponds, and recommends two layers of noise shielding be used given the sensitive area to cultural resources at the western end of the APE.

The building proposed to house the generator at the TCS Evaporation Ponds is described in the Draft SEIR on pages 3-51 and 3-52 of Chapter 3, "Project Description." The noise impact analyses for the 30kW generator is presented in Table 4.7-11 and in the last paragraph on page 4.7-29 of the Draft SEIR. As shown therein, the nearest noise-sensitive receptor location would experience a maximum increase of only 2.7 dBA, well below the 5 dBA threshold. The benefits of shielding provided by the buildings at the TSC Evaporation Ponds were taken into account in the analysis. Based on the minimal calculated increase in maximum noise generated, operation of the generator does not exceed established thresholds; therefore, impacts are found to be less than significant, and mitigation is not required.

T3-066

The commenter finds the subheading language used in the SEIR confusing, specifically the use of the terms "effect" and "impact" (see Section 4.7.2.2).

DTSC apologizes if the subheading is confusing. The intent of this section is to describe the activities and components that are evaluated and summarize impacts, if any were found from the 2011 Groundwater FEIR, and to consider the effects of mitigation strategies prescribed on those noise and vibration levels determined in the 2011 Groundwater FEIR (i.e., the impacts of the Project). In response to the commenter's question on what the "effect" is considered: the "effect" is the consideration or conclusion on the level of significance from the "long-term operational-related transportation noise impacts" based on CEQA definition as a result of the Project described in the 2011 Groundwater FEIR.

T3-067

The commenter asks about the choice to present the impact conclusion before the analysis is presented (see Section 4.7.5.3).

There is no required format in the CEQA Guidelines regarding the form in which analyses and conclusions are presented in an EIR. Thus DTSC chose to present conclusions up front so that the reader would clearly and definitively know the result of the analyses, which is often lengthy and detailed. DTSC believes this approach will facilitate the review and enhances the clarity and readability of an EIR. Further, this is the way the analysis was structured in the 2011 Groundwater FEIR.

T3-068

The commenter states that the Draft SEIR contains only a single brief paragraph on vibration impacts and no mitigation is included (see Section 4.7.5.3, page 4.7-31). The commenter also states that there is no mention of the Future Activity Allowance, or assurances that these activities would not occur within 600 feet of sensitive receptors. The commenter concludes that, for these reasons, the analysis is inherently deficient.

The Draft SEIR considered the potential for the Project to cause vibration at pages 4.7-35 through 4.7-37 of the Draft SEIR. Specifically, the second paragraph on page 4.7-36 addresses potential impacts from Future Activity Allowance activities. In that paragraph the analysis acknowledges Future Activity Allowance activities may occur within 600 feet of sensitive receptors and states “As a result, this impact would be potentially significant.” The SEIR then presents Mitigation Measure NOISE-2, in which new wells are prohibited within 30 feet of vibration-sensitive receptors in California and within 275 feet of vibration-sensitive receptors in Arizona, which are the distances at which noise and vibration attenuate. Therefore, the SEIR does contain analysis and mitigation of vibration impacts due to the Future Activity Allowance activities. DTSC does not believe any change to the SEIR is warranted.

T3-069

The commenter remarks that mitigation measures presented in the 2011 Groundwater FEIR were thought to apply for 1-2 years of construction, but now, through the SEIR, the commenter understands will apply for a 30-year duration. The commenter expresses concern that the SEIR process only included a 47-day public comment period and “no discussion or comment” regarding the comment resolution process. The commenter asks to have these “expanded future impacts” to be explained.

The Project Description in the SEIR includes a detailed description of the anticipated duration for pre-construction, construction and start-up, which is estimated at 5 years (see page 3-85). Operation and maintenance would occur over an estimated 30-year duration (see page 3-86). During this period of time, there is the potential that some construction activities could occur as individual components of the Future Activity Allowance as determined necessary by PG&E or the Agencies and may be implemented. These activities are anticipated to be various and short-term in duration, associated with the individual needs of the Project. The construction noise will not be continuous over the entire operation and maintenance phase. The noise analysis appropriately considers this scenario in both the Project and cumulative analyses. In addition, please

refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for additional discussion regarding communication as part of the Future Activity Allowance.

DTSC strives to include stakeholders throughout the processes needed to carry out its missions. To that end, in addition to numerous meetings with the public and members of the Hualapai Tribe, DTSC issued a Notice of Availability (NOA) on January 12, 2017, notifying interested parties of the 47-day public comment period for the Draft SEIR, which concluded on February 27, 2017. Pursuant to CEQA Guidelines Section 15105, the period for public and agency review of and consultation on a Draft EIR shall not be less than 45 days when an EIR is prepared by a state agency, and in general, not more than 60 days, except under unusual circumstances. DTSC received 21 written comment letters from agencies, individuals, and Tribes. In accordance with Public Resource Code Section 21091, a written response to these comments is being provided as part of the Final SEIR.

Regarding the comment of “expanded future impacts,” DTSC acknowledges that implementation of the Final Groundwater Remedy Project is expected to be lengthy. It is important to note that the air quality and noise impacts presented in the SEIR represent the maximum impacts to sensitive receptors from air emissions or noise generation predicted to occur typically based on a worst-case, often short-term, basis. In other words, impacts presented are purposefully conservative, and thus, actual impacts are expected to be less than those presented. Furthermore, for example, due to the vast area over which the various components of the Final Groundwater Remedy Project are to be implemented, impacts at the maximum levels presented are not expected to occur at each sensitive land use location, nor every day at those locations analyzed, during implementation of the Project. For these reasons, the impacts presented in the SEIR adequately, and conservatively, describe the potential maximum effects over the course of the Remedy.

T3-070

The commenter states that cumulative noise impacts were not adequately estimated or modeled and will not be measured or monitored for exceedance of regulatory thresholds unless a complaint is filed. The commenter asks how cumulative impacts will be considered and treated for both existing and potential future infrastructure elements.

Due to the wide range of activities proposed, with different distinct reference noise levels, changing both temporally and spatially throughout the Project duration, it would be speculative to quantify specific concurrent noise levels. Because noise levels from concurrent noise-generating activities do not combine linearly, a precise distance cannot be easily defined in advance pertaining to cumulative noise impacts. Best practice indicates that the construction contractor performs in situ noise monitoring when typical, real-life concurrent activities are first begun, and documentation be provided to DTSC to help establish the appropriate distances at which further monitoring is not required (until

and unless a noise complaint is received). Although the Draft SEIR identifies the potential noise impacts of the Project to the extent those impacts are reasonably foreseeable, the Draft SEIR also includes Mitigation Measure NOISE-3 that requires the construction contractors conducting work on the soil and groundwater remediation projects to perform noise monitoring when concurrent activities are near the identified sensitive receptors, not just when complaints are raised.

T3-071

The commenter asks whether the Future Activity Allowance discussed in Section 4.9 of the Draft SEIR would also apply to the operational phase of the Project.

As explained in Section 3.6, page 3-11, the Future Activity Allowance includes two components: (1) an additional allowance for all Project infrastructure, established at up to 25 percent of the parameter set forth in the Final Remedy Design, and (2) up to 10 additional monitoring well boreholes to be installed in Arizona to assess groundwater levels and chemical constituents' changes as a result of continued freshwater pumping to protect private groundwater users. While these components may occur during the construction or operation phases, the activities themselves are construction activities and are therefore analyzed in the construction section of the impacts analysis.

The commenter further enquires whether the Future Activity Allowance was considered in the Arcadis Groundwater Modeling Report Addendum of January 2017 and the February 2016 Arcadis Development of Groundwater Flow and Solute Transport Models. These two documents addressed modeling of the current groundwater condition as it is applied to the Final Remedy Design and would not include discussions of Future Activity Allowance. Future Activity Allowance includes actions that may be required outside of the currently planned remedy design and actions. It is possible that a future activity may be implemented to address an unexpected issue from a condition arising from a future revision of the model or that the model may need revision as a result of a future activity such as optimization of the extraction and injection area in preparation to switch over to monitored natural attenuation at a specific localized area.

T3-072

The commenter provides corrections in the text and states that the Sacramento Wash Improvements project is a Mohave County project, not a USFWS and Havasu National Wildlife Refuge (HNWR) project, and that Mohave County Public Works is the best source of information on this project (compared to the Needles Desert Star referenced in the SEIR). In addition, the commenter states that the Arizona Department of Transportation (ADOT) is building the bridge and construction was commenced in late 2016/early 2017. The commenter states that these corrections should also be made in the narrative text of subsection 6.4.2.4.

The project the commenter is referring to is actually referred to in the Draft SEIR as the Oatman Highway Crossing at Sacramento Wash

project (6A) which is included in the cumulative impacts analysis correctly under the jurisdiction of the Arizona Department of Transportation. It should be noted that there is a separate Sacramento Wash Improvements project (4C) that the commenter is referring to, which is under the jurisdiction of the U.S. Fish and Wildlife Service. The transportation project Oatman Highway Crossing at Sacramento Wash project (6A) is appropriately cited with information from the U.S. Department of Transportation; however, it appears that additional information has been provided since the Draft SEIR was prepared. As a result, in response to the comment, the Draft SEIR text on page 6-24 is revised in the Final SEIR as follows:

ADOT in conjunction with Mohave County is proposing the construction of a bridge over the Sacramento Wash in Topock, Arizona. The new crossing will provide a 110-foot clear span over the Sacramento Wash (USDOT 2016). Project construction was initiated in February of 2016 anticipated to end in April 2017(USDOT 2016). The bridge and roadway improvements will be constructed on the existing alignment and therefore a temporary full road closure will be required to complete the work. Given the 24-mile detour through Needles, CA, during a road closure, accelerated construction alternatives will be implemented resulting in a full roadway closure time frame estimated at only 4 days for bridge assembly (Mohave County 2017).

In addition, the new reference is added to Chapter 8, “Bibliography,” as follows:

County of Mohave (Arizona). 2017 (May). Oatman Highway at Sacramento Wash Crossing, Topock. Available at: <https://www.mohavecounty.us/ContentPage.aspx?id=128&cid=235&page=10&rid=1428>. Accessed May 12, 2017.

T3-073

The commenter refers to Section 4.6 and Appendix IS of the Draft SEIR and states that flooding may occur in the area of the freshwater wells, particularly the Sacramento Wash, and that impact should be further analyzed by conducting modeling. The commenter further states that this issue has implications for hydrological and cultural resources issues.

The response to this comment also addresses Comment T3-063 above, which inquired about mudflows.

The design for the water supply wells HNWR-1A and Site B and associated infrastructure was based on the Colorado River 100-year flood elevation of 465.3 (River Mile 234, Zone AE; Base Flood Elevations determined) for the Colorado River. This is conservative for these well sites, which actually are located in Zone A (see Flood Insurance Rate Map [FIRM], Panel 5675 of 6700 for Mohave County, Arizona and Unincorporated Areas, issued February 20, 2013), where there is no determined regulatory base flood elevation. The Final Remedy Design

infrastructure is currently designed at 1-foot above ground surface and approximately 6- to 12-inches above the Colorado River Zone AE 100-year flood elevation. This design approach for the Final Remedy Design infrastructure within the 100-year floodplain uses reasonably conservative engineering judgement in protecting Final Remedy Design infrastructure with the acknowledgement that equipment may need some repair/replacement during the lifespan of the Final Remedy Design.

The reasonableness of the current design can be derived from examining Figure 2 of the Supporting Information of Attachment A in Comment T3, which shows the proposed ADOT and Mohave County Public Works Department project would construct channels to more efficiently route flood waters away from the Oatman Highway and toward the Colorado River. While the resolution of this figure is relatively poor, it shows the results from a non-regulatory 2D hydraulic model, and presents a 2-year 30-minute storm with an approximate depth of water between 0.1 to 1.1 feet for the HNWR-1 well site at the downstream end of the Sacramento Wash (approximately 1,200 feet downstream of the new ADOT bridge). The remedy infrastructure at HNWR-1A will thus be above the 2-year approximation elevation displayed in Figure 2. Therefore, while the area of the freshwater wells may occasionally be subjected to a flood, as indicated in Appendix IS of the SEIR, the impact would not result in new significant impacts or substantially increase the severity of significant impacts previously identified in the Groundwater FEIR. In the unlikely event of a flood event specifically at the freshwater wells, the wells would be too small to impede or redirect the flow of the flood and could easily be repaired in the unlikely event of surface damage to the wellhead.

Finally, the commenter expresses concern that future floods may adversely impact the water quality of the freshwater wells. As the commenter notes, this area periodically experiences floods. The ongoing sampling of the existing freshwater wells has not indicated adverse impacts to the water quality of the underlying freshwater. Therefore, no changes were made in response to this comment.

T3-074

The commenter states that the Tribes formally requested that the Pump and Treat Alternative (F), be reconsidered in 2016, and expresses concern that it has once again been dismissed by DTSC.

Please refer to response to comment T3-024 for a discussion of the Pump and Treat Alternatives.

T3-075

The commenter states that the Alternatives Analysis in Chapter 7 does not accurately characterize construction quantities and further that the Future Activity Allowance is not explicitly addressed in the narrative so the commenter wonders whether it was included at all in the Alternatives Analysis.

The commenter does not indicate which construction quantities it believes are incorrect in Chapter 7. Each remedial alternative would,

similar to the proposed Project, occur over many years, and a similar level of uncertainty beyond the initial design (i.e., the Future Activity Allowance) would be a component of any of them. DTSC has reviewed all of the quantities included on pages 7-17 and 7-18, and has identified several that do not specifically account for the Future Activity Allowance. Accordingly, these numbers have been updated in the Final SEIR. These updated quantities do not change the alternatives analysis or conclusions because the Future Activity Allowance is part of the Project analyzed within the alternatives scenario. In response to the comment, the text in the Draft SEIR on pages 7-17 and 7-18 is revised in the Final SEIR as follows:

The Final Remedy Design includes approximately 43,200 linear feet of trenches for fluid conveyance piping (about 8.2 miles) and the Future Activity Allowance includes 10,800 linear feet for a total of approximately 54,000 linear feet (10.3 miles), with most of the conveyance piping placed belowground in trenches. The Aboveground Pipeline Infrastructure Alternative would include 4,800 linear feet of aboveground fluid conveyance piping and 800 linear feet of underground trenching (less than 1 mile) which is substantially less trenching than the ~~43,200~~ 54,000 linear feet of underground trenching that would be required by the proposed Project.

Electrical power would be taken from the City of Needles power line located east of the IM-3 Facility and then run on poles to each of the injection wells, requiring approximately 360 feet of underground conduit. This is substantially less than the Final Remedy Design and Future Activity Allowance, which includes a total of ~~124,000~~ 155,000 linear feet of conduits in ~~43,200~~ 54,000 linear feet of trenches.

The Aboveground Pipeline Alternative would result in 1,869 cubic yards of soil disturbance, which is substantially less than the proposed Project disturbance of 56,500 ~~45,200~~ cubic yards. **Table 7-2** compares the infrastructure differences between the Final Remedy Design and the Aboveground Pipeline Infrastructure Alternative.

**TABLE 7-2
COMPARISON OF INFRASTRUCTURE ASSOCIATED WITH THE ABOVEGROUND PIPELINE
INFRASTRUCTURE ALTERNATIVE**

Infrastructure Component	Final Remedy Design <u>plus Future Activity Allowance</u>	Aboveground Pipeline Alternative
Fluid Conveyance Piping and Trenches	<ul style="list-style-type: none"> • <u>159,375</u> 127,500 linear feet of piping in <u>54,000</u> 43,200 linear feet of trenches 	<ul style="list-style-type: none"> • 4,800 linear feet of piping (3,970 linear feet aboveground/ 830 linear feet of trenches).
Total Volume of Soil Disturbance	<ul style="list-style-type: none"> • <u>56,500</u> 45,200 cubic yards 	<ul style="list-style-type: none"> • Displaced soil volume: 1,869 cubic yards • Ground disturbance: 209 linear feet

Infrastructure Component	Final Remedy Design <u>plus Future Activity Allowance</u>	Aboveground Pipeline Alternative
Electrical/Communications Conduits and Trenches	<ul style="list-style-type: none"> • 155,000 424,000 linear feet of conduits in 54,000 43,200 linear feet of trenches • 10 power poles 	<ul style="list-style-type: none"> • 26 power poles for electrical and communications cable • 3 radio towers for transmitting control and signals to Remedy SCADA

T3-076 The commenter questions if there is a set numerical threshold at which fuel consumption can be held significant or untenable from a regulatory or CEQA standpoint.

There are no set numerical thresholds either in number of gallons of consumption or percentage of existing consumption. The analysis included in Section 5.2 of the Draft SEIR is an analysis required by CEQA Guidelines Section 15126(c), which focuses on the commitment of nonrenewable resources a project may have. In this manner, there are no set numerical thresholds either in number of gallons of consumption or percentage of existing consumption, which is why the analysis in the Draft SEIR was tied back to the usage/consumption in the State of California.

T3-077 The commenter states that the text for Mitigation Measure CUL-1b, -1c, and -4a uses the term “Native American monitors,” but the term “Tribal monitors” has been used in this Project and is defined in the CIMP, and therefore should be used throughout this document.

In response to the comment, the Draft SEIR text in Table 1-3 on page 1-43 and on page 4.4-135 is revised as follows:

PG&E shall invite ~~Native American~~ Tribal monitors to participate.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T3-078 The commenter suggests that Mitigation Measure BIO-1a implies that areas that are “non-disturbed” but have been additionally “disturbed” by the proposed Project will not be subject to restoration. The commenter notes that the fact that an area has experienced some disturbance should not preclude it from restoration. The commenter further notes that all impacts must be considered per CEQA.

The Draft SEIR discloses, “[b]ased on the locations of proposed Project facilities, approximately 2.44 acres of ephemeral waters under USACE and CDFW jurisdiction delineated within the Project Area would be directly impacted during construction of the proposed Project. Of these 2.44 acres of potential direct impacts, approximately 1.58 acres of impact

would occur to jurisdictional areas that are currently disturbed or developed. Thus, approximately 0.86 acre of non-disturbed jurisdictional ephemeral waters would be impacted during construction activities for installation of proposed Project facilities.” (page 4.3-61 of the Draft SEIR). Thus, impacts to all potential direct impacts existing jurisdictional features (including areas that have and have not been subject to previous disturbances) have been disclosed and quantified in accordance with CEQA. The Draft SEIR appropriately concludes that impacts to jurisdictional areas that are not currently disturbed would be significant and require mitigation (page 4.3-62 of the Draft SEIR). From a biological perspective, impacts associated with the proposed Project would affect the function and value of these non-disturbed areas.

The analysis of impacts and application of mitigation measures as it pertains to biological resources is directed by the regulatory agencies (CDFW and USFWS), and the biological mitigation measures related to direct and indirect impacts to jurisdictional resources are appropriate, as confirmed by the agencies (see Comment Letter A6 from CDFW for example). DTSC acknowledges the Tribal perspective regarding the use of terminology such as “previously disturbed” and “non-disturbed” land and the importance of the landscape as a whole, and the context of those impacts are described, analyzed, and mitigated throughout Section 4.4, “Cultural Resources,” of the Draft SEIR.

T3-079

The commenter recommends that prior to restoration activities within the 14 proposed mitigation planting areas, as demonstrated in Attachment C to this comment letter, Tribes should be consulted and Tribal Monitors present when the specific area boundaries are demarcated.

All ground-disturbing activities associated with the Project, including restoration areas, are subject to the requirements of the mitigation measures. In this instance, Section 2.12 of the CIMP, which specifies Tribal notification of all ground-disturbing activities, is required under Mitigation Measures CUL-1a-8q and applies to the Project. Therefore, Tribal notification and observation of ground-disturbing activities are required under the proposed Project.

T3-080

The commenter requests that the mitigation plan to be prepared by PG&E under Mitigation Measure BIO-1a, sub-bullet b), should be submitted to Interested Tribes.

The agencies listed as reviewing mitigation plans are experts in the subject matter related to the biological impacts in the Project Area and have specific regulatory-driven approval authority over mitigation plans on lands within their jurisdiction. DTSC also acknowledges the Tribes’ desire to review the mitigation plan to get a complete understanding of the methodology, success criteria, and monitoring and reporting as it related to the biological resources within the Project Area. As a result, Mitigation Measure BIO-1a has been revised such that the Interested Tribes shall be included in reviewing the mitigation plan prescribed by

the measure. In response to the comment, the Draft SEIR text on page 4.3-73 is revised in this Final SEIR as follows.

The plan shall be subject to CDFW approval and in conformance with the identified performance standards, and submitted to DTSC, BLM, BOR, USFWS, ~~and~~ DOI, Interested Tribes, and other appropriate landowners for review and comment within 60 days prior to finalization, as appropriate based on location of impacts.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T3-081

The commenter requests that any future final habitat restoration plan(s) to be prepared in compliance with Mitigation Measure BIO-1b should be submitted to Interested Tribes for review. The commenter notes the Hualapai Tribe has religious and spiritual connection to the Project property, and as a government sovereign entity reiterates its strong desire to be included along with DOI and DTSC as primary parties to whom communication is addressed if material deviation from work plan and design documents, MMRP action specific, and location specific ARARs occur. The commenter further notes monthly progress reports and periodic uploads to a SharePoint site is not a sufficient level of involvement when it comes to decisions that could result in permanent disturbance to the Sacred-Cultural Landscape.

Mitigation Measure CUL-1a-16 specifies that “The Remedy Restoration Plan shall be provided to DTSC and Interested Tribes for review and comment.” The Remedy Restoration Plan noted in Mitigation Measure CUL-1a-16 is synonymous with the Final Restoration Plan that was prescribed by Mitigation BIO-2b in the Draft EIR. In order to provide more clarity, DTSC has added cross-reference between Mitigation Measure CUL-1a-16 and Mitigation Measure BIO-1b, and revised Mitigation Measure BIO-1b to clarify. In response to the comment, the Draft SEIR text on pages 4.3-74 and 4.4-122 is revised in this Final SEIR as follows.

Mitigation Measure BIO-1b: Final ~~Habitat~~ Remedy Restoration Plan (New Measure). A Final habitat Remedy Restoration Plan shall be developed and implemented following decommissioning of the proposed Project. The Final habitat Remedy Restoration Plan will address restoration of areas that were impacted during construction, operation and maintenance, and decommissioning of the proposed Project, specifying salvage/replanting measures, as well as success criteria, monitoring, and adaptive management requirements for restored areas. Success criteria for restoration areas will be similar to that identified in the existing habitat restoration plans (i.e., 75% overall survival rate of mitigation plantings at the end

of a minimum 5-year monitoring period). Adaptive management actions to ensure successful establishment of native vegetation and desired density of cover of plants will include weed control, irrigation modification, herbivory protection, and additional plantings. The plan shall be submitted to DTSC, CDFW, BLM, BOR, USFWS, and DOI, and other appropriate landowners for review. The Remedy Restoration Plan shall also be provided to Interested Tribes for review and comment, consistent with Mitigation Measure CUL-1a-16.

CUL-1a-16: Implement Restoration Plan (New Measure).

Restoration following decommissioning of the Project shall be implemented in a manner consistent with Section 2.5 “*Protocols for Restoring the Environment to its Preconstruction Conditions Upon Decommissioning*” of the CIMP (as described above in Mitigation Measure CUL-1a-8q) and the Havasu National Wildlife Refuge Habitat Restoration Plan (C/RAWP Appendix G; see Mitigation Measure BIO-1a in this SEIR). Additionally, consistent with requirements of Section 6.3 “*Environmental Restoration*” of the CHPMP, a Remedy Decommissioning Plan will be submitted by PG&E to DOI within 120 days of DOI’s certification of completion of the CERCLA Remedial Action and determination by DOI that removal of such facilities is protective of human health and the environment. The Remedy Restoration Plan shall be provided to DTSC and Interested Tribes for review and comment, consistent with Mitigation Measure BIO-1b.

These changes presented in the mitigation measures do not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

For the second request related to the SharePoint site, see response to comment T3-004.

T3-082

The commenter states that the purpose of the DOI’s Secretary Jewel’s Order 3335 is set forth “guiding principles that bureaus and offices will follow to ensure that the Department of the Interior fulfills its trust responsibility.” The commenter states that the agency policy and procedures to ensure that Tribal rights are respected must be followed and the trust responsibility between the United States government entities and Indian Tribes must be reinforced. The commenter states that Hualapai is concerned that future activities will impact the Topock cultural landscape and a collaborative partnership is critically needed.

The comment is noted for the record. See Responses to Comments T6-004 and T3-047 for more specificity.

T3-083

The commenter requests that final habitat restoration plan(s) to be prepared in compliance with Mitigation Measure BIO-2c should be submitted to Interested Tribes for review. The commenter notes the

Hualapai Tribe has religious and spiritual connection to the Project property, and as a government sovereign entity, reiterates its strong desire to be included along with DOI and DTSC as primary parties to whom communication is addressed if material deviation from work plan and design documents, MMRP action specific, and location specific ARARs occur. The commenter further notes monthly progress reports and periodic uploads to a SharePoint site is not a sufficient level of involvement when it comes to decisions that could result in permanent disturbance to the Sacred-Cultural Landscape.

Mitigation Measure CUL-1a-16 specifies that “The Remedy Restoration Plan shall be provided to DTSC and Interested Tribes for review and comment.” In order to provide more clarity, DTSC has added cross-reference between Mitigation Measure CUL-1a-16 and Mitigation Measure BIO-2c. In response to the comment, the Draft SEIR text on pages 4.3-111 and 4.4-122 is revised in this Final SEIR as follows.

Mitigation Measure BIO-2c: Disturbance of Special-Status Species and Loss of Habitat Caused by Decommissioning (Groundwater FEIR Measure with Revisions). To avoid impacts on special-status species that may occur within the Project Area as a result of decommissioning activities, an Avoidance and Minimization Plan shall be developed and implemented through consultation with CDFW, BLM, and USFWS. The Avoidance and Minimization Plan will specify species-specific measures, including seasonal restrictions for decommissioning activities (i.e., avoidance of the avian breeding season and maternity roosting season for bats where habitat exists) as needed, as well as avoidance buffers around known locations of special-status species or their habitats. Avoidance and minimization measures identified in the plan shall be based on surveys conducted prior to decommissioning, and during the breeding season (as previously defined in the Groundwater FEIR for each species or suite of species). To the extent appropriate, the Avoidance and Minimization Plan for decommissioning activities will include applicable measures identified in the existing BIAMP and PBA. Restoration of any disturbed areas shall include measures to achieve no net loss of habitat functions and values existing before Project implementation. These measures shall be achieved by developing and implementing a Final Habitat Remedy Restoration Plan (refer to Mitigation Measure BIO-1b). The plan shall include a revegetation seed mix or plantings design, a site grading concept plan, success criteria for restoration, a monitoring plan for achieving no net loss of habitat values and functions, and an adaptive management plan. Success criteria for restoration areas will be similar to that identified in the existing habitat restoration plans (i.e., 75% overall survival rate of mitigation plantings at the end of a minimum 5-year monitoring period). Adaptive management actions to ensure successful establishment of native vegetation and desired density of cover of plants will include weed control,

irrigation modification, herbivory protection, and additional plantings. The Final Habitat Remedy Restoration Plan shall be submitted to DTSC, CDFW, BLM, BOR, USFWS, and DOI, and other appropriate landowners for review. The Final Remedy Restoration Plan shall also be provided to Interested Tribes for review and comment, consistent with Mitigation Measure CUL-1a-16.

CUL-1a-16: Implement Restoration Plan (New Measure).

Restoration following decommissioning of the Project shall be implemented in a manner consistent with Section 2.5 “*Protocols for Restoring the Environment to its Preconstruction Conditions Upon Decommissioning*” of the CIMP (as described above in Mitigation Measure CUL-1a-8q) and the Havasu National Wildlife Refuge Restoration Plan (C/RAWP Appendix G; see Mitigation Measure BIO-1a in this SEIR). Additionally, consistent with requirements of Section 6.3 “*Environmental Restoration*” of the CHPMP, a Remedy Decommissioning Plan will be submitted by PG&E to DOI within 120 days of DOI’s certification of completion of the CERCLA Remedial Action and determination by DOI that removal of such facilities is protective of human health and the environment. The Remedy Restoration Plan shall be provided to DTSC and Interested Tribes for review and comment, consistent with Mitigation Measure BIO-1b.

The changes presented in these mitigation measures do not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

For the second request related to the SharePoint site, see response to comment T3-004.

T3-084

The commenter states that the purpose of the DOI’s Secretary Jewel’s Order 3335 is set forth “guiding principles that bureaus and offices will follow to ensure that the Department of the Interior fulfills its trust responsibility.” The commenter states that the agency policy and procedures to ensure that Tribal rights are respected must be followed and the trust responsibility between the United States government entities and Indian Tribes must be reinforced. The commenter states that Hualapai is concerned that future activities will impact the Topock cultural landscape and a collaborative partnership is critically needed.

The comment is noted for the record. See response to comment T3-047 for more specificity.

T3-085

The commenter requests that enhancement plan(s) and mitigation plan(s) prepared in compliance with Mitigation Measure BIO-2h should be submitted to Interested Tribes for review.

DTSC acknowledges the Tribes' desire to review the mitigation plans to get a complete understanding of the methodology, success criteria, and monitoring and reporting as it related to the biological resources within the Project Area. As a result, Mitigation Measure BIO-2h has been revised such that the Interested Tribes shall be included in reviewing mitigation plans prepared in compliance with the measure. In response to the comment, the Draft SEIR text on page 4.3-117 et seq. is revised in this Final SEIR as follows.

- ii. *Enhancement of Known Populations:* Known populations of the species to be impacted would be enhanced by undertaking actions to increase the size of the known population. Such actions may include improving the quality of occupied habitat (e.g., invasive species removal) and/or seeding to facilitate population expansion. Enhancement of known populations may occur at off-site populations that are currently conserved or within the occupied portions of the Project Area that can be conserved. An enhancement plan for impacted special-status plants would be developed through coordination with CDFW. The plan shall be approved by CDFW and submitted to DTSC, BLM, BOR, USFWS, ~~and~~ DOI, and Interested Tribes for review and comment prior to finalization.
- iii. *Preservation of Occupied Habitat:* Habitat occupied by the species to be impacted would be permanently protected by establishing a conservation easement. PG&E would coordinate with CDFW to determine the conditions of the conservation easement, including the required acreage of occupied habitat to be conserved and requirement monitoring and management of the conserved population. The agreed upon conditions would be detailed in a mitigation plan for impacted special-status plants. The plan shall be approved by CDFW and submitted to DTSC, BLM, BOR, USFWS, ~~and~~ DOI, Interested Tribes, and other appropriate landowners for review and comment prior to finalization.

The change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T3-086

The commenter states that the correct language in Mitigation Measure CUL-1a-1 should be that “subcontractors will be required to ‘implement’ established protocols regarding project activities that avoid, and/or minimize significant impacts associated with the Topock TCP...”. The commenter states that subcontractors are not responsible for mitigations and the mitigation measure needs to comply and be tied into CEQA ARARs.

While ARARs are not used in the same context in the CERCLA process as they are for the federal RCRA process, DTSC understands the comment.

In response, the Draft SEIR text on page 4.4-110 (Mitigation Measure CUL-1a-1) and on page 4.4-135-136 (Mitigation Measure CUL-1a-5) is revised in this Final SEIR as follows:

During the construction, operation and maintenance, and decommissioning phases of the Project, PG&E shall carry out all Project activities, and shall require all subcontractors to ~~carry out all Project activities~~ implement established protocols regarding Project activities, in ways that avoid, minimize, and mitigate significant impacts to resources associated with the Topock TCP...

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T3-087

The commenter states that the “request for access” procedures referred to in Mitigation Measure CUL-1a-2a relate only to Tribes desiring access to property owned by PG&E. The commenter questions how this mitigation measure is a “new” mitigation measure.

In response to the comment, the Draft SEIR text on page 4.4-110 is revised in this Final SEIR as follows:

Procedures required by Appendix P of the C/RAWP include protocols and timelines for requesting access to PG&E property for religious, spiritual, or other cultural purposes and notification procedures

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

This measure is a new measure in that it requires implementation of the Tribal Access Plan that was required to be developed as a result of Mitigation Measure CUL-1a-2: Develop Tribal Access Plan of the 2011 Groundwater FEIR.

T3-088

The commenter states that DTSC should solicit input from Interested Tribes on the suitability and acceptability of any proposed new cultural resources consultant, and consider the Tribal input when approving any new cultural resources consultant.

The comment is noted for the record. Consistent with Mitigation Measure CUL-1a-3a of the 2011 Groundwater FEIR, DTSC retains

approval authority of PG&E’s cultural resources consultants. Mitigation Measure CUL-1a-3a also requires that Tribes be provided the opportunity to accompany the Qualified Cultural Resources Consultant during condition inspections. In addition, the “Periodic Site Monitoring” reports will be provided to Interested Tribes for review and comment.

T3-089

The commenter states that Tribes should also be allowed to provide input on both signage language, location and installation methods, and there have been issues in the past regarding the location and manner of installation of signage at the site.

DTSC acknowledges the concern regarding the potential future installation of signage, and in response to the comment, the Draft SEIR text on page 4.4-112 within Mitigation Measure CUL-1a-3d is revised in this Final SEIR as follows:

In addition to requirements set forth in Appendix P of the C/RAWP, PG&E shall include Interested Tribes as key stakeholders in the design and installation of signage and shall install signage prior to the start of construction, if possible, dependent on cooperation and input from land owners and land management entities...

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T3-090

The commenter states that the stipulation in Mitigation Measure CUL-1a-4 stating “the scientific and engineering team shall provide all deliverables and results to all involved tribes” is not representative of the current protocol between the Tribes and the TRC. The commenter states that the technical products prepared by TRC will not be made available to anyone without consent of the requesting Tribe and this is the preferred protocol.

The commenter states that there should be continued support of the TRC and Topock Project Managers and from all federal and state agencies. The commenter requests that all the TRC and Project Managers be retained for 5 years after startup of the Project and continue on as-needed for technical support through the year 2065. The commenter states that ongoing reasonable compensation be continued for Tribal participation in monitoring, attending meetings, and participating in Project development, as with the present Consultative Work Group, Technical Work Group, Clearinghouse Task Force, Monitoring, and subcommittee involvement.

DTSC acknowledges the procedures around document sharing within the TRC. As such, the Draft SEIR text within Mitigation Measure CUL-1a-4 on page 4.4-113 is revised in this Final SEIR as follows:

The entirety of the monies shall be used to fund the scientific and engineering team exclusively, and shall not be used to fund other tribal government expenses or used to support legal counsel. ~~A stipulation of the contract shall be that the scientific and engineering team shall provide all deliverables and results to all involved tribes, despite a possible contract agreement with only one tribe or with PG&E.~~ Activities shall be reported to DTSC for review and to ensure PG&E is in compliance at least annually.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

For the second request, the comment is noted. See response to comment T3-045 for more specificity.

T3-091

The commenter states that the set of protocols referred to in Mitigation Measure CUL-1a-8q should also reference internal Tribal protocols, for example, there is a specific protocol that relates to excavation materials or drill cuttings which contain clay. The commenter states that these Project protocols are specific to the Tribes, and in addition to the CIMP, CHPMP, and PA.

Mitigation Measure CUL-1a-8q requires implementation of the CIMP, which was finalized on November 18, 2015, and is included in the SEIR as Appendix H of the C/RAWP. The text on pages 4.4-114-118 summarizes the primary impact-reducing components of the CIMP, some of which reference the federal requirements of the PA and CHPMP. Protocols for handling and disposition of clay is covered by the 2016 *Protocols for Handling and Disposition of Clay Materials Exposed by Project Activities* and conformance with this set of protocols is included in the *Cultural and Historic Properties Treatment Plan for the Topock Compressor Station Remediation Project* (Hanes and Price in progress), implementation of which is required by SEIR Mitigation Measure CUL-1a-19, “Implement Treatment Plan for the Topock TCP.”

T3-092

The commenter states that a request for access is necessary only for PG&E-owned property, in reference to Mitigation Measure CUL-1a-8q. The commenter states that a courtesy call is typically given for areas outside of PG&E-owned property and that this should be clarified in the text.

Mitigation Measure CUL-1a-8q requires implementation of protocols outlined in the CIMP. Section 2.11, “Protocols to Accommodate Tribal Ceremonies or Activities Involving Topock Cultural Area,” was developed in accordance with 2011 Groundwater FEIR Mitigation Measure CUL-1a-8k: Protocols to be followed by Project personnel to accommodate, if feasible as determined by DTSC, key Tribal ceremonies that involve the Topock Cultural Area. The CIMP Section 2.11 states that “For the purposes of this protocol, key Tribal ceremonies will

include any ceremonies or activities for which the Tribes choose to notify and/or ask for assistance.” It also states that “...PG&E and Tribal representatives will identify other impacted landowners. The Tribal representative will be responsible for further discussion of ceremonial activities with these landowners, if necessary” and “Access to the Project Area by Tribal religious practitioners for the purpose of conducting Tribal ceremonies will be consistent with federal and state laws, regulations, and agreements governing the property within the Project Area. Such access will also be consistent with the Access Plan prepared under MMRP CUL-1a-2 and General Principle I.C contained in the BLM PA.”

In response to the comment, the Draft SEIR text within Mitigation Measure CUL-1a-8q on page 4.4-117 is revised in this Final SEIR as follows:

Section 2.11 - Protocols to Accommodate Tribal Ceremonies or Activities Involving Topock Cultural Area: Key Tribal ceremonies involving the Topock Cultural Area [Topock TCP] will be accommodated if feasible as determined by DTSC. Any Tribe(s) wishing to perform such a ceremony may contact The first step in the protocol is a request for access by Interested Tribes to conduct Tribal ceremonies by phoning, emailing, or writing to PG&E’s Site Manager by telephone, email, or in writing to discuss the specific request. For the purposes of this protocol, key Tribal ceremonies will include any ceremonies or activities for which the Tribes choose to notify and/or ask for assistance. PG&E will consider the request and decide if the request can be accommodated as is, with modifications, or not at all, and will notify the requestor by phone or in person as soon as possible. PG&E staff, consultants, contractors or subcontractors will conduct themselves appropriately and, if invited to participate, will be respectful, turn off cell phones, and refrain from photography without permission. PG&E will maintain confidentiality of documents and sensitive information to the maximum extent allowed by the law. The Tribal representative will be responsible for further discussion of ceremonial activities with other identified impacted landowners, if necessary. Access to the Project Area by Tribal religious practitioners for the purpose of conducting Tribal ceremonies will be consistent with federal and state laws, regulations, and agreements governing the property within the Project Area. Such access will also be consistent with the Tribal Access Plan prepared in response to 2011 Groundwater FEIR Mitigation Measure CUL-1a-2, “Protocol to Preserve Tribal Member’s Access to, and Use of, the Project Area” as included in Appendix P of the C/RAWP, General Principle I.C of the BLM’s PA, and Appendix B “Tribal Access Plan” of the CHPMP.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a

substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T3-093

The commenter states that there should be continued long-term (30 to 50 years) support of the TRC and Topock Project Managers, open continued support from all federal and state agencies, and funding support to continue through the duration of the remediation clean-up project. The commenter requests that all the TRC and Project Managers be retained for 5 years after startup of the project and continue on as-needed for technical support through the year 2065. The commenter states that ongoing reasonable compensation be continued for Tribal participation in monitoring, attending meetings, and participating in Project development, as with the present Consultative Work Group, Technical Work Group, Clearinghouse Task Force, Monitoring, and subcommittee involvement.

The comment is noted for the record. See response to comment T3-045 for more specificity.

T3-094

The commenter states that the Hualapai Tribe emphasizes its desire to be included with DOI and DTSC as primary parties to whom communication is addressed if material deviation from work plan and design documents, MMRP action specific, and location specific ARARs occur. The commenter states that the current use of monthly progress reports and periodic uploads to SharePoint site are not sufficient levels of involvement regarding decisions made that could result in impacts to the Sacred-Cultural Landscape.

The comment is noted. See response to T3-004 for more specificity.

T3-095

The commenter states that the purpose of the DOI's Secretary Jewel's Order 3335 is set forth "guiding principles that bureaus and offices will follow to ensure that the Department of the Interior fulfills its trust responsibility." The commenter states that the agency policy and procedures to ensure that Tribal rights are respected must be followed and the trust responsibility between the United States government entities and Indian Tribes must be reinforced. The commenter states that Hualapai is concerned that future activities will impact the Topock cultural landscape and a collaborative partnership is critically needed.

The comment is noted for the record. See response to T3-047 for more specificity.

T3-096

The commenter states that the Hualapai Tribe and other participating Tribes would prefer that full consideration and partnerships be adhered to regarding Future Activity Allowance activities addressing uncertainty. The commenter states that CERCLA requires (Section 121(d)(2)(A)), that remedial actions attain ARARs at a minimum and that Future Activity Allowances will not meet this requirement.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T3-097

The commenter states that the Future Activity Allowance appears to be an extension of a possible pattern and practice by the agencies to have open-ended Project features and impacts. The commenter states that the Tribe commented on and objected to similar approaches used to justify not counting replacement wells in the well count cap in the 2011 Groundwater Remediation Project FEIR and not counting resampling activities in the 2015 Soil Investigation Project FEIR, despite the Tribe providing testimony that these additional activities would worsen certain environmental effects. The Tribe also objected to the open-ended approach relative to the adequacy of the environmental documents' assessment of direct, indirect and cumulative impacts, which lack cumulative-specific mitigation. The commenter states that the Future Activity Allowance takes this same suspect approach for the Project and it is offensive to the Tribe for the same reasons, and therefore must be removed from the SEIR. The commenter inquires about how the cumulative impacts to the TCP and sacred area from these repeated assaults on the landscape have been considered in the Draft SEIR.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property and Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T3-098

The commenter states that the text in Mitigation Measure CUL-1b/c-4a uses the term “Native American monitors,” but the term “Tribal monitors” has been used in this Project and is defined in the CIMP. The commenter states that “Tribal monitors” is the correct term that should be used in the document.

The comment is noted for the record. See response to comment T3-077 for changes to the Final SEIR.

T3-099

The commenter states that PG&E should also solicit input from Interested Tribes on the suitability and acceptability of any proposed architectural historian, and consider the Tribal input when approving an architectural historian.

The comment is noted for the record. See response to comment T3-088.

T3-100

With regard to Mitigation Measure HYDRO-6b: Water Supply Mitigation, the commenter states that PG&E should provide DOI and DTSC a list of all existing wells potentially impacted by the remediation system.

Water supply wells located in the vicinity of the Project have already been identified and listed in Mitigation Measure HYDRO-6a as well as Section 4.9.3.1, “Results of Hydrologic Analysis” of the Draft SEIR. HYDRO-6a also contains a provision to add additional wells if new ones

are discovered or installed in the future. PG&E also periodically monitors Moabi Regional Park water supply wells as part of the groundwater monitoring program.

T3-101

The commenter states that provisions should be added to Mitigation Measures NOISE-1, -2, and -3 to stipulate the use of low-noise electric and hydraulic equipment that can attain noise levels as low as 65 dBA. The commenter states that especially given the long duration of the Project, the noise mitigation measures must include analysis and adoption of better technology that further lessens environmental effects.

Please refer to response to comment T3-001, which discusses the 65dB noise ceiling and the specific Boart Longyear equipment which the commenter states could reduce noise impacts. Further, DTSC is requiring monitoring of noise levels when all equipment is to be operated in close proximity to noise-sensitive land uses, and abatement of noise in excess of applicable standards.

Letter T4: Fort Mojave Indian Tribe

Comment Letter T4

Sarah Spano

From: Nora Mcdowell <noramcdowell@fortmojave.com>
Sent: Tuesday, February 28, 2017 2:29 PM
To: Yue, Aaron@DTSC; Edgar Castillo; Baker, Karen@DTSC; Nazemi, Mohsen@DTSC
Cc: Christopher Harper; David Harper; Dawn Hubbs; Doug Bonamici; Jill McCormick; Lyndee Homell, Hualapai; Ron Escobar; Toni Carlyle, CRIT; Addie Farrell; Sarah Spano; Andee Leisy (ALEisy@rmmenvirolaw.com)
Subject: RE: DSEIR Comment Period Extension

Hi Aaron,

I had a question regarding this response to the Tribal request for extension, last paragraph of your email "DTSC will accept consider and respond to Tribal comments received until 5:00 p.m., on March 6, 2017 without officially extending the draft SEIR comment period which ends today." So does that mean that DTSC responses to the Tribes comments will be in writing and that it will become part of the Administrative record? Just wanted some clarification and thank you for your consideration of our request.

T4-001

Nora

From: Yue, Aaron@DTSC [mailto:Aaron.Yue@dtsc.ca.gov]
Sent: Monday, February 27, 2017 1:06 PM
To: Edgar Castillo <cocopahtpm@gmail.com>; Baker, Karen@DTSC <Karen.Baker@dtsc.ca.gov>; Nazemi, Mohsen@DTSC <Mohsen.Nazemi@dtsc.ca.gov>
Cc: Christopher Harper <christopherharper@fortmojave.com>; David Harper <David.Harper@crit-nsn.gov>; Dawn Hubbs <dawn.hubbs101@gmail.com>; Doug Bonamici <dbonamici@critdoj.com>; Jill McCormick <culturalres@cocopah.com>; Lyndee Hornell, Hualapai <lhornell@ymail.com>; Nora Mcdowell <noramcdowell@fortmojave.com>; Ron Escobar <ronetribe@yahoo.com>; Toni Carlyle, CRIT <Toni.Carlyle@crit-nsn.gov>; Addie Farrell <AFarrell@esassoc.com>; Sarah Spano (SSpano@esassoc.com) <SSpano@esassoc.com>; Andee Leisy (ALEisy@rmmenvirolaw.com) <ALEisy@rmmenvirolaw.com>
Subject: RE: DSEIR Comment Period Extension

Dear Mr. Castillo,

DTSC is in receipt of your request, on behalf of Fort Mojave, Chemehuevi, Hualapai, and presumably the Cocopah Indian Tribes, for a one week extension on the SEIR comment period. DTSC understands that the rationale for the extension request is the unexpected inclusion of the Future Activities Allowance in the SEIR. DTSC notes, however, that this topic was introduced and discussed with the Tribes during our meeting with the Tribes on July 19, 2016 introducing the conceptual mitigation measures for the SEIR. Furthermore, as mentioned during the January 18, 2017 CWG meeting, the 47 days Draft SEIR comment period provides an opportunity to all interested parties, including the general public, to consider the proposed project prior to DTSC's decision. Any extension to the specified comment period must be afforded to all parties, which will require newspaper notices and general mailing that is circulated to about 1800 individuals. Since the comment period ends today, it is impossible for DTSC to provide such a notice to the general public to extend the specified comment period as requested by the Tribes.

However, Public Resources Codes Section 21091(d)(1) states "The lead agency shall consider comments it receives on a draft environmental impact report, proposed negative declaration, or proposed mitigated negative declaration if those comments are received within the public review period. (2)(A) With respect to the consideration of comments received on a draft environmental impact report, the lead agency shall evaluate comments on environmental issues that are received from persons who have reviewed the draft and shall prepare a written response pursuant to subparagraph (B). The lead agency may also respond to comments that are received after the close of the public review period." CEQA guidelines Section 15207 also states "If any public agency or person who is consulted with regard to an

EIR or Negative Declaration fails to comment within a reasonable time as specified by the Lead Agency, it shall be assumed, without a request for a specific extension of time, that such agency or person has no comment to make. Although the Lead Agency need not respond to late comments, the Lead Agency may choose to respond to them."

In the interest of cooperation and based on the provisions of Section 21091(d)(2)(A), as well as CEQA guidelines Section 15207, the Tribes can submit your comments after the close of the comment period. DTSC will accept, consider and respond to Tribal comments received until 5:00 p.m., March 6, 2017 without officially extending the draft SEIR comment period which ends today.

Sincerely,

Aaron Yue
Project Manager
Department of Toxic Substances Control
(714) 484-5439

From: Edgar Castillo [<mailto:cocopahtpm@gmail.com>]
Sent: Monday, February 27, 2017 10:23 AM
To: Yue, Aaron@DTSC; Baker, Karen@DTSC; Nazemi, Mohsen@DTSC
Cc: Christopher Harper; David Harper; Dawn Hubbs; Doug Bonamic; Jill McCormick; Lyndee Hornell, Hualapai; Nora McDowell; Ron Escobar; Toni Carlyle, CRIT
Subject: DSEIR Comment Period Extension

Good morning Aaron

I have been appointed by the participating tribes (Fort Mojave, Chemehuevi and Hualapai) to respectfully request a 1 week extension to the SEIR comment period deadline. The main reason for this would be the Future Activities Allowance was unexpected and we need additional time to confer individually and internally regarding this issue and the overall DSEIR Document. We would greatly appreciate your consideration on this matter.

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If you have any questions feel free to contact me.

Thanks

Edgar Castillo
Topock Project Manager
Cocopah Indian Tribe
14515 S. Veterans Dr.
Somerton, AZ 85350
Cell: 928-287-5042
Office: 928-722-7522

**Letter
T4
Response**

**Fort Mojave Indian Tribe
Nora McDowell
February 28, 2017**

T4-001

The commenter asks whether DTSC's responses to the Tribes comments submitted after the deadline of February 27, 2017, will be in writing and whether they will become part of the Administrative Record.

As indicated in a response to the FMIT from DTSC on February 28, 2017, the answer is yes, all comments have been responded to in this Final SEIR and are included as part of the Administrative Record for the Final Groundwater Remedy Project Final SEIR.

Letter T5: Fort Mojave Indian Tribe

Comment Letter T5

Sarah Spano

From: Nora Mcdowell <noramcdowell@fortmojave.com>
Sent: Tuesday, February 28, 2017 2:51 PM
To: Yue, Aaron@DTSC; Edgar Castillo; Baker, Karen@DTSC; Nazemi, Mohsen@DTSC
Cc: Christopher Harper; David Harper; Dawn Hubbs; Doug Bonamici; Jill McCormick; Lyndee Homell, Hualapai; Ron Escobar; Toni Carlyle, CRIT; Addie Farrell; Sarah Spano; Andee Leisy (ALEisy@rmmenvirolaw.com)
Subject: RE: DSEIR Comment Period Extension

Thank you Aaron for your prompt response, appreciate it, Nora

T5-001

From: Yue, Aaron@DTSC [mailto:Aaron.Yue@dtsc.ca.gov]
Sent: Tuesday, February 28, 2017 3:49 PM
To: Nora Mcdowell <noramcdowell@fortmojave.com>; Edgar Castillo <cocopahtpm@gmail.com>; Baker, Karen@DTSC <Karen.Baker@dtsc.ca.gov>; Nazemi, Mohsen@DTSC <Mohsen.Nazemi@dtsc.ca.gov>
Cc: Christopher Harper <christopherharper@fortmojave.com>; David Harper <David.Harper@crit-nsn.gov>; Dawn Hubbs <dawn.hubbs101@gmail.com>; Doug Bonamici <dbonamici@critdoj.com>; Jill McCormick <culturalres@cocopah.com>; Lyndee Hornell, Hualapai <lhornell@ymail.com>; Ron Escobar <ronetribe@yahoo.com>; Toni Carlyle, CRIT <Toni.Carlyle@crit-nsn.gov>; Addie Farrell <AFarrell@esassoc.com>; Sarah Spano (SSpano@esassoc.com) <SSpano@esassoc.com>; Andee Leisy (ALEisy@rmmenvirolaw.com) <ALEisy@rmmenvirolaw.com>
Subject: RE: DSEIR Comment Period Extension

Hi Nora,

In response to your question, the answer is yes. DTSC will respond to all Tribal comments received by March 6, 2017 in writing and incorporate into the administrative record for the project.

Aaron Yue
 Project Manager
 Department of Toxic Substances Control
 (714) 484-5439

From: Nora Mcdowell [mailto:noramcdowell@fortmojave.com]
Sent: Tuesday, February 28, 2017 2:29 PM
To: Yue, Aaron@DTSC; Edgar Castillo; Baker, Karen@DTSC; Nazemi, Mohsen@DTSC
Cc: Christopher Harper; David Harper; Dawn Hubbs; Doug Bonamici; Jill McCormick; Lyndee Hornell, Hualapai; Ron Escobar; Toni Carlyle, CRIT; Addie Farrell; Sarah Spano (SSpano@esassoc.com); Andee Leisy (ALEisy@rmmenvirolaw.com)
Subject: RE: DSEIR Comment Period Extension

Hi Aaron,

I had a question regarding this response to the Tribal request for extension, last paragraph of your email "DTSC will accept consider and respond to Tribal comments received until 5:00 p.m., on March 6, 2017 without officially extending the draft SEIR comment period which ends today." So does that mean that DTSC responses to the Tribes comments will be in writing and that it will become part of the Administrative record? Just wanted some clarification and thank you for your consideration of our request.

Nora

From: Yue, Aaron@DTSC [mailto:Aaron.Yue@dtsc.ca.gov]
Sent: Monday, February 27, 2017 1:06 PM
To: Edgar Castillo <cocopahtpm@gmail.com>; Baker, Karen@DTSC <Karen.Baker@dtsc.ca.gov>; Nazemi, Mohsen@DTSC <Mohsen.Nazemi@dtsc.ca.gov>
Cc: Christopher Harper <christopherharper@fortmojave.com>; David Harper <David.Harper@crit-nsn.gov>; Dawn Hubbs <dawn.hubbs101@gmail.com>; Doug Bonamici <dbonamici@critdoj.com>; Jill McCormick <culturalres@cocopah.com>; Lyndee Hornell, Hualapai <lhornell@ymail.com>; Nora McDowell <noramcdowell@fortmojave.com>; Ron Escobar <ronetribe@yahoo.com>; Toni Carlyle, CRIT <Toni.Carlyle@crit-nsn.gov>; Addie Farrell <AFarrell@esassoc.com>; Sarah Spano <SSpano@esassoc.com> <SSpano@esassoc.com>; Andee Leisy (ALEISY@rmmenvirolaw.com) <ALEISY@rmmenvirolaw.com>
Subject: RE: DSEIR Comment Period Extension

Dear Mr. Castillo,

DTSC is in receipt of your request, on behalf of Fort Mojave, Chemehuevi, Hualapai, and presumably the Cocopah Indian Tribes, for a one week extension on the SEIR comment period. DTSC understands that the rationale for the extension request is the unexpected inclusion of the Future Activities Allowance in the SEIR. DTSC notes, however, that this topic was introduced and discussed with the Tribes during our meeting with the Tribes on July 19, 2016 introducing the conceptual mitigation measures for the SEIR. Furthermore, as mentioned during the January 18, 2017 CWG meeting, the 47 days Draft SEIR comment period provides an opportunity to all interested parties, including the general public, to consider the proposed project prior to DTSC's decision. Any extension to the specified comment period must be afforded to all parties, which will require newspaper notices and general mailing that is circulated to about 1800 individuals. Since the comment period ends today, it is impossible for DTSC to provide such a notice to the general public to extend the specified comment period as requested by the Tribes.

However, Public Resources Codes Section 21091(d)(1) states "The lead agency shall consider comments it receives on a draft environmental impact report, proposed negative declaration, or proposed mitigated negative declaration if those comments are received within the public review period. (2)(A) With respect to the consideration of comments received on a draft environmental impact report, the lead agency shall evaluate comments on environmental issues that are received from persons who have reviewed the draft and shall prepare a written response pursuant to subparagraph (B). The lead agency may also respond to comments that are received after the close of the public review period." CEQA guidelines Section 15207 also states "If any public agency or person who is consulted with regard to an EIR or Negative Declaration fails to comment within a reasonable time as specified by the Lead Agency, it shall be assumed, without a request for a specific extension of time, that such agency or person has no comment to make. Although the Lead Agency need not respond to late comments, the Lead Agency may choose to respond to them."

In the interest of cooperation and based on the provisions of Section 21091(d)(2)(A), as well as CEQA guidelines Section 15207, the Tribes can submit your comments after the close of the comment period. DTSC will accept, consider and respond to Tribal comments received until 5:00 p.m., March 6, 2017 without officially extending the draft SEIR comment period which ends today.

Sincerely,

Aaron Yue
Project Manager
Department of Toxic Substances Control
(714) 484-5439

From: Edgar Castillo [mailto:cocopahtpm@gmail.com]
Sent: Monday, February 27, 2017 10:23 AM
To: Yue, Aaron@DTSC; Baker, Karen@DTSC; Nazemi, Mohsen@DTSC
Cc: Christopher Harper; David Harper; Dawn Hubbs; Doug Bonamici; Jill McCormick; Lyndee Hornell, Hualapai; Nora McDowell; Ron Escobar; Toni Carlyle, CRIT
Subject: DSEIR Comment Period Extension

Good morning Aaron

I have been appointed by the participating tribes (Fort Mojave, Chemehuevi and Hualapai) to respectfully request a 1 week extension to the SEIR comment period deadline. The main reason for this would be the Future Activities Allowance was unexpected and we need additional time to confer individually and internally regarding this issue and the overall DSEIR Document. We would greatly appreciate your consideration on this matter.

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If you have any questions feel free to contact me.

Thanks

Edgar Castillo
Topock Project Manager
Cocopah Indian Tribe
14515 S. Veterans Dr.
Somerton, AZ 85350
Cell: 928-287-5042
Office: 928-722-7522

**Letter
T5
Response**

**Fort Mojave Indian Tribe
Nora McDowell
February 28, 2017**

T5-001

The commenter thanks DTSC for their prompt response to the comment T4-001.

The comment is noted for the record.

Letter T6: Cocopah Indian Tribe

Comment Letter T6



THE COCOPAH INDIAN TRIBE
Cultural Resource Department
14515 S. Veterans Drive
Somerton, Arizona 85350
Telephone (928) 627-4849
Fax (928) 627-3173

CCR-032-06-001

March 6, 2017

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 Draft Subsequent Environmental Impact Report (DSEIR) for the
PG&E Topock Compressor Station Final Groundwater Remediation Project

Dear Mr. Yue and Ms. Innis:

The Cocopah Indian Tribe appreciates your consultation efforts on this project. We are pleased that you contacted the Tribe on this cultural resource issue for the purpose of solicitation of our input and to address our concerns on this matter. At this time, we wish to make the following comments on the DSEIR.

T6-001

Issue 1: Insertion of undefined “Future Activity Allowance” (FAA) into DSEIR is arbitrary, unprecedented, excessive and inappropriate

The DTSC has proposed measures to expand the project beyond its present design by means of a “Future Activity Allowance” (FAA), which provides for adding up to an additional 25 percent of unspecified infrastructure components at unspecified locations at some future date. This provision, as written, would escape formal consultation and project review pursuant to CEQA.

T6-002

The Tribe questions the legal validity of and justification for the FAA. According to the DSEIR, the FAA includes two components:

- (1) an additional allowance for all project infrastructure, established at up to 25 percent of the parameter set forth in the Final Remedy Design, and
- (2) up to 10 additional monitoring wells to be installed in Arizona (DSEIR, page 3-11).

T6-002

The Tribe is unfamiliar with the FAA concept being used elsewhere in CEQA; please provide some examples where this concept has been implemented successfully or not.

The Tribe objects to the use of this undefined, blanket FAA. If implemented, it would only worsen the already significant and unmitigated impacts to resources of Tribal concern, including those the DSEIR itself identifies - cultural resources and noise, cumulatively significant and unavoidable impacts to aesthetics, and, all critical areas of concern to the Tribe. Yet, the release of this environmental document for public review is the first time the Tribe learned of the magnitude of this concept relative to the Project. The Tribe believes that DTSC (and DOI and PG&E) should have specifically consulted with the Tribe about the magnitude of the FAA before proposing it as part of the Project. Given the extraordinary siting efforts made over the last ten years by the tribes (and others) regarding specific project components to try to minimize impacts over a large and complex project area, the newly-introduced, open-ended FAA is of great surprise and concern to the Tribe. Based on these concerns, the Tribe requests that the FAA be removed from the Project. Instead, future CEQA review should be conducted before any potential additional Project expansion is considered should it even become necessary to implement such measures to successfully operate the remedy.

T6-003

Numerous California court cases have held that an accurate, stable and finite project description is the indispensable prerequisite to an informative and legally sufficient environmental document. This requirement was first set forth in *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, then incorporated into CEQA Guidelines section 15124 (Project Description). Moreover, none of the possible "exceptions" to a finite project description, such as a project having independent utility, a staged EIR or a project with future phases, apply here.

T6-004

In contrast, the proposed FAA component of the Project lacks an adequate project description such as defined components, specific locations, defined boundaries, etc., making it difficult if not impossible to assess impacts, effects or adequacy of mitigation for these additional potential project components in the DSEIR. Further, the DSEIR states that, "The 25 percent potential allowance is intended to apply generally to the development and implementation of the Final Remedy Design, *even if a particular parameter or aspect of the Project is not listed in one of the examples set forth in the following subsections.*" (DSEIR, page 3-11) (Emphasis added)). Please explain in more detail what this statement means to DTSC. CEQA Guidelines section 15140 (Writing)

T6-005

requires that EIRs should be prepared in plain language such that the public can readily understand them. Does this statement mean there are no limitations on what project elements or features could be included in this allowance? If so, this is an impermissible blank check under CEQA to PG&E and the agencies.

T6-005

Without clear parameters or expressed standards referenced in the DSEIR for the agencies to use in the future to locate additional, but currently unknown Project features, the mere promise that PG&E and DTSC will "track" activities to "ensure" that development of individual components is within the scope of the SEIR, is essentially meaningless and could allow for almost limitless discretion contrary to CEQA. (DSEIR, page 3-12). Accordingly, the asserted purpose for including a FAA, "... to be sure that this SEIR evaluates all the potential effects of the Project, including those that may be needed in the future" (DSEIR, pages 3-12 and 3-97) rings hollow. How can DTSC pretend it has adequately disclosed, evaluated, or mitigated what is not even located yet or specified in the project description? This is not a small concern as the SEIR "... is intended to be used as the primary CEQA document for any permits or approvals from DTSC or other California public agencies which may be required for implementation of the remedial action as described in this SEIR, including investigatory, maintenance, repair, and infrastructure replacement activities" (DSEIR page 3-99). This is of particular concern as the Project will extend well into the future - over several decades.

T6-006

The proposed FAA is highly inconsistent with past work to identify, justify and plan proposed remedy infrastructure and operations. For example, all proposed specific remedy wells, monitoring wells, buildings, soil placement, roads, piping, etc., and contingent or backup well locations have been carefully reviewed, discussed and evaluated both in the field and in maps. In Arizona, placement of any/all wells in the white clay area presents even greater concern as this is a TCP.¹

T6-007

We also note that according to the DSEIR, aesthetic and visual impacts, air quality, biology, hydrology and water quality, noise, utilities, service systems and energy and water supply are attempted to be included in the proposed FAA, even though in some instances, neither the Project features nor additional impacts can be located, quantified or described at this time. Are all impacts and CEQA resources categories subject to a blanket 25 percent FAA, and if so, how have those potential impacts been analyzed and the potential increase in effects mitigated relative to each subject in the DSEIR? Which subject areas might be expected to exceed the 25 allowance (such as ground disturbance and biological impacts)? Where are their cumulative impacts addressed with cumulative-specific mitigation? Additionally, we request a standalone section on the proposed FAA in the SEIR to more readily capture, clearly analyze, and efficiently track the FAA, including cumulative effects, should DTSC retain the FAA approach over Tribal objections.

T6-008

T6-009

¹ The use of the term Traditional Cultural Property/Place (TCP) in this document is referencing BLM's designation of the Project area as a TCP and does not reflect the Tribal viewpoint regarding the nomination of the area as a TCP.

Similarly, provisions must be made in the SEIR for additional CEQA and other review, to include tribal consultation, to be performed prior to initiating any ground disturbance under a FAA. Simply stating that "additional facilities beyond those specifically described in the Final Remedy Design may require approval from DTSC and perhaps other agencies" (SDEIR, page 3-12), does not address the almost certain need for future additional CEQA review and timely tribal consultation. This approach should also reflect the notion of adaptive management to allow for a consideration of how the Project's implementation and impacts are actually playing out over time, which can be particularly valuable and appropriate in long-term operation and maintenance activities such as those in the Final Remedy,

T6-009

T6-010

Issue 2: Significant detailed "provisional" elements already allow for contingency expansion of the remedial system.

Over the last 5 years during the development of the design for the Topock groundwater remedy, this project has expanded significantly from the originally proposed design concept selected during the Corrective Measures/Feasibility Study. The in-situ treatment method was originally accepted back in 2011 based on an anticipation that its impacts to the area would be less as compared with other engineering alternatives. However, at each design stage, 30%, 60%, 90% and 100%, the project has expanded in every dimension. DTSC has already made a concerted effort during the design process to look into the future and to consider the possible necessary expansion of the Topock project.

T6-011

To this end, DTSC and all interested parties working closely together over many years, added numerous "provisional" remedy features including 94 percent more remediation wells (46), and 33 percent more monitoring wells (24) than what was included in the 2011 FEIR conceptual remedy. Each of these "provisional" wells, which are NOT part of the initial planned remedy construction, were specifically discussed, their locations walked and possibly adjusted due to cultural impacts, reviewed by all parties, and then finally included as "provisional" elements of the final design. Other planned infrastructure such as trenching and piping were also expanded in capacity to accommodate the ability to connect these "provisional" features into the system. Any or all of the "provisional" wells MAY be installed at some future time, depending on the response of the groundwater remediation system, changes in the contaminant plume, or some other unforeseen factor.

Other "provisional" elements, which are described in detail in project design documents include a "contingent freshwater pre-injection treatment system to reduce concentrations of arsenic", and a contingency "dissolved metals removal system." Again, details and locations of these contingency elements were included in the detailed designs, and discussed and considered by all parties to the project design. These detailed, designed "provisional" and "contingency" project elements are considered within the scope of the draft SEIR, therefore sufficient flexibility already exists in the final design for contingencies.

The FAA appears to be an extension of a possible pattern and practice by the agencies to have open-ended project features and impacts. The Tribes commented on and objected to similar approaches used to justify not counting replacement wells in the well count cap in the 2011, FEIR, and resampling activities in the August 2015, Soil Investigation Project FEIR, and Data Gap Work Plans 2(2016), and 3 (2017). These actions were taken despite the Tribes providing written comments that these additional activities would worsen certain environmental effects².

In each instance, the Tribe also objected to the open-ended approach relative to the adequacy of the environmental documents' assessment of direct, indirect and cumulative impacts. The DSEIR further notes the existence of "provisional wells and associated infrastructure (well vaults, pumps, instrumentation, electrical/communication conduits, etc.) . . . "and contingencies that are specifically set forth in the Final Remedy Design and C/RAWP . . ." (SDEIR, page 3-11), which collectively could cause additional impacts and effects, including cumulative effects, which we observe lack cumulative-specific mitigation. How have the cumulative impacts to the TCP and sacred area from these repeated assaults on the landscape been considered in the DSEIR? Now, the FAA takes this same suspect approach to a whole new level for the ever-ballooning Project and is offensive to the Tribe for the same reasons and therefore must be stricken from the SEIR or seriously modified to comply with CEQA.

T6-012

Finally, the FAA is not consistent with the CIMP as the FAA is not included, mentioned, cited, listed, described or referred in the CIMP. Therefore, the FAA as included in this draft SEIR conflicts with the PA, the CIMP and the CHPMP.

T6-013

Issue 3: Request that the Tribal Viewer be included as a unique viewer group.

In the 2011 Groundwater FEIR, Tribal Viewers were simply lumped into the "pedestrian." viewer group. The Tribe objects to this categorization. Per 36 CFR 800.2 (c)(2)(ii)(B), the Federal Government has a unique legal relationship with Indian Tribes set forth in the Constitution of the United States, treaties, statutes, and court decisions. This unique relationship recognizes that consultation must occur on a Government to Government level and therefore Tribes should never be lumped in with other groups within the general public. In this draft SEIR, there are still just the same four viewer groups, pedestrian, residential, vehicular and recreational. For every one of these four viewer groups, the draft SEIR states there are no changes that would affect these viewer groups since the 2011 Groundwater EIR. However, this 2017 draft SEIR also acknowledges that new information was collected from Tribal members regarding the unique and specific sensitivities from the Tribal perspective. Supposedly, this new information has resulted in "enhanced understanding of the Native American cultural ties

T6-014

² See comment letter from Fort Mojave Indian Tribe regarding *Data Gap Work Plan-3*, dated October 27th 2016

to the area, and the distinctive sensitivity of Tribal Viewers.” However, this unique Tribal viewer group is still not separately evaluated and the expanded impacts of the larger remedy to Tribal Viewers remain unevaluated. Given the new information provided by the Tribes, and the unique qualities and values of Tribal members, the Tribal Viewer Group should be separately addressed and evaluated to reflect and highlight the unique and greater sensitivities of Tribal members for this site, not simply lumped into the pedestrian/ recreational viewer groups.

T6-014

Issue 4: Mitigation Measure HYDRO-6a – Incorporate Non-Project Water Supply Wells and/or Additional Wells into Monitoring Program (New Measure).

“PG&E shall submit a well installation work plan to DTSC describing installation of a new nested monitoring well located between HNWR-1 and wells Topock-2/Topock-3 since wells Topock-2/Topock-3 are currently the largest producing non-Project supply wells in the area. The work plan shall also propose the installation of any additional monitoring wells that are needed to ensure protection of the water resource in the vicinity of the non-Project water supply wells. PG&E shall submit the well installation work plan to DTSC within four months of DTSC’s approval of the remedy design and would be implemented only after DTSC’s review and approval. Up to ten well locations from the total borehole count evaluated in this SEIR can be allocated for the monitoring of water quality to protect non-Project water supply wells. Overtime, wells may be added to or removed from the monitoring program (with prior DTSC approval) based on accumulated data or lack thereof.”[Emphasis added]

T6-015

It is unclear why DTSC waited until after the 100 percent design documents were completed to require these additional project features. As many as 10 Arizona monitoring wells were purposed, which were not included in the original design or discussed during any of the TWG or CWG project meetings to date. This represents yet another undefined expansion of the remedy footprint. While one of the ten wells is at least described generally with regard to location, a further nine wells are without any details, and therefore cannot be evaluated with respect to impacts under this SEIR. Are these additional wells to be considered a mitigation measure, or part of the planned design, or both? Future work plans for locating and installing any further monitoring wells under HYDRO-6a should be prepared with input from the Tribes and any other interested parties. At that time, the impacts from those installations can be assessed. In particular, the Tribe is interested in whether any of the wells might be sited in the “white clay” area, which the Tribes are purposing as a TCP. This area should be strictly avoided.

T6-016

T6-017

Issue 5: Use of sensitive areas for storage and other construction purposes.

Since 2013, The Tribes have appealed strenuously that areas of cultural importance be

T6-018

avoided when locating areas for storage and other construction purposes. As acknowledged by the agencies, the Tribes have repeatedly objected to the use of areas #6, #7, #12 and #25 for storage and other construction purposes. As stated in the agencies direction letter dated October 19, 2015, these staging areas should be used to the minimum extent possible, will not be used for long term storage, and no sanitary facilities will be placed in areas #6 & #7. In all cases, applicable draft mitigation measures and site procedures should be updated to reflect that PG&E should work with Tribal Monitors to demarcate the area allowable for use, utilizing the least destructive means and materials such as placement of straw-filled wattles, for example and in accordance with CIMP document 2.14 Cul-1a 8n: Protocols for Protective Measures for Archaeological/Historic Sites during Construction.

T6-018

CUL- 1a-8n: Locations requiring specific protective devices, such as temporary fencing, flagging, or other type of demarcation during construction (DTSC, 2011a). Even with improved use/mitigation parameters, the tribes remain steadfast that these areas are inappropriate for such uses and that the proposed uses constitute significant impacts both at the project and cumulative levels.

Issue 6: Consistent and long-held objections to use of the “white clay” (*Anut Ahar*) area in the Traditional Cultural Property for installation of wells and Project infrastructure

For the past decade, the Tribes have consistently objected to any project elements or infrastructure being installed along the Arizona side of the Colorado River in the location known as the “white clay” area, which is purposed as a Traditional Cultural Property (TCP) by the Tribes. The Tribes have provided substantial information and documentation in the record about this area and its historical cultural significance. Early on, nested wells MW-54 and MW-55 were installed over the objections of the Tribes. Now, disregarding these same strong and consistent objections of the Tribes, additional monitoring wells MW-X and MW-Y are planned directly in this area. This plan is without further analysis showing the justification for this location despite recent significant updates in the groundwater model. In addition to the proposed monitor wells MW-X and MW=Y, there are up to 10, heretofore undefined, additional Arizona wells contained in Mitigation Measure HYDRO-6a, to evaluate effects of pumping of Arizona freshwater wells on other supply wells in the area. There is no language limiting the location of these wells to outside of culturally sensitive areas such as the “white clay” area and the Topock TCP. There seems to be no recognition of these sensitive areas to limit placement of additional wells and/or infrastructure in these sensitive areas. Tribes are currently in ongoing discussions with State and Federal agencies to delineate and provide formal recognition of this sensitive area as a listed TCP. The effects and impacts of the proposed remedy components in this area are significant to the Tribes, both as a project and cumulative impact, and must be reflected as such in the SEIR.

T6-019

Issue 7: Changes to Mitigation Measure NOISE-3 – Land use compatibility of future project noise levels with places of worship and the Topock Cultural Area.

This noise mitigation measure has been extensively changed from the original language in the 2011 FEIR. The original language stated:

“Provided that the proposed project would be required to achieve the normally acceptable exterior noise level standard for places of worship, the following mitigation measure shall be incorporated in the project design...”

The reference to appropriateness of using noise levels standards consistent with places of worship has been removed from the language of the noise mitigation measures without explanation. While this language was incorporated into the discussion of anticipated noise level impacts within the text of the SEIR, it should also be incorporated into the current draft noise mitigation measure language itself. While still insufficient to get at the specific noise concerns of the Tribes, maintaining the reference in the mitigation measure would better reflect the importance of noise suppression to a level consistent with the importance, reverence and solemnity of the TCP and especially those areas immediately adjacent to the Maze area. This will be especially important given the increase in infrastructure and location of an electrical generator in the evaporation ponds area, immediately adjacent to the Maze Locus A. The Tribes continue to believe that a Tribal-specific noise standard which considers noise level standards for outdoor worship must be developed to truly consider and mitigate impacts to Tribal users and religious practices.

T6-020

Issue 8: Framework for tribal participation for the duration of the Project.

Tribal review of unanticipated project components would be consistent with CHPMP Section 2.4 – “Protocols for Review of Project Design Documents.” Such project design changes would be subject to AB-52 compliance including Tribal Consultation regarding the level of environmental document, identification and treatment of tribal cultural resources, and alternatives to avoid resources of tribal value. The Tribe had requested DTSC consideration of their ongoing involvement in the pre-construction, construction, O & M, 5 Year Review after remedy start up as part of consultation with the regulatory agencies, and during decommissioning activities for the life of the project or until clean up goals were achieved. We reiterate this request and ask DTSC to explain its reduction of tribal participation in the New Measures proposed for the project. The Tribe also asks for direct consultation with DTSC under the newly established Tribal Affairs Office/Environmental Justice department within DTSC.

T6-021

T6-022

Issue 9: Cumulative impacts.

Chapter 6 of the SEIR presents an analysis of the cumulative impacts associated with project implementation. Specifically, the chapter attempts to address any incremental effects resulting from the project when viewed in connection with the effects of past, present, and probable future projects. In the course of evaluating the potential for impactful synergy between identified past, present, and future projects, the SEIR

T6-023

concludes with regard to cultural resources that implementation of the project in combination with other projects could cause substantial adverse change in the Topock TCP. The conclusion of the SEIR is correct, except that it describes the Topock TCP as a historical resource, ignoring the elements of religious significance of sacred areas within the TCP. Such cumulative impacts are likewise cumulatively significant and cumulatively considerable. Please clarify.

T6-023

With regard to possible future development in the area due to population growth and expansion, the Tribes emphasized the importance of scenario planning and the potential for using the model to implement credible future scenarios such as increased pumping associated with population growth as suggested in Chapter 6 projections in regard to the application of the groundwater modeling. In consideration of changing climate scenarios, generally anticipated to produce warmer, drier conditions, a scenario involving future groundwater resource development, for example, would be appropriate for consideration in the SEIR.

Issue 10: “Treatment Plan” has not been completed.

Cul-1a-19 calls for the implementation of a Treatment Plan for the Topock TCP. This mitigation measure had been discussed with the tribes, and the document provided to DOI and DTSC in which they provided written comments. The Treatment Plan was to be provided to the tribes by Ms. Renee Kolvet, BLM Archaeologist for review prior to issuance of the DSEIR. BLM has the revised document with DOI/DTSC comments included but the Tribe has still not received nor reviewed the Treatment Plan with additions from the regulatory agencies (DOI and DTSC). It is vital to remember that CEQA is different from the National Historic Preservation Act (NHPA) in that deferral of the required preservation-in-place analysis is disfavored in CEQA. The project specific and cumulative cultural mitigation measures refer to a Treatment Plan that is "in process". Deferral of the Treatment Plan post Project approval may be acceptable relative to DOI and NHPA Section 106 (and the Programmatic Agreement (PA)), but is not necessarily acceptable pursuant to CEQA, which requires identification of impacts and mitigation and consideration of preservation in place as part of the environmental document. At minimum, DTSC must explain how the deferral of the mitigation and treatment in the Treatment Plan is consistent with CEQA especially because DTSC is not a signatory to the PA, which is the instrument through which the Treatment Plan is being prepared. Also, the potential addition of unspecified infrastructure components via the future activities allowance (FAA) will require consideration in the Treatment Plan. As stated in the Programmatic Agreement (PA), the Treatment Plan will be used as the first point of reference in developing a specific course of action that would address how best to avoid, minimize, or mitigate an adverse effect. It is unclear how these unspecified components and their potential effects to cultural and historic properties can be dealt with in the Treatment Plan. This is particularly important where the DSEIR proposes no substantive mitigation for impacts to tribal concern (the mitigation proposed is mostly

T6-024

procedural in nature).

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T6-024

Draft SEIR Mitigation Measures as proposed in DSEIR were prepared with no input from Tribes. Tribes should be included in development of final SEIR mitigation measures similar to work that was done in a DTSC organized meeting with Tribes in July 19, 2016, and again August 5, 2016, with review and discussion of earlier draft mitigation measures which were initially proposed and drafted by DTSC. The current draft SEIR does not reflect the recommended provisions that the Tribes proposed for consideration of the identified impacts by DTSC/ESA. The DSEIR admits there are several significant and unmitigable cumulative impacts. CEQA places a duty to mitigate cumulative impacts on the lead agency. CEQA Guidelines section 15130. Yet no mitigation specific to cumulative impacts is proposed in the DSEIR - just double-dipping and using project specific mitigation to also try and cover cumulative impacts. (DSEIR, page 6-35). This creates a mitigation deficit. There is also little discussion in the DSEIR's cumulative section on the severity of the impacts which is otherwise required per CEQA. (CEQA Guidelines section 15130(a)(3)). Tribes have commented extensively on the severity of the cumulative effects, yet none of the Tribes' letters appear in the DSEIR appendix that lists the references for each section. (Bibliography, SDEIR Cumulative section references, pages 8-25 to 8-26).

T6-025

If you have any questions or need additional information, please feel free to contact the Cultural Resource Department. We will be happy to assist you with any future concerns or questions.

T6-026

Sincerely,



H. Jill McCormick, M.A.
Cultural Resource Manager



Edgar Castillo
Topock Project Manager

Cc: Mr. William Lodder, Team Leader, Environment Compliance and Liability Management
Ms. Noble, DOI Office of Environmental Policy and Compliance Director
Mr. Mohsen Nazemi, DTSC Deputy Director Brownfields Environmental Restoration Program
Ms. Nancy Brown, Advisory Council on Historic Preservation
Ms. Julianne Polanco, CA State Historic Preservation Officer
Ms. Kathryn Leonard, AZ State Historic Preservation Officer
Ms. Ann Howard, Deputy SHPO, Arizona Office of Historic Preservation
Tribal Representatives

Attachments: DSEIR – Cocopah Comment Table

#	Section/ reference text	General topic	Comment text
1	Section 2.3.2 Pg.: 2-7		<p>In the section 2.3.2 <i>Alternatives Considered in the FEIR</i>, there is no discussion of the fact that, in the years since the FEIR was completed with the accompanying selection of <i>Alternative E – In Situ Treatment with Freshwater Flushing</i> as the preferred alternative, a much better understanding of the required size, infrastructure and impacts, compared with the original concept of the preferred alternative has been attained. Such a discussion needs to be included in the SEIR, even if the alternatives discussion itself does not change.</p>

T6-027

2	Section 4: Environmental Analysis	4.1 Aesthetics	<p>The impacts determined within the aesthetics section were based on a visual analysis methodology which is based on:</p> <p>“site observations; review of technical data, including Final Remedy Design maps and drawings provided by the California Department of Toxic Substances Control (DTSC); aerial and ground-level photographs of the Project Area; state and local planning documents; computer-generated visual simulations; and a review of the Groundwater FEIR Aesthetics section”</p> <p>In addition, to document the visual change that would occur, 13 computer-generated visual simulations were chosen to show the Final Groundwater Remedy Project from key sensitive viewpoints.</p> <p>It is unclear however how the visual analysis methodology can be appropriately applied when up to 25% of the project footprint has yet to be defined. Specifically, the visual impact methodology requires knowledge of the infrastructure to make impact analysis. This is of relevance to the visual resource section as it has been concluded that there will be less than significant impact following mitigation. It is also unclear why the view point rather than the view shed approach has been used to evaluate potential impacts when the Tribes supported including the viewshed approach and have provided testimony and written comments that relate to both the FEIR and SEIR that they believe the impacts are significant. Please explain.</p>
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T6-028

T6-029

3	Section 4: Environmental Analysis	4.4 Cultural Resources	<p>To date, potential cultural resources impacts associated with the groundwater remediation have been evaluated based on specific remedy infrastructure locations. To reduce the infrastructure impact on cultural resources, the Tribes have been actively and intimately involved in the design phase of the project (i.e. from conceptual 30% design through the final 100% BOD) and have had the opportunity to propose alternative design ideas and infrastructure locations. In addition, the Tribes have had the support of technical experts for a thorough review of remedy design proposals. This high level of participation has been crucial for the reduction of impacts to cultural resources within the TCP. As currently proposed in the draft SEIR, an unplanned but allowed 25% increase in the project footprint in addition to 10 well locations in Arizona likely will have the result that Tribal involvement and tribal support is REDUCED prior to final design decisions on such "future" elements. Please explain. Furthermore, it is unclear how the extent of cultural resource impacts can be adequately evaluated if the true final footprint of the remedy is yet to be understood. Please explain.</p>	T6-030
4	4.2 Air Quality		<p>It appears as though air quality impacts from subsurface remediation "operations", i.e., the bioremediation activity itself, were not assessed. For example, under aerobic conditions over a 30+ year period, carbon monoxide or carbon dioxide would possibly be released to the environment. Similarly methane would possibly be released under anaerobic conditions. Please explain.</p>	T6-031
5	4.2 Air Quality		<p>By not considering uncertainty in the groundwater modeling portion of the design (100% BoD Report), the SEIR Air Quality analysis necessarily had to address a 30-yr life of project, rather than a possibly longer life of project, thus potentially leading to an underestimate of life-of-project air quality impacts. Please explain.</p>	T6-032
6	4.2 Air Quality		<p>It appears as though the SEIR Air Quality analysis did not consider air quality emissions from the IRS carbon substrate storage or transmission infrastructure, as well as its location(s) of application across the site. Please explain.</p>	T6-033

7	4.2 Air Quality	p. 4.2-4	<p>Both the FEIR and the SEIR on the cited page indicate that the “existing on-site operation resulted in criteria pollutant emissions of 1.0, 0.5, 2.3, 0.3, and 0.1 tons per year for ROG, NO_x, CO, PM₁₀ and PM_{2.5}, respectively”. (It is not clear whether these are English-unit tons (2000 lbs) or metric tons (1000 kg), though the weights of the two are similar (2000 lbs versus 2200 lbs).) These amounts for the criteria pollutant emissions are suspect, as the CA ARB web resources indicate, for example, that the Topock Compressor Station emits nearly 390 tons, presumably metric, per year, of NO_x. While the resulting analysis may not depend on these values, the data do set the context in which one may assess how much additional pollutant and GHG loading of the environment will occur because of the proposed project. Please clarify.</p>	T6-034
8	4.2 Air Quality		<p>As there were in the FEIR, there are several references to air quality impacts of generators (presumably fossil-fuel-fired electrical generators) and pumps. Please explain and quantify the air quality impacts associated with pump operation.</p>	T6-035

9	4.2 Air Quality	<p>In the FEIR (Table 5-6B), the selected Alternative E had a projected Annual Energy Use (presumably for the operational period) of 560,000 kW-hr, according to Table 5-6B on p. 165 or 800,000 kW-hr as reported on p. 1199. During the operational period (presumably), for the purposes of the Air Quality analysis, it was assumed (worst case with Alternative E and IM-3 operating at the same time) up to 1.8 MW-hr of power would be annually supplied by a 320 kW generator operating for 5,700 hrs per year (FEIR p. 4.2-31). Nowhere in the FEIR Appendix AQ, in which all the data sheets are flagged as “pump and treat”, which is not the alternative that was supposedly under consideration, can one establish where the air emissions for this 320 kW of electrical generation, reported in Table 4.2-7 of the FEIR, were developed or estimated. Moving beyond the 2011 FEIR to the SEIR, we expected to, but did not, see an analysis providing quantification of emissions from a similar Topock Compressor Station source that we understand will power the entire project. (<i>Section 3.5.1 Electrical Power Supply and Distribution in the 100% BoD Report</i> indicates that the remedy could require up to 4.3 MW-hr of electrical power on an annual basis.) Please add this information so that all may understand how air emissions from anticipated operation during the 30+/- year life of project were quantified for the air quality impact analysis.</p>
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T6-036

10	4.6.2.1 Pg.: 4.6-4	<p>Potential Surface Water Receptors: "PG&E conducted a risk assessment to evaluate the groundwater to surface water transport pathways (Arcadis 2009). The results indicated that the floodplain groundwater chemicals of potential concern are not being transported to the Colorado River at concentrations that exceed screening-level surface water criteria and no further surface water risk assessment was recommended. These conditions have not changed since the publication of the Groundwater FEIR."</p>	<p>Since 2009, significant changes and improvements have been made to the groundwater digital model which was used for this risk assessment. The risk assessment needs to be revised/re-assessed, given notable changes in conceptualization and flow modeling beneath river and in AZ. Models have been updated twice. This was in direct response to input from Tribal experts in technical meetings and discussions, and written directives from DOI/DTSC (2015 and 2016). Since 2009, the footprint of this remedy has also extensively expanded to include Arizona. These factors clearly represent changed conditions and should be a basis for a more realistic evaluation of risk assessment of groundwater to surface water transport pathways.</p>
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T6-037

11	4.6.2.1 Pg: 4.6-5	<p>Water Budget: “The inflow and outflow of water into the model domain are not known to have substantially changed since certification of the Groundwater FEIR. However, the groundwater model was revised in 2016 and is currently undergoing review and comments pertaining to the water budget, which may be incorporated into a future version. The results may be modified in response to agency and Tribal review.”</p>	<p>Notable changes and recommendations by Tribal experts to further improve the groundwater model should be incorporated into this evaluation.</p>	T6-038
12	4.6.2.1 Pg: 4.6-8	<p>Potential Groundwater Receptors: “Plant uptake pathways and receptors were evaluated in the risk assessment, and the pathways were found to be potentially complete but the risks to ecological receptors were considered not to be significant.”</p>	<p>Dramatic changes in modeled ET rates/locations in the updated flow model have recently been made and could strongly affect future plant uptake. There should be a mechanism for this to be considered and reviewed during future modeling updates to see if a re-evaluation of risks to receptors should be done based on improvements to the digital model and changes in plant communities.</p>	T6-039

13	4.6.5.1 Pg.: 4.6-38	“Inundation by seiche, tsunami, or mudflow does not apply because the Project Area is not subject to inundation by seiches, tsunamis, or mudflows”	To the contrary, the freshwater wells/infrastructure in AZ is HIGHLY subject to mudflows related to Sacramento Wash. In fact, the new diversion at Oatman Highway will increase the potential inundation of infrastructure. Given the project extent now involves a large area in AZ, including a water pipeline adjacent to Oatman Highway, why isn't this potential inundation evaluated in this study? Such flows might also affect areas of particular cultural concern to Tribes.	T6-040
14	4.7 Noise	General comment	Please provide March 2016 noise measurement protocols that were followed for the SEIR CEQA noise measurements. Include detailed information on how background noise level measurement data were screened / filtered for times when wind speed exceeded a threshold value – as is typically done for these sorts of studies. Normal protocol is to use wind speed measurements made at the same location where the noise measurements are made, and this was not done. In the absence of adjustments or corrections, wind and rain noise can skew measurements of background noise levels to higher values. While the Topock Compressor Station wasn't running at all during for part if not all of the March 2016 noise measurement campaign, we are unaware of any suitable methodology for quantitatively comparing the relative impacts of each noise source (wind versus compressor station) to one another, and are concerned that the wind noise may have skewed measured background noise levels to higher than actual values. Please explain.	T6-041
15	4.7 Noise		We do not see where noise shielding for the 30kW generator at the ponds is specified. We recommend that at least two layers of noise shielding be provided to achieve diminished receptor noise impacts – especially given that this western end of the APE has, up until the present time, been relatively free of PG&E O&M noise impacts and may add to impacts to sensitive cultural areas.	T6-042

16	4.7 Noise Pg.: 4.7-4	4.7.2.2	<p>The subheading language is extremely confusing in its use of the terms effects and impacts, as well as in the use of prepositions. For example, the first subheading reads: Effect of Long-Term Operational-Related Non-Transportation Noise Impacts. This subheading language begs the question: Effect ON WHAT of the long-term operational-related non-transportation noise impacts? The finding in the paragraph concerns impacts, but the paragraph begins with a focus on effects! Are effects the same as impacts? Are they totally different things? Are we talking about the effect OF the impacts? Are we talking about the effect (OF WHAT) ON the impacts?</p>	T6-043
17	4.7 Noise Pg.: 4.7-28	4.7.5.3 Impact Analysis	<p>This comment applies to all the other subsection headings in the Section 4.7.2.2 and possibly to other portions of the document.</p> <p>This subsection includes a series of sub-sub-sections each of which commences with an indented bold-faced-hanging indented paragraph that presents an impact. The format appears to be one of presenting the conclusion and then the analysis, but that ought to be stated, because it is confusing. Why not present the analysis first, then the impacts determined therefrom?</p>	T6-044
18	4.7 Noise Pg.: 4.7-31	4.7.5.3 Impact Analysis	<p>There is a brief analysis of vibration with no mitigation called for. This single brief paragraph on vibration is inadequate due to lack of specificity. A statement is made that "potential vibration sources [will be] at least 600 feet away from all sensitive receptors". While there is no mention of the Future Activity Allowance, such an allowance is indeed in the picture and if such activities are to fall under the project description then they must be considered in the SEIR. How does the analyst know that all such Future Activities will be at least 600 ft distant from sensitive receptors? The answer is that they do not and cannot provide any assurance to that effect. Thus, without Future Activity Allowance specificity and an associated mitigation measure providing specific buffering distances and parameters for such uses, there is either no analysis provided, or the analysis is inherently deficient.</p>	T6-045

19	4.7 Noise Pg: 4.7-35	4.7.5.3 Impact Analysis	<p>While NOISE-2 was in the FEIR as a construction activity mitigation measure anticipated to apply for at most 1-2 years, it is now stipulated in the SEIR to apply to both the 100% BoD remedy construction and any future remedy construction activities through the operation and maintenance portion of the project – nominally 30-years. Thus, we now have a potential 30-year duration of construction and all of the associated impacts (air quality, noise, etc.), which is deeply troubling. And this has been introduced into the SEIR process with nothing other than a 47-day public comment period and no discussion or comment resolution process. Please explain how these expanded future impacts will be considered.</p>	T6-046
20	4.7 Noise	Noise	<p>Cumulative noise impacts were not adequately estimated or modeled and will not be measured or monitored for exceedance of regulatory thresholds – unless a complaint is filed. How are cumulative impacts to be considered and treated for both existing and potential future infrastructure elements?</p>	T6-047
21	4.9 Water Supply		<p>It would appear that no consideration was given in this section to the Future Activity Allowance during the operational period, and we are not seeing that any consideration was given to such in the Arcadis Groundwater Modeling Report Addendum of January, 2017, nor in the February 2016 Arcadis Development of Groundwater Flow and Solute Transport Models. Please explain.</p>	T6-048
22	6.4.2.4	Sacramento Wash Improvements (4C) And Oatman Highway Crossing at Sacramento wash Project (6A)	<p>4C (p. 6-23) The Sacramento Wash Improvements project is a Mohave County project, not a USFWS and HNWWR project. Mohave County Public Works is the best source of information on this project, as compared to the Needles Desert Star. This information should be solicited and folded into the SEIR by DTSC as a cumulative effect 6A (p. 6-23) ADOT is building the bridge, with construction having commenced in late 2016/early 2017.</p> <p>These corrections should also be made in the narrative text of this subsection.</p>	T6-049

23	4.6 Hydrology and Water Quality Appendix IS Pg.: 4.6-1	4.6.2	<p>In the SEIR Appendix IS (Modified Initial Study), on p. IS-38, item (i) addresses exposing people or structures to a significant risk of loss, injury or death involving flooding. The Site B and HNWR-1a water supply wells, are well within areas that could be severely impacted by flooding on Sacramento Wash, even if the hazards presented to these areas by Colorado River flooding is low. The analysis presented for item i) on p. IS-43 is deeply flawed, as it only considers Colorado River flood hazards. Often, where a smaller tributary joins a much larger one, in this case where Sacramento Wash joins the Colorado River, people focus on flood hazards posed by flows in the larger river, and completely miss the hazards presented by floods in the tributary. In the case of Sacramento Wash, nature generates large floods on this major tributary that also transport and deposit significant amounts of sediment. There was flooding in this area as recently as between December 24, 2016, and January 2, 2017, with Oatman Highway closures on 2 separate occasions – from rainfalls that each reportedly yielded a precipitation total of up to an inch in 24 hours – not particularly large storms. Please see Attachment A to these comments that specifically addresses this matter (“Supporting Technical Information, Topock Project SEIR and Basis of Design Input Regarding Oatman Highway – Sacramento Wash Crossing Drainage Improvements Project Planned by the Arizona Department of Transportation and the Mohave County Public Works Department, February 13, 2016”). This is an issue with implications for both hydrological and cultural resources. Please explain.</p>	T6-050
24	7 Alternatives to the Proposed Project Pg.: 7-16	7.6.1	<p>The section has several misunderstandings regarding the proposed pipeline An alternative, including construction quantities, e.g., on pp. 7-17 & 7-18 and on other pages in the section. Also, the impact of the Future Activity Allowance is not explicitly addressed in the narrative and this leaves us wondering if it was considered, e.g., in construction quantities. Please clarify.</p>	T6-051

25	5 Other CEQA Sections Pg. 5-11	5.2,	<p>Page 5-11 relates to construction period and operational period annual diesel and gasoline fuel consumption. These are cast in terms of relative percentages – the context being statewide fuel consumption. Is there a threshold at which consumption is held to be significant or untenable from a regulatory or CEQA point of view such as locally or regionally? If so, what are the thresholds? Have the greenhouse gas / climate change sections been properly analyzed?</p>	T6-052
26	<u>Mitigation Measure CUL-1b/c-4a</u>	Cultural Resources Monitoring Program	<p>The text for this mitigation measure uses the term “Native American monitors”. However, the term “Tribal monitors” has been used in this project and is defined in the CIMP. The term “Tribal monitors” is the correct term and should be used throughout this document.</p>	T6-053
27	<u>Mitigation Measure BIO-1a</u> No-net loss of Jurisdictional Wetlands/Water Function or Value	“In-place restoration of jurisdictional areas directly impacted by construction at a 1:1 ratio (i.e., 1 acre of restoration for each acre of direct impact to <i>not-disturbed</i> jurisdictional area) shall occur.” [emphasis added]	<p>The text seems to imply that areas that are “non-disturbed” but have been additionally “disturbed” by project construction or operations activities will not be subject to restoration. This appears inconsistent with CEQA where all project impacts must be considered. Tribes have consistently maintained from the very start of the IM3 project that, from a cultural perspective, it just because an area has experienced some disturbance, does not sanction further degradation, and should not preclude restoration from further damage by remedy construction/operation activities. The SEIR must reference the Tribal perspective as it gets to the heart of integrity analysis for historic properties under CEQA and the NHPA.</p>	T6-054
			<p>This Mitigation Measure also refers to “fourteen proposed mitigation planting areas” (See Attachment C). Prior to use of any of these 14 proposed areas, Tribes should be consulted and Tribal Monitors present when the specific area boundaries are demarcated.</p>	T6-055
			<p>The mitigation plan(s) to be prepared by PG&E under this mitigation measure should also be submitted to Interested Tribes. Tribes were omitted from the list of stakeholders listed to receive those plans.</p>	T6-056

28	<p><u>Mitigation Measure BIO-1b</u> Final Habitat Restoration Plan</p>	<p>The plan shall be submitted to DTSC, CDFW, BLM, BOR, USFWS, and DOI for review.</p>	<p>During the preparation of the Final restoration (Draft) the Tribes should also be provided a draft and consulted in addition to receipt of the final restoration plan(s) to be prepared under this mitigation measure. Tribes were omitted from the list of stakeholders listed to receive those plans.</p>	T6-057
29	<p><u>Mitigation Measure BIO-2c</u> Disturbance of Special-Status Species and Loss of Habitat Caused by Decommissioning</p>	<p>The final habitat restoration plan shall be submitted to DTSC, CDFW, BLM, BOR, USFWS, and DOI for review.</p>	<p>The Tribes should be included in the review of the draft final habitat restoration plan(s) to be prepared under this mitigation measure and upon completion be provided a copy of the Final habitat restoration plan. Tribes were omitted from the list of stakeholders listed to receive those plans.</p>	T6-058

30	<p><u>Mitigation Measure</u> BIO-2h Disturbance of Special-Status Plants</p>	<p>An enhancement plan for impacted special-status plants would be developed through coordination with CDFW. The plan shall be approved by CDFW and submitted to DTSC, BLM, BOR, USFWS, and DOI for review.</p> <p>The agreed upon conditions would be detailed in a mitigation plan for impacted special-status plants. The plan shall be approved by CDFW and submitted to DTSC, BLM, BOR, USFWS, and DOI for review.</p>	<p>The enhancement plan(s) to be prepared under this mitigation measure should also be submitted to Interested Tribes. Tribes were omitted from the list of stakeholders listed to receive those plans.</p> <p>The mitigation plan for impacted special status plants to be prepared under this mitigation measure should also be submitted to Interested Tribes. Tribes were omitted from the list of stakeholders listed to receive those plans.</p>	T6-059
31	<p><u>Mitigation Measure</u> CUL-1a-1 Avoidance and Preservation in Place</p>	<p>PG&E shall carry out and require all subcontractors to carry out all project activities, in ways that avoid, minimize, and mitigate significant impact resources associated with the Topock TCP,</p>	<p>It appears the correct language should be that "subcontractors will be required to "implement" established protocols regarding project activities that avoid, minimize....."</p>	T6-060

32	<p><u>Mitigation Measure CUL-1a-2a</u> Implement Tribal Access Plans</p>	<p>Procedures required by Appendix P of the C/RAWP include protocols and timelines for requesting access for religious, spiritual, or other cultural purposes</p>	<p>It needs to be clarified that the “request for access” procedures referred to relate <i>only</i> to Tribes desiring access to property <i>owned by</i> PG&E.</p>	T6-061
33	<p><u>Mitigation Measure CUL-1a-3a</u> Professional Qualifications and Annual Historical Resource Condition Inspection</p>	<p>“In the event that PG&E needs to retain a new Qualified Cultural Resource Consultant, or additional cultural consultants, DTSC shall have approval authority over PG&E’s selection of cultural resources consultants.”</p>	<p>DTSC should solicit input from interested Tribes regarding on the suitability and acceptability of any proposed new cultural resources consultant, and consider the Tribal input when approving any new cultural resources consultant. This is consistent with recent ACHP guidance, <i>Native American Traditional Cultural Landscapes and the Section 106 Review Process</i> (July 2010): Unless an archaeologist has been specifically authorized or permitted by a tribe to speak on its behalf, or has been determined by that entity to be qualified to conduct surveys, it should not be assumed that archaeologist possesses the appropriate expertise to determine what properties are or are not of religious or cultural significance to that tribe.</p> <p>Regarding the provision related to historical resources condition inspection reports, these should include a section on tribal recommendations for treatment and management as well as tribal review of updates to DPR forms.</p>	T6-062
				T6-063

34	<p>Mitigation Measure CUL-1a-3d Signage</p>	<p>“In addition to requirements set forth in Appendix P of the C/RAWP, PG&E shall install signage prior to the start of construction, if possible, <i>dependent on cooperation and input from land owners and land management entities.</i>” [Emphasis added]</p>	<p>Tribes should also be allowed to provide input on signage size, materials, color, language, location and installation methods. There have been issues in the past regarding signage at the site.</p>
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T6-064

35	Mitigation Measure CUL-1a-4: Technical Review Committee	<p>“A stipulation of the contract open grant shall be that <u>the scientific and engineering team shall provide all deliverables and results to all involved tribes.</u>” [emphasis added]</p> <p>“PG&E may reimburse the tribe or TRC members directly.”</p>	<p>The wording of this measure is not representative of the current protocol between the Tribes and the TRC. Who proposed the wording of this measure? Technical products prepared by any TRC member(s) will not be made available to anyone without the express consent of the requesting Tribe. The SEIR's mitigation measure description must be revised with input and review by the Tribes to be consistent with the existing TRC/Tribal protocol which has been working well and does not need to be changed.</p> <p>It is unclear why this language was added. Who proposed the wording of this measure? HDR or another consultant in same role is specifically tasked with providing administrative separation FROM PG&E, and contracts with and pays TRC members. This new mitigation language should be changed to reflect the actual process which has been working well and does not need to be changed.</p> <p>How will "the conclusion of the construction phase of the Project" be measured by DTSC, regarding the necessity of the TRC especially if a 25 % FAA is included?</p> <p>Interested Tribes will advise DTSC during its evaluations as to the necessity of the continuation of the Technical Review Committee.</p>
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T6-065

T6-066

T6-067

36	Mitigation Measure CUL-1a-8q:	Implement Impact Program	Cultural Mitigation	<p>This set of Protocols should also reference Tribal protocols, for example, there is a specific protocol that relates to excavation materials or drill cuttings which contain clay. These project protocols are specific to the Tribes, and are additional to the CIMP, CHPMP and PA.</p> <p>Please provide examples of what may constitute "unforeseen circumstances" that may require amendments to the CIMP. What would be the triggers for circumstances that would instead require a work plan to be prepared (i.e. the protocol in CUL-1a-14)?</p>
37	Mitigation Measure CUL-1a-8q: Implement Cultural Impact Mitigation Program	Section 2.11 - Protocols to Accommodate Tribal Ceremonies or Activities Involving Topcock Area		<p>A "request" for access is necessary only for PG&E-owned property. Outside of PG&E-owned property, typically a courtesy call is given though not required. The tribes have federal and state rights to access public lands for religious and cultural purposes. Please revise and clarify.</p>

T6-068

T6-069

T6-070

38	CUL-1a-11: Open Grant Funding	<p data-bbox="407 312 535 1062">"During the construction phase of the Project, PG&E shall provide an open grant for one two part-time cultural resource specialist/project manager positions for each of the five Interested Tribes: Chemehuevi, Cocopah, CRTT, FMTI, and Hualapai."</p> <p data-bbox="548 312 625 1062">How will "during the construction phase" and "upon conclusion of the construction phase of the Project" be measured by DTSC, especially if a 25 % FAA is included?</p> <p data-bbox="662 312 716 1062">Interested Tribes will advise DTSC during its evaluation as to the necessity of the open grant funding continuing.</p>
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T6-071

T6-072

39	<p>Mitigation Measure CUL-1a-14: Tribal Notification of Potential Future Activities</p>	<p>For any potential future activities that the agencies will require PG&E to prepare a work plan, interested Tribes shall be notified and afforded the opportunity to provide input consistent with the general process described in Section 2.3 and Section 2.4 of the CIMP as defined in CUL-1a-8q. In circumstances where only one design cycle is deemed necessary by DTSC for the potential future work, steps A through H of Figure 2-1 MMRP CUL-1a-8d Design Review Protocol Flow Chart will be followed. PG&E shall, likewise, notify Interested Tribes at least two weeks in advance of project related ground-disturbing activities whenever possible in accordance with Section 2.10 of the CIMP.</p>	<p>What would be the triggers for circumstances that would require a work plan to be prepared?</p>
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T6-073

40	<p>Mitigation Measure CUL-1a-15: Future Activity Allowance Cultural Resources Survey</p>	<p>During the planning phase of any designed Future Activity Allowance activities.....</p> <p>IF DTSC determines that an expedited action is necessary in order to respond to the changing needs of the remedy, pre-construction inspection protocols identified in Section 2.16, "<i>Protocols for Inspecting Remediation Facilities and Staging Areas During Construction</i>" of the CIMP shall then be followed.....</p> <p>In instances where Future Activity Allowance activities are proposed in the field due to the need for immediate deviation from a planned activity from unforeseen circumstances, PG&E shall conduct the activity in consultation with an archaeological monitor and Tribal Monitor</p>	<p>Please justify the 5 year survey standard; it is well observed that wind, rain and other events may disclose archaeological and tribal cultural resources that were previously not recorded. Such events occur more frequently than on 5 year cycles.</p> <p>Moreover, the rationale for not conducting the DSEIR pursuant to AB 52 is weak. (DSEIR, page 4.4-95). Some jurisdictions are proactively implementing the bill even if there was no NOP or the NOP was earlier to the bill's effective date. Given the severe impacts of the Project on resources of tribal concern, DTSC should explain in more depth its approach to AB 52 compliance and how this may have affected the DSEIR analysis and consultation with tribes. DTSC must also explain whether the proposed FAA approach is a veiled attempt to try and get around the requirements of AB 52 for future project components. Please explain.</p> <p>Please explain what "would impede the fundamental Project objective of implementing the Final Remedy Design" means to DTSC. The tribes would prefer to see "materially impede". Also, it is important that all reasonable construction methods and design options are pursued to more fully demonstrate compliance with preservation-on-place principles under CEQA, and this language should also be included in the Mitigation Measure. (CUL-1b/c-1 Consider Locations of Historic Resources during Design also appears to lack sufficiently detailed method and design criteria).</p> <p>Also, please explain what "expedited action" and "immediate deviation from a planned activity" means to DTSC and what the thresholds or standards are. Such actions could worsen already significant impacts and effects to cultural resources.</p>
			T6-074
			T6-075
			T6-076
			T6-077

T6-078	<p>The text for this mitigation measure uses the term "Native American monitors". However, the term "Tribal monitors" has been used in this project and is defined in the CIMP. The term "Tribal monitors" is the correct term and should be used throughout this document.</p>	<p>PG&E shall invite Native American monitors to participate.</p>	<p>Mitigation Measure CUL-1b/c-4a: Cultural Resources Monitoring Program.</p>	<p>41</p>
T6-079	<p>Please add "Tribal interpretations of resource finds shall be included in the required documentation of monitoring" and that "tribes will be consulted during the completion or updating of any required recordation forms and their views included in the forms".</p>	<p>PG&E shall retain a qualified architectural historian.....</p>	<p>Mitigation Measure CUL-1b/c-7: Compliance with SOI Standards</p>	<p>42</p>
T6-080	<p>PG&E should also solicit input from interested Tribes on the suitability and acceptability of any proposed architectural historian, and consider Tribal input when approving a architectural historian.</p>	<p>Tribe should also be consulting parties and be provided the opportunity to review and draft reports, evaluations or determinations of eligibility for any structure, building, etc. involved in the Project. Please revise.</p>	<p>Mitigation Measure HYDRO-6b: Water Supply Mitigation^{USF}</p>	<p>43</p>
T6-081	<p>PG&E should provide DOI/DTSC a list of all existing wells potentially impacted by the remediation system.</p>			
T6-082				

44	Mitigation Measure NOISE-1, -2 & -3		<p>Within the NOISE mitigation measures, provisions should be added to stipulate the use of low-noise electric/hydraulic equipment, such as models and procedures available from Boart Longyear. As documented in Attachment B to this submittal, equipment and procedures exist that can attain noise levels as low as 65 dBA. Topock groundwater remediation project injection/production and monitor well drilling can be done with considerably less noise generated, using available technology.</p> <p>Also, especially given the long duration of the Project, the Noise mitigation measure(s) must include analysis and adoption of better technology that further lessens environmental effects. Mitigation Measure CUL-1a-8q, Section 2.8, does not appear complete in this regard. Please revise.</p>
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TE-083

ATTACHMENTS:

Attachment A - "Supporting Technical Information, Topock Project SEIR and Basis of Design Input Regarding Oatman Highway – Sacramento Wash Crossing Drainage Improvements Project Planned by the Arizona Department of Transportation and the Mohave County Public Works Department, February 13, 2016", prepared by TRC.

Attachment B – Materials from Boart Longyear, "Case Study: Successfully Meeting 65dBA Zoning Code Requirements"

Attachment C – Figures from Appendix V, C/RAWP (Ch2MHill, 2015) technical memorandum, "Assessment of Proposed Mitigation Planting Areas for Final Groundwater Remedy Impacts"

**Letter
T6
Response****Cocopah Indian Tribe
Edgar Castillo
March 6, 2017**

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- T6-001 The commenter states that the Cocopah Indian Tribe appreciates consultation on the Project and is pleased that they were contacted for input regarding cultural resources issues on the Project.
- The comment is noted for the record. DTSC thanks the Cocopah Tribe for taking the time to provide their comments on the Draft SEIR and for their continued participation in the Final Groundwater Remedy Project. Response to comments in the body of the letter can be found in T6-002 to T6-026. Response to comments on the attached table can be found in T6-027 to T6-083.
- T6-002 The commenter states that insertion of the undefined Future Activity Allowance into the Draft SEIR is arbitrary, unprecedented, excessive and inappropriate. The commenter states that the provision of expanding the Project beyond its present design would escape formal consultation and Project review pursuant to CEQA. The commenter states that the Tribe is unfamiliar with the Future Activity Allowance concept being used elsewhere in CEQA and requests examples where this concept has been successfully implemented.
- Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR and Master Response 3: Inapplicability of Assembly Bill 52 in Project Approval for a detailed response to this comment.
- T6-003 The commenter states that if the Future Activity Allowance is implemented, it would only worsen the already significant and unmitigated impacts, including cultural resources and noise, cumulatively significant and unavoidable impacts to aesthetics, and all critical areas of concern to the Tribe. The commenter states that the newly introduced, open-ended Future Activity Allowance is a surprise to the Tribe and that DTSC should have consulted with the Tribe about the magnitude of the Future Activity Allowance before proposing it in the Project. The commenter states that the Tribe requests that the Future Activity Allowance be removed from the Project and future CEQA review should be conducted before any additional Project expansion is considered.
- Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property and Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.
- T6-004 The commenter states that the requirement for an accurate, stable, and finite project description as part of an informative and legally sufficient environmental document was set forth in *County of Inyo v. City of Los*

Angeles (1977) 71 Cal.App.3d 185, then incorporated into CEQA Guidelines Section 15124. The commenter states none of the possible “exceptions” to a finite project description, such as a project having independent utility, a staged EIR, or a project with future phases, apply here.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T6-005

The commenter states that the proposed Future Activity Allowance component of the Project lacks an adequate project description, making it difficult to assess impacts, effects or adequacy of mitigation for the additional potential Project components in the Draft SEIR. The commenter requests clarification on the following statement: “The 25 percent potential allowance is intended to apply generally to the development and implementation of the Final Remedy Design, even if a particular parameter or aspect of the Project is not listed in one of the examples set forth in the following subsections” (Draft SEIR, page 3-11). The commenter requests more detail on what this statement means to DTSC and wants to know if there are limitations on what Project elements or features could be included in this allowance.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T6-006

The commenter states that without clear parameters or expressed standards referenced in the Draft SEIR for the agencies to use in the future to locate additional, but currently unknown Project features, the mere promise that PG&E and DTSC will track activities to ensure that development of individual components is within the scope of the SEIR is essentially meaningless and could allow for almost limitless discretion contrary to CEQA. The commenter questions how DTSC can adequately disclose, evaluate, or mitigate what is not yet located in the Project description, especially since the Project will extend into the future over several decades.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T6-007

The commenter states that the proposed Future Activity Allowance is highly inconsistent with past work to identify, justify and plan proposed remedy infrastructure and operations. The commenter provides an example that all proposed specific remedy wells, monitoring wells, buildings, soil placement, roads, piping, etc., and contingent or backup well locations have been carefully reviewed, discussed and evaluated both in the field and in maps. The commenter states that the placement of any wells in the white clay area in Arizona is a concern since it is a TCP.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

- T6-008 The commenter asks if all impacts and CEQA resource areas are subject to a blanket 25 percent Future Activity Allowance and, if so, how have those potential impacts been analyzed and the potential increase in effects mitigated relative to each subject in the Draft SEIR. The commenter further asks which subject area might be expected to exceed the 25 allowance and where cumulative specific mitigation is addressed.
- Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property and Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.
- T6-009 The commenter requests a standalone section on the proposed Future Activity Allowance in the SEIR to more readily capture, clearly analyze, and efficiently track the Future Activity Allowance, including cumulative effects, should DTSC retain the Future Activity Allowance approach over Tribal objections. The commenter states that provisions must be made in the SEIR for additional CEQA review, to include Tribal consultation, to be performed prior to initiating any ground disturbance under a Future Activity Allowance.
- Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.
- T6-010 The commenter states that the provisions for additional review should also reflect the notion of adaptive management to allow for a consideration of how the Project’s implementation and impacts will occur over long-term operation and maintenance activities, such as those in the Final Remedy.
- Use of the Future Activity Allowance over the lifetime of the Project will be based on the need for additional facilities to control the groundwater plume above what was anticipated in the Final Remedy Design and depending on the additional information gathered as a result of implementation and operation of the Final Remedy Design. DTSC is not proposing to use adaptive management in any way related to the Future Activity Allowance. Rather, the intent is to allow some flexibility for a Project that, by its inherent nature, is anticipated to require that some revisions be made in the future. If revisions are needed, DTSC will consider whether they are substantial, consistent with CEQA Guidelines Section 15162. Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to the purpose and rationale for including the Future Activity Allowance in the SEIR.
- T6-011 The commenter states that significant detailed “provisional” elements already allow for contingency expansion of the remedial system. The commenter states that the Project has expanded significantly from the originally proposed design selected during the Feasibility Study and that DTSC is considering the possible necessary expansion of the Project. The commenter states that over the many years of developing the Project,

DTSC and interested parties added numerous more “provisional” remedy features than what was included in the 2011 FEIR conceptual remedy. Each of these “provisional” wells, which are NOT part of the initial planned remedy construction, were specifically discussed, their locations walked and possibly adjusted due to cultural impacts, reviewed by all parties, and then finally included as “provisional” elements of the final design.

The commenter states that other “provisional” elements, which are described in detail in Project design documents, include a “contingent freshwater pre-injection treatment system to reduce concentrations of arsenic,” and a contingency “dissolved metals removal system.” These detailed, designed “provisional” and “contingency” Project elements are considered within the scope of the Draft SEIR; therefore, sufficient flexibility already exists in the final design for contingencies.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T6-012

The commenter states that the Future Activity Allowance is a pattern by agencies involved in the Topock remediation efforts to include open-ended Project features and impacts, and states that such additional activities would worsen certain environmental effects including cumulative impacts. The commenter indicates historical objections to such practices and requests that the Future Activity Allowance be stricken from the SEIR. The commenter further asks how have the cumulative impacts to the TCP and sacred area from these repeated assaults on the landscape been considered in the Draft SEIR. The commenter states that the Future Activity Allowance should be removed from the SEIR or modified to comply with CEQA.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property and Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T6-013

The commenter states that the Future Activity Allowance is not consistent with the CIMP as the Future Activity Allowance is not included, mentioned, cited, listed, described or referred in the CIMP, and therefore, the Future Activity Allowance as included in the draft SEIR conflicts with the PA, the CIMP and the CHPMP.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T6-014

The commenter states that new information was collected from Tribal members and included in the Draft SEIR regarding the unique and specific sensitivities from the Tribal perspective; however, this unique Tribal viewer group was not separately analyzed in the Draft SEIR. The commenter states that the Tribal Viewer Group should be separately addressed and evaluated to reflect and highlight the unique and greater

sensitivities of Tribal members for this site, not simply lumped into the pedestrian/ recreational viewer groups.

The Draft SEIR Section 4.1.3.4, page 4.1-33 includes a discussion of Tribal groups as a distinct viewer group and describes how these viewers were previously considered as ‘pedestrians’ in the Groundwater FEIR certified in 2011. However, the Draft SEIR analysis includes Native American Tribes as a unique viewer group and concludes that “Because many Tribal users are intimately familiar with the views and overall viewshed associated with the cultural landscape and would be sensitive to visual changes in the landscape, viewer sensitivity is considered high” (Draft SEIR page 4.1-33). Therefore, the commenters request that the Tribal Viewer be included as a unique viewer group has been included in the SEIR.

T6-015

The commenter restates Mitigation Measure HYDRO-6a with emphasis added for reference from following comment.

The comment is noted for the record; please refer to response to comment T6-016 below for a response to the emphasized points the commenter made to the mitigation measure.

T6-016

The commenter questions why DTSC waited until after the Final Remedy Design was complete to require as many as 10 Arizona monitoring wells as part of the Project, and questions why none of this information was presented at any of the TWG or CWG meetings. The commenter further states that there is insufficient information to properly evaluate impacts under this SEIR, and questions whether the additional wells are considered a mitigation measure or part of the Project. The commenter states that future work plans for locating and installing any further monitoring wells under HYDRO-6a should be prepared with input from the Tribes and any other interested parties and the impacts from those installations assessed.

In consideration of protecting Arizona groundwater users from potential impacts from PG&E’s groundwater remedial action, which may occur with extended extraction at the HNWR-1A well, DTSC gave PG&E the option to negotiate access agreements and monitor water from existing wells or to establish a baseline with a new well nearby. The potential new wells as proposed are considered a mitigation measure for groundwater impacts (see the IMPACT HYDRO-1 discussion in the SEIR starting in Section 4.6.5.4). However, CEQA also requires that potential impacts from actions associated with mitigation measures be considered in the SEIR, and as such, these up to 10 potential wells have been included as part of the Future Activity Allowance to ensure the impacts of these wells are evaluated appropriately throughout the SEIR. For a discussion on use of the Future Activity Allowance, please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR.

T6-017

The commenter states that the Tribe is particularly interested in whether any wells will be sited in the white clay area, which the Tribes are purposing as a TCP and should be strictly avoided.

DTSC understands that the Arizona area (referred to by the Interested Tribes as the *Amut ahar* area) is considered culturally sensitive for its association with clay materials important to Tribes, and that correspondence between the Fort Mojave Indian Tribe (FMIT) and the BLM has ensued since the close of the comment period for the Draft SEIR (on February 27, 2017). As is stated in a letter from the FMIT to the BLM on May 11, 2017, “the area is part of a culturally significant natural landscape where significant traditional activities and events took place. The Topock Cultural Landscape is highly significant to the Mojave and other Yuman speaking tribes where this TCP is a contributing element of the overall cultural landscape related to the Colorado River” (FMIT 2017). DTSC understands that the BLM is in ongoing consultation with the FMIT regarding the importance of the *Amut ahar* area, and that the BLM intends to evaluate its eligibility for listing as a TCP per Section 106 of the National Historic Preservation Act (NHPA) (BLM 2017; FMIT 2017).

Nevertheless, DTSC acknowledges in the SEIR that the area referred to by the commenter in Arizona is considered culturally sensitive for its association with clay materials important to Tribes and is a particularly sacred area to the FMIT, as was recognized in the Draft SEIR at page 4.4-56 of Chapter 4.4, “Cultural Resources.”

As such, a special clay handling protocol was developed and is included in the Final Remedy Design which is appended to this SEIR as Appendix BOD (see C/RAWP Appendix L – “Soil Management Plan”, Section 2.4 – Handling and Storage of Clean Soil within the Final Remedy Design). Additionally, DTSC will provide opportunity for Tribal notification and input for future activities, if any, and in accordance with Mitigation Measure CUL-1a-14: Tribal Notification of Potential Future Activities, including for any future Project infrastructure that may be needed as part of the Future Activity Allowance in Arizona that is not now reasonably foreseeable and therefore has not been discussed or contemplated during the final remedy design development. Chapter 4.4, “Cultural Resources,” page 4.4-108 acknowledges that even with the implementation of these and other mitigation measures, impacts to the Topock TCP and its contributors, including clay deposits, would remain significant and unavoidable.

Additionally, Chapter 6, “Cumulative Analysis,” page 6-35 of the Draft SEIR (and as revised in this Final SEIR) also acknowledges that cumulative impacts would remain significant and unavoidable after implementation of the mitigation measures and the Project in combination with other projects in the area would continue to contribute considerably to a cumulatively significant impact to the integrity of those physical characteristics that convey the significance of the Topock TCP, including clay deposits, and to historical resources unique and important

to the region. The commenter is also referred to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property.

DTSC understands the Cocopah's concern about infrastructure located in the white clay area in Arizona; however, Project wells and associated infrastructure in Arizona are required for the remedy for three important purposes: 1) supplying water to operate the remedy; 2) monitoring the plume to ensure it does not escape and expand into Arizona; and 3) protecting non-project water supplies. DTSC reiterates that for all future infrastructure, if any, deemed necessary to be located in Arizona (as part of the Future Activity Allowance), the mitigation measures identified in the Final SEIR would remain applicable to avoid and reduce impacts to the larger Topock TCP. Coordination with the Tribes regarding the location(s) of any future infrastructure deemed needed would also occur as required by CUL-1a-14.

T6-018

The commenter states that the Interested Tribes have provided detailed input regarding avoidance of areas of cultural importance when locating areas for staging and soils storage, which has repeatedly emphasized the unsuitability of staging areas #6, #7, #12 and #25 for construction/staging/storage activities. The commenter requests that applicable draft mitigation measures and site procedures be updated to include that PG&E work with Tribal Monitors to demarcate the area allowable for use, using the least destructive manner, such as placement of straw-filled wattle. The commenter states that even with these improved use/mitigation parameters, the Interested Tribes remain steadfast that these areas are inappropriate for such uses and that the proposed uses constitute significant impacts both at the Project and cumulative levels.

DTSC recognizes and acknowledges the importance of the Topock area to the Interested Tribes as a significant cultural and historic area and DTSC understands that there are Tribal sensitivities to the use of all areas within the Project Area. Since 2013, DTSC has encouraged Tribal input on staging areas to be avoided during implementation of the Final Groundwater Remedy Project and has attempted to seek a balance in Tribal preference with the necessities of the cleanup project by hosting discussions and conducting site visits to identify suitable areas for the soil staging and storage areas. As part of the response to comment process, FMIT, Hualapai Indian Tribe, and Cocopah Indian Tribe submitted a table indicating which staging areas should be avoided in the Final Groundwater Remedy Project. However, agencies must also consider the practical necessity of staging areas for construction of the remedy. As a result of significant discussion the agencies issued the Final Remedy Design Directive letter dated October 19, 2015, which details the staging areas that were eliminated from use, or are limited in use for the Final Groundwater Remedy Project, including areas requested to be excluded by Interested Tribes. Although Tribes maintain that several support areas remaining in the Final Remedy Design, specifically areas 6, 7, 12, and 25 should be eliminated from use, PG&E considered staging

area options in lieu of their use in a technical memorandum as Appendix W in the C/RAWP report titled “Proposed Use of Certain Areas for Construction, Staging, and Soil Storage at PG&E Topock Compressor Station” and maintained their preference based on space constraints of the existing road, increased public safety, reduced environmental impacts, reduced construction duration as a result of efficiency, and the need for temporary supporting facilities. DTSC acknowledges the Tribes’ continued concern regarding the suitability of these four areas for use as work/storage areas during construction. In the letter, DTSC also detailed conditions PG&E must follow when using Staging Areas 6, 7, 12, and 25 in order to minimize impacts on the areas and surrounding areas. These conditions include:

- Staging Area 6 – PG&E shall not place portable toilets within this area. PG&E may also use this area to assess wells; however, this area will not be used for long-term storage of soil or any other material. PG&E shall minimize the extent of area used at this area and demarcate the area allowable for use.
- Staging Area 7 – Although PG&E may use this area as a support zone, PG&E cannot locate restroom facilities in this area. PG&E may move the restrooms to the IM-3 Facility area and should preclude other support zone activities that are not critical to the construction as much as possible. This area will only be used for essential staging activities, not as long term storage.
- Staging Area 12 – PG&E shall demarcate the area allowable for use and provide specific instructions to workers on the limit of area to be accessed.
- Staging Area 25 – PG&E shall avoid any impacts to the Route 66 sign. PG&E shall demarcate all working areas and may use protective barriers to safeguard the Route 66 sign during construction as proposed in Appendix W of the C/RAWP document.
- PG&E shall continue to evaluate the use of the staging areas during construction and an effort should be made to limit the actual area used, and to minimize impacts on these areas and their surroundings.

In short, DTSC solicited input from the Tribes, made changes to the staging areas in response to the comments and concerns of the Tribes, and has thereby avoided and reduced impacts from the staging areas to the extent feasible while still ensuring the ability of the Project to move forward if approved.

T6-019

The commenter states that the Tribes have consistently objected to any Project elements or infrastructure, including the 10 proposed monitoring wells and existing wells MW-X and MW-Y, being installed along the Arizona side of the Colorado River in the location known as the “white clay” area, which is purposed as a TCP by the Tribes. The commenter states that previous wells have been installed in the area, despite objections by the Tribes, and now additional wells are planned in the area. The commenter states there is no language limiting the location of

these wells to outside culturally sensitive areas and impacts to these areas must be reflected in the SEIR.

As indicated in response to comment T6-017 above, DTSC acknowledges that the project area located in Arizona (referred to by the Interested Tribes as the *Amut ahar* area) is considered culturally sensitive for its association with clay materials important to Interested Tribes. DTSC understands that the BLM is in ongoing consultation with the FMIT regarding the importance of the *Amut ahar* area, and that the BLM intends to evaluate its eligibility for listing as a TCP per Section 106 of the National Historic Preservation Act (BLM 2017; FMIT 2017).

Project wells and associated infrastructure in Arizona are required for the remedy for three important purposes: (1) supplying water to operate the remedy; (2) monitoring the plume to ensure it does not escape and expand into Arizona; and (3) protecting non-project water supplies. DTSC indicated that for this remedy, wells MW-X and MW-Y are a critical part of the monitoring program. DTSC would be extremely unlikely to approve the remedy design without them. The reason is that PG&E's remedy intentionally accelerates the flow of the chromium containing groundwater to the east toward Arizona. Please refer to DTSC's response to comment #17 in Appendix I – Response to Comments on the 90% Design Documents for additional details. PG&E's updated groundwater model continues to document eastern flow into and toward Arizona (Arcadis' Addendum to Development of Groundwater Flow and Solute Transport Models dated January 2017).

While MW-X and MW-Y are not located within the *Amut ahar* area as defined by the BLM in their June 2017 letter, the Tribes have indicated that these Project components are located in an area sensitive for clay material which they associate with *Amut ahar* which is sacred to some Interested Tribes and considered an important aspect of the Topock Cultural Landscape. Other activities that would occur within the *Amut ahar* area as defined by both the FMIT and the BLM include construction of below ground and above ground pipelines to deliver freshwater to California to operate the remedy; soil storage and staging at areas 26, 27, 28, and 29, and improved access to existing wells (see Figures 3-3d and 3-8 of the SEIR, for example). In addition, infrastructure that may be needed as part of the Future Activity Allowance could be located within the *Amut ahar* area, depending on the initial results of implementation of the Final Remedy Design and potentially including a future monitoring well between HNWR-1 and Topock 2 and 3 for protection of existing water users.

For any infrastructure locations in Arizona as part of the Future Activity Allowance that are not now reasonably foreseeable and therefore have not been previously discussed in detail during the design development, DTSC will provide opportunity for Tribal input in accordance with Mitigation Measure CUL-1a-14: Tribal Notification of Potential Future Activities, and all mitigation measures identified in the SEIR will apply (see Master Response 2: Use of the Future Activity Allowance in the

Draft SEIR for changes to the mitigation measure as part of this Final SEIR). Also as noted in response to comment T3-014, a special clay handling protocol was developed, in consultation with the Hualapai Tribe, and is included in the Final Remedy Design which is appended to this SEIR as Appendix BOD (see C/RAWP Appendix L – *Soil Management Plan*, Section 2.4 – Handling and Storage of Clean Soil within the Final Remedy Design).

DTSC will continue to monitor the ongoing consultation between the Tribes and BLM regarding the white clay area, and will ensure, as the Lead Agency responsible for approving the Project, that any future activities, including any in Arizona, are consistent with the conclusions presented in the Final SEIR and that the required mitigation measures included herein reduce impacts to the extent feasible.

T6-020

The commenter states that Mitigation Measure NOISE-3 has been extensively changed from the original language in the 2011 Groundwater FEIR. The commenter is requesting that the reference to noise level standards consistent with places of worship should be incorporated into the mitigation measure.

Mitigation Measure NOISE-3 from the 2011 Groundwater FEIR is not included in the SEIR, because the requirements are largely redundant with those of Mitigation Measure NOISE-1 and NOISE-2 in the SEIR. Mitigation Measure NOISE-3 from the 2011 Groundwater FEIR also required PG&E to communicate the remediation activities scope and schedule with Tribes after the final design was completed. This is no longer relevant to the SEIR as the Final Remedy Design has been prepared and the Tribes continue to be involved in scheduling and process discussions through the CWG meetings with agencies and PG&E. Mitigation Measures NOISE-1 and NOISE-2 apply to Project-related noise with the potential to impact the Topock Cultural Property and other sensitive land uses, and, as such, adding a reference to the appropriateness of using noise level standards consistent with places of worship is unnecessary and potentially confusing.

Mitigation Measure NOISE-3 in the SEIR is a new mitigation measure that was created in response to the reasonably foreseeable and potentially significant cumulative noise impacts of the proposed Project, as explained in Chapter 6, “Cumulative Impacts,” page 6-41. As stated therein, “... Measure NOISE-3 is a new measure from what was identified in the Groundwater FEIR...”

T6-021

The commenter states that the Tribal review of unanticipated Project components would be consistent with CHPMP and would be subject to AB 52 compliance, including Tribal Consultation regarding the level of environmental document, identification and treatment of Tribal cultural resources, and alternatives to avoid resources of Tribal value. The commenter states that the Tribe requests to continue to be involved in and consulted with for the duration of the Project.

Please refer to Master Response 3: Inapplicability of Assembly Bill 52 in Project Approval for a detailed response to this comment.

T6-022

The commenter asks DTSC to explain its reduced Tribal participation with the new measures proposed for the Project and asks for direct consultation with DTSC under the newly established Tribal Affairs Office/Environmental Justice department within DTSC.

DTSC regrets that the Cocopah Tribe feels that Tribal participation has been reduced in the new mitigation measures. DTSC values the perspectives provided by Interested Tribes and is committed to consulting with Interested Tribes and considering Tribal input for the life of the Project. DTSC does not agree that the level of Tribal participation has been reduced in the new measures, and in some cases DTSC has included Tribal participation in mitigation measures when none was provided previously (for example, in measure CUL-1a-3a DTSC has added option for meeting with agencies and Interested Tribes to discuss the findings of Annual Historical Resource Condition Inspection reports in response to Tribal requests, and measure CUL-1a-3d has been revised to include Interested Tribes among the key stakeholders regarding design and implementation of signage). Members of DTSC's Tribal Affairs Office/Environmental Justice department met with the Interested Tribes on two separate occasions. On October 20, 2015, Director Barbara Lee and Assistant Director Ana Mascarenas met with FMIT Tribal representatives Janice Hinkle and Chris Harper; Chemehuevi Tribal representatives Steven Escobar and Amanda Sansouci; Hualapai Tribal representative Dawn Hubbs; and CRIT Tribal representatives Howard Magill and Doug Bonamici. On April 18, 2017, Deputy Director Mohsen Nashemi and Assistant Director Ana Mascarenas met with Cocopah Tribal representatives Jill McCormick and Edgar Castillo; FMIT Tribal representative Nora McDowell; CRIT Tribal representatives Toni Carlyle and Jennifer Corona; and Chemehuevi Tribal representative Steven Escobar. At the conclusion of the April 18, 2017, meeting, DTSC executive staff for Environmental Justice and Tribal Affairs, Ana Mascarenas, committed to meeting with Tribes in the future on DTSC Draft Tribal Consultation Policy and the Project.

T6-023

The commenter states that the cumulative section of the SEIR inaccurately describes the Topock TCP as a historical resource by ignoring the elements of religious significance of sacred areas within the TCP and that these cumulative impacts are likewise cumulatively significant and cumulatively considerable. The commenter states that with regard to possible future development in the area due to population growth, the Tribes emphasized the importance of scenario planning and the potential for using the model to implement credible future scenarios such as increased pumping associated with population growth as suggested in Chapter 6 projections in regard to the application of the groundwater modeling.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property for a detailed response to the comment about cumulative mitigation.

In regard to the comment regarding future groundwater model scenarios, the groundwater model was developed to simulate the response of the contaminant plume to various treatment method scenarios. It was not designed to simulate the response of regional aquifers to increased use of groundwater from unknown supply well locations. Growth inducing impacts are discussed in Chapter 5, "Other CEQA Sections," Subsection 5.3, "Growth Inducement." That section explains that while there is a chance that the proposed Project could result in off-site infrastructure or service expansions related to electrical and water supply systems which could serve other future development in the area, due to the relatively isolated nature of the area, other limiting factors to development, and the projected growth forecasts, the Project is not anticipated to result in significant indirect or growth inducing impacts. Although the groundwater model may have included scenario planning due to population growth, the Draft SEIR's impacts are focused on the design details included in the Final Remedy Design, and are unrelated to the response of regional aquifers to increased use of groundwater from unknown supply well locations. DTSC and DOI, however, would conduct 5 year reviews of the remedy. During these periodic reviews, resource allocations and growth induced impacts on the remedy could be considered if warranted.

T6-024

The commenter states that the revised Treatment Plan, as referenced in Mitigation Measure CUL-1a-19, with comments from DOI and DTSC has not been received or reviewed by the Tribe. The commenter states that the Project-specific and cumulative cultural mitigation measures refer to a Treatment Plan that is "in process," and deferral of the Treatment Plan post Project approval may be acceptable relative to DOI and NHPA Section 106 (and the Programmatic Agreement), but is not necessarily acceptable pursuant to CEQA. The commenter states that DTSC must explain how the deferral of the mitigation and treatment in the Treatment Plan is consistent with CEQA. The commenter states that the Treatment Plan will be used as the first point of reference in developing a specific course of action that would address how best to avoid, minimize, or mitigate an adverse effect, but it is unclear how these unspecified components and their potential effects to cultural and historic properties can be dealt with in the Treatment Plan.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T6-025

The commenter states that Draft SEIR Mitigation Measures were prepared with no input from Tribes and Tribes should be included in development of Final SEIR Mitigation Measures. The commenter states that the Draft SEIR does not reflect the recommended provisions that the Tribes proposed for consideration of the identified impacts. The commenter states that no mitigation specific to cumulative impacts is

proposed in the Draft SEIR and that the document only references Project-specific mitigation to cover cumulative impacts. The commenter states that the Draft SEIR has little discussion on the severity of impacts in the cumulative section, even though the Tribes have commented extensively on cumulative effects.

Since this is an SEIR, the basis of the mitigation measures is the 2011 FEIR. On August 21, 2013, DTSC met with representatives of Chemehuevi, CRIT, Cocopah, Hualapai, FMIT, and PG&E at the FMIT Tribal Office to discuss, provide clarifications of, and receive input on the Groundwater Mitigation and Monitoring Response required by the 2011 Groundwater FEIR. DTSC considered the input received from Tribes during this meeting in the development of the mitigation measures in the Draft SEIR. In addition, DTSC also met with members of the Interested Tribes to discuss mitigation on several occasions, including meeting with representatives from the Chemehuevi, Cocopah, CRIT, FMIT, and Hualapai Tribes on July 19, 2016, and August 5, 2016, specifically to discuss conceptual mitigation options that could be included in the SEIR. DTSC also participated in a meeting with representatives from the Cocopah, CRIT, FMIT, and Hualapai Tribes on April 19-20, 2017, to discuss Tribal comments on the SEIR mitigation measures. The following is a summary of changes that were made to the mitigation measures as a result of these meetings, and in addition, other changes were made to various sections of the SEIR as a result of this input:

- CUL-1a-3a: added option for DTSC to request PG&E initiate a meeting with agencies and Interested Tribes to discuss the findings of Annual Historical Resource Condition Inspection reports.
- CUL-1a-3c: changed “tribal cultural resource specialist” to “Tribal representative.”
- CUL-1a-3c: added timeframe for development and completion of outreach materials.
- CUL-1a-3d: included the Interested Tribes as key stakeholders in the design and installation of signage and added timeframe for installation of signage.
- CUL-1a-4: removed stipulation that the TRC shall provide all deliverables and results to all involved tribes, and extended funding for the TRC until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the TRC will be assessed by DTSC.
- CUL-1a-8q: included a provision that the CIMP may be amended if protocols or procedures require modification due to unforeseen circumstances.
- CUL-1a-11: removed reference to PG&E and FMIT settlement agreement, and extended open grant funding until DTSC has determined that the remedy is operating properly and successfully, at

which time the necessity of the cultural resource specialist/project manager positions will be assessed by DTSC.

DTSC thanks the Tribes for the comment and providing additional considerations on the mitigation measures presented in the draft SEIR. Please also see Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property for new Mitigation Measure CUL-5, and Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for changes to Mitigation Measure CUL-1a-14 as part of this Final SEIR, both of which are included as a result of comments provided by the Interested Tribes on the Draft SEIR.

Regarding the comment that none of the Tribes' prior comments on cumulative impacts were included in the bibliography chapter of the Draft SEIR, the Tribal perspectives section of Section 4.4, "Cultural Resources," is where all of the Tribal perspectives, including those related to cumulative impacts, is contained. Those perspectives were taken into account when formulating the cumulative impacts scenario for the proposed Project's impacts, which was then analyzed in Chapter 6, "Cumulative Impacts," and may not specifically be referenced in the Bibliography.

T6-026

The commenter states to contact the Tribe's Cultural Resources Department if there are any questions or additional information needed.

The comment is noted for the record. DTSC reiterates their appreciation of the Cocopah Tribe's continued participation in the Final Groundwater Remedy Project.

T6-027

The commenter states that a much better understanding has been reached regarding the details associated with constructing the preferred alternative, *Alternative E – In Situ Treatment with Freshwater Flushing*, and as such discussion needs to be included in the Draft SEIR detailing these changes.

DTSC thanks the commenter for noting that additional information is now available when compared with the information available during the preparation of the 2011 Final EIR. Indeed, DTSC is preparing this Draft SEIR precisely because additional information warrants further evaluation under CEQA. The scope of this SEIR is not to reselect another remedy, rather it is an evaluation of project-level impacts based on the preferred alternative selected by DTSC and DOI as memorialized in the Statement of Basis and Record of Decision, respectively, and upon which the Final Remedy Design is based. As the commenter mentions, DTSC has undergone an extensive design iteration process. Please refer to Chapter 2, "Introduction," subsection 2.2 of the SEIR which gives an explanation of the additional design details and Project circumstances that led to preparation of an SEIR for Final Groundwater Remedy Project.

T6-028

The commenter questions how the visual analysis methodology can be appropriately applied when up to 25 percent of the Project footprint has yet to be defined as part of the Future Activity Allowance, as the visual impact methodology requires knowledge of the infrastructure to make an impact analysis.

The visual analysis in the SEIR allows for the Future Activity Allowance based on best available technical information that determined the likely future location of these future actions as well as the type of equipment or activity that would occur (Table 4.1-4 on page 4.1-66). The Draft SEIR analysis relies on standard professional practice methods including identification and evaluation of changes that would occur as seen from key observation point/key viewpoint and includes consideration of similar design activities as part of the Future Activity Allowance throughout this key viewpoint aesthetics analysis (Section 4.1.5.3). While the exact locations are currently unknown, DTSC assumes that infrastructure would likely be located in close proximity to existing/planned features. For example, additional boreholes could be located in the floodplain and in the vicinity of existing/planned boreholes, and additional buildings/structures would likely be situated near other existing/planned structures and facilities (at the Station, Transwestern Bench, and Long-Term Remedy Support Area, etc.). The key viewpoints identified in this SEIR represent the general range of potential adverse impact to scenic resources, and any additional infrastructure developed as part of the Future Activity Allowance (i.e., 58 additional boreholes) would be required to comply with Mitigation Measures AES-1 and AES-2 (pages 4.1-80 and 4.1-85). However, prior to adoption and implementation of Future Activity Allowance, DTSC must evaluate if the proposed Project is within the scope of the SEIR findings and if new significant environmental effects or a substantial increase in the severity of previously identified significant effects are associated with the proposal. Additional CEQA analysis might be conducted depending on the outcome of that review. (See also *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1469 [finding no prejudice resulting from an EIR's failure to include a discussion of the visual impacts of a fire station and water tanks where, "[a]lthough the County did not specifically analyze the visual impacts of these structures, the public and the decision makers were informed of their existence and could readily understand that they might be visible from outside the project"].)

T6-029

The commenter questions why the viewpoint rather than the viewshed approach has been used to evaluate potential impacts in the SEIR, especially when the Tribes supported including the view-shed approach. The commenter further states they have provided testimony and written comments indicating that impacts are significant.

The Draft SEIR includes a discussion of the viewshed and the cultural significance of the regional viewshed to the Tribes that was not part of the 2011 Groundwater FEIR (pages 4.1-29, 30). In addition, a set of figures including panoramic photographs and view area maps are

included to support the viewshed discussion and impact analysis (Figures 4.1-2A through 4.1-2D). Annotations showing locations of key landscape features seen within the Project viewshed are included on the set of panoramic photographs. Further evaluation of the Project viewshed related to visual impact is included in the discussion of Impact AES-1 (pages 4.1-75 – 4.1-78). As the commenter does not provide specific issues or concerns regarding how this viewshed analysis is presented in the Draft SEIR, no changes have been made.

DTSC appreciates the commenter's previous comments regarding significance of aesthetic impacts. As indicated in Chapter 6, "Cumulative Impacts," cumulative impacts related to aesthetic resources was found to be significant and unavoidable even with implementation of mitigation measures.

T6-030

The commenter states that the Tribes have been actively involved in the design phase of the Project and have had the opportunity to propose alternative design ideas and infrastructure locations. The commenter states that the 25 percent increase in the Project footprint and 10 well locations in Arizona will likely result in reduced Tribal involvement and support prior to final design decisions on future elements. The commenter states that it is unclear how the extent of cultural resources impacts can be adequately evaluated if the true final footprint of the remedy is yet to be understood.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T6-031

The commenter states that the air quality impacts from the subsurface remediation activities were not assessed in the Draft SEIR, citing that carbon monoxide, carbon dioxide, and/or methane could possibly be released during the remediation process.

Due to the nature of the Project and as described in the Final Remedy Design and explained below, there is no evidence of reasonably foreseeable potentially significant adverse impacts to air quality from subsurface remediation activities. As explained in the Draft SEIR, the Final Remedy Design would inject ethanol to generate the reducing conditions necessary to reduce Cr(VI) to Cr(III). As a part of this process, one of the half-cell reactions is for ethanol to go to carbon dioxide ($1/12 \text{ C}_2\text{H}_6\text{O} + 1/4 \text{ H}_2\text{O} \rightarrow 1/6 \text{ CO}_2 + \text{H}^+ + \text{e}^-$). As discussed in the *Final Remedy Design, Appendix B, Section 6.2.7, page 42*, "CO₂ generated will be at a low enough concentration that it will remain dissolved and be flushed through the IRZ over time. Further, pH buffering to circumneutral (or approximately neutral) values by the aquifer solids will ensure that most of the inorganic carbon generated will be present as bicarbonate rather than dissolved CO₂. Formation of H₂(g), H₂S, and methane will be limited by controlling total organic compounds (TOCs) concentrations to limit byproduct generation. Formation of these gases (as well as N₂ formation) was not an issue during the pilot testing conducted in the floodplain." Because CO₂, CO, and methane would not be generated in appreciable quantities, and would

remain dissolved in the water during treatment, and further was determined during pilot testing to not be an issue, the quantification of the indirect above surface air emissions of CO, CO₂, and CH₄ as part of the air quality analysis is not warranted because there is no evidence that such emissions would exceed the thresholds of significance used in the Draft SEIR.

T6-032

The commenter states that the analysis in Section 4.2, “Air Quality” relies on a 30-year life of the proposed Project rather than a potentially longer lifetime and therefore underestimates the life-of-project air quality impacts.

As shown in table 4.2-7 on page 4.2-28 of the Draft SEIR, the MDAQMD has established daily and annual mass emission thresholds by which the significance of criteria pollutant impacts are to be evaluated, and an annual mass emission threshold for Greenhouse Gas Emissions (GHGs). Thus, the air quality and GHG analyses properly assess impacts based on maximum daily or annual emissions, as applicable. The analysis does not rely on life-of-project emissions to determine significance. Because the greenhouse gas threshold is cumulative and based on annual emissions, the construction and operational emissions are considered together by adding operational emissions to construction emissions amortized over the anticipated life of the Project. Based on industry standards, and the foreseeable life of the Project as explained in the Project Description of the Draft SEIR, the use of a 30-year Project lifetime provides a conservative estimate of annual emissions.

T6-033

The commenter states that the Draft SEIR does not assess emissions from the IRS (assuming this stands for the in situ reactive zone [IRZ]) carbon substrate storage or transmission infrastructure or the locations of application across the site (Project Area).

The Air Quality analysis included in Section 4.2.5.3 is based on maximum daily and annual emissions resulting from the proposed Project, consistent with best practice and current methodology for analyzing air quality impacts as identified in the MDAQMD’s Guidance document (*California Environmental Quality Act and Federal Conformity Guidelines*). Because the type of day-to-day activities would vary depending on the needs of the Project, and no one activity would necessarily occur independent of other activities, individual activities were not identified in the emissions modeling. Instead, peak daily construction was determined based on phases and the type and amount of construction equipment that was provided as the anticipated maximum equipment on-site on any given day. Additionally, annual operational emissions are based on the combined activities that would occur on-site during the operation of the remediation. While it is not appropriate to assess individual activities using the methodology recommended by the commenter DTSC includes the following information about emissions related to the IRZ. Liquid carbon substrate (e.g., ethanol) would be stored in above ground storage tanks and pumped to injection wells

through enclosed pipelines. These stationary sources and operations are governed by existing air district rules. Volatile organic compound (VOC) emissions are expected but the amounts are minimal. For instance, at the PG&E Hinkley Compressor Station's ethanol system, which is nearly identical to the proposed ethanol system at Topock, the ethanol tanks are permitted by the MDAQMD and are equipped with Phase I vapor recovery systems per CARB Executive Order G-70-132-B. PG&E is also required to log daily input, output, average stored volume and temperature of the ethanol. The tanks are subject to annual static pressure decay tests and PG&E must conduct leak testing compliant with CARB testing methodologies. In addition, the carbon substrate (e.g., ethanol) is not a health hazard under the Office of Environmental Health Hazard Assessment (OEHHA) guidance. Overall, the emission sources commented here would not cause significant air quality or health risk impact.

T6-034

The commenter seeks clarifications of the on-site emissions identified in the Draft SEIR. They first question if the units used in the Draft SEIR are English or Metric tons and secondly question the relatively low annual emissions of criteria pollutants when the California Air Resources Board (CARB) reports different levels of emissions.

In response to the first question, the units used in reporting emissions of criteria pollutants in the Draft SEIR is English tons, as is the industry standard for this analysis and reporting. With respect to the second question, as indicated on page 4.2-1 of the Draft SEIR, the text included in Section 4.2.2 is a summary of the analysis included in the 2011 Groundwater FEIR. As such, the 2011 existing emissions assessment was taken directly from the Groundwater FEIR and, as stated on page 4.2-3, quantifies emissions only from the commuting emissions from the active employees. The emissions identified by CARB would take into account the electrical generation that occurs on-site and not the commuter activities. Therefore, there is a difference in emission sources being quantified. Because the Draft SEIR is focused on analyzing the air quality impacts of the Project activities that would occur, the existing activities are already accounted for in the ambient air quality (part of the baseline) for the region. The emissions thresholds for the air quality and greenhouse gas analysis are based on emission levels that a project can emit before there is the potential for the project to impact that ambient daily or annual emission levels that are currently seen in the air basin. Because of this, emissions from projects are judged independently of the existing baseline conditions. Therefore, the existing emissions are provided for informational purposes. By calculating the emissions from the proposed Project, the SEIR does, in fact, provide information on quantity of additional pollutants and GHG loading as a result of the Project as requested by the commenter.

T6-035

The commenter states that, similar to the Groundwater FEIR, there are several references to generators and pumps proposed to be used as part of the proposed Project, and they request that the air quality impacts be explained and quantified.

Emissions from consumption of natural gas and production of electricity were calculated as an aggregate and therefore cannot be separated out as individual units to remodel individual generators used as part of the Project. The emissions from the pumps and generators are included in the air quality modeling, as was done in the 2011 Groundwater FEIR (see Draft SEIR, pages 4.2-35, -59, 4/5-21). Consequently, and consistent with current methodology and best practice for analyzing air quality impacts, they are collectively included within the annual emissions quantifications for the Project. As shown on page 4.2-35 of the Draft SEIR, the electrical consumption from the pumps is anticipated to be 7.8 million kilowatt hours (kWhs) annually, and the natural gas consumed by the generators is anticipated to be 3.2 million kilo British Thermal Units (kBTU) annually. The overall emissions associated with this consumption of electricity and natural gas were calculated using the CalEEMod model, consistent with current commonly accepted methodological approach. The CalEEMod output that provides this detail is included in Appendix AQ of the SEIR.

T6-036

The commenter states it is not clear in the Groundwater FEIR where the emissions for the 320 kW electrical generation was developed or estimated. Additionally, the commenter states that the Draft SEIR fails to quantify emissions from the Station that will power the Project.

The purpose of the Draft SEIR is to analyze the changes in the Project that have occurred subsequent to the certification of the original Groundwater FEIR; please refer to the 2011 FEIR for the basis of the cited emissions. The emissions from the Station are not included in the analysis as the Station's operations are part of the existing conditions. The emissions from the Station are not included in the analysis as the Station's operations are part of the existing conditions. The Project-related consumption of natural gas and electricity, 3.2 million kBTU and 7.8 million kWhs annually, respectively, is expected to be consumed operating the Project-related pumps and additional throughput for the generators. The emissions from each individual piece of equipment that would operate on-site were not quantified individually; instead the emissions from the total annual consumption were analyzed using the CalEEMod model. The output from the CalEEMod modeling is included in Appendix AQ of the SEIR.

T6-037

The commenter states that significant changes and improvements have been made to the "groundwater digital model" which was used for the 2009 risk assessment and requested that the risk assessment should be re-run to evaluate the groundwater to surface water transport pathway since the footprint of the remedy has been expanded to Arizona (Section 4.6.2.1).

The January 2017 Arcadis document titled, "*Addendum to Development of Groundwater Flow and Solute Transport Models*" concludes that recent groundwater model updates (e.g., eastern boundary conditions; evapotranspiration and river cells) had minimal impact on water levels and flow conditions in the vicinity of the site. The expansion of the

Project footprint to Arizona is due to the addition of the freshwater source well(s) located in Arizona, not due to any Project-related contamination in Arizona. Therefore, there is no significant change in the Project or circumstances surrounding the Project that warrant re-running the risk assessment.

T6-038

The commenter states that notable changes and recommendations by Tribal experts to further improve the groundwater model should be incorporated into the evaluation regarding the water budget within groundwater model.

DTSC and DOI have considered Tribal input on the groundwater model which were incorporated into the Agencies direction to PG&E for the requested model updates including the latest January 2017 addendum. DTSC will continue to solicit and incorporate Tribal input as part of the continuing Project communication process.

T6-039

The commenter states that changes in the modeled [evapotranspiration] ET rates/locations in the updated flow model have been made and that those changes may affect the future plant uptake of groundwater. The commenter requests that there should be a mechanism for this to be considered and reviewed during future modeling updates to see if a re-evaluation of risks to receptors should be done based on improvements to the digital model and changes in plant communities

The January 2017 Arcadis document titled, “*Addendum to Development of Groundwater Flow and Solute Transport Models*” indicates that while updated River and ET cells affected simulated water levels in the vegetated area between the Colorado River and Topock Bay, there was minimal impact on water levels and flow conditions in the vicinity of the Site. Based on this conclusion, currently there is not a need to re-evaluate the risk to receptors. In terms of plant communities, the types and locations of plants within the Project Area are not anticipated to change substantially from those that have been identified in the Draft SEIR as part of the existing environmental setting and which are known to generally exist in the area. There is, therefore, no evidence of any substantial change in reasonably foreseeable impacts from an increase in plant uptake of groundwater from what was previously analyzed in the 2011 Groundwater FEIR. However, PG&E acknowledges that as the remedy is constructed and implemented, additional data would be available from the proposed monitoring program for periodic model review and calibration. Tribes will be notified of monitoring results as part of the continuing communication process and are welcomed to review and provide input as the model is recalibrated.

T6-040

The commenter refers to Section 4.6.5.1 and states that mudflows may occur in the area of the freshwater supply wells and adversely affect the wells or the water quality of the freshwater wells.

This comment is addressed below in T6-050, which discusses flooding.

T6-041

The commenter requests an explanation of the protocol used to account for the high winds and Station inoperability during the March 2016 ambient noise measurement events. The commenter is concerned that noise from the strong winds that occurred during the March 2016 noise measurement events may have skewed readings of ambient levels to higher than actual values.

DTSC acknowledges that during this monitoring event, conditions at and around the Station were not necessarily typical of day-to-day conditions in the vicinity. DTSC wishes to direct the Commenter to pages 4.7-11 through 4.7-13 of the Draft SEIR, in which the results of the March 2016 noise monitoring effort are summarized and discussed. On page 4.7-11, the Draft SEIR states “Wind gusts ranged from 5 miles per hour (mph) to 24 mph during the first 2 days of monitoring, which are not atypical for locations in the Project Area. Although wind gusts may cause a periodic increase in recorded noise levels, the proper use of windshields, as were employed during this monitoring effort, results in accurate data.”

As stated in the last paragraph on page 4.7-11, “Comparison of results in Table 4.7-3 with Table 4.7-1 and Table 4.7-2 demonstrate that data gathered in 2016 were within reasonable ranges of prior noise surveys”. The analysis goes on to state that the data gathered in 2016 shows ambient levels 3.7 dBA lower than levels recorded in 2008 at survey location 1 (short-term, 15 minute) and 3.1 dBA lower at survey location A (long term). The SEIR surmises these difference may be explained by the inoperability of the Station, lower traffic levels on Interstate 40 (I-40), or some combination of the two factors.

Although the 2016 observed values were lower than previous surveys, the SEIR relied on these data in determining impacts. For example, as shown on Table 4.7-11, 43.5 dBA was used as the ambient conditions for the Tribal Sensitive Receptor and not 47.2 dBA as recorded in 2008 for that location. Using a lower noise level to represent ambient conditions makes the analyses more conservative because the introduction of noise is more noticeable in a quieter existing condition. As stated on page 4.7-11, “For the purpose of this analysis, a lower ambient noise reading, such as the 2016 noise survey results, yields a more conservative and worst-case scenario, as it requires a lower sound level increase to cause a significant impact.” The increases at that location are expected to be no more than 3.6 dBA over ambient.

Existing noise levels experienced in the 2016 event, during which appreciable wind gusts were experienced and noted, were found to be lower than noise levels during prior surveys. This is contrary to the expectation (wind effects typically creates higher noise levels), but as stated earlier, the result may be explained due to the use of proper wind shield equipment, the inoperability of the Station during the time of the surveys, lower traffic noise, or some combination of these reasons. Nonetheless, these lower ambient levels were used in the analyses of potential Project impacts. The modeling showed noise impacts would be less than significant even for these conservative analyses. For these

reasons, no modified protocol was needed to account for the windy conditions during the 2016 measurement events.

T6-042

The commenter states that they were unable to locate discussion about noise shielding for the 30-kW generator at the TCS Evaporation Ponds, and recommends two layers of noise shielding be used given the sensitive area to cultural resources at the western end of the APE.

The building proposed to house the generator at the TCS Evaporation Ponds is described in the Draft SEIR on pages 3-51 and 3-52 of Chapter 3, "Project Description." The noise impact analyses for the 30kW generator is presented in Table 4.7-11 and in the last paragraph on page 4.7-29 of the Draft SEIR. As shown therein, the nearest noise-sensitive receptor location would experience a maximum increase of only 2.7 dBA, well below the 5 dBA threshold. The benefits of shielding provided by the buildings at the TSC Evaporation Ponds were taken into account in the analysis. Based on the minimal calculated increase in maximum noise generated, operation of the generator does not exceed established thresholds; therefore, impacts are found to be less than significant, and mitigation is not required.

T6-043

The commenter finds the subheading language used in the SEIR confusing, specifically the use of the terms "effect" and "impact" (see Section 4.7.2.2).

DTSC apologizes if the subheading is confusing. The intent of this section is to describe the activities and components that are evaluated and summarize impacts, if any were found from the 2011 Groundwater FEIR, and to consider the effects of mitigation strategies prescribed on those noise and vibration levels determined in the 2011 Groundwater FEIR (i.e., the impacts of the Project). In response to the commenter's question on what the "effect" is considered: the "effect" is the consideration or conclusion on the level of significance from the "long-term operational-related transportation noise impacts" based on CEQA definition as a result of the Project described in the 2011 Groundwater FEIR.

T6-044

The commenter asks about the choice to present the impact conclusion before the analysis is presented (see Section 4.7.5.3).

There is no required format in the CEQA Guidelines regarding the form in which analyses and conclusions are presented in an EIR. Thus DTSC chose to present conclusions up front so that the reader would clearly and definitively know the result of the analyses, which is often lengthy and detailed. DTSC believes this approach will facilitate the review and enhances the clarity and readability of an EIR. Further, this is the way the analysis was structured in the 2011 Groundwater FEIR.

T6-045

The commenter states that the Draft SEIR contains only a single brief paragraph on vibration impacts and no mitigation is included (see Section 4.7.5.3, page 4.7-31). The commenter goes on to state that there

is no mention of the Future Activity Allowance, nor assurances that these activities would not occur within 600 feet of sensitive receptors. The commenter concludes that, for these reasons, the analysis is inherently deficient.

The Draft SEIR considered the potential for the Project to cause vibration at pages 4.7-35 through 4.7-37 of the Draft SEIR. Specifically, the second paragraph on page 4.7-36 addresses potential impacts from Future Activity Allowance activities. In that paragraph the analysis acknowledges Future Activity Allowance activities may occur within 600 feet of sensitive receptors and states “As a result, this impact would be potentially significant.” The SEIR then presents Mitigation Measure NOISE-2, in which new wells are prohibited within 30 feet of vibration-sensitive receptors in California and within 275 feet of vibration-sensitive receptors in Arizona, which are the distances at which noise and vibration attenuate. Therefore, the SEIR does contain analysis and mitigation of vibration impacts due to the Future Activity Allowance activities. DTSC does not believe any change to the SEIR is warranted.

T6-046

The commenter remarks that mitigation measures presented in the 2011 Groundwater FEIR was thought to apply for 1-2 years of construction, but now, through the SEIR, the commenter understands will apply for a 30-year duration. The commenter expresses concern that the SEIR process only included a 47-day public comment period and “no discussion or comment” regarding the comment resolution process. The commenter asks to have these “expanded future impacts” to be explained.

The Project Description in the SEIR includes a detailed description of the anticipated duration for pre-construction, construction and start-up, which is estimated at 5 years (see page 3-85). Operation and maintenance would occur over an estimated 30-year duration (see page 3-86). During this period of time, there is the potential that some construction activities could occur as individual components of the Future Activity Allowance as determined necessary by PG&E or the Agencies and may be implemented. These activities are anticipated to be various and short-term in duration, associated with the individual needs of the Project. The construction noise will not be continuous over the entire operation and maintenance phase. The noise analysis appropriately considers this scenario in both the Project and cumulative analyses. In addition, please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for additional discussion regarding communication as part of the Future Activity Allowance.

DTSC strives to include stakeholders throughout the processes needed to carry out its missions. To that end, in addition to numerous meetings with the public and members of the Cocopah Tribe, DTSC issued a Notice of Availability (NOA) on January 12, 2017, notifying interested parties of the 47-day public comment period for the Draft SEIR, which concluded on February 27, 2017. Pursuant to CEQA Guidelines Section 15105, the period for public and agency review of and consultation on a

Draft EIR shall not be less than 45 days when an EIR is prepared by a state agency, and in general, not more than 60 days, except under unusual circumstances. DTSC received 21 written comment letters from agencies, individuals, and Tribes. In accordance with Public Resource Code Section 21091, a written response to these comments is being provided as part of the Final SEIR.

Regarding the comment of “expanded future impacts,” DTSC acknowledges that implementation of the Final Groundwater Remedy Project is expected to be lengthy. It is important to note that the air quality and noise impacts presented in the SEIR represent the maximum impacts to sensitive receptors from air emissions or noise generation predicted to occur typically based on a worst-case, often short-term, basis. In other words, impacts presented are purposefully conservative, and thus, actual impacts are expected to be less than those presented. Furthermore, for example, due to the vast area over which the various components of the Final Groundwater Remedy Project are to be implemented, impacts at the maximum levels presented are not expected to occur at each sensitive land use location, nor every day at those locations analyzed, during implementation of the Project. For these reasons, the impacts presented in the SEIR adequately, and conservatively, describe the potential maximum effects over the course of the Remedy.

T6-047

The commenter states that cumulative noise impacts were not adequately estimated or modeled and will not be measured or monitored for exceedance of regulatory thresholds unless a complaint is filed. The commenter asks how cumulative impacts will be considered and treated for both existing and potential future infrastructure elements.

Due to the wide range of activities proposed, with different distinct reference noise levels, changing both temporally and spatially throughout the Project duration, it would be speculative to quantify specific concurrent noise levels. Because noise levels from concurrent noise-generating activities do not combine linearly, a precise distance cannot be easily defined in advance pertaining to cumulative noise impacts. Best practice indicates that the construction contractor performs in situ noise monitoring when typical, real-life concurrent activities are first begun, and documentation be provided to DTSC to help establish the appropriate distances at which further monitoring is not required (until and unless a noise complaint is received). Although the Draft SEIR identifies the potential noise impacts of the Project to the extent those impacts are reasonably foreseeable, the Draft SEIR also includes Mitigation Measure NOISE-3 that requires the construction contractors conducting work on the soil and groundwater remediation projects to perform noise monitoring when concurrent activities are near the identified sensitive receptors, not just when complaints are raised.

T6-048

The commenter asks whether the Future Activity Allowance discussed in Section 4.9 of the Draft SEIR would also apply to the operational phase of the Project.

As explained in Section 3.6, page 3-11, the Future Activity Allowance includes two components: (1) an additional allowance for all Project infrastructure, established at up to 25 percent of the parameter set forth in the Final Remedy Design, and (2) up to 10 additional monitoring well boreholes to be installed in Arizona to assess groundwater levels and chemical constituents' changes as a result of continued freshwater pumping to protect private groundwater users. While these components may occur during the construction or operation phases, the activities themselves are construction activities and are therefore analyzed in the construction section of the impacts analysis.

The commenter further enquires whether the Future Activity Allowance was considered in the Arcadis Groundwater Modeling Report Addendum of January 2017 and the February 2016 Arcadis Development of Groundwater Flow and Solute Transport Models. These two documents addressed modeling of the current groundwater condition as it is applied to the Final Remedy Design and would not include discussions of Future Activity Allowance. Future Activity Allowance includes actions that may be required outside of the currently planned remedy design and actions. It is possible that a future activity may be implemented to address an unexpected issue from a condition arising from a future revision of the model or that the model may need revision as a result of a future activity such as optimization of the extraction and injection area in preparation to switch over to monitored natural attenuation at a specific localized area.

T6-049

The commenter provides corrections in the text and states that the Sacramento Wash Improvements project is a Mohave County project, not a USFWS and HNWR project, and that Mohave County Public Works is the best source of information on this project (compared to the Needles Desert Star referenced in the SEIR). In addition, the commenter states that ADOT is building the bridge and construction was commenced in late 2016/early 2017. The commenter states that these corrections should also be made in the narrative text of subsection 6.4.2.4.

The project the commenter is referring to is actually referred to in the Draft SEIR as the Oatman Highway Crossing at Sacramento Wash project (6A) which is included in the cumulative impacts analysis correctly under the jurisdiction of the Arizona Department of Transportation. It should be noted that there is a separate Sacramento Wash Improvements project (4C) that the commenter is referring to, which is under the jurisdiction of the U.S. Fish and Wildlife Service. The transportation project Oatman Highway Crossing at Sacramento Wash project (6A) is appropriately cited with information from the U.S. Department of Transportation; however, it appears that additional information has been provided since the Draft SEIR was prepared. As a result, in response to the comment, the Draft SEIR text on page 6-23 is revised in the Final SEIR as follows:

ADOT in conjunction with Mohave County is proposing the construction of a bridge over the Sacramento Wash in Topock,

Arizona. The new crossing will provide a 110-foot clear span over the Sacramento Wash (USDOT 2016). Project construction was initiated in February of 2016 anticipated to end in April 2017(USDOT 2016). The bridge and roadway improvements will be constructed on the existing alignment and therefore a temporary full road closure will be required to complete the work. Given the 24-mile detour through Needles, CA, during a road closure, accelerated construction alternatives will be implemented resulting in a full roadway closure time frame estimated at only 4 days for bridge assembly (Mohave County 2017).

In addition, the new reference is added to Chapter 8, “Bibliography,” as follows:

County of Mohave (Arizona). 2017 (May). Oatman Highway at Sacramento Wash Crossing, Topock. Available at: <https://www.mohavecounty.us/ContentPage.aspx?id=128&cid=235&page=10&rid=1428>. Accessed May 12, 2017.

T6-050

The commenter refers to Section 4.6 and Appendix IS of the Draft SEIR and states that flooding may occur in the area of the freshwater wells, particularly the Sacramento Wash, and that impact should be further analyzed by conducting modeling. The commenter further states that this issue has implications for hydrological and cultural resources issues.

The response to this comment also addresses Comment T6-040 above, which inquired about mudflows.

The design for the water supply wells HNWR-1A and Site B and associated infrastructure was based on the Colorado River 100-year flood elevation of 465.3 (River Mile 234, Zone AE; Base Flood Elevations determined) for the Colorado River. This is conservative for these well sites, which actually are located in Zone A (see Flood Insurance Rate Map [FIRM], Panel 5675 of 6700 for Mohave County, Arizona and Unincorporated Areas, issued February 20, 2013), where there is no determined regulatory base flood elevation. The Final Remedy Design infrastructure is currently designed at 1-foot above ground surface and approximately 6- to 12-inches above the Colorado River Zone AE 100-year flood elevation. This design approach for the Final Remedy Design infrastructure within the 100-year floodplain uses reasonably conservative engineering judgement in protecting Final Remedy Design infrastructure with the acknowledgement that equipment may need some repair/replacement during the lifespan of the Final Remedy Design.

The reasonableness of the current design can be derived from examining Figure 2 of the Supporting Information of Attachment A in Comment T3, which shows the proposed ADOT and MCPWD project would construct channels to more efficiently route flood waters away from the Oatman Highway and toward the Colorado River. While the resolution of this figure is relatively poor, it shows the results from a non-regulatory 2D

hydraulic model, and presents a 2-year 30-minute storm with an approximate depth of water between 0.1 to 1.1 feet for the HNWR-1 well site at the downstream end of the Sacramento Wash (approximately 1,200 feet downstream of the new ADOT bridge). The remedy infrastructure at HNWR-1A will thus be above the 2-year approximation elevation displayed in Figure 2. Therefore, while the area of the freshwater wells may occasionally be subjected to a flood, as indicated in Appendix IS of the SEIR, the impact would not result in new significant impacts or substantially increase the severity of significant impacts previously identified in the Groundwater FEIR. In the unlikely event of a flood event specifically at the freshwater wells, the wells would be too small to impede or redirect the flow of the flood and could easily be repaired in the unlikely event of surface damage to the wellhead.

Finally, the commenter expresses concern that future floods may adversely impact the water quality of the freshwater wells. As the commenter notes, this area periodically experiences floods. The ongoing sampling of the existing freshwater wells has not indicated adverse impacts to the water quality of the underlying freshwater. Therefore, no changes were made in response to this comment.

T6-051

The commenter states that the Alternatives Analysis in Chapter 7 does not accurately characterize construction quantities and further that the Future Activity Allowance is not explicitly addressed in the narrative so the commenter wonders whether it was included at all in the Alternatives Analysis.

The commenter does not indicate which construction quantities it believes are incorrect in Chapter 7. Each remedial alternative would, similar to the proposed Project, occur over many years, and a similar level of uncertainty beyond the initial design (i.e., the Future Activity Allowance) would be a component of any of them. DTSC has reviewed all of the quantities included on pages 7-17 and 7-18, and has identified several that do not specifically account for the Future Activity Allowance. Accordingly, these numbers have been updated in the Final SEIR. These updated quantities do not change the alternatives analysis or conclusions because the Future Activity Allowance is part of the Project analyzed within the alternatives scenario. In response to the comment, the text in the Draft SEIR on pages 7-17 and 7-18 is revised in the Final SEIR as follows:

The Final Remedy Design includes approximately 43,200 linear feet of trenches for fluid conveyance piping (about 8.2 miles) and the Future Activity Allowance includes 10,800 linear feet for a total of approximately 54,000 linear feet (10.3 miles), with most of the conveyance piping placed belowground in trenches. The Aboveground Pipeline Infrastructure Alternative would include 4,800 linear feet of aboveground fluid conveyance piping and 800 linear feet of underground trenching (less than 1 mile) which is substantially less trenching than the ~~43,200~~

54,000 linear feet of underground trenching that would be required by the proposed Project.

Electrical power would be taken from the City of Needles power line located east of the IM-3 Facility and then run on poles to each of the injection wells, requiring approximately 360 feet of underground conduit. This is substantially less than the Final Remedy Design and Future Activity Allowance, which includes a total of ~~124,000~~ 155,000 linear feet of conduits in ~~43,200~~ 54,000 linear feet of trenches.

The Aboveground Pipeline Alternative would result in 1,869 cubic yards of soil disturbance, which is substantially less than the proposed Project disturbance of ~~56,500~~ 45,200 cubic yards. **Table 7-2** compares the infrastructure differences between the Final Remedy Design and the Aboveground Pipeline Infrastructure Alternative.

**TABLE 7-2
COMPARISON OF INFRASTRUCTURE ASSOCIATED WITH THE ABOVEGROUND PIPELINE
INFRASTRUCTURE ALTERNATIVE**

Infrastructure Component	Final Remedy Design <u>plus Future Activity Allowance</u>	Aboveground Pipeline Alternative
Fluid Conveyance Piping and Trenches	<ul style="list-style-type: none"> 159,375 <u>427,500</u> linear feet of piping in 54,000 <u>43,200</u> linear feet of trenches 	<ul style="list-style-type: none"> 4,800 linear feet of piping (3,970 linear feet aboveground/ 830 linear feet of trenches).
Total Volume of Soil Disturbance	<ul style="list-style-type: none"> 56,500 <u>45,200</u> cubic yards 	<ul style="list-style-type: none"> Displaced soil volume: 1,869 cubic yards Ground disturbance: 209 linear feet
Electrical/Communications Conduits and Trenches	<ul style="list-style-type: none"> 155,000 <u>424,000</u> linear feet of conduits in 54,000 <u>43,200</u> linear feet of trenches 10 power poles 	<ul style="list-style-type: none"> 26 power poles for electrical and communications cable 3 radio towers for transmitting control and signals to Remedy SCADA

T6-052

The commenter questions if there is a set numerical threshold at which fuel consumption can be held significant or untenable from a regulatory or CEQA standpoint.

There are no set numerical thresholds either in number of gallons of consumption or percentage of existing consumption. The analysis included in Section 5.2 of the Draft SEIR is an analysis required by CEQA Guidelines Section 15126(c), which focuses on the commitment of nonrenewable resources a project may have. In this manner, there are no set numerical thresholds either in number of gallons of consumption or percentage of existing consumption, which is why the analysis in the Draft SEIR was tied back to the usage/consumption in the State of California.

T6-053 The commenter states that the text for Mitigation Measure CUL-1b, -1c, and -4a uses the term “Native American monitors,” but the term “Tribal monitors” has been used in this Project and is defined in the CIMP, and therefore should be used throughout this document.

In response to the comment, the Draft SEIR text in Table 1-3 on page 1-43 and on page 4.4-135 is revised as follows:

PG&E shall invite ~~Native American~~ Tribal monitors to participate.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T6-054 The commenter suggests that Mitigation Measure BIO-1a implies that areas that are “non-disturbed” but have been additionally “disturbed” by the proposed Project will not be subject to restoration. The commenter notes that the fact that an area has experienced some disturbance should not preclude it from restoration. The commenter further notes that all impacts must be considered per CEQA.

The Draft SEIR discloses, “[b]ased on the locations of proposed Project facilities, approximately 2.44 acres of ephemeral waters under USACE and CDFW jurisdiction delineated within the Project Area would be directly impacted during construction of the proposed Project. Of these 2.44 acres of potential direct impacts, approximately 1.58 acres of impact would occur to jurisdictional areas that are currently disturbed or developed. Thus, approximately 0.86 acre of non-disturbed jurisdictional ephemeral waters would be impacted during construction activities for installation of proposed Project facilities.” (page 4.3-61 of the Draft SEIR). Thus, impacts to all potential direct impacts existing jurisdictional features (including areas that have and have not been subject to previous disturbances) have been disclosed and quantified in accordance with CEQA. The Draft SEIR appropriately concludes that impacts to jurisdictional areas that are not currently disturbed would be significant and require mitigation (page 4.3-62 of the Draft SEIR). From a biological perspective, impacts associated with the proposed Project would affect the function and value of these non-disturbed areas.

The analysis of impacts and application of mitigation measures as it pertains to biological resources is directed by the regulatory agencies (CDFW and USFWS), and the biological mitigation measures related to direct and indirect impacts to jurisdictional resources are appropriate, as confirmed by the agencies (see Comment Letter A6 from CDFW for example). DTSC acknowledges the Tribal perspective regarding the use of terminology such as “previously disturbed” and “non-disturbed” land and the importance of the landscape as a whole, and the context of those impacts are described, analyzed, and mitigated throughout Section 4.4, “Cultural Resources,” of the Draft SEIR.

T6-055 The commenter recommends that prior to restoration activities within the 14 proposed mitigation planting areas, Tribes should be consulted and Tribal Monitors present when the specific area boundaries are demarcated.

All ground-disturbing activities associated with the Project, including restoration areas, are subject to the requirements of the mitigation measures. In this instance, Section 2.12 of the CIMP, which specifies Tribal notification of all ground-disturbing activities, is required under Mitigation Measures CUL-1a-8q and applies to the Project. Therefore, Tribal notification and observation of ground-disturbing activities are required under the proposed Project.

T6-056 The commenter requests that the mitigation plan to be prepared by PG&E under Mitigation Measure BIO-1a, sub-bullet b), should be submitted to Interested Tribes.

The agencies listed as reviewing mitigation plans are experts in the subject matter related to the biological impacts in the Project Area and have specific regulatory-driven approval authority over mitigation plans on lands within their jurisdiction. DTSC also acknowledges the Tribes' desire to review the mitigation plan to get a complete understanding of the methodology, success criteria, and monitoring and reporting as it related to the biological resources within the Project Area. As a result, Mitigation Measure BIO-1a has been revised such that the Interested Tribes shall be included in reviewing the mitigation plan prescribed by the measure. In response to the comment, the Draft SEIR text on page 4.3-73 is revised in this Final SEIR as follows.

The plan shall be subject to CDFW approval and in conformance with the identified performance standards, and submitted to DTSC, BLM, BOR, USFWS, ~~and~~ DOI, Interested Tribes, and other appropriate landowners for review and comment within 60 days prior to finalization, as appropriate based on location of impacts.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T6-057 The commenter states that the final restoration plans to be prepared under Mitigation Measure BIO-1b should be submitted to Interested Tribes and Tribes were omitted from the list of stakeholders intended to receive the plans. The commenter states that Tribes should be consulted in addition to receipt of the final restoration plans to be prepared under this mitigation measure.

Mitigation Measure CUL-1a-16 specifies that "The Remedy Restoration Plan shall be provided to DTSC and Interested Tribes for review and comment." The Remedy Restoration Plan noted in Mitigation Measure

CUL-1a-16 is synonymous with the Final Restoration Plan that was prescribed by Mitigation BIO-2b in the Draft EIR. In order to provide more clarity, DTSC has added cross-reference between Mitigation Measure CUL-1a-16 and Mitigation Measure BIO-1b, and revised Mitigation Measure BIO-1b to clarify. In response to the comment, the Draft SEIR text on pages 4.3-74 and 4.4-122 is revised in this Final SEIR as follows.

Mitigation Measure BIO-1b: Final Habitat Remedy Restoration Plan (New Measure). A Final Habitat Remedy Restoration Plan shall be developed and implemented following decommissioning of the proposed Project. The Final Habitat Remedy Restoration Plan will address restoration of areas that were impacted during construction, operation and maintenance, and decommissioning of the proposed Project, specifying salvage/replanting measures, as well as success criteria, monitoring, and adaptive management requirements for restored areas. Success criteria for restoration areas will be similar to that identified in the existing habitat restoration plans (i.e., 75% overall survival rate of mitigation plantings at the end of a minimum 5-year monitoring period). Adaptive management actions to ensure successful establishment of native vegetation and desired density of cover of plants will include weed control, irrigation modification, herbivory protection, and additional plantings. The plan shall be submitted to DTSC, CDFW, BLM, BOR, USFWS, and DOI, and other appropriate landowners for review. The Remedy Restoration Plan shall also be provided to Interested Tribes for review and comment, consistent with Mitigation Measure CUL-1a-16.

CUL-1a-16: Implement Restoration Plan (New Measure). Restoration following decommissioning of the Project shall be implemented in a manner consistent with Section 2.5 “*Protocols for Restoring the Environment to its Preconstruction Conditions Upon Decommissioning*” of the CIMP (as described above in Mitigation Measure CUL-1a-8q) and the Havasu National Wildlife Refuge Habitat Restoration Plan (C/RAWP Appendix G; see Mitigation Measure BIO-1a in this SEIR). Additionally, consistent with requirements of Section 6.3 “*Environmental Restoration*” of the CHPMP, a Remedy Decommissioning Plan will be submitted by PG&E to DOI within 120 days of DOI’s certification of completion of the CERCLA Remedial Action and determination by DOI that removal of such facilities is protective of human health and the environment. The Remedy Restoration Plan shall be provided to DTSC and Interested Tribes for review and comment, consistent with Mitigation Measure BIO-1b.

These changes presented in the mitigation measures do not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T6-058

The commenter requests that final habitat restoration plan(s) to be prepared in compliance with Mitigation Measure BIO-2c should be submitted to Interested Tribes for review and that Tribes were omitted from the list of stakeholders intended to receive the plans. The commenter states that Tribes should be provided a copy of the final habitat restoration plan.

Mitigation Measure CUL-1a-16 specifies that “The Remedy Restoration Plan shall be provided to DTSC and Interested Tribes for review and comment.” In order to provide more clarity, DTSC has added cross-reference between Mitigation Measure CUL-1a-16 and Mitigation Measure BIO-2c. In response to the comment, the Draft SEIR text on pages 4.3-111 and 4.4-122 is revised in this Final SEIR as follows.

Mitigation Measure BIO-2c: Disturbance of Special-Status Species and Loss of Habitat Caused by Decommissioning (Groundwater FEIR Measure with Revisions). To avoid impacts on special-status species that may occur within the Project Area as a result of decommissioning activities, an Avoidance and Minimization Plan shall be developed and implemented through consultation with CDFW, BLM, and USFWS. The Avoidance and Minimization Plan will specify species-specific measures, including seasonal restrictions for decommissioning activities (i.e., avoidance of the avian breeding season and maternity roosting season for bats where habitat exists) as needed, as well as avoidance buffers around known locations of special-status species or their habitats. Avoidance and minimization measures identified in the plan shall be based on surveys conducted prior to decommissioning, and during the breeding season (as previously defined in the Groundwater FEIR for each species or suite of species). To the extent appropriate, the Avoidance and Minimization Plan for decommissioning activities will include applicable measures identified in the existing BIAMP and PBA. Restoration of any disturbed areas shall include measures to achieve no net loss of habitat functions and values existing before Project implementation. These measures shall be achieved by developing and implementing a Final habitat Remedy Restoration Plan (refer to Mitigation Measure BIO-1b). The plan shall include a revegetation seed mix or plantings design, a site grading concept plan, success criteria for restoration, a monitoring plan for achieving no net loss of habitat values and functions, and an adaptive management plan. Success criteria for restoration areas will be similar to that identified in the existing habitat restoration plans (i.e., 75% overall survival rate of mitigation plantings at the end of a minimum 5-year monitoring period). Adaptive management actions to ensure successful establishment of native vegetation and desired density of cover of plants will include weed control, irrigation modification, herbivory protection, and additional plantings. The Final habitat Remedy Restoration Plan shall be submitted to DTSC, CDFW, BLM, BOR, USFWS, ~~and DOI, and~~

other appropriate landowners for review. The Final Remedy Restoration Plan shall also be provided to Interested Tribes for review and comment, consistent with Mitigation Measure CUL-1a-16.

CUL-1a-16: Implement Restoration Plan (New Measure).

Restoration following decommissioning of the Project shall be implemented in a manner consistent with Section 2.5 “*Protocols for Restoring the Environment to its Preconstruction Conditions Upon Decommissioning*” of the CIMP (as described above in Mitigation Measure CUL-1a-8q) and the Havasu National Wildlife Refuge Restoration Plan (C/RAWP Appendix G; see Mitigation Measure BIO-1a in this SEIR). Additionally, consistent with requirements of Section 6.3 “*Environmental Restoration*” of the CHPMP, a Remedy Decommissioning Plan will be submitted by PG&E to DOI within 120 days of DOI’s certification of completion of the CERCLA Remedial Action and determination by DOI that removal of such facilities is protective of human health and the environment. The Remedy Restoration Plan shall be provided to DTSC and Interested Tribes for review and comment, consistent with Mitigation Measure BIO-1b.

The changes presented in these mitigation measures do not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T6-059

The commenter states that the enhancement plans and mitigation plan for impacted special-status plants to be prepared under Mitigation Measure BIO-2h should be submitted to Interested Tribes and Tribes were omitted from the list of stakeholders intended to receive the plans.

DTSC acknowledges the Tribes’ desire to review the mitigation plans to get a complete understanding of the methodology, success criteria, and monitoring and reporting as it related to the biological resources within the Project Area. As a result, Mitigation Measure BIO-2h has been revised such that the Interested Tribes shall be included in reviewing mitigation plans prepared in compliance with the measure. In response to the comment, the Draft SEIR text on page 4.3-117 et seq. is revised in this Final SEIR as follows.

- ii. *Enhancement of Known Populations:* Known populations of the species to be impacted would be enhanced by undertaking actions to increase the size of the known population. Such actions may include improving the quality of occupied habitat (e.g., invasive species removal) and/or seeding to facilitate population expansion. Enhancement of known populations may occur at off-site populations that are currently conserved or within the occupied portions of the Project Area that can be conserved. An enhancement plan for impacted special-status plants would be developed through coordination with CDFW.

The plan shall be approved by CDFW and submitted to DTSC, BLM, BOR, USFWS, ~~and~~ DOI, and Interested Tribes for review and comment prior to finalization.

- iii. *Preservation of Occupied Habitat:* Habitat occupied by the species to be impacted would be permanently protected by establishing a conservation easement. PG&E would coordinate with CDFW to determine the conditions of the conservation easement, including the required acreage of occupied habitat to be conserved and requirement monitoring and management of the conserved population. The agreed upon conditions would be detailed in a mitigation plan for impacted special-status plants. The plan shall be approved by CDFW and submitted to DTSC, BLM, BOR, USFWS, ~~and~~ DOI, Interested Tribes, and other appropriate landowners for review and comment prior to finalization.

The change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T6-060

The commenter states that the correct language in Mitigation Measure CUL-1a-1 should be that “subcontractors will be required to ‘implement’ established protocols regarding Project activities that avoid, and/or minimize significant impacts associated with the Topock TCP...”

In response, the Draft SEIR text on page 4.4-110 (Mitigation Measure CUL-1a-1) and on page 4.4-135-136 (Mitigation Measure CUL-1a-5) is revised in this Final SEIR as follows:

During the construction, operation and maintenance, and decommissioning phases of the Project, PG&E shall carry out all Project activities, and shall require all subcontractors to ~~carry out all Project activities~~ implement established protocols regarding Project activities, in ways that avoid, minimize, and mitigate significant impacts resources associated with the Topock TCP

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T6-061

The commenter states that the “request for access” procedures referred to in Mitigation Measure CUL-1a-2a relate only to Tribes desiring access to property owned by PG&E, and that this needs to be clarified.

In response to the comment, the Draft SEIR text on page 4.4-110 is revised in this Final SEIR as follows:

Procedures required by Appendix P of the C/RAWP include protocols and timelines for requesting access to PG&E property for religious, spiritual, or other cultural purposes and notification procedures

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

This measure is a new measure in that it requires implementation of the Tribal Access Plan that was required to be developed as a result of Mitigation Measure CUL-1a-2: Develop Tribal Access plan of the 2011 Groundwater FEIR.

T6-062

The commenter states that DTSC should solicit input from Interested Tribes on the suitability and acceptability of any proposed new cultural resources consultant, and consider the Tribal input when approving any new cultural resources consultant. The commenter indicates this would be consistent with the Advisory Council on Historic Preservation guidance titled: “Native American Traditional Cultural Landscapes and the Section 106 Review Process (July 2010).”

The comment is noted for the record. Consistent with Mitigation Measure CUL-1a-3a of the 2011 Groundwater FEIR, DTSC retains approval authority of PG&E’s cultural resources consultants. Mitigation Measure CUL-1a-3a also requires that Tribes be provided the opportunity to accompany the Qualified Cultural Resources Consultant during condition inspections. In addition, the “Periodic Site Monitoring” reports will be provided to Interested Tribes for review and comment.

T6-063

The commenter states that inspection reports should include a section on Tribal recommendations for treatment and management as well as Tribal review of updates to California Department of Parks and Recreation (DPR) forms, with regard to the provision related to historical resources condition.

Annual Historical Resource Condition Inspection reports are considered cultural resources-related documents and would be provided to Interested Tribes for review and comment in accordance with Mitigation Measure CUL-1a-8q, which requires implementation of protocols outlined in the CIMP. However, DTSC has revised measure CUL-1a-3a to clarify that this provision of the CIMP applies to these reports, and the Draft SEIR text within measure CUL-1a-3a has been revised as follows:

PG&E shall provide reports to DTSC and the Interested Tribes for review and comment in accordance with CIMP Section 2.3 “Protocols for the Review of Cultural Resource-Related Documents” and Section 6.6.5 “Periodic Site Monitoring” of the CHPMP.

Comments provided by Interested Tribes on draft reports and DPR forms would be considered in accordance with all applicable guidance documents (CIMP, CHPMP, PA, BLM Manual 1780-1, etc.). Also, the CHPMP Section 6.6.5 states that treatment measures will be determined by BLM in consultation with the Tribes.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T6-064

The commenter states that Tribes should also be allowed to provide input on both signage language, location and installation methods, and there have been issues in the past regarding the location and manner of installation of signage at the site.

DTSC acknowledges the concern regarding the potential future installation of signage, and in response to the comment, the Draft SEIR text on page 4.4-112 within Mitigation Measure CUL-1a-3d is revised in this Final SEIR as follows:

In addition to requirements set forth in Appendix P of the C/RAWP, PG&E shall include Interested Tribes as key stakeholders in the design and installation of signage and shall install signage prior to the start of construction, if possible, dependent on cooperation and input from land owners and land management entities...

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T6-065

The commenter states that the stipulation in Mitigation Measure CUL-1a-4 stating “the scientific and engineering team shall provide all deliverables and results to all involved tribes” is not representative of the current protocol between the Tribes and the TRC. The commenter states that the technical products prepared by TRC will not be made available to anyone without consent of the requesting Tribe and this is the preferred protocol. The commenter states that HDR is specifically tasked with providing administrative separation from PG&E and contracts TRC members.

DTSC acknowledges the procedures around document sharing within the TRC. As such, the Draft SEIR text within Mitigation Measure CUL-1a-4 on page 4.4-113 is revised in this Final SEIR as follows:

The entirety of the monies shall be used to fund the scientific and engineering team exclusively, and shall not be used to fund other tribal government expenses or used to support legal counsel. ~~A stipulation of the contract shall be that the scientific and~~

~~engineering team shall provide all deliverables and results to all involved tribes, despite a possible contract agreement with only one tribe or with PG&E. Activities shall be reported to DTSC for review and to ensure PG&E is in compliance at least annually.~~

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T6-066

The commenter asks how “the conclusion of the construction phase of the Project” (Mitigation Measure CUL-1a-4) will be measured by DTSC, regarding the necessity of the TRC especially if a 25 Percent Future Activity Allowance is included.

In response to the comment, the following modification is made in this Final SEIR to Mitigation Measure CUL-1a-4 as follows:

CUL-1a-4: Technical Review Committee (Groundwater FEIR Measure with Revisions). ...~~Upon conclusion of the construction phase of the Project,~~ Funding for the TRC shall continue until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the TRC shall be assessed by DTSC and ~~, at which time~~ the provision of the TRC may be extended, reduced, or terminated. During the operation and maintenance and decommissioning phases, the necessity of the TRC shall be periodically evaluated by DTSC.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T6-067

The commenter states that Interested Tribes will advise DTSC during its evaluations as to the necessity of the continuation of the TRC.

The comment is noted for the record. DTSC anticipates that as the Project progresses, the need for the TRC may increase or decrease depending on the effectiveness of the remedy, and as such has built in a mechanism to allow greater flexibility in convening the TRC in the future, even if it has been reduced or terminated at some point. DTSC may consider input from Interested Tribes, but as the lead agency retains the final approval over the necessity of the TRC.

In response to the comment, a modification is made in this Final SEIR to Mitigation Measure CUL-1a-4 as follows:

CUL-1a-4: Technical Review Committee (Groundwater FEIR Measure with Revisions). ...~~Upon conclusion of the construction phase of the Project,~~ Funding for the TRC shall

continue until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the TRC shall be assessed by DTSC and, at which time the provision of the TRC may be extended, reduced, or terminated. During the operation and maintenance and decommissioning phases, the necessity of the TRC shall be periodically evaluated by DTSC.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T6-068

The commenter states that the set of protocols in Mitigation Measure CUL-1a-8q should also reference Tribal protocols, for example, there is a specific protocol that relates to excavation materials or drill cuttings which contain clay. The commenter states that these Project protocols are specific to the Tribes, and are additional to the CIMP, CHPMP, and PA.

Mitigation Measure CUL-1a-8q requires implementation of the CIMP, which was finalized on November 18, 2015, and is included in the SEIR as Appendix H of the C/RAWP. The text on pages 4.4-114-118 summarizes the primary impact-reducing components of the CIMP, some of which reference the federal requirements of the PA and CHPMP. Protocols for handling and disposition of clay is covered by the 2016 *Protocols for Handling and Disposition of Clay Materials Exposed by Project Activities* and conformance with this set of protocols is included in the *Cultural and Historic Properties Treatment Plan for the Topock Compressor Station Remediation Project* (Hanes and Price in progress), implementation of which is required by SEIR Mitigation Measure CUL-1a-19, "Implement Treatment Plan for the Topock TCP."

T6-069

The commenter requests that DTSC provide examples of what may constitute "unforeseen circumstances" that may require amendments to the CIMP. For example, the commenter asks what would be the triggers for circumstances that would instead require a work plan to be prepared (i.e. the protocol in CUL-1a-14).

Given that the Project is anticipated to extend over 30 years, it is difficult to predict what unforeseen circumstances could occur in the future that may warrant amending the CIMP, such as changes in technology. Please see Master Response 2: Use of the Future Activity Allowance in the Draft SEIR, which incorporates revisions and clarifications made as part of this Final SEIR.

T6-070

The commenter states that a request for access is necessary only for PG&E-owned property, in reference to Mitigation Measure CUL-1a-8q. The commenter states that a courtesy call is typically given for areas outside of PG&E-owned property and that this should be clarified in the text. The commenter states that Tribes have federal and state rights to access public lands for religious and cultural purposes.

Mitigation Measure CUL-1a-8q requires implementation of protocols outlined in the CIMP. Section 2.11, “Protocols to Accommodate Tribal Ceremonies or Activities Involving Topock Cultural Area,” was developed in accordance with 2011 Groundwater FEIR Mitigation Measure CUL-1a-8k: Protocols to be followed by Project personnel to accommodate, if feasible as determined by DTSC, key Tribal ceremonies that involve the Topock Cultural Area. The CIMP Section 2.11 states that “For the purposes of this protocol, key Tribal ceremonies will include any ceremonies or activities for which the Tribes choose to notify and/or ask for assistance.” It also states that “...PG&E and Tribal representatives will identify other impacted landowners. The Tribal representative will be responsible for further discussion of ceremonial activities with these landowners, if necessary” and “Access to the Project Area by Tribal religious practitioners for the purpose of conducting Tribal ceremonies will be consistent with federal and state laws, regulations, and agreements governing the property within the Project Area. Such access will also be consistent with the Access Plan prepared under MMRP CUL-1a-2 and General Principle I.C contained in the BLM PA.”

In response to the comment, the Draft SEIR text within Mitigation Measure CUL-1a-8q on page 4.4-117 is revised in this Final SEIR as follows:

Section 2.11 - Protocols to Accommodate Tribal Ceremonies or Activities Involving Topock Cultural Area: Key Tribal ceremonies involving the Topock Cultural Area [Topock TCP] will be accommodated if feasible as determined by DTSC. Any Tribe(s) wishing to perform such a ceremony may contact The first step in the protocol is a request for access by Interested Tribes to conduct Tribal ceremonies by phoning, emailing, or writing to PG&E’s Site Manager by telephone, email, or in writing to discuss the specific request. For the purposes of this protocol, key Tribal ceremonies will include any ceremonies or activities for which the Tribes choose to notify and/or ask for assistance. PG&E will consider the request and decide if the request can be accommodated as is, with modifications, or not at all, and will notify the requestor by phone or in person as soon as possible. PG&E staff, consultants, contractors or subcontractors will conduct themselves appropriately and, if invited to participate, will be respectful, turn off cell phones, and refrain from photography without permission. PG&E will maintain confidentiality of documents and sensitive information to the maximum extent allowed by the law. The Tribal representative will be responsible for further discussion of ceremonial activities with other identified impacted landowners, if necessary. Access to the Project Area by Tribal religious practitioners for the purpose of conducting Tribal ceremonies will be consistent with federal and state laws, regulations, and agreements governing the property within the Project Area. Such access will also be consistent with the Tribal Access Plan prepared in response to

2011 Groundwater FEIR Mitigation Measure CUL-1a-2, “Protocol to Preserve Tribal Member’s Access to, and Use of, the Project Area” as included in Appendix P of the C/RAWP, General Principle I.C of the BLM’s PA, and Appendix B “Tribal Access Plan” of the CHPMP.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

DTSC does not have the authority to grant or deny access to federal public lands or private lands (no state-owned land is within the vicinity of the Project Area) and acknowledges that the Tribes are free to pursue access to lands for religious and cultural purposes from the land owner or land managing entities.

T6-071

With regard to Mitigation Measure CUL-1a-11, the commenter asks how “during the construction phase” and “upon conclusion of the construction phase of the Project” will be measured by DTSC, especially if a 25 Percent Future Activity Allowance is included.

In response to the comment, modifications are made in this Final SEIR to Mitigation Measures CUL-1a-4 and CUL-1a-11 as follows:

CUL-1a-4: Technical Review Committee (Groundwater FEIR Measure with Revisions). ...~~Upon conclusion of the construction phase of the Project,~~ Funding for the TRC shall continue until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the TRC shall be assessed by DTSC and ~~at which time~~ the provision of the TRC may be extended, reduced, or terminated. During the operation and maintenance and decommissioning phases, the necessity of the TRC shall be periodically evaluated by DTSC.

CUL-1a-11: Open Grant Funding (Groundwater FEIR Measure with Revisions). ...~~Upon conclusion of the construction phase of the Project,~~ Funding for these positions shall continue until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the cultural resource specialist/project manager positions shall be assessed by DTSC and ~~at which time~~ the positions ~~may~~ shall be extended, reduced, or terminated. During the operation and maintenance and decommissioning phases, the necessity of the positions shall be periodically evaluated by DTSC. These positions shall be inclusive of those referenced by CR-1e-9 in the Topock Soil Investigation Project EIR and MMRP.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a

substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T6-072

The commenter states that Interested Tribes will advise DTSC during its evaluation as to the necessity of the open grant funding continuing.

DTSC anticipates that as the Project progresses, the need for the open grant funding for Project Managers may increase or decrease depending on the level of activity, and as such has built in a mechanism to allow greater flexibility in continuing this funding in the future, even if it has been reduced or terminated at some point. DTSC may consider input from Interested Tribes, but as the lead agency retains the final approval over the necessity of the open grant funding.

In response to the comment concerning open grant funding, modifications are made in this Final SEIR to Mitigation Measure CUL-1a-11 as indicated below.

CUL-1a-11: Open Grant Funding (Groundwater FEIR Measure with Revisions). ... ~~Upon conclusion of the construction phase of the Project,~~ Funding for these positions shall continue until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the cultural resource specialist/project manager positions shall be assessed by DTSC and ~~, at which time~~ the positions ~~may~~ shall be extended, reduced, or terminated. During the operation and maintenance and decommissioning phases, the necessity of the positions shall be periodically evaluated by DTSC. These positions shall be inclusive of those referenced by CR-1e-9 in the Topock Soil Investigation Project EIR and MMRP.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T6-073

With regard to Mitigation Measure CUL-1a-14: Tribal Notification of Potential Future Activities, the commenter asks what would be the triggers for circumstances that would require a work plan to be prepared?

Given that the Project is anticipated to extend over 30 years, it is difficult to predict what unforeseen circumstances could occur in the future that may warrant amending the CIMP, such as changes in technology. DTSC felt that it was necessary to include a mechanism to amend the CIMP given the longevity of the Project. Please see Master Response 2: Use of the Future Activity Allowance in the Draft SEIR, which incorporates revisions and clarifications made as part of this Final SEIR regarding CUL-1a-14.

T6-074

With regard to Mitigation Measure CUL-1a-15: Future Activity Allowance Cultural Resources Survey, the commenter states to please

justify the 5-year survey standard since wind, rain, and other events occur more frequently than on 5-year cycles.

While there is no set interval for re-survey of areas previously surveyed, the 5-year standard is generally accepted practice in cultural resources management, and is consistent with California Office of Historic Preservation guidance. In Arizona, the SHPO generally does not require re-survey of areas that have been surveyed in the past 10 years. However, DTSC feels that the more conservative 5-year interval is reasonable in this situation given that the Project is within a desert environment, where ground surface is readily visible but acknowledging that conditions can change due to weather patterns. DTSC would also like to note that pre-construction field verification inspections of all areas prior to start of construction in an area, consistent with CIMP Section 2.16, would occur regardless of the date of the last survey.

T6-075

The commenter states that DTSC should explain in more depth its approach to AB 52 compliance and how this may have affected the Draft SEIR analysis and consultation with Tribes. The commenter also states that DTSC must explain whether the proposed Future Activity Allowance approach is a veiled attempt to try and get around the requirements of AB 52 for future Project components.

Please refer to Master Response 3: Inapplicability of Assembly Bill 52 in Project Approval for a detailed response to this comment.

T6-076

With regard to Mitigation Measure CUL-1a-15, the commenter states to please explain what “would impede the fundamental Project objective of implementing the Final Remedy Design” mean to DTSC, and that the Tribes would prefer to see “materially impede.” The commenter states that all reasonable construction methods and design options are pursued to demonstrate compliance with CEQA, and this language should be included in the mitigation measure.

DTSC would like to thank the commenter for this insightful comment; however, as stated in CUL-1a-15, the statement quoted is used as an example of an instance where the subsequent list of action would apply. DTSC’s intention is to elevate avoidance of the resource as primary goal. Alternative action would only apply if avoidance of the resource will somehow compromise the ability for the remedy to function as intended or that by avoiding the resource it could potentially jeopardize the health and safety of individuals or cause significant harm to the environment or receptors. Because avoidance is the preferred method of management associated with resources, it is assumed that all reasonable construction methods would be considered prior to intrusion of the resource. DTSC does not see the necessity in adding the suggested language. Therefore, no change to the mitigation measure language has been made.

T6-077

With regard to Mitigation Measure CUL-1a-15, the commenter states to please explain what “expedited action” and “immediate deviation from a

planned activity” means to DTSC and what the thresholds or standards are.

An expedited action or one that would require immediate deviation from a planned activity would likely be a situation of a sudden and unexpected nature. DTSC agrees because of the thorough evaluation during the design process that these potential actions have been minimized to the extent possible. However, “expedited actions” can still be necessary or applicable. An example would be if during installation of remedy pipeline in the compressor station and excavation run into an unexpected gas line or may cause instability of a slope. The location and method of installation may need to be altered quickly to avoid damage or PG&E downtime. Other situations may also warrant an expedited action where imminent adverse impacts could result if action is not taken such as when a trench or a borehole is collapsing unexpectedly and need immediate action to shore up the hole. Other examples could be damage to a structure as a result of an accident where additional bracing or other engineering controls would be required to stabilize the damage.

T6-078 The commenter states that the text for Mitigation Measure CUL-1b/c-4a uses the term “Native American monitors,” but the term “Tribal monitors” has been used in this Project and is defined in the CIMP, and therefore should be used throughout this document.

The comment is noted for the record. See response to comment T6-053 for changes to the Final SEIR.

T6-079 The commenter states that the following text should be added to Mitigation Measure CUL-1b/c-4a: “Tribal interpretations of resource finds shall be included in the required documentation of monitoring” and that “tribes will be consulted during the completion or updating of any required recordation forms and their views included in the forms.”

DTSC understands that the Interested Tribes are afforded the opportunity to provide input on recordation forms as part of measures outlined in the Treatment Plan. DTSC agrees that Tribal views should also be included as part of the sites forms prepared by the Qualified Cultural Resources for new discoveries, in conformance with the Treatment Plan measures and BLM manuals, and agrees that Mitigation Measure CUL-1b/c-4a should be modified to allow for Tribal input on archaeological resources discoveries site forms and updates. The Draft SEIR text within measure CUL-1b/c-4a has been revised as follows:

Department of Parks and Recreation 523 forms, following the Office of Historic Preservation’s *Instructions for Recording Historical Resources*, shall be prepared by the Qualified Cultural Resources Consultant and filed with the South Central Coastal Information Center (for archaeological resources in California) and Arizona State Museum site cards shall be prepared by the Qualified Cultural Resources Consultant and filed with the Arizona State Museum (for archaeological resources in Arizona)

for all newly identified and updated archaeological resources, and shall be compiled and provided to DTSC as they become available. Interested Tribes shall be afforded an opportunity to provide input on archaeological discoveries site forms and updates in accordance with measures outlined in the Treatment Plan (Mitigation Measure CUL-1a-19) and BLM policies and practices pertaining to information sharing.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T6-080 The commenter states that PG&E should solicit input from Interested Tribes on the suitability and acceptability of any proposed architectural historian, and consider the Tribal input when approving an architectural historian.

The comment is noted for the record. See response to comment T6-062.

T6-081 With regard to Mitigation Measure CUL-1b/c-7, the commenter states that the Tribe should be consulting parties and be provided the opportunity to review and draft reports, evaluations or determinations of eligibility for any structure, building, etc., involved in the Project.

DTSC appreciates that the Cocopah Tribe is interested in commenting on documents pertaining to evaluations and determinations of eligibility for built environment resources.

DTSC will continue to allow for Tribal review and comment on cultural resources documents consistent with CIMP Section 2.3 – Protocols for the Review of Cultural Resource-Related Documents and other guidance documents (i.e., PA and CHPMP) and BLM policies and practices pertaining to information sharing.

T6-082 The commenter states that PG&E should provide DOI and DTSC a list of all existing wells potentially impacted by the remediation system.

Water supply wells located in the vicinity of the Project have already been identified and listed in Mitigation Measure HYDRO-6a as well as Section 4.9.3.1, “Results of Hydrologic Analysis” of the Draft SEIR. HYDRO-6a also contains a provision to add additional wells if new ones are discovered or installed in the future. PG&E also periodically monitors Moabi Regional Park water supply wells as part of the groundwater monitoring program.

T6-083 The commenter states that provisions should be added to Mitigation Measures NOISE-1, -2, and -3 to stipulate the use of low-noise electric and hydraulic equipment that can attain noise levels as low as 65 dBA. The commenter states that especially given the long duration of the

Project, the noise mitigation measures must include analysis and adoption of better technology that further lessens environmental effects.

Although an electronic drill rig may have a lower noise footprint during operation, this drilling equipment is not widely available. Furthermore, DTSC notes that this Project does not have a zoning code requirement to restrict the construction activity to attain a similar stringent 65dB noise ceiling. The drill rig is only one of many construction equipment that would be used which will result in generating vibration and noise. The use of an electronic drill rig would not eliminate or reduce vibration during drilling. Nevertheless, DTSC has required the use of sound barriers when appropriate to reduce the construction related noise. Further, DTSC is requiring monitoring of noise levels when all equipment is to be operated in close proximity to noise-sensitive land uses, and abatement of noise in excess of applicable standards.

Letter T7: Fort Mojave Indian Tribe

Comment Letter T7



AHAMAKAV CULTURAL SOCIETY

Fort Mojave Indian Tribe

P.O. Box 5990 Mohave Valley, Arizona 86440

Phone (928) 768-4475 • Fax (928) 768-7996



March 6, 2017

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

Dear Mr. Yue:

The Fort Mojave Indian Tribe (the Tribe or FMIT) is hereby timely submitting these comments on the California Department of Toxic Substances Control (DTSC) Draft Subsequent Environmental Impact Report (DSEIR) for the Pacific Gas and Electric Company's (PG&E) Topock Compressor Station (TCS) Groundwater Remediation Project. Per your email communication dated February 27, 2017, in response to Fort Mojave and other interested Tribes request for a week's extension to comment, FMIT understands that these comments, although submitted past the initial comment deadline will be accepted, considered and responded to by DTSC in writing and become a part of the Administrative Record.

T7-001

At the outset, the Tribe must express its extreme disappointment with regard to the approach that DTSC has elected to proceed with regard to the project. As has been discussed in our past comments (over the past 13 years) offered in regard to the succession of PG&E's project design documents, we are displeased and concerned over the project's continuously growing scope and magnitude, with this latest version in the DSEIR representing yet another significant increase of known and unknown impacts. You are aware that the project itself greatly impacts the landscape and cultural values that the Tribe holds sacred. Nevertheless, in the interest of environmental improvement and the elimination of potential human health risk, FMIT supported the proposed design selected and approved by DTSC in its 2011 FEIR, assuming that it represented a *less impactful approach* than its alternatives. But for various reasons, the original design and its associated impacts (direct, indirect and cumulative) grew tremendously over the past years. DTSC recognized this and hence determined the need to issue a *subsequent* EIR.

T7-002

Still it is apparent through this review of the DSEIR document, that DTSC has an expectation that even the latest design may not be adequate or complete, because now DTSC is proposing a "Future Activity Allowance" (FAA), which essentially is a generous provision that potentially would add substantially more infrastructure and further intrusion into the sacred landscape than what was presented as the 100 percent project design. FMIT is firmly opposed to the FAA provision because it affords DTSC the opportunity to augment the project scope without a commitment to have meaningful consultation with affected Tribes and stakeholders or meaningful environmental review. Without such a commitment, DTSC can call for changes that could deeply affect tribal religious and cultural values and without the need to consider reasonable alternatives. While the Tribe might understand a need to entertain certain

project modifications, DTSC is calling for up to a 25 percent FAA applicable to unspecified project components at unidentified locations across the project area, and additionally up to 10 new wells in Arizona. This is unreasonable, unprecedented, and excessive, particularly if exempted from the usual and accustomed to project review requirements.

T7-002

The Tribe's objections in this regard are detailed in the following sections of this comment letter as well as presentation of positions on several other overarching issues. Additionally, we are providing a table of specific comments for your consideration. We request that all documents be responded to in writing in DTSC's Responses to Comments.

The overarching issues include the following:

- Insertion of undefined "future activity allowance" (FAA) into the DSEIR is arbitrary, unprecedented, excessive, and inappropriate.
- Significant detailed "provisional" elements already allow for contingency expansion of the remedial system.
- Need to include "Tribal Reviewer" as a unique viewer group.
- Mitigation Measure HYDRO-6a: Incorporate non-project water supply wells and/or additional wells into monitoring program (new measure).
- Use of sensitive areas for storage and other construction purposes.
- Consistent and long-held objections to use of the "white clay" (*Amut Ahar*) area in the Traditional Cultural Property for installation of wells and project infrastructure.
- Changes to Mitigation Measure NOISE-3: Land use compatibility of future project noise levels with places of worship and the Topock Cultural Area.
- Framework for tribal participation for the duration of the project and deletions of FMIT-specific mitigation measure language without consultation and to which we are opposed.
- Cumulative impacts.
- Cultural Resource Treatment Plans have not been completed.

T7-003

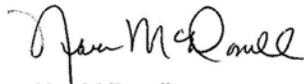
In light of the Tribe's objections in particular to the FAA issue and the deletion of FMIT-specific mitigation measure language, we request further consultation with both DTSC and the Department of the Interior prior to issuance of the FSEIR.

T7-004

Thank you for the opportunity to comment on this important document. Please contact me if you have questions concerning our comments and to schedule further consultation.

T7-005

Sincerely,



Nora McDowell
Project Manager Topock Remediation

Cc: Timothy Williams, Chairman, FMIT
Shan Lewis, Vice Chairman, FMIT
Linda Otero, Director ACS
Leo Leonhart, Hargis + Associates
Michael Sullivan, Technical Consultant
Christopher Harper, FM Archaeologist
Courtney Coyle, FM Legal Counsel
Steve McDonald, FM Legal Counsel
Mohsen Nazemi, Deputy Director, DTSC
Karen Baker, DTSC
Ana Mascarena, Tribal Affairs and EJ, DTSC
Pam Innis, DOI
Jason West, Field Manager, BLM
Ann Howard, AZ SHPO
Julianne Polanco, CA SHPO

FMIT OVERARCHING COMMENTS

FMIT hereby is submitting the following overarching comments addressing ten issues that the Tribe considers to be overarching matters that need to be addressed in the Final SEIR. Additionally, the Tribe is providing a table summarizing various editorial matters identified during the Tribe’s review.

Issue 1: Insertion of undefined “Future Activity Allowance” (FAA) into DSEIR is arbitrary, unprecedented, excessive, and inappropriate

The DTSC has proposed measures to expand the project beyond its present design by means of a “Future Activity Allowance” (FAA), which provides for adding up to an additional 25 percent of unspecified infrastructure components at unspecified locations at some future date. This provision, as written, would escape formal consultation and project review pursuant to CEQA.

T7-006

The Tribe questions the legal validity of and justification for the FAA. According to the DSEIR, the FAA includes two components:

- (1) An additional allowance for all project infrastructure, established at up to 25 percent of the parameter set forth in the Final Remedy Design, and
- (2) Up to 10 additional monitoring wells to be installed in Arizona (DSEIR, page 3-11).

The Tribe is unfamiliar with the FAA concept being used elsewhere in CEQA; please provide some examples where this concept has been implemented successfully or not.

The Tribe objects to the use of this undefined, blanket FAA. If implemented, it would only worsen the already significant and unmitigated impacts to resources of Tribal concern, including those the DSEIR itself identifies - cultural resources and noise, cumulatively significant and unavoidable impacts to aesthetics, and all critical areas of concern to the Tribe. Yet, the release of this environmental document for public review is the first time the Tribe learned of the magnitude of this concept relative to the Project. The Tribe believes that DTSC (and DOI and PG&E) should have specifically consulted with the Tribe about the magnitude of the FAA before proposing it as part of the Project. Given the extraordinary siting efforts made over the last ten years by the tribes (and others) regarding specific project components to try to minimize impacts over a large and complex project area, the newly-introduced, open-ended FAA is of great surprise and concern to the Tribe. Based on these concerns, the Tribe requests that the FAA be removed from the Project. Instead, future CEQA review should be conducted before any potential additional Project expansion is considered should it even become necessary to implement such measures to successfully operate the remedy.

T7-007

Numerous California court cases have held that an accurate, stable and finite project description is the indispensable prerequisite to an informative and legally sufficient environmental document. This requirement was first set forth in *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, then incorporated into CEQA Guidelines section 15124 (Project Description). Moreover, none of the possible "exceptions" to a finite project description, such as a project having independent utility, a staged EIR or a project with future phases, apply here. In contrast, the proposed FAA component of the Project lacks an

T7-008



adequate project description such as defined components, specific locations, defined boundaries, etc., making it difficult if not impossible to assess impacts, effects or adequacy of mitigation for these additional potential project components in the DSEIR. Further, the DSEIR states that, "The 25 percent potential allowance is intended to apply generally to the development and implementation of the Final Remedy Design, *even if a particular parameter or aspect of the Project is not listed in one of the examples set forth in the following subsections.*" (DSEIR, page 3-11) (Emphasis added)). Please explain in more detail what this statement means to DTSC. CEQA Guidelines section 15140 (Writing) requires that EIRs should be prepared in plain language such that the public can readily understand them. Does this statement mean there are no limitations on what project elements or features could be included in this allowance? If so, this is an impermissible blank check under CEQA to PG&E and the agencies.

T7-009

Without clear parameters or expressed standards referenced in the DSEIR for the agencies to use in the future to locate additional, but currently unknown Project features, the mere promise that PG&E and DTSC will "track" activities to "ensure" that development of individual components is within the scope of the SEIR, is essentially meaningless and could allow for almost limitless discretion contrary to CEQA. (DSEIR, page 3-12). Accordingly, the asserted purpose for including a FAA, ". . . to be sure that this SEIR evaluates all the potential effects of the Project, including those that may be needed in the future" (DSEIR, pages 3-12 and 3-97) rings hollow. How can DTSC pretend it has adequately disclosed, evaluated, or mitigated what is not even located yet or specified in the project description? This is not a small concern as the SEIR ". . . is intended to be used as the primary CEQA document for any permits or approvals from DTSC or other California public agencies which may be required for implementation of the remedial action as described in this SEIR, including investigatory, maintenance, repair, and infrastructure replacement activities" (DSEIR page 3-99). This is of particular concern as the Project will extend well into the future - over several decades.

T7-010

A 25 percent allowance is extremely large, and even more so in a highly sensitive and biologically-constrained area. The area also is a tribal Traditional Cultural Property (TCP) with religious values, containing many individual historical resources. Neither is a 25 percent enlargement within commonly encountered margins of error or substantial conformance. The Tribe requests the opportunity to consult on DTSC's rationale and basis for the specific size of the proposed FAA.

T7-011

The proposed FAA is highly inconsistent with past work to identify, justify and plan proposed remedy infrastructure and operations. For example, all proposed specific remedy wells, monitoring wells, buildings, soil placement, roads, piping, etc., and contingent or backup well locations have been carefully reviewed, discussed and evaluated both in the field and in maps. In Arizona, placement of any/all wells in the white clay area presents even greater concern as this is a TCP.

T7-012

We also note that according to the DSEIR, aesthetic and visual impacts, air quality, biology, hydrology and water quality, noise, utilities, service systems and energy and water supply are attempted to be included in the proposed FAA, even though in some instances, neither the Project features nor additional impacts can be located, quantified or described at this time. Are all impacts and CEQA resources categories subject to a blanket 25 percent FAA, and if so, how have those potential impacts been analyzed and the potential increase in effects mitigated relative to each subject in the DSEIR? Which subject areas might be expected to exceed the 25 allowance (such as ground disturbance and biological impacts)? Where are their cumulative impacts addressed with cumulative-specific mitigation? Additionally, we request a standalone section on the proposed FAA in the SEIR to more readily capture, clearly analyze,

T7-013

T7-014

and efficiently track the FAA, including cumulative effects, should DTSC retain the FAA approach over Tribal objections.

T7-014

Similarly, provisions must be made in the SEIR for additional CEQA and other review, to include tribal consultation, to be performed prior to initiating any ground disturbance under a FAA. Simply stating that "additional facilities beyond those specifically described in the Final Remedy Design may require approval from DTSC and perhaps other agencies" (SDEIR, page 3-12), does not address the almost certain need for future additional CEQA review and timely tribal consultation including pursuant to settlement agreements with FMIT. This approach should also reflect the notion of adaptive management to allow for a consideration of how the Project's implementation and impacts are actually playing out over time, which can be particularly valuable and appropriate in long-term operation and maintenance activities such as those in the Final Remedy.

T7-015

T7-016

Issue 2: Significant detailed "provisional" elements already allow for contingency expansion of the remedial system.

Over the last 5 years during the development of the design for the Topock groundwater remedy, this project has expanded significantly from the originally proposed design concept selected during the Corrective Measures/Feasibility Study. The in situ treatment method was originally accepted back in 2011 based on an anticipation that its impacts to the area would be less as compared with other engineering alternatives. However, at each design stage, 30%, 60%, 90% and 100%, the project has expanded in every dimension. DTSC has already made a concerted effort during the design process to look into the future and to consider the possible necessary expansion of the Topock project.

T7-017

To this end, DTSC and all interested parties working closely together over many years, added numerous "provisional" remedy features including 94 percent more remediation wells (46), and 33 percent more monitoring wells (24) than what was included in the 2011 FEIR conceptual remedy. Each of these "provisional" wells, which are NOT part of the initial planned remedy construction, were specifically discussed, their locations walked and possibly adjusted due to cultural impacts, reviewed by all parties, and then finally included as "provisional" elements of the final design. Other planned infrastructure such as trenching and piping were also expanded in capacity to accommodate the ability to connect these "provisional" features into the system. Any or all of the "provisional" wells MAY be installed at some future time, depending on the response of the groundwater remediation system, changes in the contaminant plume, or some other unforeseen factor.

Other "provisional" elements, which are described in detail in project design documents include a "contingent freshwater pre-injection treatment system to reduce concentrations of arsenic", and a contingency "dissolved metals removal system." Again, details and locations of these contingency elements were included in the detailed designs, and discussed and considered by all parties to the project design. These detailed, designed "provisional" and "contingency" project elements are considered within the scope of the draft SEIR, therefore sufficient flexibility already exists in the final design for contingencies.

The FAA appears to be an extension of a possible pattern and practice by the agencies to have open-ended project features and impacts. The Tribe commented on and objected to similar approaches used to justify

T7-018

not counting replacement wells in the well count cap in the 2011, FEIR, and resampling activities in the August 2015, Soil Investigation Project FEIR, and Data Gap Work Plans 2 (2016) and 3 (2017). These actions were taken despite the Tribe providing written comments that these additional activities would worsen certain environmental effects.¹

In each instance, the Tribe also objected to the open-ended approach relative to the adequacy of the environmental documents' assessment of direct, indirect and cumulative impacts. The DSEIR further notes the existence of "provisional wells and associated infrastructure (well vaults, pumps, instrumentation, electrical/communication conduits, etc.) . . ." and contingencies that are specifically set forth in the Final Remedy Design and C/RAWP . . ." (SDEIR, page 3-11), which collectively could cause additional impacts and effects, including cumulative effects, which we observe lack cumulative-specific mitigation. How have the cumulative impacts to the TCP and sacred area from these repeated assaults on the landscape been considered in the DSEIR? Now, the FAA takes this same suspect approach to a whole new level for the ever-ballooning Project and is offensive to the Tribe for the same reasons and therefore must be stricken from the SEIR or seriously modified to comply with CEQA.

T7-018

Finally, the FAA is not consistent with the CIMP as the FAA is not included, mentioned, cited, listed, described or referred in the CIMP. Therefore, the FAA as included in this draft SEIR conflicts with the PA, the CIMP and the CHPMP.

T7-019

Issue 3: Need to include "Tribal Viewer" as a unique viewer group.

In the 2011 Groundwater FEIR, Tribal Viewers were simply lumped into the "pedestrian." viewer group. The Tribe objects to this categorization. Per 36 CFR 800.2 (c)(2)(ii)(B), the Federal Government has a unique legal relationship with Indian Tribes set forth in the Constitution of the United States, treaties, statutes, and court decisions. This unique relationship recognizes that consultation must occur on a Government-to-Government level and therefore Tribes should never be lumped in with other groups within the general public. In this draft SEIR, there are still just the same four viewer groups: pedestrian, residential, vehicular and recreational. For every one of these four viewer groups, the draft SEIR states there are no changes that would affect these viewer groups since the 2011 Groundwater EIR. However, this 2017 draft SEIR also acknowledges that new information was collected from Tribal members regarding the unique and specific sensitivities from the Tribal perspective. Supposedly, this new information has resulted in "enhanced understanding of the Native American cultural ties to the area, and the distinctive sensitivity of Tribal Viewers." However, this unique Tribal viewer group is still not separately evaluated and the expanded impacts of the larger remedy to Tribal Viewers remain unevaluated. Given the new information provided by the Tribes, and the unique qualities and values of Tribal members, the Tribal Viewer Group should be separately addressed and evaluated to reflect and highlight the unique and greater sensitivities of Tribal members for this site, not simply lumped into the pedestrian/ recreational viewer groups.

T7-020

Issue 4: Mitigation Measure HYDRO-6a -- Incorporate non-project water supply wells and/or additional wells into monitoring program (new measure).

"PG&E shall submit a well installation work plan to DTSC describing installation of a new nested

T7-021

¹ See, for example, comment letter from Fort Mojave Indian Tribe regarding *Data Gap Work Plan-3*, dated October 27th 2016.

monitoring well located between HNWR-1 and wells Topock-2/Topock-3 since wells Topock-2/Topock-3 are currently the largest producing non-Project supply wells in the area. The work plan shall also propose the installation of any additional monitoring wells that are needed to ensure protection of the water resource in the vicinity of the non-Project water supply wells. PG&E shall submit the well installation work plan to DTSC within four months of DTSC's approval of the remedy design and would be implemented only after DTSC's review and approval. Up to ten well locations from the total borehole count evaluated in this SEIR can be allocated for the monitoring of water quality to protect non-Project water supply wells. Overtime, wells may be added to or removed from the monitoring program (with prior DTSC approval) based on accumulated data or lack thereof."[Emphasis added]

T7-021

It is unclear why DTSC waited until after the 100 percent design documents were completed to require these additional project features. As many as 10 Arizona monitoring wells were proposed, which were not included in the original design or discussed during any of the TWG or CWG project meetings to date. This represents yet another undefined expansion of the remedy footprint and proposed without consultation. While one of the ten wells is at least described generally with regard to location, a further nine wells are without any details, and therefore cannot be evaluated with respect to impacts under this SEIR. Are these additional wells to be considered a mitigation measure, or part of the planned design, or both? Future work plans for locating and installing any further monitoring wells under HYDRO-6a should be prepared with input from the Tribes and any other interested parties. At that time, the impacts from those installations can be assessed. In particular, the Tribe is interested in whether any of the wells might be sited in the "white clay" area, which the Tribes regard as a TCP and the BLM is in the process of its nomination as such. This area should be strictly avoided.

T7-022

T7-023

Issue 5: Use of sensitive areas for storage and other construction purposes.

Since 2013, The Tribes have appealed strenuously to DTSC and DOI that areas of cultural importance be avoided when locating areas for storage and other construction purposes. As acknowledged by the agencies, the Tribes have repeatedly objected to the use of areas #6, #7, #12 and #25 for storage and other construction purposes. As stated in the agencies direction letter dated October 19, 2015, these staging areas should be used to the minimum extent possible, will not be used for long term storage, and no sanitary facilities will be placed in areas #6 & #7. In all cases, applicable draft mitigation measures and site procedures should be updated to reflect that PG&E should work with Tribal Monitors to demarcate the minimum area allowable for use, utilizing the least destructive means and materials such as placement of straw-filled wattles, for example and in accordance with CIMP document 2.14 Cul-1a 8n: Protocols for Protective Measures for Archaeological/Historic Sites During Construction.

T7-024

CUL- 1a-8n: Locations requiring specific protective devices, such as temporary fencing, flagging, or other type of demarcation during construction (DTSC, 2011a). Even with improved use/mitigation parameters, the Tribe remains steadfast that these areas are inappropriate for such uses and that the proposed uses constitute significant impacts both at the project and cumulative levels.

Issue 6: Consistent and long-held objections to use of the "white clay" (Amut Ahar) area in the Traditional Cultural Property for installation of wells and Project infrastructure

For the past decade, the Tribes have consistently objected to any project elements or infrastructure being installed along the Arizona side of the Colorado River in the location known as the "white clay" area, which is presently under consideration by BLM for formal nomination as a TCP. The Tribes have

T7-025

provided substantial evidence and documentation in the record about this area and its historical cultural significance. Early on, nested wells MW-54 and MW-55 were installed over the Tribes' objections of the Tribes. Now, disregarding these same strong and consistent objections of the Tribes, additional monitoring wells MW-X and MW-Y are planned directly in this area. This plan is without further analysis showing the justification for this location despite recent significant updates in the groundwater model. In addition to the proposed monitor wells MW-X and MW-Y, there are up to 10, heretofore undefined, additional Arizona wells contained in Mitigation Measure HYDRO-6a, to evaluate effects of pumping of Arizona freshwater wells on other supply wells in the area. There is no language limiting the location of these wells to outside of culturally sensitive areas such as the "white clay" area and the Topock TCP. There seems to be no recognition of these sensitive areas to limit placement of additional wells and/or infrastructure in these sensitive areas. Tribes are currently in ongoing discussions with State and Federal agencies to delineate and provide formal recognition of this sensitive area as a listed TCP. The effects and impacts of the proposed remedy components in this area are significant to the Tribes, both as a project and cumulative impact, and must be reflected as such in the SEIR.

T7-025

Issue 7: Changes to Mitigation Measure NOISE-3 – Land use compatibility of future project noise levels with places of worship and the Topock Cultural Area.

This noise mitigation measure has been extensively changed from the original language in the 2011 FEIR. The original language stated:

"Provided that the proposed project would be required to achieve the normally acceptable exterior noise level standard for places of worship, the following mitigation measure shall be incorporated in the project design..."

T7-026

The reference to appropriateness of using noise levels standards consistent with places of worship has been removed from the language of the noise mitigation measures without explanation. While this language was incorporated into the discussion of anticipated noise level impacts within the text of the SEIR, it should also be incorporated into the current draft noise mitigation measure language itself. While still insufficient to get at the specific noise concerns of the Tribes, maintaining the reference in the mitigation measure would better reflect the importance of noise suppression to a level consistent with the importance, reverence and solemnity of the TCP and especially those areas immediately adjacent to the Maze area. This will be especially important given the increase in infrastructure and location of an electrical generator in the evaporation ponds area, immediately adjacent to the Maze Locus A. The Tribes continue to believe that a Tribal-specific noise standard which considers noise level standards for outdoor worship must be developed to truly consider and mitigate impacts to Tribal users and religious practices.

Issue 8: Framework for tribal participation for the duration of the project and deletions of FMIT-specific mitigation measure language without consultation and to which we are opposed.

Tribal review of unanticipated project components would be consistent with CHPMP Section 2.4 – "Protocols for Review of Project Design Documents." Such project design changes would be subject to AB-52 compliance including Tribal Consultation regarding identification and treatment of tribal cultural resources and alternatives to avoid resources of tribal value. The Tribe had requested DTSC consideration of their ongoing involvement in the pre-construction, construction, O & M, 5 Year Review after remedy start up as part of consultation with the regulatory agencies, and during decommissioning

T7-027

activities for the life of the project or until clean up goals were achieved. We reiterate this request and ask DTSC to explain its reduction of tribal participation in the New Measures proposed for the project. The Tribe also asks for direct consultation with DTSC under the newly established Tribal Affairs Office/Environmental Justice Department within DTSC.

↑ T7-027
| T7-028

Issue 9: Cumulative impacts.

Chapter 6 of the DSEIR presents an analysis of the cumulative impacts associated with project implementation. Specifically, the chapter attempts to address any incremental effects resulting from the project when viewed in connection with the effects of past, present, and probable future projects. In the course of evaluating the potential for impactful synergy between identified past, present, and future projects, the SEIR concludes with regard to cultural resources that implementation of the project in combination with other projects could cause substantial adverse change in the Topock TCP. The conclusion of the SEIR is correct, except that it describes the Topock TCP as a historical resource, ignoring the elements of religious significance of sacred areas within the TCP. Such cumulative impacts are likewise cumulatively significant and cumulatively considerable. Please clarify.

T7-029

With regard to possible future development in the area due to population growth and expansion, FMIT emphasized the importance of scenario planning and the potential for using the model to implement credible future scenarios such as increased pumping associated with population growth as suggested in Chapter 6 projections in regard to the application of the groundwater modeling. A consideration of changing climate scenarios, generally anticipated to produce warmer, drier conditions, a scenario involving future groundwater resource development, for example, would be appropriate for consideration in the SEIR.

Issue 10: Cultural Resource Treatment Plans have not been completed.

Cul-1a-19 calls for the implementation of a Treatment Plan for the Topock TCP. This mitigation measure had been provided to the tribes, thereafter the document was provided to DOI and DTSC in which they provided written comments to BLM and a revised Treatment Plan was produced. The revised Treatment Plan was to be provided to the tribes by Ms. Renee Kolvet, BLM Archaeologist, for review prior to issuance of the DSEIR. BLM has the revised document with DOI/DTSC comments included but the Tribes have still not received nor reviewed the Treatment Plan with additions from the regulatory agencies (DOI and DTSC). It is vital to remember that CEQA is different from the National Historic Preservation Act (NHPA) in that deferral of the required preservation-in-place analysis is disfavored in CEQA. The project specific and cumulative cultural mitigation measures refer to a Treatment Plan that is "in process". Deferral of the Treatment Plan post Project approval may be acceptable relative to DOI and NHPA Section 106 (and the Programmatic Agreement (PA)), but is not necessarily acceptable pursuant to CEQA, which requires identification of impacts and mitigation and consideration of preservation in place as part of the environmental document. At minimum, DTSC must explain how the deferral of the mitigation and treatment in the Treatment Plan is consistent with CEQA especially because DTSC is not a signatory to the PA, which is the instrument through which the Treatment Plan is being prepared. Also, the potential addition of unspecified infrastructure components via the future activities allowance (FAA) will require consideration in the Treatment Plan. As stated in the Programmatic Agreement (PA), the Treatment Plan will be used as the first point of reference in developing a specific course of action that would address how best to avoid, minimize, or mitigate an adverse effect. It is unclear how these unspecified components and their potential effects to cultural and historic properties can be dealt with in the Treatment Plan. This is particularly important where the DSEIR proposes no substantive mitigation for impacts to tribal concern (the mitigation proposed is mostly procedural in nature).

T7-030

The Mitigation Measures as proposed in DSEIR were prepared with no input from Tribes. The Tribes should be included in development of final SEIR mitigation measures similar to work that was done in a DTSC organized meeting with Tribes in July 19, 2016, and again August 5, 2016, with review and discussion of the earlier draft concept mitigation measures which were initially proposed and drafted by DTSC. The current draft SEIR mitigation measures do not reflect the recommended provisions that the Tribes proposed for consideration of the identified impacts by DTSC/ESA. The DSEIR admits there are several significant and unmitigable cumulative impacts. CEQA places a duty to mitigate cumulative impacts on the lead agency. CEQA Guidelines section 15130. There is also little discussion in the DSEIR's cumulative section on the *severity* of the impacts which is otherwise required per CEQA. (CEQA Guidelines section 15130(a)(3)). Tribes have commented extensively on the severity of the cumulative effects, yet none of the Tribes' letters appear in the DSEIR appendix that lists the references for each section. (Bibliography, SDEIR Cumulative section references, pages 8-25 to 8-26).

T7-031

Additional Comments and Issues on DSEIR		
Section/ reference text	General topic	Comment text
1	BIO-1B	Was a Jurisdictional Delineation done in the areas of project construction and infrastructure along Oatman Highway? If not, why not?
2		In the section 2.3.2 <i>Alternatives Considered in the FEIR</i> , there is no discussion of the fact that, in the years since the FEIR was completed with the accompanying selection of <i>Alternative E – In Situ Treatment with Freshwater Flushing</i> as the preferred alternative, a much better understanding of the required size, infrastructure and impacts, compared with the original concept of the preferred alternative has been attained. Such a discussion needs to be included in the SEIR even if the alternatives studied does not change.

T7-032

T7-033

3	Section 4: Environmental Analysis	<p data-bbox="407 317 630 1060">4.1 Aesthetics</p> <p data-bbox="407 317 630 1060">The impacts determined within the aesthetics section were based on a visual analysis methodology which is based on: “site observations; review of technical data, including Final Remedy Design maps and drawings provided by the California Department of Toxic Substances Control (DTSC); aerial and ground-level photographs of the Project Area; state and local planning documents; computer-generated visual simulations; and a review of the Groundwater FEIR Aesthetics section”</p> <p data-bbox="630 317 743 1060">In addition, to document the visual change that would occur, 13 computer-generated visual simulations were chosen to show the Final Groundwater Remedy Project from key sensitive viewpoints.</p> <p data-bbox="743 317 938 1060">It is unclear however how the visual analysis methodology can be appropriately applied when up to 25% of the project footprint has yet to be defined. Specifically, the visual impact methodology requires knowledge of the infrastructure to make impact analysis. This is of relevance to the visual resource section as it has been concluded that there will be less than significant impact following mitigation.</p> <p data-bbox="938 317 1057 1060">It is also unclear why the view point rather than the view shed approach has been used to evaluate potential impacts when the Tribes supported including the viewshed approach and have provided testimony and written comments that relate to both the FEIR and SEIR that they believe visual/aesthetic impacts are significant. Please explain.</p>
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T7-034

T7-035

4	Section 4: Environmental Analysis	4.2 Cultural Resources	<p>To date, potential cultural resources impacts associated with the groundwater remediation have been evaluated based on specific remedy infrastructure locations. To reduce the infrastructure impact on cultural resources, the Tribes have been actively and intimately involved in the design phase of the project (i.e. from conceptual 30% design through the final 100% BOD) and have had the opportunity to propose alternative design ideas, construction method options and infrastructure locations. In addition, the Tribes have had the support of technical experts for a thorough review of remedy design proposals. This high level of participation has been crucial for the reduction of impacts to cultural resources within the TCP. As currently proposed in the draft SEIR, an unplanned but allowed 25% increase in the project footprint in addition to 10 well locations in Arizona likely will have the result that Tribal involvement and tribal support is <u>REDUCED</u> prior to final design decisions on such "future" elements. Please explain.</p> <p>Furthermore, it is unclear how the extent of cultural resource impacts can be adequately evaluated at this time if the true final footprint of the remedy is yet to be understood. Please explain.</p>	T7-036
5	4.5 Air Quality		<p>It appears as though air quality impacts from subsurface remediation "operations", i.e., the bioremediation activity itself, were not assessed. For example, under aerobic conditions over a 30+ year period, carbon monoxide or carbon dioxide would possibly be released to the environment. Similarly methane would possibly be released under anaerobic conditions. Please explain.</p>	T7-037
6	4.5 Air Quality		<p>By not considering uncertainty in the groundwater modeling portion of the design (100% BoD Report), the SEIR Air Quality analysis necessarily had to address a 30-yr life of project, rather than a possibly longer life of project, thus potentially leading to an underestimate of life-of-project air quality impacts. Please explain.</p>	T7-038

7	4.5 Air Quality		<p>It appears as though the SEIR Air Quality analysis did not consider air quality emissions from the IRS carbon substrate storage or transmission infrastructure, as well as its location(s) of application across the site. Please explain.</p>	T7-039
8	4.5 Air Quality	p. 4.2-4	<p>Both the FEIR and the SEIR on the cited page indicate that the “existing on-site operation resulted in criteria pollutant emissions of 1.0, 0.5, 2.3, 0.3, and 0.1 tons per year for ROG, NO_x, CO, PM₁₀ and PM_{2.5}, respectively”. (It is not clear whether these are English-unit tons (2000 lbs) or metric tons (1000 kg), though the weights of the two are similar (2000 lbs versus 2200 lbs).) These amounts for the criteria pollutant emissions are suspect, as the CA ARB web resources indicate, for example, that the Topock Compressor Station emits nearly 390 tons, presumably metric, per year, of NO_x. While the resulting analysis may not depend on these values, the data do set the context in which one may assess how much additional pollutant and GHG loading of the environment will occur because of the proposed project. Please clarify.</p>	T7-040
9	4.5 Air Quality		<p>As there were in the FEIR, there are several references to air quality impacts of generators (presumably fossil-fuel-fired electrical generators) and pumps. Please explain and quantify the air quality impacts associated with pump operation.</p>	T7-041

10	4.5 Air Quality	<p>In the FEIR (Table 5-6B), the selected Alternative E had a projected Annual Energy Use (presumably for the operational period) of 560,000 kW-hr, according to Table 5-6B on p. 165 or 800,000 kW-hr as reported on p. 1199. During the operational period (presumably), for the purposes of the Air Quality analysis, it was assumed (worst case with Alternative E and IM-3 operating at the same time) up to 1.8 MW-hr of power would be annually supplied by a 320 kW generator operating for 5,700 hrs per year (FEIR p. 4.2-31). Nowhere in the FEIR Appendix AQ, in which all the data sheets are flagged as “pump and treat”, which is not the alternative that was supposedly under consideration, can one establish where the air emissions for this 320 kW of electrical generation, reported in Table 4.2-7 of the FEIR, were developed or estimated. Moving beyond the 2011 FEIR to the 2017 SEIR, we expected to, but did not, see an analysis providing quantification of emissions from a similar Topock Compressor Station source that we understand will power the entire project. (Section 3.5.1 <i>Electrical Power Supply and Distribution</i> in the 100% <i>BoD Report</i> indicates that the remedy could require up to 4.3 MW-hr of electrical power on an annual basis.) Please add this information so that all may understand how air emissions from anticipated operation during the 30+/- year life of project were quantified for the air quality impact analysis.</p>
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T7-042

11	4.6.2.1	<p>Potential Surface Water Receptors: "PG&E conducted a risk assessment to evaluate the groundwater to surface water transport pathways (Arcadis 2009). The results indicated that the floodplain groundwater chemicals of potential concern are not being transported to the Colorado River at concentrations that exceed screening-level surface water criteria and no further surface water risk assessment was recommended. These conditions have not changed since the publication of the Groundwater FEIR."</p>	<p>Since 2009, significant changes and improvements have been made to the groundwater digital model which was used for this risk assessment. The risk assessment needs to be revised/re-assessed, given notable changes in conceptualization and flow modeling beneath river and in AZ. Models have been updated twice. This was in direct response to input from Tribal experts in technical meetings and discussions, and written directives from DOI/DTSC (2015 and 2016). Since 2009, the footprint of this remedy has also extensively expanded to include Arizona. These factors clearly represent changed conditions and should be a basis for a more realistic evaluation of risk assessment of groundwater to surface water transport pathways during model update(s). Please explain.</p>
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T7-043

12	4.6.2.1	<p>Water Budget: “The inflow and outflow of water into the model domain are not known to have substantially changed since certification of the Groundwater FEIR. However, the groundwater model was revised in 2016 and is currently undergoing review and comments pertaining to the water budget, which may be incorporated into a future version. The results may be modified in response to agency and Tribal review.”</p>	<p>Notable changes and recommendations by Tribal experts to further improve the groundwater model should be incorporated into the PG&E report titled, <i>Addendum to the Development of Groundwater Flow and Solute Transport Models</i> (Arcadis, January 2017). In particular, in a joint letter from the Cocopah, Fort Mojave, and Hualapai Tribes, dated January 27, 2017, several recommendations were made with regard to further work appropriate to the resolution of water budget and other relevant groundwater issues.</p>	T7-044
13	4.6.2.1	<p>Potential Groundwater Receptors: “Plant uptake pathways and receptors were evaluated in the risk assessment, and the pathways were found to be potentially complete but the risks to ecological receptors were considered not to be significant.”</p>	<p>Dramatic changes in modeled evapotranspiration rates/locations have recently been made to the updated groundwater flow model to more accurately depict interactions of plant uptake and groundwater. This will allow the model to reflect the much higher impacts of future plant uptake and groundwater interactions. There should be a mechanism for this to be considered and reviewed during future modeling updates to see if a re-evaluation of risks to receptors should be done based on improvements to the digital model and changes in plant communities.</p>	T7-045

14	4.6.5.1	<p>“Inundation by seiche, tsunami, or mudflow does not apply because the Project Area is not subject to inundation by seiches, tsunamis, or mudflows”</p>	<p>To the contrary, the freshwater wells/infrastructure in AZ is HIGHLY subject to mudflows related to Sacramento Wash (Attachment A). In fact, the new diversion at Oatman Highway will increase the potential inundation of infrastructure. Given the project extent now involves a large area in AZ, including a water pipeline adjacent to Oatman Highway, why isn't this potential inundation evaluated in this study? Such flows might also affect areas of particular cultural concern to Tribes. Please revise.</p>
15	4.7 Noise	<p>General comment</p>	<p>Please provide March 2016 noise measurement protocols that were followed for the SEIR CEQA noise measurements. Include detailed information on how background noise level measurement data were screened / filtered for times when wind speed exceeded a threshold value – as is typically done for these sorts of studies. Normal protocol is to use wind speed measurements made at the same location where the noise measurements are made, and this was not done.</p> <p>In the absence of adjustments or corrections, wind and rain noise can skew measurements of background noise levels to higher values. While the Topock Compressor Station wasn't running at all during for part if not all of the March 2016 noise measurement campaign, we are unaware of any suitable methodology for quantitatively comparing the relative impacts of each noise source (wind versus compressor station) to one another, and are concerned that the wind noise may have skewed measured background noise levels to higher than actual values. The net effect would be to suggest the acceptability of higher than warranted noise levels. Please explain.</p>

T7-046

T7-047

16	4.7 Noise		<p>We do not see where noise shielding for the 30kW generator at the ponds is specified. We recommend that at least two layers of noise shielding be provided to achieve diminished receptor noise impacts – especially given that this western end of the APE has, up until the present time, been relatively free of PG&E O&M noise impacts and may add to impacts to sensitive cultural areas. Please consult with the tribes on best mechanisms by which to achieve this and revise accordingly.</p>	T7-048
17	4.7 Noise	4.7.2.2	<p>The subheading language is extremely confusing in its use of the terms effects and impacts, as well as in the use of prepositions. For example, the first subheading reads: Effect of Long-Term Operational-Related Non-Transportation Noise Impacts. This subheading language begs the question: Effect ON WHAT of the long-term operational-related non-transportation noise impacts? The finding in the paragraph concerns impacts, but the paragraph begins with a focus on effects! Are effects the same as impacts? Are they totally different things? Are we talking about the effect OF the impacts? Are we talking about the effect (OF WHAT) ON the impacts?</p>	T7-049
18	4.7 Noise	4.7.5.3 Impact Analysis	<p>This comment applies to all the other subsection headings in the Section 4.7.2.2 and possibly to other portions of the document.</p> <p>This subsection includes a series of sub-sub-sections each of which commences with an indented bold-faced-hanging indented paragraph that presents an impact. The format appears to be one of presenting the conclusion and then the analysis, but that ought to be stated, because it is confusing. Why not present the analysis first, then the impacts determined therefrom?</p>	T7-050
				T7-051

19	4.7 Noise	4.7.5.3 Impact Analysis	<p>There is a brief analysis of vibration with no mitigation called for. This single brief paragraph on vibration is inadequate due to lack of specificity. A statement is made that “potential vibration sources [will be] at least 600 feet away from all sensitive receptors”. While there is no mention of the Future Activity Allowance, such an allowance is indeed in the picture and if such activities are to fall under the project description then they must be considered in the SEIR. How does the analyst know that all such Future Activities will be at least 600 ft distant from sensitive receptors? The answer is that they do not and cannot provide any assurance to that effect. Thus, without Future Activity Allowance specificity and an associated mitigation measure providing specific buffering distances and parameters for such uses, there is either no analysis provided, or the analysis is inherently deficient.</p>	T7-052
20	4.7 Noise	4.7.5.3 Impact Analysis	<p>While NOISE-2 was in the FEIR as a construction activity mitigation measure anticipated to apply for at most 1-2 years, it is now stipulated in the SEIR to apply to both the 100% design remedy construction and any future remedy construction activities through the operation and maintenance portion of the project – nominally 30-years. Thus, we now have a potential 30-year duration of construction and all of the associated impacts (air quality, noise, etc.), which is deeply troubling. And this has been introduced into the SEIR process with nothing other than a 47-day public comment period and no discussion or comment resolution process. Please explain how these expanded future impacts will be considered and impacts sufficiently lessened.</p>	T7-053
21	4.7 Noise	Noise	<p>Cumulative noise impacts were not adequately estimated or modeled and will not be measured or monitored for exceedance of regulatory thresholds – unless a complaint is filed. How are cumulative impacts to be considered and treated for both existing and potential future infrastructure elements?</p>	T7-054

22	4.9 Water Supply		<p>It would appear that no consideration was given in this section to the Future Activity Allowance during the operational period, and we are not seeing that any consideration was given to such in the Arcadis Groundwater Modeling Report Addendum of January, 2017, nor in the February 2016 Arcadis Development of Groundwater Flow and Solute Transport Models. Please explain.</p>
23	6.4.2.5	Sacramento Wash Improvements (4C) And Oatman Highway Crossing at Sacramento wash Project (6A)	<p>4C (p. 6-23) The Sacramento Wash Improvements project is a Mohave County project, not a USFWS and HNWR project. Mohave County Public Works is the best source of information on this project, versus a newspaper article from the Needles Desert Star. This information should be solicited from the lead agency and folded into the SEIR by DTSC as a cumulative effect.</p> <p>6A (p. 6-23) ADOT is building the bridge, with construction having commenced in late 2016/early 2017.</p> <p>These corrections should also be made in the narrative text of this subsection.</p>

T7-055

T7-056

24	4.6 Hydrology and Water Quality Appendix IS	Hydrology	<p>In the SEIR Appendix IS (Modified Initial Study), on p. IS-38, item (i) addresses exposing people or structures to a significant risk of loss, injury or death involving flooding. The Site B and HNWR-1a water supply wells, are well within areas that could be severely impacted by flooding on Sacramento Wash, even if the hazards presented to these areas by Colorado River flooding is low. The analysis presented for item i) on p. IS-43 is deeply flawed, as it only considers Colorado River flood hazards. Often, where a smaller tributary joins a much larger one, in this case where Sacramento Wash joins the Colorado River, people focus on flood hazards posed by flows in the larger river, and completely miss the hazards presented by floods in the tributary. In the case of Sacramento Wash, nature generates large floods on this major tributary that also transport and deposit significant amounts of sediment. There was flooding in this area as recently as between December 24, 2016, and January 2, 2017, with Oatman Highway closures on 2 separate occasions – from rainfalls that each reportedly yielded a precipitation total of up to an inch in 24 hours – not particularly large storms. Please see Attachment A to these comments that specifically addresses this matter (“Supporting Technical Information, Topock Project SEIR and Basis of Design Input Regarding Oatman Highway – Sacramento Wash Crossing Drainage Improvements Project Planned by the Arizona Department of Transportation and the Mohave County Public Works Department, February 13, 2016”). This is an issue with implications for both hydrological and cultural resources. Please explain.</p>
25	7 Alternatives to the Proposed Project	7.6.1	<p>The section has several misunderstandings regarding the proposed pipeline alternative, including construction quantities, e.g., on pp. 7-17 & 7-18 and on other pages in the section. Also, the impact of the Future Activity Allowance is not explicitly addressed in the narrative and this leaves us wondering if it was considered, e.g., in construction quantities. Please clarify.</p>

T7-057

T7-058

26	5 Other CEQA Sections	5.2, page 5-11	<p>Page 5-11 relates to construction period and operational period annual diesel and gasoline fuel consumption. These are cast in terms of relative percentages – the context being statewide fuel consumption. Is there a threshold at which consumption is held to be significant or untenable from a regulatory or CEQA point of view such as locally or regionally? If so, what are the thresholds?</p>
27	<u>Mitigation Measure CUL-1b/c-4a</u>	Cultural Resources Monitoring Program	<p>Have the greenhouse gas / climate change sections been properly analyzed?</p> <p>The text for this mitigation measure uses the term "Native American monitors". However, the term "Tribal monitors" has been used in this project and is defined in the CIMP. The term "Tribal monitors" is the correct term and should be used throughout this document. Please revise.</p>

T7-059

T7-060

28	<p><u>Mitigation Measure</u> BIO-1a No-net loss of Jurisdictional Wetlands/Water Function or Value</p>	<p>“In-place restoration of jurisdictional areas directly impacted by construction at a 1:1 ratio (i.e., 1 acre of restoration for each acre of direct impact to <i>non-disturbed</i> jurisdictional area) shall occur.” [emphasis added]</p>	<p>The text seems to imply that areas that are “non-disturbed” but have been additionally “disturbed” by project construction or operations activities will not be subject to restoration. This appears inconsistent with CEQA where all project impacts must be considered. Tribes have consistently maintained from the very start of the IM3 project that, from a cultural perspective, just because an area has experienced some disturbance, does not sanction further degradation, and should not preclude restoration from further damage by remedy construction/operation activities. The SEIR must reference the Tribal perspective as it gets to the heart of integrity analysis for historic properties under CEQA and the NHPA, particularly for Criterion A/1 Tribal Values.</p> <p>This Mitigation Measure also refers to “fourteen proposed mitigation planting areas” (See Attachment C). Prior to use of any of these 14 proposed areas, Tribes should be consulted and Tribal Monitors present when the specific area boundaries are demarcated.</p> <p>The mitigation plan(s) to be prepared by PG&E under this mitigation measure should also be submitted to Interested Tribes. Tribes were omitted from the list of stakeholders listed to receive those plans. Please revise.</p>	T7-061
29	<p><u>Mitigation Measure</u> BIO-1b Final Habitat Restoration Plan</p>	<p>The plan shall be submitted to DTSC, CDFW, BLM, BOR, USFWS, and DOI for review.</p>	<p>During the preparation of the Final Habitat Restoration Plan(s), the Tribes should be provided a draft and consulted in addition to receipt of the final restoration plan(s) to be prepared under this mitigation measure. The Tribes should be included in the review and have consultation during the review. Tribes were omitted from the list of stakeholders listed to receive those plans. Please revise.</p>	T7-062

30	<p><u>Mitigation Measure</u> BIO-2c Disturbance of Special-Status Species and Loss of Habitat Caused by Decommissioning</p>	<p>The final habitat restoration plan shall be submitted to DTSC, CDFW, BLM, BOR, USFWS, and DOI for review.</p>	<p>During the preparation of the habitat restoration plan(s) the Tribes should also be provided a draft and consulted in addition to receipt of the final restoration plan(s) to be prepared under this mitigation measure. The Tribes should be included in the draft document review and have consultation during the review. Tribes were omitted from the list of stakeholders listed to receive those plans. Please revise.</p>
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T7-063

31	<p><u>Mitigation Measure</u> BIO-2h Disturbance of Special-Status Plants</p>	<p>An enhancement plan for impacted special-status plants would be developed through coordination with CDFW. The plan shall be approved by CDFW and submitted to DTSC, BLM, BOR, USFWS, and DOI for review.</p> <p>The agreed upon conditions would be detailed in a mitigation plan for impacted special-status plants. The plan shall be approved by CDFW and submitted to DTSC, BLM, BOR, USFWS, and DOI for review.</p>	<p>During the preparation of the draft Enhancement Plan the Tribes should also be provided a draft and consulted in addition to receipt of the final enhancement plan to be prepared under this mitigation measure. The Tribes should be included in the review and have consultation during the review. Tribes were omitted from the list of stakeholders listed to receive those plans. Please revise.</p> <p>During the preparation of the draft Mitigation Plan for Impacted Special-status Plants the Tribes should also be provided a draft and consulted in addition to receipt of the final impact plan to be prepared under this mitigation measure. The Tribes should be included in the review and have consultation during the review. Tribes were omitted from the list of stakeholders listed to receive those plans. Please revise.</p>
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T7-064

32	<p><u>Mitigation Measure CUL-1a-1</u> Avoidance and Preservation in Place</p>	<p>PG&E shall carry out and require all subcontractors to carry out all project activities, in ways that avoid, minimize, and mitigate significant impact resources associated with the Topock TCP</p>	<p>T7-065 It appears the correct language should be that “subcontractors will be required to “implement” established protocols regarding project activities that avoid, minimize.....” as PG&E is responsible to implement this requirement as directed by DTSC.</p>
			<p>T7-066 The term “Topock TCP” used here, how and where is this term defined? Does this replace the term Topock Cultural Area from the FEIR? Do they have the same boundaries? If not, where are the other historical properties of tribal concern handled: avoidance and preservation in place applies to all resources. This revision and its practical effect needs to be explained.</p>
33	<p><u>Mitigation Measure CUL-1a-2a</u> Implement Tribal Access Plans</p>	<p>Procedures required by Appendix P of the C/RAWP include protocols and timelines for requesting access for religious, spiritual, or other cultural purposes</p>	<p>T7-067 Overall Comment addressing New Mitigation Measures: Tribes do not agree that just by <i>implementing the required FEIR 2011 directives</i> that it creates and or qualifies the former mitigation to address the newly identified SEIR cumulative impacts. The 2011 Mitigation Measures created and completed have already been in use and applied to the BOD and other project reviews, surveys, field verifications, and processes for Groundwater and Soils. How can you recycle DTSC completed mitigation measures to address new, additional or cumulative impacts? This needs to be explained and shouldn't allow for double dipping.</p>
			<p>T7-068 Appendix P needs to be clarified that the “request for access” procedures referred to relate <u>only</u> to Tribes desiring access to property <u>owned by</u> PG&E. Please revise.</p>

34	<p>Mitigation Measure CUL-1a-3a Professional Qualifications and Annual Historical Resource Condition Inspection</p>	<p>“In the event that PG&E needs to retain a new Qualified Cultural Resource Consultant, or additional cultural consultants, DTSC shall have approval authority over PG&E’s selection of cultural resources consultants.”</p>	<p>Why were Qualification specifics struck? Please explain.</p> <p>DTSC should solicit input from interested Tribes regarding the suitability and acceptability of any proposed new cultural resources consultant, and consider the Tribal input when approving any new cultural resources consultant. This is consistent with recent ACHP guidance, <i>Native American Traditional Cultural Landscapes and the Section 106 Review Process</i> (July 2010): Unless an archaeologist has been specifically authorized or permitted by a tribe to speak on its behalf, or has been determined by that entity to be qualified to conduct surveys, it should not be assumed that archaeologist possesses the appropriate expertise to determine what properties are or are not of religious or cultural significance to that tribe.</p>	T7-069
35	<p>Mitigation Measure CUL-1a-3d Signage</p>	<p>“In addition to requirements set forth in Appendix P of the C/RAWP, PG&E shall install signage prior to the start of construction, if possible, <i>dependent on cooperation and input from land owners and land management entities.</i>” [Emphasis added]</p>	<p>Regarding the provision related to historical resources condition inspection reports, these should include a section on tribal recommendations for treatment and management as well as tribal review of updates to DPR forms.</p> <p>Tribes should also be allowed to provide input on signage size, materials, color, language, location and installation methods. There have been issues in the past regarding signage at the site.</p> <p>Also, because FMIT is a landowner in the Project area, it should be listed as one of the key stakeholders (along with BLM, San Bernardino County, Park Moabi) to be consulted on signage.</p>	T7-070 T7-071 T7-072
36	<p>Mitigation</p>	<p>“A stipulation of the</p>	<p>The wording of this measure is not representative of the current established and</p>	T7-073 T7-074

	<p>Measure CUL-1a-4: Technical Review Committee</p>	<p>contract open grant shall be that <i>the scientific and engineering team shall provide all deliverables and results to all involved tribes.</i> [emphasis added]</p> <p>“PG&E may reimburse the tribe or TRC members directly.”</p> <p>“Upon conclusion of the construction phase of the</p>	<p>accepted protocol used since 2012 by the Tribes/TRC and PG&E’s consultant HDR in administering the Cul-1a-4. The Tribes in consultation with DTSC on August 5, 2016, provided written comments on this measure. Why were the recommended concerns not reflected in this current proposed DSEIR? Who proposed the revised wording of this measure? Key provisions have been altered which further complicate the way this measure has been implemented and addressed. Example, Why strike “including but not limited to” this is a material change, which would preclude a technical expertise be added to the multi-disciplinary team, should the need arise. The way the measure is rewritten it also leaves out a process to replace TRC members. Why was the RFQ process taken out? Please explain.</p> <p>As per current accepted protocols, technical products prepared by any TRC member(s) will not be made available to anyone without the express consent of the requesting Tribe. The SEIR’s mitigation measure description must be revised with input and review by the Tribes to be consistent with the existing TRC/Tribal protocol which has been working well and does not need to be changed. Who prepared the proposed measure? Please revise.</p> <p>It is unclear why this language was added. HDR, (a PG&E consultant currently administers the TRC contracts) or another consultant in same role is specifically tasked with providing administrative separation FROM PG&E, and contracts with and pays TRC members. This new mitigation language must be changed to reflect the actual process (Tribal/TRC protocol) which has been working well and does not need to be changed but acknowledged and accepted by DTSC as the operative mechanism of oversight of the TRC.</p> <p>In the spirit of cooperation, transparency and ensuring the measures meet the technical needs of the tribes, who but the Tribes know what they need to</p>
			<p>T7-074</p> <p>T7-075</p> <p>T7-076</p> <p>T7-077</p>

37	Mitigation Measure CUL-1a-8q	Project, the necessity and dollar value of the TRC shall be assessed by DTSC, at which time the provisions of the TRC may be extended, reduced or terminated. During the operation and maintenance and decommissioning phases, the necessity of the TRC shall be period...	<p>adequacy participate - now and into the future - on this complex project that will span many decades? DTSC must consult with the affected tribes to evaluate their technical needs in addition to the necessity and dollar value of the TRC. The TRC is an invaluable resource to the tribes, the loss and or restriction of the TRC would be of a great disadvantage to the tribes.</p> <p>Also, how will "the conclusion of the construction phase of the Project" be measured by DTSC, especially if a 25 % FAA is included?</p> <p>In sum, DTSC must revise the proposed measure to reflect the actual way this measure has been administered by the interested Tribes. The Tribes have not been made aware of any issues that could warrant any changes to current protocols and accepted practices. If DTSC is aware of issues, it should consult with the Interested Tribes before proposing any revisions to these mitigation measures.</p>	T7-077 T7-078 T7-079
		Implement Cultural Impact Mitigation Program	<p>This set of Protocols should also reference Tribal protocols, for example, there is a specific protocol that relates to excavation materials or drill cuttings which contain clay. These project protocols are specific to the Tribes, and are additional to the CIMP, CHPMP and PA.</p> <p>Please provide examples of what may constitute "unforeseen circumstances" that may require amendments to the CIMP. What would be the triggers for circumstances that would instead require a work plan to be prepared (i.e. the protocol in CUL-1a-14)?</p>	T7-080 T7-081

38	Mitigation Measure CUL-1a-8q: Implement Cultural Impact Mitigation Program	Section 2.11 - Protocols to Accommodate Tribal Ceremonies or Activities Involving Topcock Cultural Area	A "request" for access is necessary only for PG&E-owned property. Outside of PG&E-owned property, typically a courtesy call is given though not required. The Tribes have federal and state rights to access public lands for religious and cultural purposes. Please clarify and revise.
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T7-082

39	CUL-1a-11: Open Grant Funding	<p><i>"During the construction phase of the Project, PG&E shall provide an open grant for one two part-time cultural resource specialist, project manager positions for each of the five Interested Tribes: Chemehuevi, Cocopah, CRIT, FMIT, and Hualapai."</i></p>	<p>In reference to historic rates, please add in historic rates must be subject to reasonable periodic adjustment or escalation. (It was never meant that a Tribal staff person be paid 2011 rates in 2021, for example). Please clarify measure.</p> <p>Upon FMIT review of this measure we ask DTSC to explain in writing why they changed the language in this measure and the potential effect of that change specific reference to FMIT- "Additionally, in light of FMIT's ownership of land in the project area and historical involvement in the environmental process, additional funding is guaranteed for one full time FMIT position upon submission of an application by a qualified FMIT member who shall be appointed by the FMIT council, provided such funding is not duplicative of the services and funding provided by PG&E pursuant to the Settlement Agreement between PG&E and the FMIT in Fort Mojave Indian Tribe v. Dept. of Toxic Substances Control, et al, Case No. 05CS00437 for a position with the FMIT's AhaMakav Cultural Society." FMIT's ownership of land in the project area and...involvement in the environmental process continues and this mitigation measure should also continue.</p>	T7-083
			<p>Also recommend keeping in the language that was taken out "for review and comment of subsequent project and/or environmental documents related to the design and implementation of the groundwater remediation project to avoid, reduce, or otherwise mitigate impacts on historical resources as defined by CEQA."</p>	T7-085
			<p>FMIT has not been made aware of any issues that could warrant the proposed changes to the 2011 versions of these mitigation measures. If DTSC is aware of issues, it should consult with FMIT before proposing any revisions to these mitigation measures that affect FMIT's interests.</p>	T7-086
			<p>Also, FMIT requests to be consulted in the DTSC assessment of the necessity of the positions at the end of the construction phase of the project. Please revise measure accordingly.</p>	T7-087
			<p>How will "during the construction phase" and "upon conclusion of the construction phase of the Project" be measured by DTSC, especially if a 25% FAA is included?</p>	T7-088

40	<p>Mitigation Measure CUL-1a-14: Tribal Notification of Potential Future Activities</p>	<p>For any potential future activities that the agencies will require PG&E to prepare a work plan, interested Tribes shall be notified and afforded the opportunity to provide input consistent with the general process described in Section 2.3 and Section 2.4 of the CIMP as defined in CUL-1a-8q. In circumstances where only one design cycle is deemed necessary by DTSC for the potential future work, steps A through H of Figure 2-1 MMRP CUL-1a-8d Design Review Protocol Flow Chart will be followed. PG&E shall, likewise, notify Interested Tribes at least two weeks in advance of project related ground-disturbing activities whenever possible in accordance with Section 2.10 of the CIMP.</p>	<p>What would be the triggers for circumstances that would require a work plan to be prepared? Please provide some examples.</p>
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T7-089

41	<p>Mitigation Measure CUL-1a-15: Future Activity Allowance Cultural Resources Survey</p>	<p>During the planning phase of any designed Future Activity Allowance activities.....</p> <p>IF DTSC determines that an expedited action is necessary in order to respond to the changing needs of the remedy, pre-construction inspection protocols identified in Section 2.16, "<i>Protocols for Inspecting Remediation Facilities and/or Staging Areas During Construction</i>" of the CIMP shall then be followed.....</p> <p>In instances where Future Activity Allowance activities are proposed in the field due to the need for immediate deviation from a planned activity from unforeseen circumstances, PG&E shall conduct the activity in consultation with an archaeological monitor and Tribal Monitor</p>	<p>Please justify the 5 year survey standard for performing a survey. It is well observed that wind, rain and other events may disclose archaeological and tribal cultural resources that were previously not recorded. Such events occur more frequently than on 5 year cycles. A shorter time frame may be more appropriate, especially considering potential weather or other event which may have exposed archaeological or tribal cultural resources since the prior survey. Please revise after consulting with the Tribes regarding a more appropriate interval.</p> <p>Moreover, the rationale for not conducting the DSEIR pursuant to AB 52 appears weak. (DSEIR, page 4.4-95). Some jurisdictions are proactively implementing the bill even if there was no NOP or the NOP was earlier to the bill's effective date. Given the severe impacts of the Project on resources of tribal concern, DTSC should explain in more depth its approach to AB 52 compliance and how this may have affected the DSEIR analysis and consultation with tribes. DTSC must also explain whether the proposed FAA approach is a veiled attempt to try and get around the requirements of AB 52 for future project components that could otherwise be subject to AB 52 requirements. Please explain.</p> <p>Please explain what "would impede the fundamental Project objective of implementing the Final Remedy Design" means to DTSC. The Tribes would prefer to see language such as "materially impede". Also, it is important that all reasonable construction methods and design options are pursued to more fully demonstrate compliance with preservation-in-place principles under CEQA, and this language should also be included in the Mitigation Measure. (CUL-1b/c-1 Consider Locations of Historic Resources during Design also appears to lack sufficiently detailed method and design criteria).</p> <p>Please explain and provide examples regarding what "expedited action" and "immediate deviation from a planned activity" means to DTSC and what the thresholds or standards are. Such actions could worsen already significant impacts and effects to cultural resources. Please explain.</p>	T7-090
			<p>Moreover, the rationale for not conducting the DSEIR pursuant to AB 52 appears weak. (DSEIR, page 4.4-95). Some jurisdictions are proactively implementing the bill even if there was no NOP or the NOP was earlier to the bill's effective date. Given the severe impacts of the Project on resources of tribal concern, DTSC should explain in more depth its approach to AB 52 compliance and how this may have affected the DSEIR analysis and consultation with tribes. DTSC must also explain whether the proposed FAA approach is a veiled attempt to try and get around the requirements of AB 52 for future project components that could otherwise be subject to AB 52 requirements. Please explain.</p>	T7-091
			<p>Please explain what "would impede the fundamental Project objective of implementing the Final Remedy Design" means to DTSC. The Tribes would prefer to see language such as "materially impede". Also, it is important that all reasonable construction methods and design options are pursued to more fully demonstrate compliance with preservation-in-place principles under CEQA, and this language should also be included in the Mitigation Measure. (CUL-1b/c-1 Consider Locations of Historic Resources during Design also appears to lack sufficiently detailed method and design criteria).</p>	T7-092
			<p>Please explain and provide examples regarding what "expedited action" and "immediate deviation from a planned activity" means to DTSC and what the thresholds or standards are. Such actions could worsen already significant impacts and effects to cultural resources. Please explain.</p>	T7-093

42	Mitigation Measure CUL-1b/c-4a: Cultural Resources Monitoring Program.	PG&E shall invite Native American monitors to participate.	<p>The text for this mitigation measure uses the term "Native American monitors". However, the term "Tribal monitors" has been used in this project and is defined in the CIMP. The term "Tribal monitors" is the correct term and should be used throughout this document.</p> <p>Please add "Tribal interpretations of resource finds shall be included in the required documentation of monitoring" and that "tribes will be consulted during the completion or updating of any required recordation forms and their views included in the forms." Based on the Tribes' prior project experience, this specificity is necessary to ensure that tribal perspectives are properly included in the project record and for management purposes.</p>	T7-094
43	Mitigation Measure CUL-1b/c-7: Compliance with SOI Standards	PG&E shall retain a qualified architectural historian.....	<p>PG&E should also solicit input from Interested Tribes on the suitability and acceptability of any proposed architectural historian, and consider Tribal input when approving an architectural historian. Please revise.</p> <p>Tribes should also be consulting parties and be provided the opportunity to review any draft reports, evaluations or determinations of eligibility for any structure, building, etc. involved in the Project. Please revise.</p>	T7-095
44	Mitigation Measure HYDRO-6b: Water Supply Mitigation <input type="checkbox"/>		<p>PG&E should provide DOI/DTSC a list of all existing wells potentially impacted by the remediation system.</p>	T7-096 T7-097 T7-098

45	Mitigation Measure NOISE-1, -2 & -3	<p>Within the NOISE mitigation measures, provisions should be added to stipulate the use of low-noise electric/hydraulic equipment, such as models and procedures available from Boart Longyear. As documented in Attachment B to this submittal, equipment and procedures exist that can attain noise levels as low as 65 dBA. Topock groundwater remediation project injection/production and monitor well drilling can be done with considerably less noise generated, using available technology.</p> <p>Also, especially given the long duration of the Project and the inevitable advances in technology, the Noise mitigation measure(s) must include analysis and adoption of better technology that further lessens environmental effects. Mitigation Measure CUL-1a-8q, Section 2.8, does not appear complete in this regard. Please revise.</p>
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T7-099

ATTACHMENTS:

Attachment A - *“Supporting Technical Information, Topock Project SEIR and Basis of Design Input Regarding Oatman Highway – Sacramento Wash Crossing Drainage Improvements Project Planned by the Arizona Department of Transportation and the Mohave County Public Works Department, February 13, 2016”*, prepared by TRC

Attachment B – Materials from Boart Longyear, “Case Study: Successfully Meeting 65dBA Zoning Code Requirements”

Attachment C – Figures from Appendix V, C/RAWP (CH2MHill, 2015) technical memorandum, *“Assessment of Proposed Mitigation Planting Areas for Final Groundwater Remedy Impacts”*

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Attachment A

“Supporting Technical Information, Topock Project SEIR and Basis of Design Input Regarding Oatman Highway – Sacramento Wash Crossing Drainage Improvements Project Planned by the Arizona Department of Transportation and the Mohave County Public Works Department, February 13, 2016”, prepared by TRC

Supporting Technical Information

Topock Project SEIR and Basis of Design Input Regarding Oatman Highway – Sacramento Wash Crossing Drainage Improvements Project Planned by the Arizona Department of Transportation and the Mohave County Public Works Department

February 13, 2016

Introduction

The California Department of Toxic Substance Control (DTSC) is accepting review input concerning the draft Subsequent Environmental Impact Report (draft SEIR) for the Topock Groundwater Remediation Project, referred to herein as the Topock Project. Part of the SEIR process is to look at Topock Project impacts in the light of other major projects planned for the area or in progress. One such project identified in the draft SEIR is the Oatman Highway – Sacramento Wash crossing drainage improvement project, which was developed jointly by the Arizona Department of Transportation (ADOT) and the Mohave County Public Works Department (MCPWD). Each of these two agencies is responsible for a portion of the project. Construction funding was provided in large part by a \$1M grant from the Federal Highways Administration (FHWA) through their Accelerated Innovation Deployment (AID) program. FHWA indicates that:

“The Arizona Department of Transportation (ADOT) and Mohave County will construct a bridge over the Sacramento Wash in Topock, Arizona providing a 110-ft clear span that will pass the 2-year, 30-minute storm event using Prefabricated Bridge Elements and Systems (PBES) for the abutments and superstructure. The proposed bridge and roadway improvements will be constructed on the existing alignment and therefore a temporary roadway closure will be required to complete the work. Given the length of detour required during a road closure, accelerated construction alternatives will be implemented resulting in a full roadway closure timeframe estimated at four days. Fabrication of the PBE will be completed such that they are ready prior to the roadway closure.”

(from: https://www.fhwa.dot.gov/innovation/grants/projects/az_mohave15.cfm)

The principal motivation for the project is that Sacramento Wash, which drains an area (Sacramento Valley) of nearly 1,330 square miles, crosses the Oatman Highway (Old Route 66) at grade, several miles north of Topock on the Arizona side of the Colorado River in Mohave County. Such an at grade crossing is also known as a low water crossing, meaning that when there is flow in the wash, the flow crosses over the road. See the Figure 1, below – from the Kimley-Horn Final Drainage Report for Sacramento Wash Offsite Improvements (the MCPWD portion of the project).

In addition to the danger to motorists presented by water crossing the highway – particularly after major storm events, there are considerable amounts of sediment that may be deposited on the highway during these events, blocking the road, or, at a minimum, impeding traffic, and sometimes requiring temporary closure prior to sediment removal using heavy construction equipment.

1

Illustrations of flow and sediment impacts during and after recent flood events, none of them approaching the 100-year type of event, at this crossing and in the vicinity, can be seen by way of the following links:

<https://www.youtube.com/watch?v=9XwzB8UYinE> (Sacramento wash flooding aftermath January 2010. Note the extent of flooding/mud (to Topock marina/Route 66.)

<https://www.youtube.com/watch?v=6HoPCwIN1Eo> (Flash Flooding west of Needles, CA on 8-25-13 near interstate 40 and US highway 95. Chris Nichols Video)

<https://www.youtube.com/watch?v=w5TjR3r-xU0> (Colorado River Flash Flood, Needles, CA by Jim Ryan, published September, 2013. This was taken from across the river in Mohave Valley, AZ)

http://www.mohavedailynews.com/news/bridge-to-help-alleviate-sacramento-wash-flooding/article_aea2e7d2-7c79-11e5-941c-a7e776e359f0.html (Mohave Daily News Oct 27 2015 article on the planned Oatman Highway Sacramento Wash crossing project)

<http://justsaynews.com/not-all-roads-are-created-equal-the-story-behind-the-sacramento-wash/> (JSN Aug 2014 article on the planned project)

<http://kdminer.com/news/2007/aug/29/family-recovers-after-july-24-sacramento-wash-flo/> (Kingman Daily Miner article on July 24, 2007 Sacramento Wash flood)

<https://www.youtube.com/watch?v=LaH-CLaGWMQ> (June/July 2016 small Sacramento Wash flood).

Subject to funding limitations, ADOT and MCPWD looked at several alternatives and settled on a preferred design (see figure below, from the Kimley-Horn Final Drainage Report), premised on a 2-year 30-minute design storm that provides for:

- 1) Passage of a small portion of the flood at the existing crossing location;
- 2) Diversion of the majority of the design flood to the south, by rerouting the channel following what is held to be the historic path of the wash, and through a new drainage structure, a bridge, to be constructed as part of the project.

Project construction funding limitations dictated that the designers could not look at or design for higher-magnitude less frequent storm events (DOT and MCPWD are designing for their needs and not others').

ADOT's portion of the project consists of the bridge and other related drainage improvements to be constructed within the ADOT right of way – also known as the *onsite* portion of the project. The ADOT portion is presently under construction. MCPWD's project portion consists of channel changes and improvements to be constructed primarily upstream of the Oatman Highway (east of the Highway), on USFWS Havasu National Wildlife Refuge property – also known as the *offsite* portion of the project.

The MCPWD portion of the project is currently under review by the USFWS and an Environmental Assessment (EA is in progress).

Concerns Related to the Design/Operation of the Topock Groundwater Remediation Project

The Oatman Highway Sacramento Wash crossing drainage improvement project will likely be constructed over the next year. Concerns are as noted below.

Realistic Flood Impacts. Second, flood magnitude estimates developed as part of the design have a bearing on the assessment of flood hazards or potential damage to Topock Project infrastructure, specifically the Site B and HNWR wells and related infrastructure, on the Arizona side of the Colorado River. See Figure 2, below. ADOT consultant Kimley-Horn used an existing 2D hydraulic model to simulate hydraulic response to a fairly small 2-yr, 30-minute storm event (see Figure 3, below). Relative to Topock Remediation System operation time-frame this is very short. To better assess the extent and magnitude of flooding, and associated erosion and deposition near critical freshwater source wells, Site B and HNWR wells, these simulations should consider a range of possible floods for example, ranging from the 25-yr storm event to the 100-yr storm event. These longer recurrence interval events are more realistic and well within the timeframe associated with PG&E design/operation of remediation system (i.e., 30 – 100 + years). The flow for the 100-yr 24-hr storm is estimated in the Oatman Highway drainage reports to be in the range of 50,000 to 90,000 cfs, depending on the method used, whereas the 2-yr 30-minute flow is only 3,200 cfs. (To get a sense for a 50,000 cfs flow, link here to a video of such a flow at Cow Swim, Desolation Canyon, Green River, Utah: https://www.youtube.com/watch?v=s0MYj7I6_gw.) Approximate inundation mapping (showing the lateral extent of flooding) for the area was developed by the Federal Emergency Response Agency (FEMA) as part of its Flood Insurance Rate Map (FIRM) development for the area – see Figure 4, below.

PG&E considered flooding along Bat Cave Wash. When thinking about these extreme types of floods, it is vital to remember that the Colorado River may have been somewhat tamed by numerous dams large and small, but Sacramento Wash flows remain largely unimpeded and major flash flooding presents a considerably greater hazard as indicated in the many recent, yearly (monsoon) flood events, and need for this diversion. We note that PG&E and its consultants have already considered, as part of the Basis of Design Report for the Groundwater Remediation, similar potential flood impacts on project infrastructure in Bat Cave Wash, though these projected flow magnitudes are much smaller than for Sacramento Wash.

Long-term effects on Evapotranspiration and Recharge. The much higher magnitude (for the same recurrence interval and duration) Sacramento Wash floods could have a significant impact on the Site B and HNWR wells and related infrastructure, and this would range from short to longer term interruption of operations, and potential mitigation. A high magnitude flood has the potential to impact large areas of vegetation and affect recharge and evapotranspiration (ET) in the area, which then directly affect groundwater levels / flow paths & directions in addition to rates of flow near important PG&E remediation components (i.e., fresh water supply from HNWR or Site B well(s)).

3

Finally, it is possible that, subsequent to a major flood and sediment deposition event, groundwater quality could be affected in the vicinity of these supply wells. It is known that these supply wells tap groundwater that comes from a variety of sources – some shallower and some deeper. The increase in flow from any one source, in this case shallow groundwater flow toward the Colorado River from a major regional storm event that drives up channel subflow basin wide, could cause an oscillation in the Topock Project production wells water chemistry.

Recommendations

While our initial objective in looking at the ADOT and MCPWD Oatman Highway Sacramento Wash crossing project was for input to the ongoing SEIR, other insight gleaned from the inquiry are relevant to the design of Topock Project water supply infrastructure in Arizona.

PG&E and its consultants should conduct a more formal evaluation of longer-term effects of flooding along Sacramento Wash with the new ADOT design and all potential impacts to the Topock Remediation System infrastructure/operation. In addition, PG&E and its consultants should also develop a contingency plan in the event critical remediation system components are impacted by flooding or related sediment deposition. Specifically, PG&E and their consultants should conduct a hydrologic and hydraulic modeling analysis similar to the ADOT- and MCPWD-chartered studies for the Oatman Highway Sacramento Wash crossing project. They should evaluate flooding impacts, soil erosion, scour and deposition impacts and impacts on groundwater flow and water quality using longer design storm recurrence intervals, i.e., 10, 25, 50 & 100 years, on key Topock Project infrastructure and operations. For example, over a 30-year time period, the 10-yr flood has a 96% chance, the 50-yr flood has a 45% chance, and the 100-yr flood has a 26% chance of occurring (FEMA publication 480, 2005, p. 3-5).

PG&E and its consultants should also consider that approximately 10 miles to the northeast of the Oatman Highway Sacramento Wash crossing project, the southern-most tributary to Warm Springs Wash (the drainage coming from Warm Springs Canyon) is rather close to a major tributary to Sacramento Wash. See Figures 5 & 6. With respect to Figure 6, this is in the area of Sections 23, 24 & 26, Township 17N Range 20W – near the boundary between USGS 7.5-minute quadrangle maps Warm Springs West and Warm Springs East. In this area channels are braided and meandering, apparently without significant intervening topography. Under certain circumstances, one tributary could coalesce with the other, further exacerbating flooding in the lower Sacramento Wash (and freshwater well) area. In the instance where the Warm Springs Wash tributary is captured by the Sacramento Wash tributary, the Sacramento Wash watershed area would increase by an estimated 30+ square miles of high elevation terrain. This could have a major additional impact on flooding in Sacramento Wash, particularly for more localized intense rainfall events. It is unclear whether ADOT or MCPWD considered this in their evaluations. However, a prudent risk analysis would consider this possibility.

An evaluation of scour impacts (for the 2-year event) was conducted by ADOT as part of its bridge design, showing significant scour at the new bridge. Design of a pipeline to Site B should consider longer-term design storms.

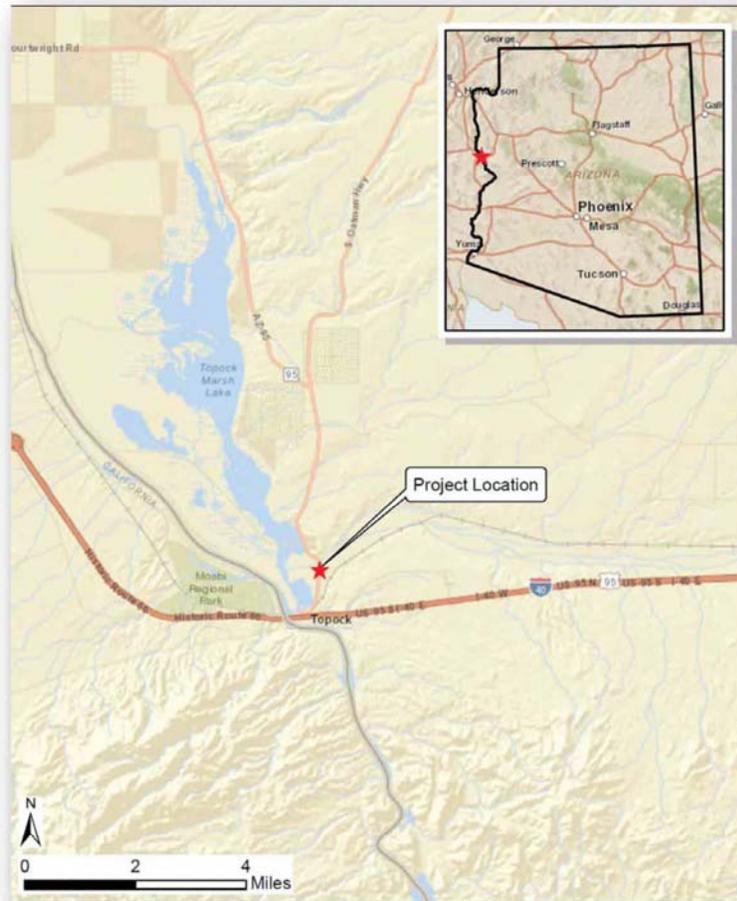


Figure 1 Project Location – from Kimley-Horn Final Drainage Report for Sacramento Wash Offsite Improvements (August 2016)

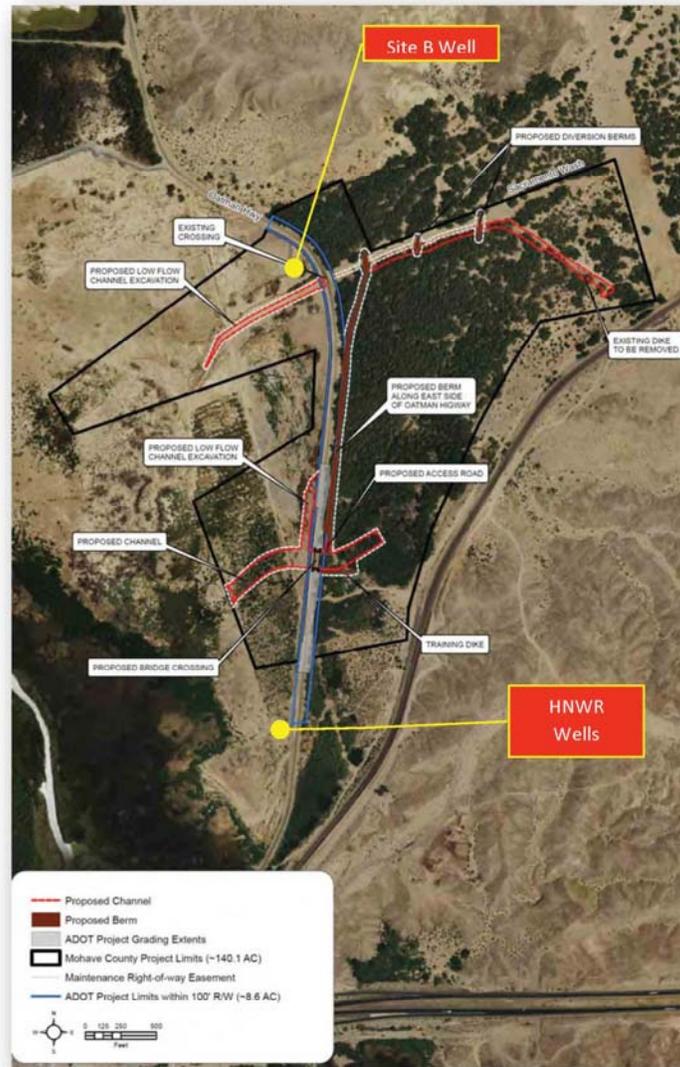
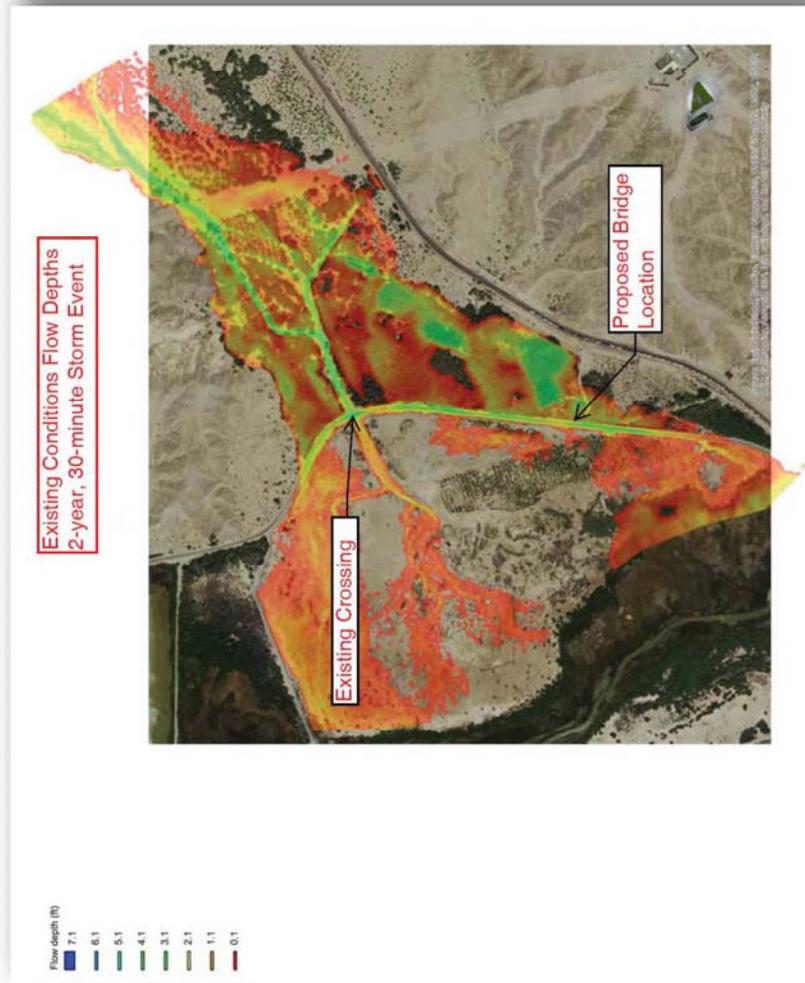


Figure 2 Topock Project water supply wells, superimposed on illustration – from Kimley-Horn Final Drainage Report for Sacramento Wash Offsite Improvements (August 2016)



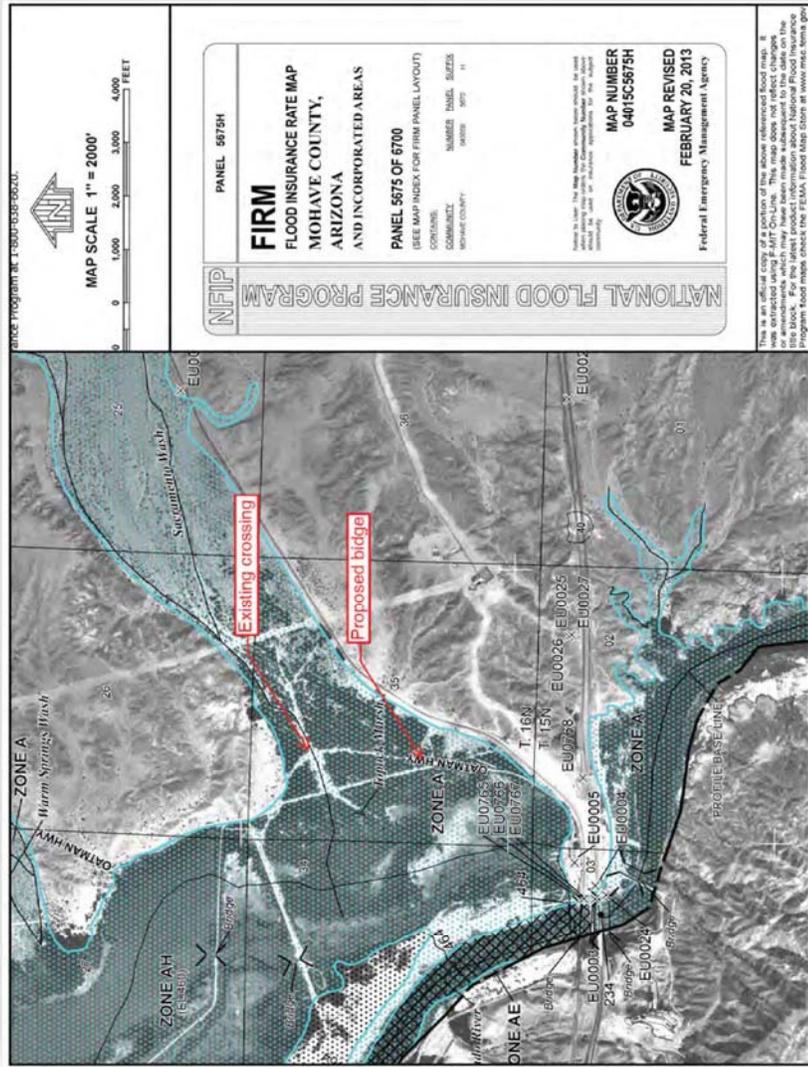


Figure 4 100-yr storm event inundation mapping prepared by FEMA – from Kimley-Horn Final Drainage Report for Sacramento Wash Offsite Improvements (August 2016)

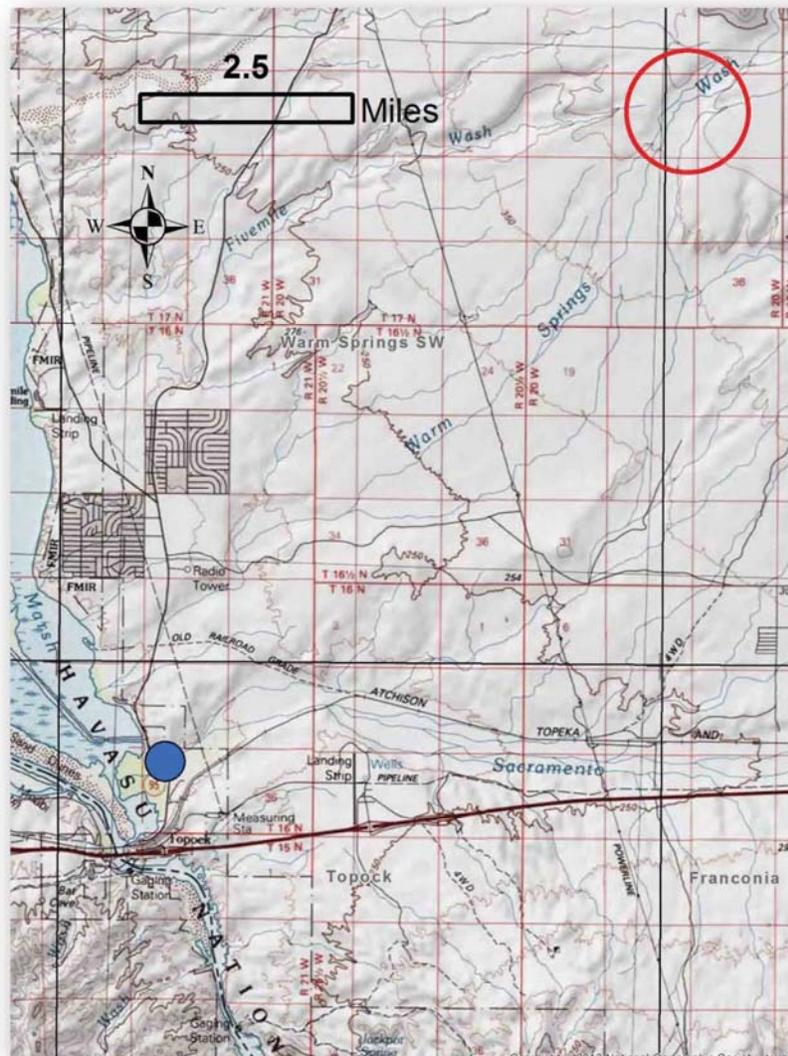


Figure 5 Regional map showing area (red circle) upstream of Oatman Wash Sacramento Wash crossing project (round blue marker). Image extract from ArcMap with USGS 7.5-minute quadrangle base mapping.

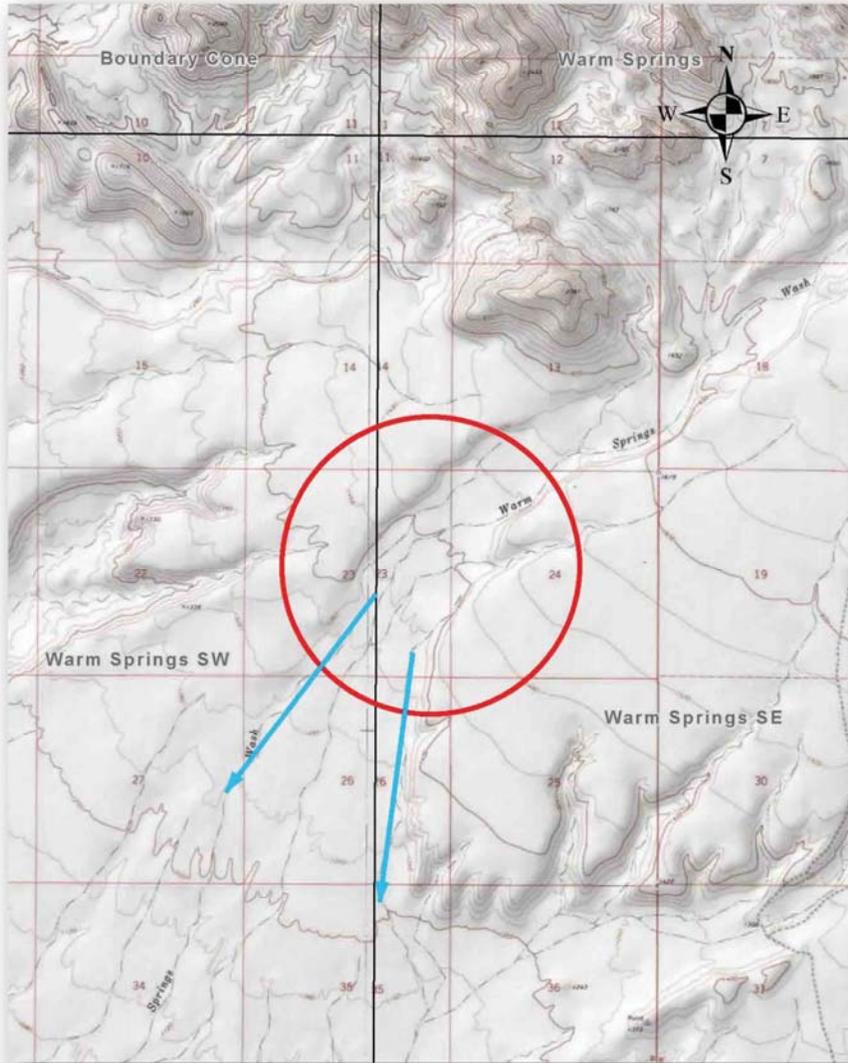


Figure 6 Area upstream of Oatman Wash Sacramento Wash crossing. Image extract from ArcMap with USGS 7.5-minute quadrangle base mapping. Arizona Township 17 North Range 20 West. Sections 13, 14, 23, 24, 25 & 26 are included in the red circle, which is centered on the area where a channel tributary to Sacramento Wash is in close proximity to Warm Springs Wash. The north to south arrow indicates the channel tributary to Sacramento Wash. The northeast to southwest arrow indicates Warm Springs Wash.

Attachment B

Materials from Boart Longyear
“Case Study: Successfully Meeting 65dBA Zoning Code Requirements”



DRILLING SERVICES ACHIEVES SOUND ABATEMENT WITH ELECTRIC ROTARY RIG

CASE STUDY:

Successfully Meeting 65dBA Zoning Code Requirements

Customer:
Mountain Regional Water Special Service District

Services:
Electric/Hydraulic Reverse Circulation

Application:
Municipal Water Well

Location:
Park City, UT



OVERVIEW:

Mountain Regional Water Special Service District is a large government water supplier which serves nearly 5,000 customers in the western region of Summit County, near Park City, Utah. The District covers roughly a 25 square mile territory and has an elevation gain of over 3,000 feet. "Serving customers in this area can be a real trial, not only because of the energy challenges with servicing such a diverse geography, but also the difficulties finding groundwater at high elevations, and in a steep mountainous environment. All groundwater sources in this territory are based on deep bedrock aquifers, with many obstacles. And most of the District's 15 or so wells produce 200 gallons per minute or less," says Mountain Regional Water District's Doug Evans.

In 2015, the District decided to expand its well production and targeted an aquifer that would be highly productive. The Bison Bluff well was proposed to be a 1,000 foot deep well, with a completed depth of 700 feet and fitted with a 16 inch diameter steel louvered casing.



A Boart Longyear™ LR™ 175 electric/hydraulic rotary drill with a quiet genset operating the electric motor and a self-contained electric mud system was utilized in place of the typical diesel/hydraulic rotary drill.

THE CHALLENGE:

Meeting 65dBA Residential Zoning Code Requirements

The District outlined several criteria that needed to be met to make this a successful project. First, the drilling to be performed near Park City was situated within a residential neighborhood. This would require critical noise control, as well as lighting and difficult access considerations. Secondly, the project needed to be completed in the winter, before the Christmas holiday season, when water demands were at a minimum. The timing was important because an existing production well near the project would be precluded from operation during the drilling. This all meant that the project would need to be drilled around the clock and would also be under the microscope of the local home owner's association and Summit County officials.

65 dBA
Zoning Code Requirements

Before the project started, existing dBA levels were measured between 60.3dBA and 69.3dBA which meant that essentially no recordable increase to the ambient dBA levels could be added by drilling activities.

Local County ordinances identified noise prohibitions as well as criterion for measuring noise levels when it is anticipated the requirements in the ordinance might be exceeded. The stated noise threshold required that the noise levels not exceed 65 dBA.

Before the project began, noise monitoring was conducted to measure and document the existing ambient conditions adjacent to the project site. The results of the ambient noise levels indicated existing dBA levels between 60.3dBA and 69.3dBA which meant that essentially no recordable increase to the ambient dBA levels could be added by drilling activities. Boart Longyear proactively prepared and delivered a detailed report of the study to both the District and the County.





Sound attenuation curtains were constructed on three sides of the project site and mufflers were installed on the drilling rig to further reduce noise output.

THE SOLUTION:

Used electric/hydraulic rotary drill and sound attenuation measures

As a result, a Boart Longyear™ LR™ 175 electric/hydraulic rotary drill with a quiet genset operating the electric motor and a self-contained electric mud system was utilized in place of the typical diesel/hydraulic rotary drill. This greatly reduced the typical operating noise level.

Sound attenuation curtains were also constructed on three sides of the project site and air dump mufflers were installed on the drilling rig, to further reduce noise output. In addition, since the drill site could create intermittent noise that could have exceeded the 65dBA threshold, Boart Longyear instituted additional mitigation measures.

- Shift changes were scheduled for 7:00 am and 7:00 pm.
- Truck deliveries were restricted to daytime hours.
- Back-up alarms were disconnected and spotters were used.
- Noise from banging, hitting of down hole tools, hand tools, and other equipment was monitored and reduced to "as absolutely necessary" situations and was restricted to daytime only.

THE RESULT:

Measured results well below threshold

Using the same methodology used for identifying the existing ambient noise levels, the maximum noise level generated by the Boart Longyear drilling operations was recorded at the same three locations. One additional site (SML 4) was added in order to evaluate how much of the noise energy traveled above the sound attenuation walls and potentially impacted the residences on the bluff overlooking the project site. The average measured and calculated noise levels were well below the threshold.

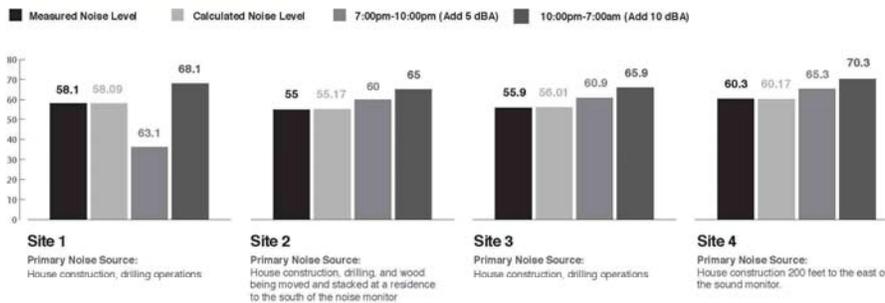
The project was completed successfully with no disruption to the local community and there was no recordable down-time or violations to the strict noise ordinance.

According to Doug Evans, Chief Technical Officer at Mountain Regional Water, "District management and staff could not say enough about the professionalism and technical expertise exhibited by the Boart Longyear team. The District was included in all phases of the drilling project, from initial safety planning to completion and cleanup. The Boart Longyear team met the challenges head on, and worked with the District on a community education plan, and even went door to door with District personnel as we handed out literature and educated the community, not only on the needs of the project, but how all of their concerns would be mitigated. Boart Longyear also utilized state of the art equipment in this project to minimize drill time and to lessen any impacts. Utilizing their LR175 electric drilling rig, which had an extremely large impact on noise, the entire site was also protected by sound walls, and lighting at night was minimized by using many small shop lights on the site instead of large construction flood lights. The site also abutted up against a very popular community walking trail and the area was kept very safe, clean, and neat."

8% Below Threshold Noise Level Requirements

"The completed well tested at 1,500 gpm, level was above our expectations. In the end, the project actually came in UNDER budget, primarily because of the fact that any extras which could be needed in the drilling contract, to deal with problems or delays, were for the most part – completely eliminated! Of the many drilling projects I have been involved with over the years, none has turned out to be as successful and trouble free as this one."

NOISE LEVEL OF 4 SITES MEASURED (DBA)



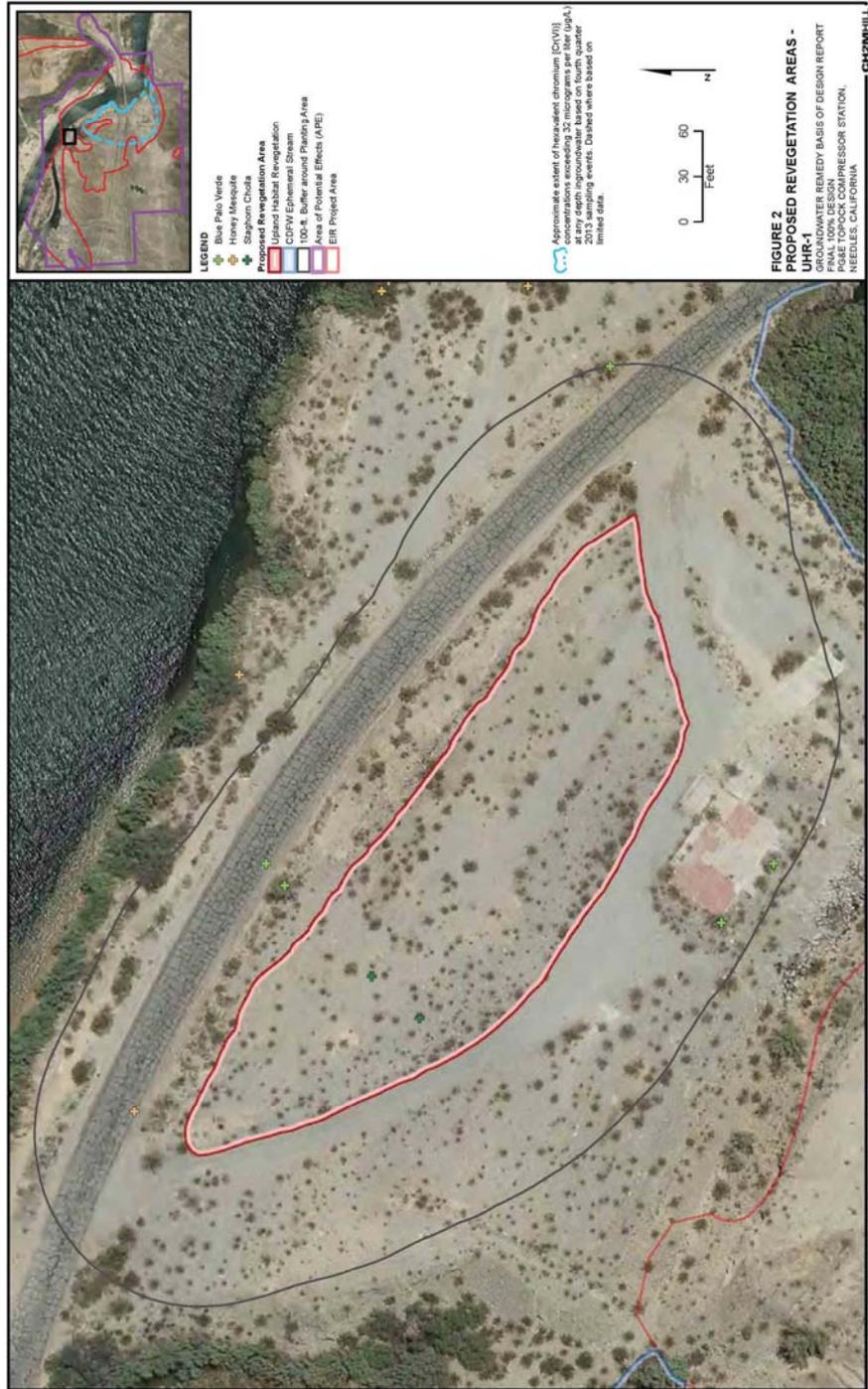
To learn more about Boart Longyear Drilling Services visit www.boartlongyear.com/drilling-services

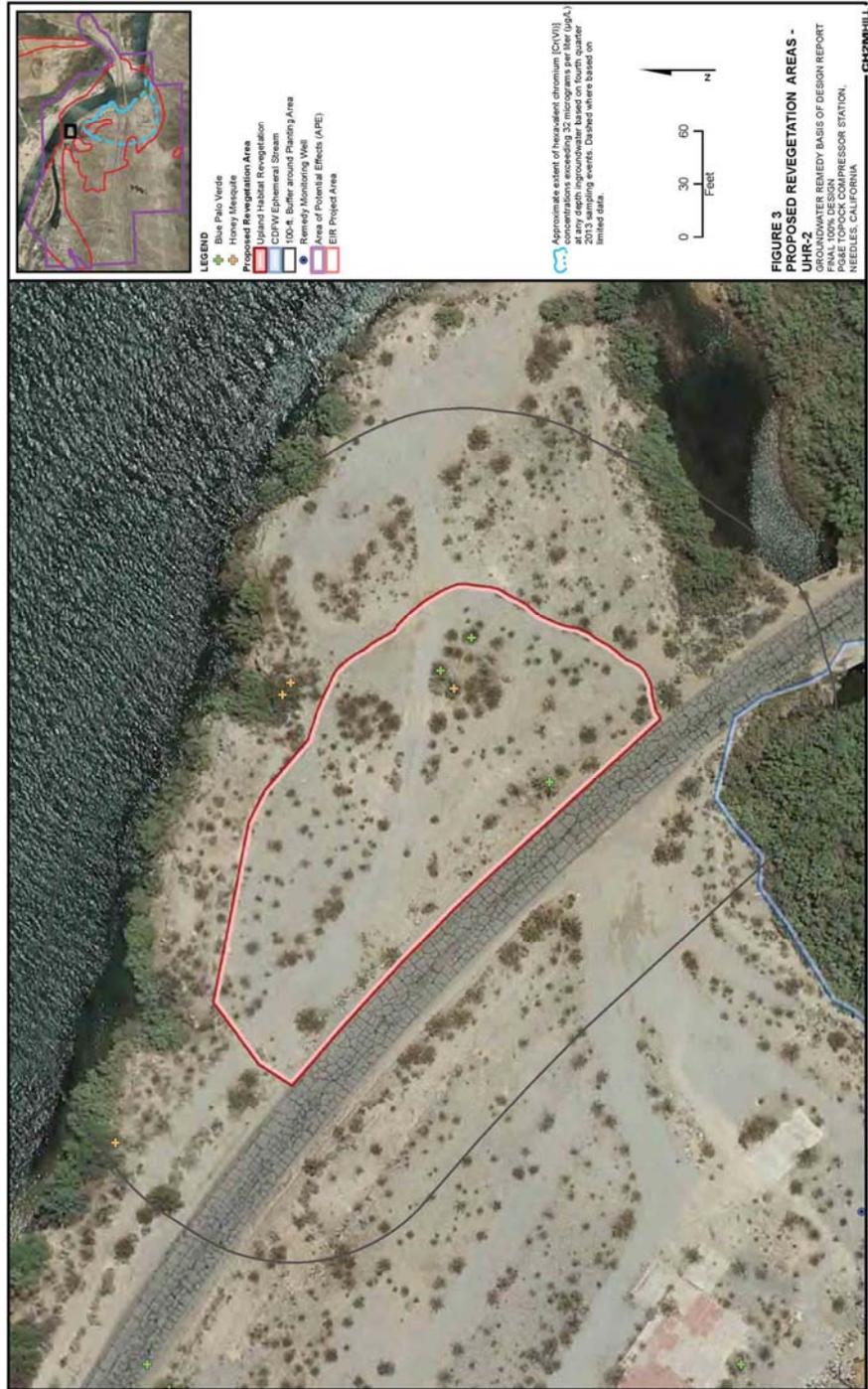


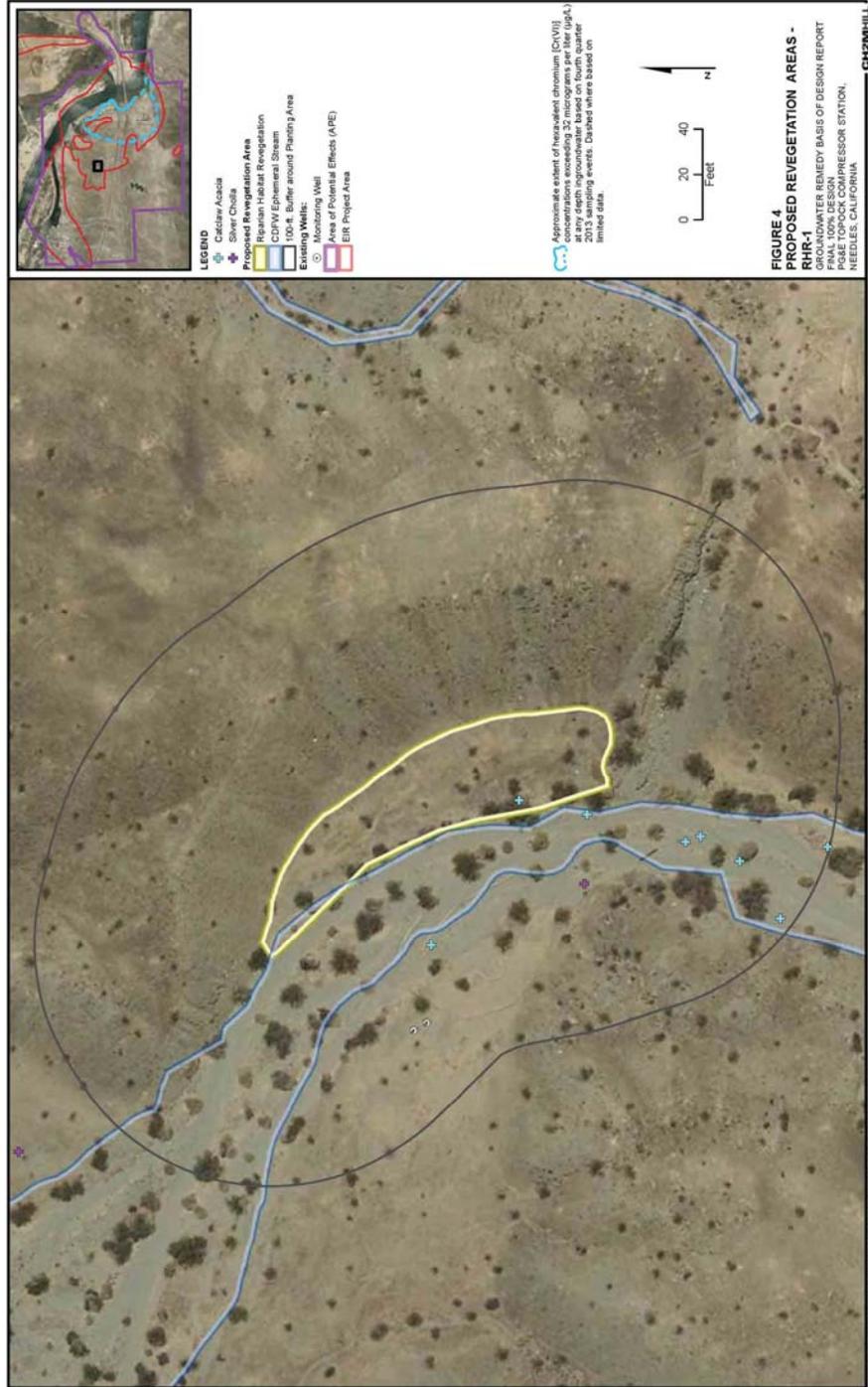
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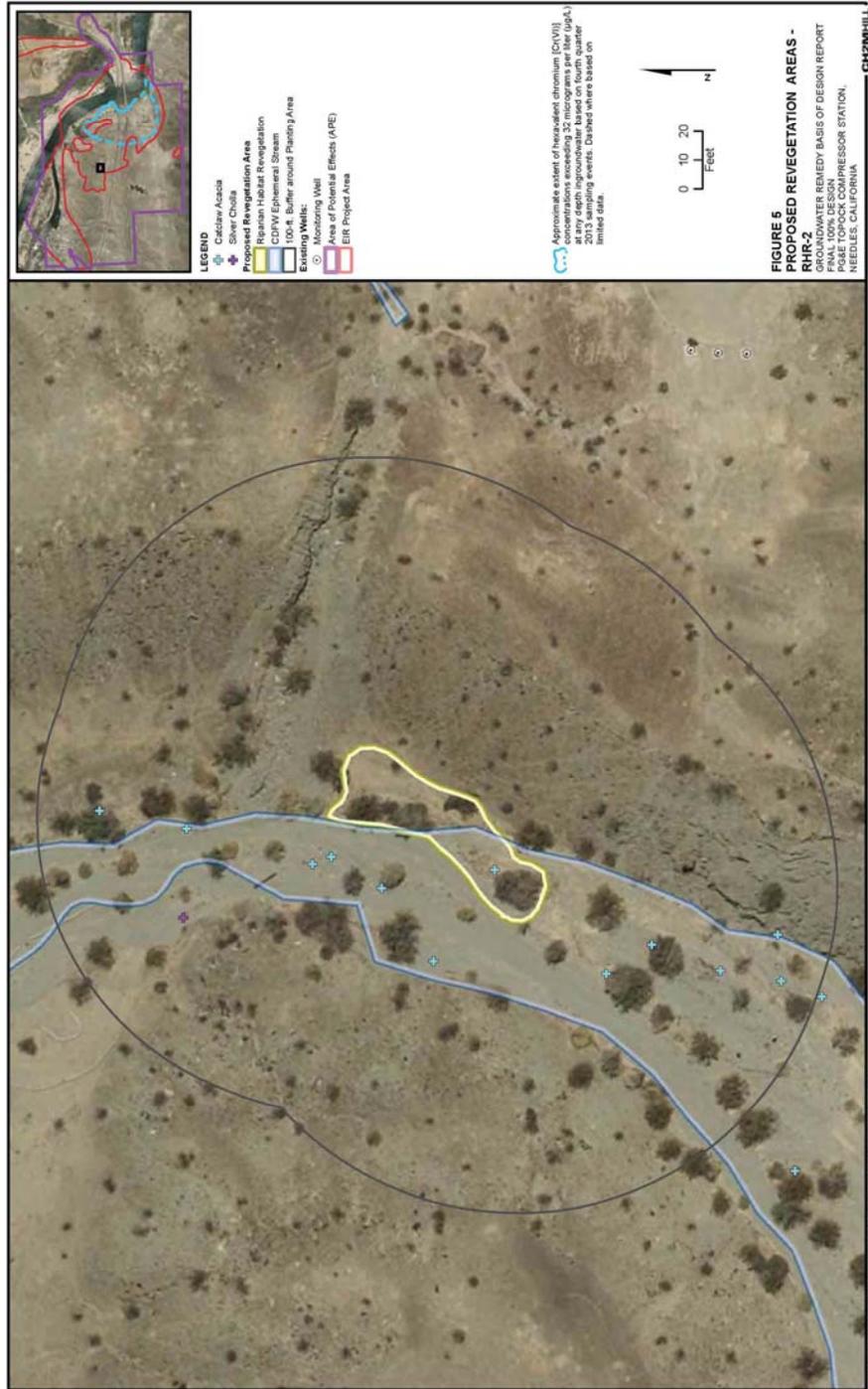
Attachment C

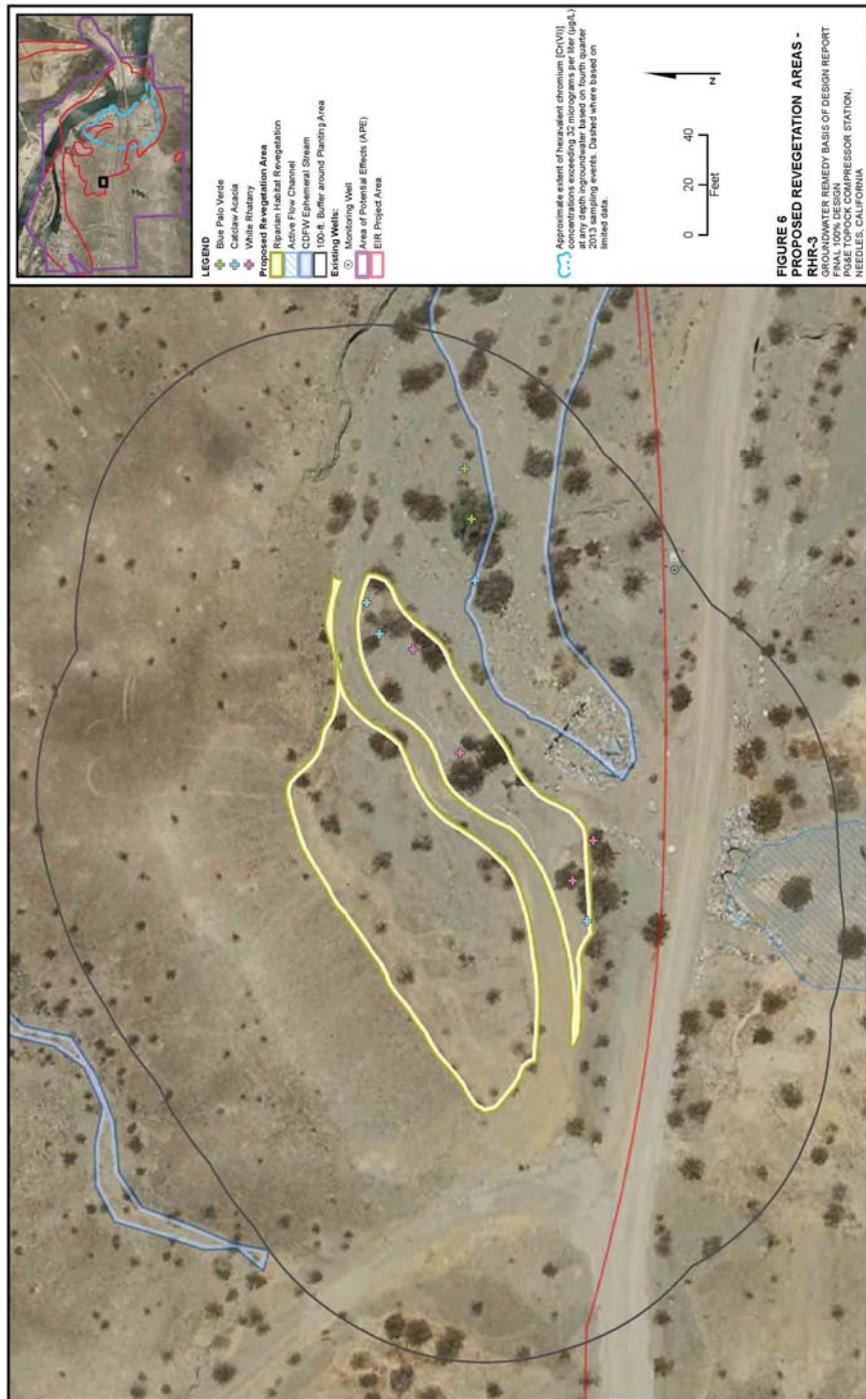
Figures from Appendix V, C/RAWP (Ch2MHill, 2015)
Technical Memorandum, “*Assessment of Proposed Mitigation Planting
Areas for Final Groundwater Remedy Impacts*”
Figures 1-15, Proposed Revegetation Areas

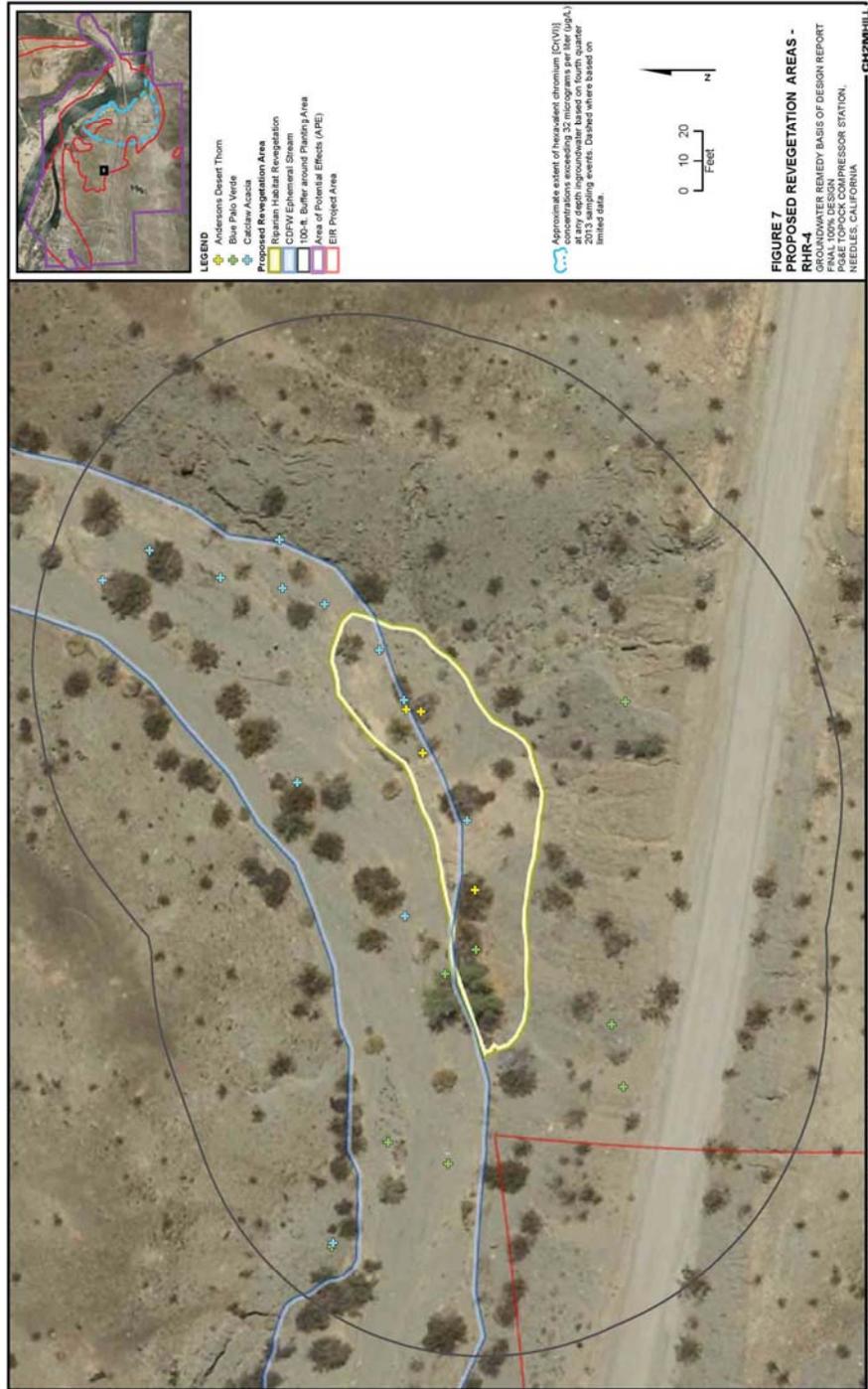


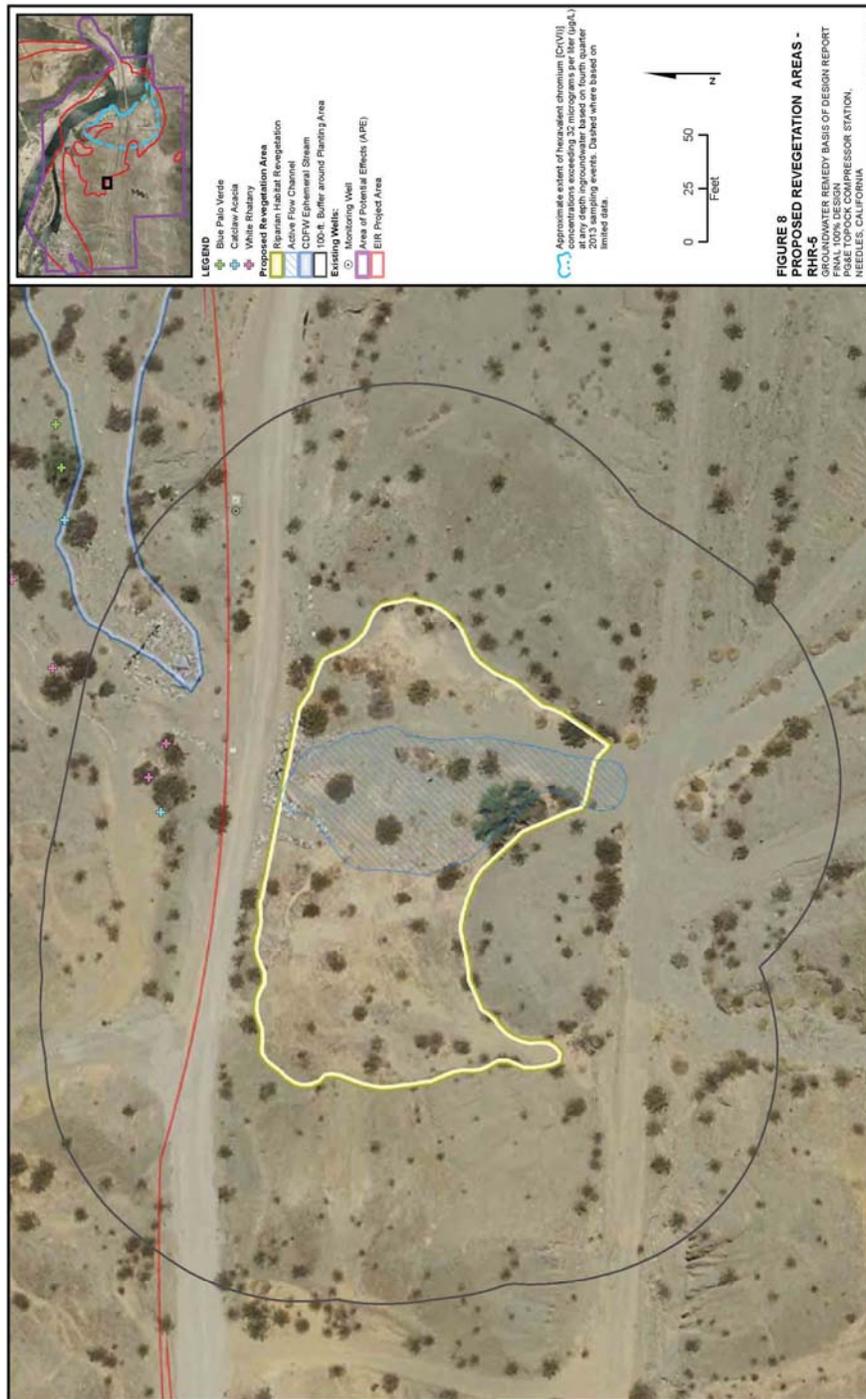


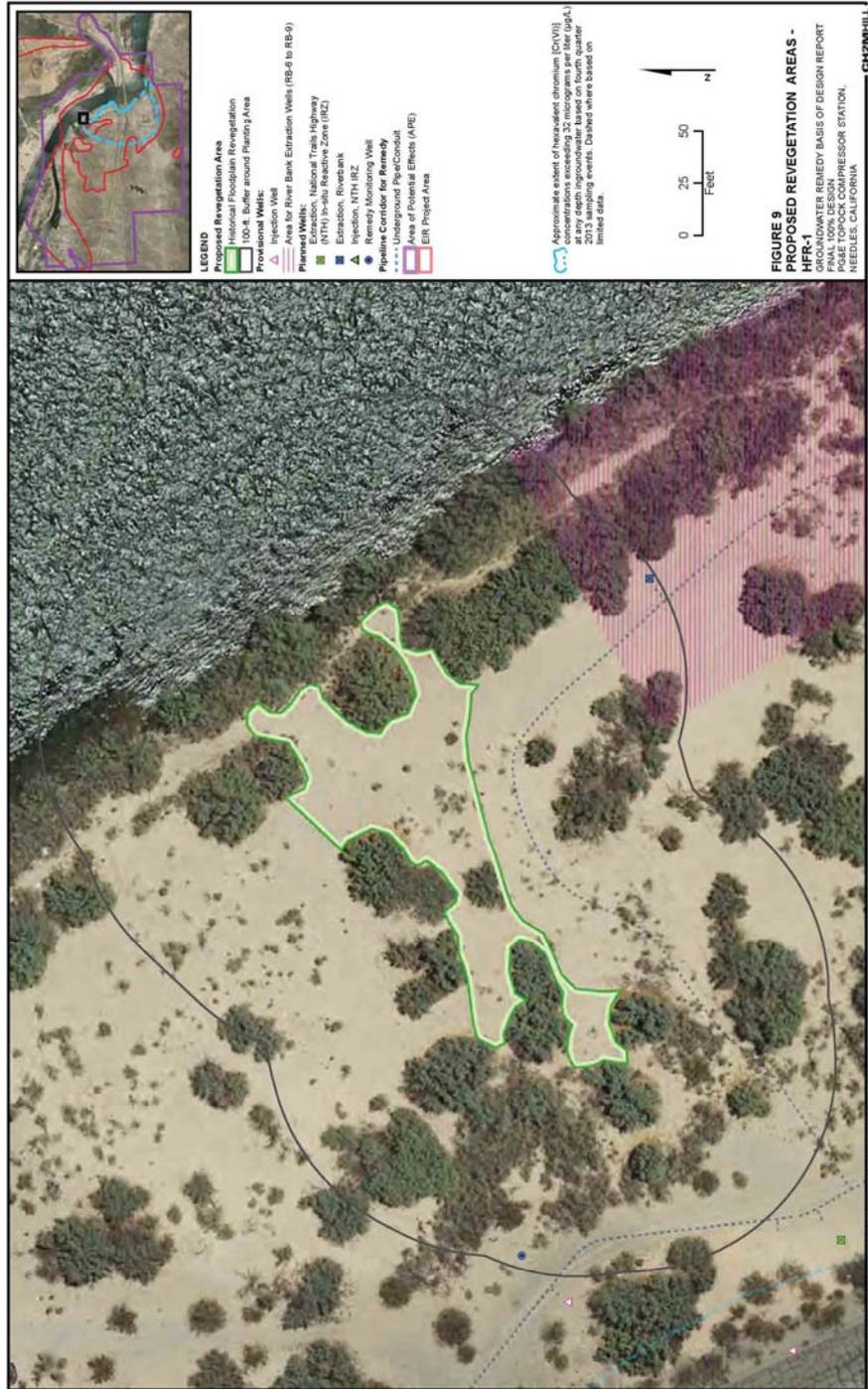




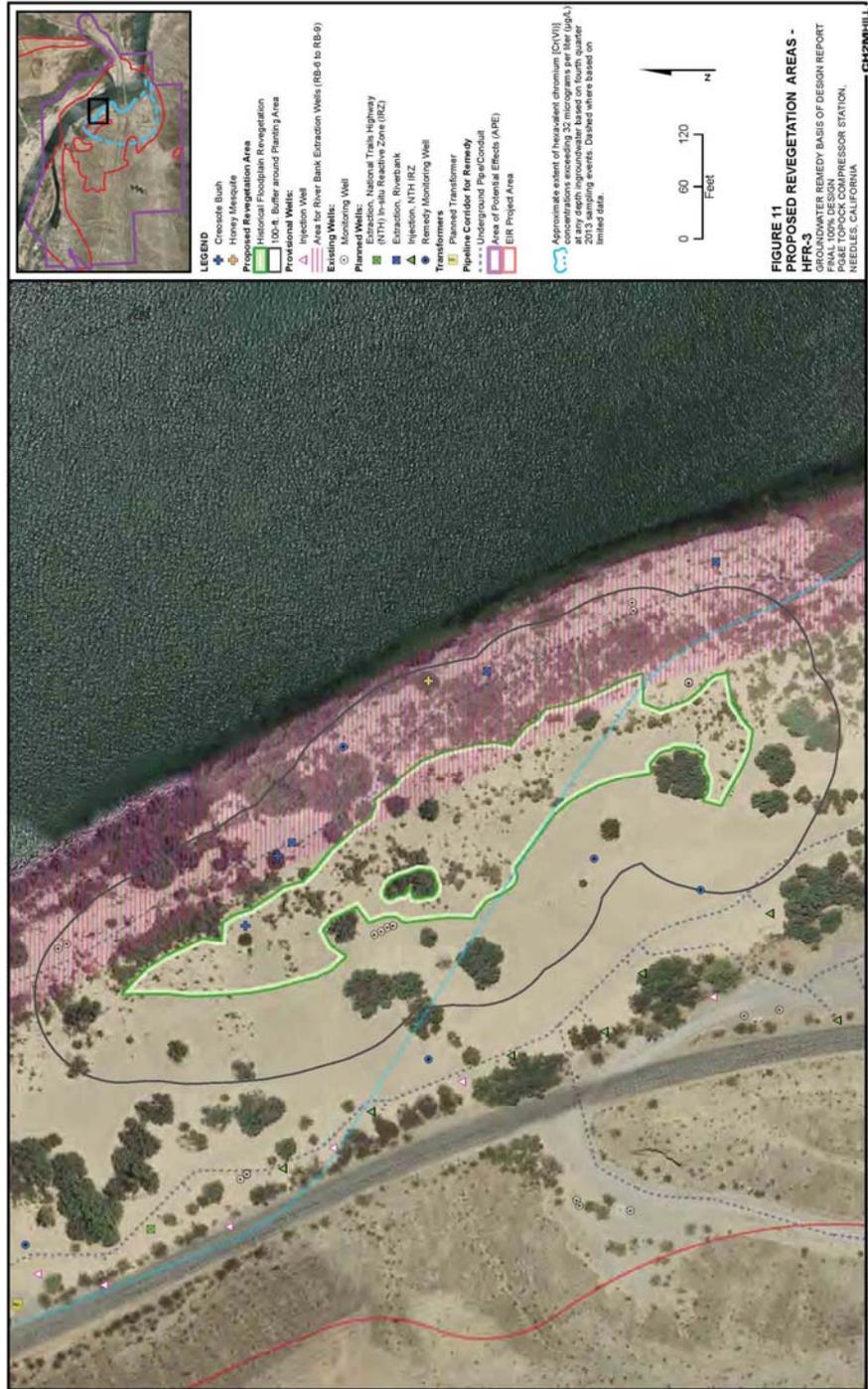


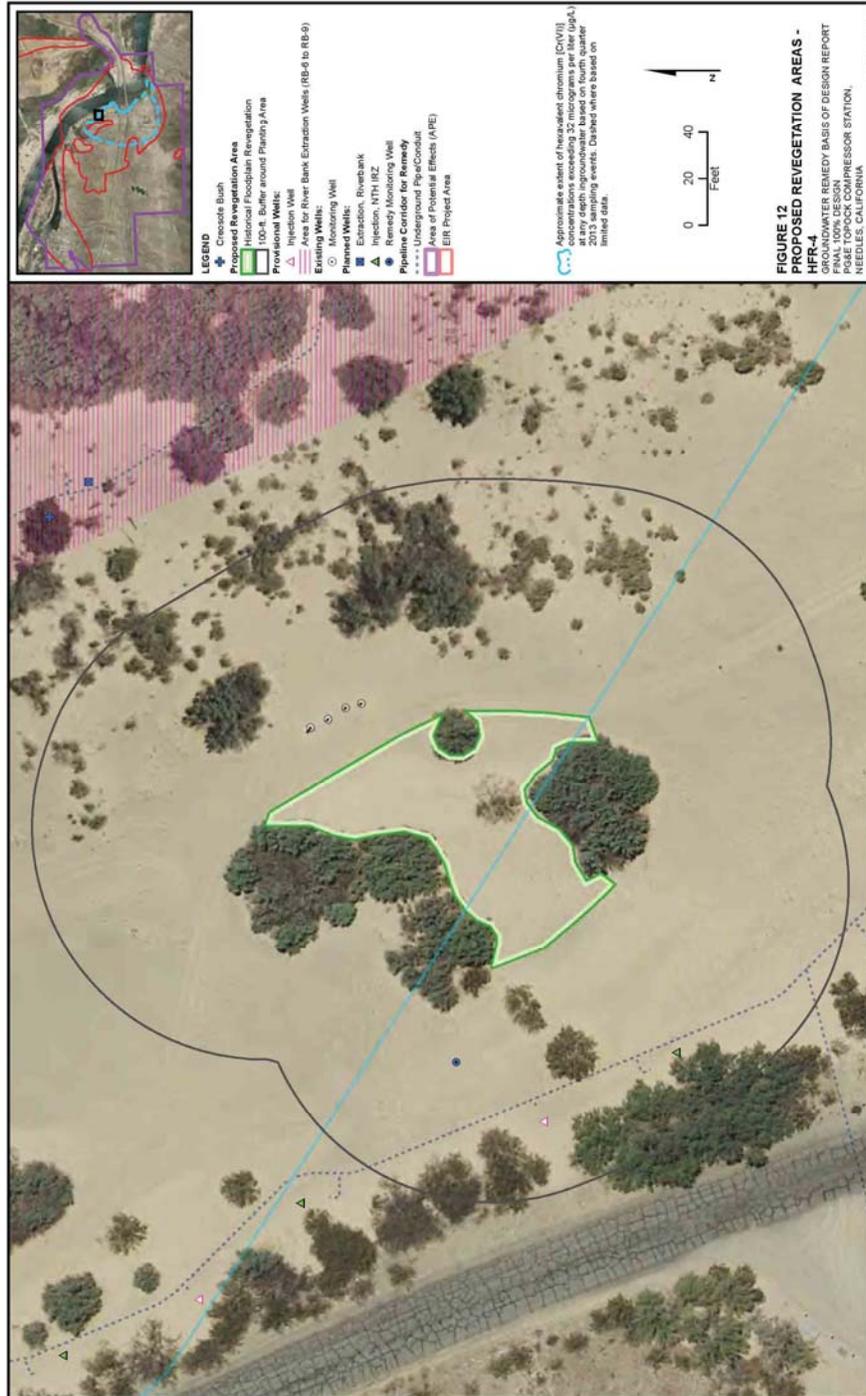


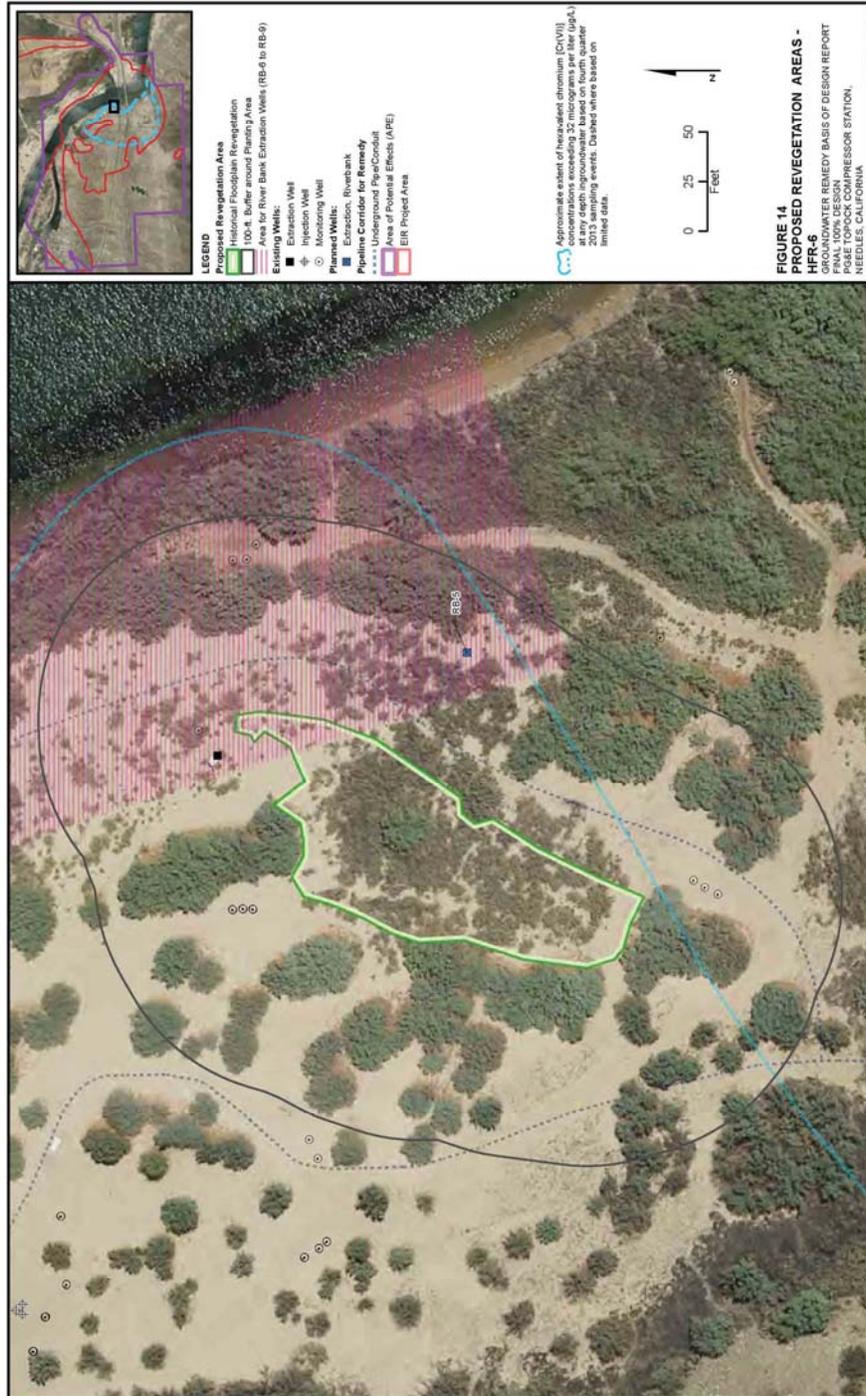


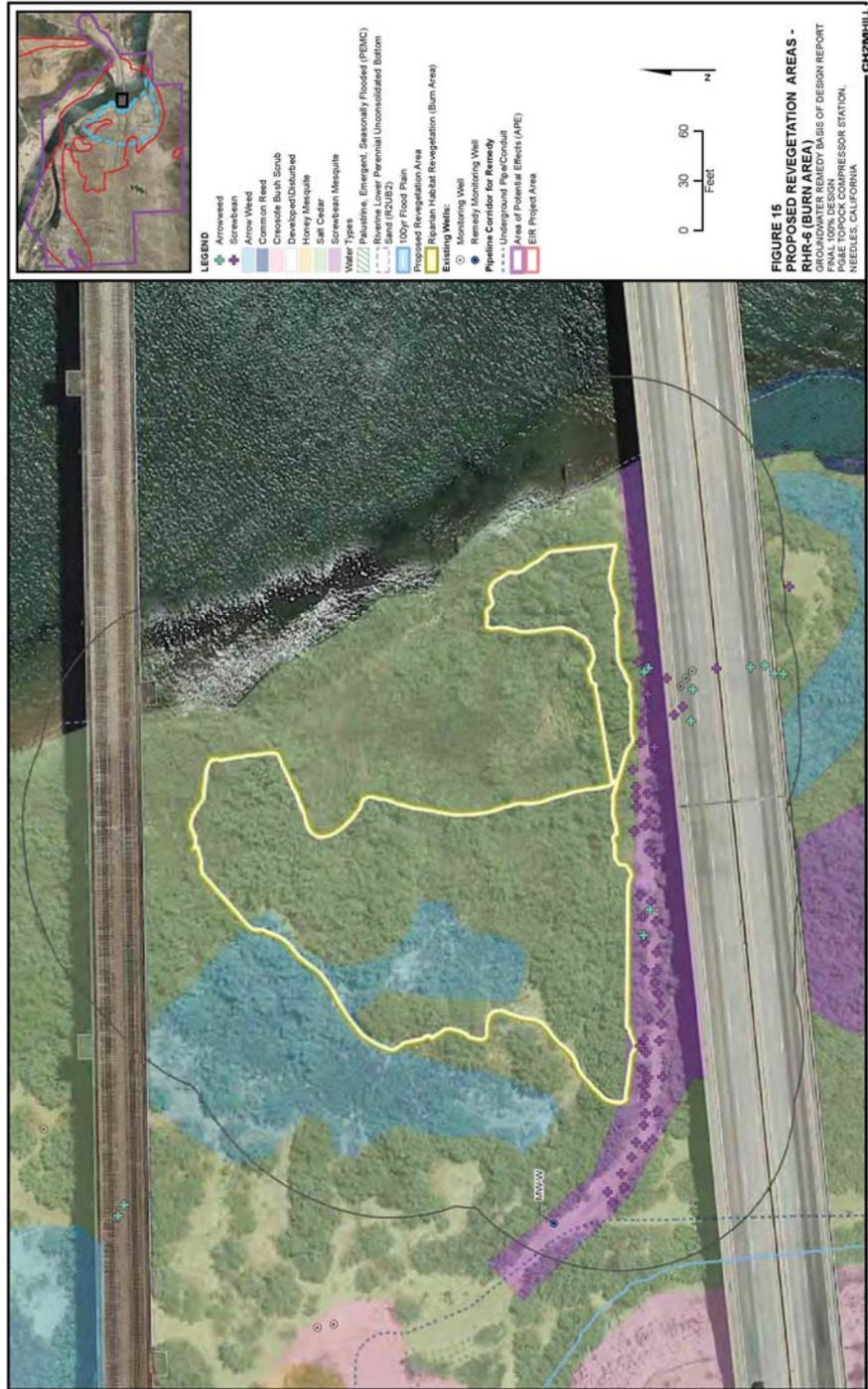












**Letter
T7
Response****Fort Mojave Indian Tribe
Nora McDowell
March 6, 2017**

T7-001

The commenter states that the Fort Mojave Indian Tribe (FMIT) is submitting comments on the DTSC Draft SEIR for the PG&E Topock Compressor Station Final Groundwater Remediation Project (Project). The commenter understands that based on the timely submittal of comments, they will be considered and responded to in writing and become part of the Administrative Record.

The comment is noted for the record. DTSC thanks the FMIT for taking the time to provide their comments on the Draft SEIR and for their continued participation in the Final Groundwater Remedy Project. Response to comments in the body of the letter can be found in T7-002 to T7-031. Response to comments on the attached table can be found in T7-032 to T7-099.

T7-002

The commenter states that the Tribe is disappointed with regard to the approach that DTSC has elected to proceed with the Project and the Tribe is firmly opposed to the Future Allowance Activity provision because it affords DTSC the opportunity to augment the Project scope without a commitment to have meaningful consultation with affected Tribes and stakeholders or meaningful environmental review.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T7-003

The commenter states that the Tribe's objections include the following overarching issues: undefined Future Activity Allowance, provisional elements, Tribal reviewer as a unique viewer group, incorporating non-project water supply wells into monitoring program, sensitive areas for staging, objections to use of white clay area, land use compatibility of noise levels with places of worship, Tribal participation in the Project, cumulative impacts, and treatment plans.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property and Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T7-004

The commenter states that the Tribe requests further consultation with DTSC and DOI prior to issuance of Final SEIR, in light of Future Activity Allowance issue and deletion of specific mitigation measure language.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

- T7-005 The commenter requests DTSC contact the FMIT if any questions arise regarding the comments provided and to schedule further consultation.
- DTSC appreciates the FMITs continued involvement in the Project and after receipt of the comment letter, met with the FMIT on April 19 and 20, 2017, to further discuss the comments provided.
- T7-006 The commenter states that insertion of the undefined Future Activity Allowance into the Draft SEIR is arbitrary, unprecedented, excessive and inappropriate. The commenter states that the provision of expanding the Project beyond its present design would escape formal consultation and Project review pursuant to CEQA. The commenter states that the Tribe is unfamiliar with the Future Activity Allowance concept being used elsewhere in CEQA and requests examples where this concept has been successfully implemented.
- Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.
- T7-007 The commenter states that if the Future Activity Allowance is implemented, it would only worsen the already significant and unmitigated impacts, including cultural resources and noise, cumulatively significant and unavoidable impacts to aesthetics, and all critical areas of concern to the Tribe. The commenter states that the newly introduced, open-ended Future Activity Allowance is a surprise to the Tribe and DTSC should have been consulted with the Tribe about the magnitude of the Future Activity Allowance before proposing it in the Project. The commenter states that the Tribe requests that the Future Activity Allowance be removed from the Project and future CEQA review should be conducted before any additional Project expansion is considered.
- Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.
- T7-008 The commenter states that the requirement for an accurate, stable and finite project description as part of an informative and legally sufficient environmental document was set forth in *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, then incorporated into CEQA Guidelines Section 15124. The commenter states none of the possible “exceptions” to a finite project description, such as a project having independent utility, a staged EIR or a project with future phases, apply here.
- Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.
- T7-009 The commenter states that the proposed Future Activity Allowance component of the Project lacks an adequate description in the SEIR, making it difficult to assess impacts, effects, or adequacy of mitigation for the additional potential Project components in the Draft SEIR. The

commenter requests clarification on the following statement: “The 25 percent potential allowance is intended to apply generally to the development and implementation of the Final Remedy Design, even if a particular parameter or aspect of the Project is not listed in one of the examples set forth in the following subsections” (Draft SEIR, page 3-11). The commenter requests more detail on what this statement means to DTSC and wants to know if there are limitations on what Project elements or features could be included in this allowance.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T7-010

The commenter states that without clear parameters or expressed standards referenced in the Draft SEIR for the agencies to use in the future to locate additional, but currently unknown Project features, the mere promise that PG&E and DTSC will track activities to ensure that development of individual components is within the scope of the SEIR, is essentially meaningless and could allow for almost limitless discretion contrary to CEQA. The commenter questions how DTSC can adequately disclose, evaluate, or mitigate what is not yet located in the Project description, especially since the Project will extend into the future over several decades.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T7-011

The commenter states that a 25 percent allowance is extremely large, especially in a highly biologically and culturally sensitive area, and the commenter requests that the Tribe be given the opportunity to consult on DTSC’s rationale and basis for the size of the proposed Future Activity Allowance.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T7-012

The commenter states that the proposed Future Activity Allowance is highly inconsistent with past work to identify, justify and plan proposed remedy infrastructure and operations. The commenter provides an example that all proposed specific remedy wells, monitoring wells, buildings, soil placement, roads, piping, etc., and contingent or backup well locations have been carefully reviewed, discussed and evaluated both in the field and in maps. The commenter states that the placement of any wells in the white clay area in Arizona is a concern since it is a TCP.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T7-013

The commenter asks if all impacts and CEQA resource areas are subject to a blanket 25 percent Future Activity Allowance and, if so, how have those potential impacts been analyzed and the potential increase in effects mitigated relative to each subject in the Draft SEIR.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property and Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T7-014

The commenter asks which subject area might be expected to exceed the 25 allowance and where cumulative specific mitigation is addressed. The commenter requests a standalone section on the proposed Future Activity Allowance in the SEIR to more readily capture, clearly analyze, and efficiently track the Future Activity Allowance, including cumulative effects, should DTSC retain the Future Activity Allowance approach over Tribal objections.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property and Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T7-015

The commenter states that provisions must be made in the SEIR for additional CEQA review, to include Tribal consultation, to be performed prior to initiating any ground disturbance under a Future Activity Allowance.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T7-016

The commenter states that the provisions for additional review should also reflect the notion of adaptive management to allow for a consideration of how the Project's implementation and impacts will occur over long-term operation and maintenance activities, such as those in the Final Groundwater Remedy.

Use of the Future Activity Allowance over the lifetime of the Project will be based on the need for additional facilities to control the groundwater plume above what was anticipated in the Final Remedy Design and depending on the additional information gathered as a result of implementation and operation of the Final Remedy Design. DTSC is not proposing to use adaptive management in any way related to the Future Activity Allowance. Rather, the intent is to allow some flexibility for a Project that, by its inherent nature, is anticipated to require that some revisions be made in the future. If revisions are needed, DTSC will consider whether they are substantial, consistent with CEQA Guidelines Section 15162. Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T7-017

The commenter states that significant detailed "provisional" elements already allow for contingency expansion of the remedial system. The commenter states that the Project has expanded significantly from the originally proposed design selected during the Feasibility Study and that DTSC is considering the possible necessary expansion of the Project.

The commenter states that over the many years of developing the Project, DTSC and interested parties added numerous more “provisional” remedy features than what was included in the 2011 FEIR conceptual remedy. Each of these “provisional” wells, which are NOT part of the initial planned remedy construction, were specifically discussed, their locations walked and possibly adjusted due to cultural impacts, reviewed by all parties, and then finally included as “provisional” elements of the final design.

The commenter states that other “provisional” elements, which are described in detail in Project design documents include a “contingent freshwater pre-injection treatment system to reduce concentrations of arsenic”, and a contingency “dissolved metals removal system.” These detailed, designed “provisional” and “contingency” Project elements are considered within the scope of the draft SEIR, therefore sufficient flexibility already exists in the final design for contingencies.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T7-018

The commenter states that Tribes commented on and objected to similar approaches used to justify not counting replacement wells in the well count cap in the 2011 FEIR, resampling activities in 2015 Soil Investigation Project FEIR, and Data Gap Work Plans in 2016 and 2017, and that these actions were taken despite the Tribes providing written comments that these activities would have an environmental impact. The commenter states the Tribe has objected to the open-ended approach regarding direct, indirect and cumulative impacts and asks how the cumulative impacts to the TCP and sacred area have been considered in the Draft SEIR. The commenter states that the Future Activity Allowance should be removed from the SEIR or modified to comply with CEQA.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property and Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T7-019

The commenter states that the Future Activity Allowance is not consistent with the CIMP as the Future Activity Allowance is not included, mentioned, cited, listed, described or referred in the CIMP, and therefore, the Future Activity Allowance as included in the draft SEIR conflicts with the PA, the CIMP and the CHPMP.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T7-020

The commenter states that the Tribe objects to the categorization of “Tribal Viewers” as being lumped into the “pedestrian” viewer group in the 2011 Groundwater FEIR. The commenter states that Tribes should never be lumped in with other groups within the general public, based on

the unique relationship of Indian Tribes with the Federal Government. The commenter states that new information was collected from Tribal members in the 2017 Draft SEIR; however, this unique Tribal Viewer group was not separately evaluated and the impacts of the larger remedy to Tribal Viewers remains unevaluated.

The Draft SEIR Section 4.1.3.4, page 4.1-33 includes a discussion of Tribal groups as a distinct viewer group and describes how these viewers were previously considered as ‘pedestrians’ in the Groundwater FEIR certified in 2011. However, the Draft SEIR analysis includes Native American Tribes as a unique viewer group and concludes that “Because many Tribal users are intimately familiar with the views and overall viewshed associated with the cultural landscape and would be sensitive to visual changes in the landscape, viewer sensitivity is considered high” (Draft SEIR page 4.1-33). Therefore, the commenters request that the Tribal Viewer be included as a unique viewer group has been included in the SEIR.

T7-021

The commenter states that non-project water supply wells and/or additional wells should be incorporated into the monitoring program, in reference to Mitigation Measure HYDRO-6a.

The comment is noted for the record; please refer to response to comment T7-022 below for a response to the emphasized points the commenter made to the mitigation measure.

T7-022

The commenter questions why DTSC waited until after the Final Remedy Design was complete to require as many as 10 Arizona monitoring wells as part of the Project, and questions why none of this information was presented at any of the TWG or CWG meetings. The commenter further states that there is insufficient information to properly evaluate impacts under this SEIR, and questions whether the additional wells are considered a mitigation measure or part of the Project. The commenter states that future work plans for locating and installing any further monitoring wells under HYDRO-6a should be prepared with input from the Tribes and any other interested parties and the impacts from those installations assessed.

In consideration of protecting Arizona groundwater users from potential impacts from PG&E’s groundwater remedial action, which may occur with extended extraction at the HNWR-1A well, DTSC gave PG&E the option to negotiate access agreements and monitor water from existing wells or to establish a baseline with a new well nearby. The potential new wells as proposed are considered a mitigation measure for groundwater impacts (see the IMPACT HYDRO-1 discussion in the SEIR starting in Section 4.6.5.4). However, CEQA also requires that potential impacts from actions associated with mitigation measures be considered in the SEIR, and as such, these up to 10 potential wells have been included as part of the Future Activity Allowance to ensure the impacts of these wells are evaluated appropriately throughout the SEIR. For a discussion on use of the Future Activity Allowance, please refer to

Master Response 2: Use of the Future Activity Allowance in the Draft SEIR.

T7-023

The commenter states that the Tribe is particularly interested in whether any wells will be sited in the white clay area, which the Tribes are purposing as a TCP and should be strictly avoided.

DTSC understands that the Arizona area (referred to by the Interested Tribes as the *Amut ahar* area) is considered culturally sensitive for its association with clay materials important to Tribes, and that correspondence between the Fort Mojave Indian Tribe (FMIT) and the BLM has ensued since the close of the comment period for the Draft SEIR (on February 27, 2017). As is stated in a letter from the FMIT to the BLM on May 11, 2017, “the area is part of a culturally significant natural landscape where significant traditional activities and events took place. The Topock Cultural Landscape is highly significant to the Mojave and other Yuman speaking tribes where this TCP is a contributing element of the overall cultural landscape related to the Colorado River” (FMIT 2017). DTSC understands that the BLM is in ongoing consultation with the FMIT regarding the importance of the *Amut ahar* area, and that the BLM intends to evaluate its eligibility for listing as a TCP per Section 106 of the National Historic Preservation Act (NHPA) (BLM 2017; FMIT 2017).

Nevertheless, DTSC acknowledges in the SEIR that the area referred to by the commenter in Arizona is considered culturally sensitive for its association with clay materials important to Tribes and is a particularly sacred area to the FMIT, as was recognized in the Draft SEIR at page 4.4-56 of Chapter 4.4, “Cultural Resources.”

As such, a special clay handling protocol was developed and is included in the Final Remedy Design which is appended to this SEIR as Appendix BOD (see C/RAWP Appendix L – “Soil Management Plan”, Section 2.4 – Handling and Storage of Clean Soil within the Final Remedy Design). Additionally, DTSC will provide opportunity for Tribal notification and input for future activities, if any, and in accordance with Mitigation Measure CUL-1a-14: Tribal Notification of Potential Future Activities, including for any future Project infrastructure that may be needed as part of the Future Activity Allowance in Arizona that is not now reasonably foreseeable and therefore has not been discussed or contemplated during the final remedy design development. Chapter 4.4, “Cultural Resources,” page 4.4-108 acknowledges that even with the implementation of these and other mitigation measures, impacts to the Topock TCP and its contributors, including clay deposits, would remain significant and unavoidable.

Additionally, Chapter 6, “Cumulative Analysis,” page 6-35 of the Draft SEIR (and as revised in this Final SEIR) also acknowledges that cumulative impacts would remain significant and unavoidable after implementation of the mitigation measures and the Project in combination with other projects in the area would continue to contribute

considerably to a cumulatively significant impact to the integrity of those physical characteristics that convey the significance of the Topock TCP, including clay deposits, and to historical resources unique and important to the region. The commenter is also referred to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property.

DTSC understands the FMIT's concern about infrastructure located in the white clay area in Arizona; however, Project wells and associated infrastructure in Arizona are required for the remedy for three important purposes: 1) supplying water to operate the remedy; 2) monitoring the plume to ensure it does not escape and expand into Arizona; and 3) protecting non-project water supplies. DTSC reiterates that for all future infrastructure, if any, deemed necessary to be located in Arizona (as part of the Future Activity Allowance), the mitigation measures identified in the Final SEIR would remain applicable to avoid and reduce impacts to the larger Topock TCP. Coordination with the Tribes regarding the location(s) of any future infrastructure deemed needed would also occur as required by CUL-1a-14.

T7-024

The commenter states that areas of cultural importance be avoided when locating areas for storage, staging and other construction purposes. The commenter states that the Tribes have repeatedly objected to the use of areas #6, #7, #12 and #25 for storage and other construction purposes. The commenter states that these staging areas should be used to the minimum extent possible, will not be used for long term storage, and no sanitary facilities will be placed in areas #6 & #7. The commenter states that applicable draft mitigation measures and site procedures should be updated to reflect that PG&E should work with Tribal Monitors to demarcate the area allowable for use, utilizing the least destructive means and materials such as placement of straw-filled wattles, for example and in accordance with CIMP document 2.14 Cul-1a 8n: Protocols for Protective Measures for Archaeological/Historic Sites during Construction. The commenter states that even with improved use/mitigation parameters, these areas are inappropriate for such uses and that the proposed uses constitute significant impacts both at the project and cumulative levels.

DTSC recognizes and acknowledges the importance of the Topock area to the Interested Tribes as a significant cultural and historic area and DTSC understands that there are Tribal sensitivities to the use of all areas within the Project Area. Since 2013, DTSC has encouraged Tribal input on staging areas to be avoided during implementation of the Final Groundwater Remedy Project and has attempted to seek a balance in Tribal preference with the necessities of the cleanup project by hosting discussions and conducting site visits to identify suitable areas for the soil staging and storage areas. As part of the response to comment process, FMIT, Hualapai Indian Tribe, and Cocopah Indian Tribe submitted a table indicating which staging areas should be avoided in the Final Groundwater Remedy Project. However, agencies must also consider the practical necessity of staging areas for construction of the

remedy. As a result of significant discussion the agencies issued the Final Remedy Design Directive letter dated October 19, 2015, which details the staging areas that were eliminated from use, or are limited in use for the Final Groundwater Remedy Project, including areas requested to be excluded by Interested Tribes. Although Tribes maintain that several support areas remaining in the Final Remedy Design, specifically areas 6, 7, 12, and 25 should be eliminated from use, PG&E considered staging area options in lieu of their use in a technical memorandum as Appendix W in the C/RAWP report titled “Proposed Use of Certain Areas for Construction, Staging, and Soil Storage at PG&E Topock Compressor Station” and maintained their preference based on space constraints of the existing road, increased public safety, reduced environmental impacts, reduced construction duration as a result of efficiency, and the need for temporary supporting facilities. DTSC acknowledges the Tribes continued concern regarding the suitability of these four areas for use as work/storage areas during construction. In the letter, DTSC also detailed conditions PG&E must follow when using Staging Areas 6, 7, 12, and 25 in order to minimize impacts on the areas and surrounding areas. These conditions include:

- Staging Area 6 – PG&E shall not place portable toilets within this area. PG&E may also use this area to assess wells; however, this area will not be used for long-term storage of soil or any other material. PG&E shall minimize the extent of area used at this area and demarcate the area allowable for use.
- Staging Area 7 – Although PG&E may use this area as a support zone, PG&E cannot locate restroom facilities in this area. PG&E may move the restrooms to the IM-3 Facility area and should preclude other support zone activities that are not critical to the construction as much as possible. This area will only be used for essential staging activities, not as long term storage.
- Staging Area 12 – PG&E shall demarcate the area allowable for use and provide specific instructions to workers on the limit of area to be accessed.
- Staging Area 25 – PG&E shall avoid any impacts to the Route 66 sign. PG&E shall demarcate all working areas and may use protective barriers to safeguard the Route 66 sign during construction as proposed in Appendix W of the C/RAWP document.
- PG&E shall continue to evaluate the use of the staging areas during construction and an effort should be made to limit the actual area used, and to minimize impacts on these areas and their surroundings.

In short, DTSC solicited input from the Tribes, made changes to the staging areas in response to the comments and concerns of the Tribes, and has thereby avoided and reduced impacts from the staging areas to the extent feasible while still ensuring the ability of the Project to move forward if approved.

T7-025

The commenter states that the Tribes have consistently objected to any Project elements or infrastructure being installed along the Arizona side of the Colorado River in the location known as the “white clay” area, which is purposed as a TCP by the Tribes. The commenter states that previous wells have been installed in the area, despite objections by the Tribes, and now additional wells are planned in the area. The commenter states there is no language limiting the location of these wells to outside culturally sensitive areas and impacts to these areas must be reflected in the SEIR.

As indicated in response to comment T7-023 above, DTSC acknowledges that the project area located in Arizona (referred to by the Interested Tribes as the *Amut ahar* area) is considered culturally sensitive for its association with clay materials important to Interested Tribes. DTSC understands that the BLM is in ongoing consultation with the FMIT regarding the importance of the *Amut ahar* area, and that the BLM intends to evaluate its eligibility for listing as a TCP per Section 106 of the National Historic Preservation Act (BLM 2017; FMIT 2017).

Project wells and associated infrastructure in Arizona are required for the remedy for three important purposes: (1) supplying water to operate the remedy; (2) monitoring the plume to ensure it does not escape and expand into Arizona; and (3) protecting non-project water supplies. DTSC indicated that for this remedy, wells MW-X and MW-Y are a critical part of the monitoring program. DTSC would be extremely unlikely to approve the remedy design without them. The reason is that PG&E’s remedy intentionally accelerates the flow of the chromium containing groundwater to the east toward Arizona. Please refer to DTSC’s response to comment #17 in Appendix I – Response to Comments on the 90% Design Documents for additional details. PG&E’s updated groundwater model continues to document eastern flow into and toward Arizona (Arcadis’ Addendum to Development of Groundwater Flow and Solute Transport Models dated January 2017).

While MW-X and MW-Y are not located within the *Amut ahar* area as defined by the BLM in their June 2017 letter, the Tribes have indicated that these Project components are located in an area sensitive for clay material which they associate with *Amut ahar* which is sacred to some Interested Tribes and considered an important aspect of the Topock Cultural Landscape. Other activities that would occur within the *Amut ahar* area as defined by both the FMIT and the BLM include construction of below ground and above ground pipelines to deliver freshwater to California to operate the remedy; soil storage and staging at areas 26, 27, 28, and 29, and improved access to existing wells (see Figures 3-3d and 3-8 of the SEIR, for example). In addition, infrastructure that may be needed as part of the Future Activity Allowance could be located within the *Amut ahar* area, depending on the initial results of implementation of the Final Remedy Design and potentially including a future monitoring well between HNWR-1 and Topock 2 and 3 for protection of existing water users.

For any infrastructure locations in Arizona as part of the Future Activity Allowance that are not now reasonably foreseeable and therefore have not been previously discussed in detail during the design development, DTSC will provide opportunity for Tribal input in accordance with Mitigation Measure CUL-1a-14: Tribal Notification of Potential Future Activities (see Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for changes to the mitigation measure as part of this Final SEIR), and all mitigation measures identified in the SEIR will apply. Also as noted in response to comment T3-014, a special clay handling protocol was developed, in consultation with the Hualapai Tribe, and is included in the Final Remedy Design which is appended to this SEIR as Appendix BOD (see C/RAWP Appendix L – *Soil Management Plan*, Section 2.4 – Handling and Storage of Clean Soil within the Final Remedy Design).

DTSC will continue to monitor the ongoing consultation between the Tribes and BLM regarding the white clay area, and will ensure, as the Lead Agency responsible for approving the Project, that any future activities, including any in Arizona, are consistent with the conclusions presented in the Final SEIR and that the required mitigation measures included herein reduce impacts to the extent feasible.

T7-026

The commenter states that noise levels standards consistent with places of worship have been removed from the original 2011 FEIR noise mitigation measures without explanation and it should be included in the current draft noise mitigation measure language. The commenter states that maintaining the reference in the mitigation measure would better reflect the importance of noise suppression to a level consistent with the religious land use practices.

Mitigation Measure NOISE-3 from the 2011 Groundwater FEIR is not included in the SEIR, because the requirements are largely redundant with those of Mitigation Measure NOISE-1 and NOISE-2 in the SEIR. Mitigation Measure NOISE-3 from the 2011 Groundwater FEIR also required PG&E to communicate the remediation activities scope and schedule with Tribes after the final design was completed. This is no longer relevant to the SEIR as the Final Remedy Design has been prepared and the Tribes continue to be involved in scheduling and process discussions through the CWG meetings with agencies and PG&E. Mitigation Measures NOISE-1 and NOISE-2 apply to Project-related noise with the potential to impact the Topock Cultural Property and other sensitive land uses, and, as such, adding a reference to the appropriateness of using noise level standards consistent with places of worship is unnecessary and potentially confusing.

Mitigation Measure NOISE-3 in the SEIR is a new mitigation measure that was created in response to the reasonably foreseeable and potentially significant cumulative noise impacts of the proposed Project, as explained in Chapter 6, “Cumulative Impacts,” page 6-41. As stated therein, “... Measure NOISE-3 is a new measure from what was identified in the Groundwater FEIR...”

- T7-027 The commenter states that the Tribal review of unanticipated Project components would be consistent with CHPMP and would be subject to AB 52 compliance, including Tribal Consultation regarding the level of environmental document, identification and treatment of Tribal cultural resources, and alternatives to avoid resources of Tribal value. The commenter states that the Tribe requests to continue to be involved in and consulted with for the duration of the Project.
- Please refer to Master Response 3: Inapplicability of Assembly Bill 52 in Project Approval for a detailed response to this comment.
- T7-028 The commenter asks DTSC to explain its reduced Tribal participation with the new measures proposed for the Project and asks for direct consultation with DTSC under the newly established Tribal Affairs Office/Environmental Justice department within DTSC.
- DTSC regrets that the FMIT feels that Tribal participation has been reduced in the new mitigation measures. DTSC values the perspectives provided by Interested Tribes and is committed to consulting with Interested Tribes and considering Tribal input for the life of the Project. DTSC does not agree that the level of Tribal participation has been reduced in the new measures, and in some cases DTSC has included Tribal participation in mitigation measures when none was provided previously (for example, in measure CUL-1a-3a DTSC has added option for meeting with agencies and Interested Tribes to discuss the findings of Annual Historical Resource Condition Inspection reports in response to Tribal requests, and measure CUL-1a-3d has been revised to include Interested Tribes among the key stakeholders regarding design and implementation of signage).
- Members of DTSC’s Tribal Affairs Office/Environmental Justice department met with the Interested Tribes on two separate occasions. On October 20, 2015, Director Barbara Lee and Assistant Director Ana Mascarenas met with FMIT Tribal representatives Janice Hinkle and Chris Harper; Chemehuevi Tribal representatives Steven Escobar and Amanda Sansouci; Hualapai Tribal representative Dawn Hubbs; and CRIT Tribal representatives Howard Magill and Doug Bonamici. On April 18, 2017, Deputy Director Mohsen Nashemi and Assistant Director Ana Mascarenas met with Cocopah Tribal representatives Jill McCormick and Edgar Castillo; FMIT Tribal representative Nora McDowell; CRIT Tribal representatives Toni Carlyle and Jennifer Corona; and Chemehuevi Tribal representative Steven Escobar. At the conclusion of the April 18, 2017, meeting, DTSC executive staff for Environmental Justice and Tribal Affairs, Ana Mascarenas, committed to meeting with Tribes in the future on DTSC Draft Tribal Consultation Policy and the Project.
- T7-029 The commenter states that the cumulative section of the SEIR inaccurately describes the Topock TCP as a historical resource by ignoring the elements of religious significance of sacred areas within the TCP and that these cumulative impacts are likewise cumulatively

significant and cumulatively considerable. The commenter states that with regard to possible future development in the area due to population growth, the Tribes emphasized the importance of scenario planning and the potential for using the model to implement credible future scenarios such as increased pumping associated with population growth as suggested in Chapter 6 projections in regard to the application of the groundwater modeling.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR and Master Response 3: Inapplicability of Assembly Bill 52 in Project Approval for a detailed response to this comment.

T7-030

The commenter states that the revised Treatment Plan, as referenced in Mitigation Measure CUL-1a-19, with comments from DOI and DTSC has not been received or reviewed by the Tribe. The commenter states that the Project specific and cumulative cultural mitigation measures refer to a Treatment Plan that is “in process,” and deferral of the Treatment Plan post Project approval may be acceptable relative to DOI and NHPA Section 106 (and the Programmatic Agreement), but is not necessarily acceptable pursuant to CEQA. The commenter states that DTSC must explain how the deferral of the mitigation and treatment in the Treatment Plan is consistent with CEQA. The commenter states that the Treatment Plan will be used as the first point of reference in developing a specific course of action that would address how best to avoid, minimize, or mitigate an adverse effect, but it is unclear how these unspecified components and their potential effects to cultural and historic properties can be dealt with in the Treatment Plan.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T7-031

The commenter states that Draft SEIR Mitigation Measures were prepared with no input from Tribes and Tribes should be included in development of Final SEIR Mitigation Measures. The commenter states that the Draft SEIR does not reflect the recommended provisions that the Tribes proposed for consideration of the identified impacts. The commenter states that no mitigation specific to cumulative impacts is proposed in the Draft SEIR and that the document only references Project-specific mitigation to cover cumulative impacts. The commenter states that the Draft SEIR has little discussion on the severity of impacts in the cumulative section, even though the Tribes have commented extensively on cumulative effects.

Since this is an SEIR, the basis of the mitigation measures is the 2011 FEIR. On August 21, 2013, DTSC met with representatives of Chemehuevi, CRIT, Cocopah, Hualapai, FMIT, and PG&E at the FMIT Tribal Office to discuss, provide clarifications of, and receive input on the Groundwater Mitigation and Monitoring Response required by the 2011 Groundwater FEIR. DTSC considered the input received from Tribes during this meeting in the development of the mitigation measures in the Draft SEIR. In addition, DTSC also met with members of the

Interested Tribes to discuss mitigation on several occasions, including meeting with representatives from the Chemehuevi, Cocopah, CRIT, FMIT, and Hualapai Tribes on July 19, 2016, and August 5, 2016, specifically to discuss conceptual mitigation options that could be included in the SEIR. DTSC also participated in a meeting with representatives from the Cocopah, CRIT, FMIT, and Hualapai Tribes on April 19-20, 2017, to discuss Tribal comments on the SEIR mitigation measures. The following is a summary of changes that were made to the mitigation measures as a result of these meetings, and in addition, other changes were made to various sections of the SEIR as a result of this input:

- CUL-1a-3a: added option for DTSC to request PG&E initiate a meeting with agencies and Interested Tribes to discuss the findings of Annual Historical Resource Condition Inspection reports.
- CUL-1a-3c: changed “tribal cultural resource specialist” to “Tribal representative.”
- CUL-1a-3c: added timeframe for development and completion of outreach materials.
- CUL-1a-3d: included the Interested Tribes as key stakeholders in the design and installation of signage and added timeframe for installation of signage.
- CUL-1a-4: removed stipulation that the TRC shall provide all deliverables and results to all involved tribes, and extended funding for the TRC until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the TRC will be assessed by DTSC.
- CUL-1a-8q: included a provision that the CIMP may be amended if protocols or procedures require modification due to unforeseen circumstances.
- CUL-1a-11: removed reference to PG&E and FMIT settlement agreement, and extended open grant funding until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the cultural resource specialist/project manager positions will be assessed by DTSC.

DTSC thanks the Tribes for the comment and providing additional considerations on the mitigation measures presented in the draft SEIR. Please also see Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property for new Mitigation Measure CUL-5, and Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for changes to Mitigation Measure CUL-1a-14 as part of this Final SEIR, both of which are included as a result of comments provided by the Interested Tribes on the Draft SEIR.

Regarding the comment that none of the Tribes’ prior comments on cumulative impacts were included in the bibliography chapter of the Draft SEIR, the Tribal perspectives section of Section 4.4, “Cultural

Resources,” is where all of the Tribal perspectives, including those related to cumulative impacts, is contained. Those perspectives were taken into account when formulating the cumulative impacts scenario for the proposed Project’s impacts, which was then analyzed in Chapter 6, “Cumulative Impacts,” and may not specifically be referenced in the Bibliography.

T7-032

The commenter asks whether or not a jurisdictional delineation was completed in the areas of Project construction and infrastructure along Oatman Highway.

As noted on page 4.3-25 et seq. of the Draft SEIR, “[j]urisdictional wetlands and waters in the Project Area were delineated in 2012 and 2014 to satisfy Mitigation Measures BIO-1 of the Groundwater FEIR (CH2M Hill 2013; PG&E 2014a). Follow-up surveys were performed in 2016 to identify potential jurisdictional wetlands and waters in areas recently added to the Project Area (CH2M Hill & Transcon Environmental, Inc. 2016).” Thus, jurisdictional delineation surveys were performed within the entire Project Area, including portions that border Oatman Highway. Refer to Figures 4.3-2a through 4.3-2d of the Draft SEIR for a depiction of jurisdictional delineation survey results. The survey area and results associated with jurisdictional delineation surveys are detailed in *Wetlands and Waters of the United States, Final Delineation for the Topock Compressor Station Groundwater Remediation Project, San Bernardino County, California* (PG&E 2014a) and *Assessment of Biological Resources for Additional Potential Environmental Impact Areas: Final Groundwater Remedy, Topock Compressor Station, California* (CH2M Hill & Transcon Environmental Inc. 2016). Copies of these reports are included in the administrative record for the Draft SEIR. Also the *Assessment of Biological Resources for Additional Potential Environmental Impact Areas: Final Groundwater Remedy, Topock Compressor Station, California* is included in Appendix A13 to the *Supplemental and Errata Information for the Final (100%) Design for the Final Groundwater Remedy* (CH2M Hill 2016; included as Appendix BOD to the Draft SEIR). Because *Wetlands and Waters of the United States, Final Delineation for the Topock Compressor Station Groundwater Remediation Project, San Bernardino County, California* was not appended to the Final Remedy Design, or subsequent Errata published in November 2016, DTSC has decided to append it to the Final SEIR as Appendix WETLAND for reference.

T7-033

The commenter states that a much better understanding has been reached regarding the details associated with constructing the preferred alternative, *Alternative E – In Situ Treatment with Freshwater Flushing*, and as such discussion needs to be included in the Draft SEIR detailing these changes.

DTSC thanks the commenter for noting that additional information is now available when compared with the information available during the preparation of the 2011 Final EIR. Indeed, DTSC is preparing this Draft SEIR precisely because additional information warrants further

evaluation under CEQA. The scope of this SEIR is not to reselect another remedy, rather it is an evaluation of project-level impacts based on the preferred alternative selected by DTSC and DOI as memorialized in the Statement of Basis and Record of Decision, respectively, and upon which the Final Remedy Design is based. As the commenter mentions, DTSC has undergone an extensive design iteration process. Please refer to Chapter 2, "Introduction," subsection 2.2 of the SEIR which gives an explanation of the additional design details and Project circumstances that led to preparation of an SEIR for Final Groundwater Remedy Project.

T7-034

The commenter questions how the visual analysis methodology can be appropriately applied when up to 25 percent of the Project footprint has yet to be defined as part of the Future Activity Allowance, as the visual impact methodology requires knowledge of the infrastructure to make an impact analysis.

The visual analysis in the SEIR allows for the Future Activity Allowance based on best available technical information that determined the likely future location of these future actions as well as the type of equipment or activity that would occur (Table 4.1-4 on page 4.1-66). The Draft SEIR analysis relies on standard professional practice methods including identification and evaluation of changes that would occur as seen from key observation point/key viewpoint and includes consideration of similar design activities as part of the Future Activity Allowance throughout this key viewpoint aesthetics analysis (Section 4.1.5.3). While the exact locations are currently unknown, DTSC assumes that infrastructure would likely be located in close proximity to existing/planned features. For example, additional boreholes could be located in the floodplain and in the vicinity of existing/planned boreholes, and additional buildings/structures would likely be situated near other existing/planned structures and facilities (at the Station, Transwestern Bench, and Long-Term Remedy Support Area, etc.). The key viewpoints identified in this SEIR represent the general range of potential adverse impact to scenic resources, and any additional infrastructure developed as part of the Future Activity Allowance (i.e., 58 additional boreholes) would be required to comply with Mitigation Measures AES-1 and AES-2 (pages 4.1-80 and 4.1-85). However, prior to adoption and implementation of Future Activity Allowance, DTSC must evaluate if the proposed Project is within the scope of the SEIR findings and if new significant environmental effects or a substantial increase in the severity of previously identified significant effects are associated with the proposal. Additional CEQA analysis might be conducted depending on the outcome of that review. (See also *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1469 [finding no prejudice resulting from an EIR's failure to include a discussion of the visual impacts of a fire station and water tanks where, "[a]lthough the County did not specifically analyze the visual impacts of these structures, the public and the decision makers were informed of their existence and could readily understand that they might be visible from outside the project"].)

- T7-035
- The commenter questions why the viewpoint rather than the viewshed approach has been used to evaluate potential impacts in the SEIR, especially when the Tribes supported including the view-shed approach. The commenter further states that they have provided testimony and written comments that indicate they believe visual/aesthetic impacts are significant.
- The Draft SEIR includes a discussion of the viewshed and the cultural significance of the regional viewshed to the Tribes that was not part of the 2011 Groundwater FEIR (pages 4.1-29, 30). In addition, a set of figures including panoramic photographs and view area maps are included to support the viewshed discussion and impact analysis (Figures 4.1-2A through 4.1-2D). Annotations showing locations of key landscape features seen within the Project viewshed are included on the set of panoramic photographs. Further evaluation of the Project viewshed related to visual impact is included in the discussion of Impact AES-1 (pages 4.1-75 – 4.1-78). As the commenter does not provide specific issues or concerns regarding how this viewshed analysis is presented in the Draft SEIR, no changes have been made.
- DTSC appreciates the commenter’s previous comments regarding significance of aesthetic impacts. As indicated in Chapter 6, “Cumulative Impacts,” cumulative impacts related to aesthetic resources was found to be significant and unavoidable even with implementation of mitigation measures.
- T7-036
- The commenter states that the Tribes have been actively involved in the design phase of the Project and have had the opportunity to propose alternative design ideas and infrastructure locations. The commenter states that the 25 percent increase in the Project footprint and 10 well locations in Arizona will likely result in reduced Tribal involvement and support prior to final design decisions on future elements. The commenter states that it is unclear how the extent of cultural resources impacts can be adequately evaluated if the true final footprint of the remedy is yet to be understood.
- Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.
- T7-037
- The commenter states that the air quality impacts from the subsurface remediation activities were not assessed in the Draft SEIR, citing that carbon monoxide, carbon dioxide, and/or methane could possibly be released during the remediation process.
- Due to the nature of the Project and as described in the Final Remedy Design and explained below, there is no evidence of reasonably foreseeable potentially significant adverse impacts to air quality from subsurface remediation activities. As explained in the Draft SEIR, the Final Remedy Design would inject ethanol to generate the reducing conditions necessary to reduce Cr(VI) to Cr(III). As a part of this process, one of the half-cell reactions is for ethanol to go to carbon

dioxide ($1/12 \text{ C}_2\text{H}_6\text{O} + 1/4 \text{ H}_2\text{O} \rightarrow 1/6 \text{ CO}_2 + \text{H}^+ + \text{e}^-$). As discussed in the *Final Remedy Design, Appendix B, Section 6.2.7, page 42*, “CO₂ generated will be at a low enough concentration that it will remain dissolved and be flushed through the IRZ over time. Further, pH buffering to circumneutral (or approximately neutral) values by the aquifer solids will ensure that most of the inorganic carbon generated will be present as bicarbonate rather than dissolved CO₂. Formation of H₂(g), H₂S, and methane will be limited by controlling total organic compounds (TOCs) concentrations to limit byproduct generation. Formation of these gases (as well as N₂ formation) was not an issue during the pilot testing conducted in the floodplain.” Because CO₂, CO, and methane would not be generated in appreciable quantities, and would remain dissolved in the water during treatment, and further was determined during pilot testing to not be an issue, the quantification of the indirect above surface air emissions of CO, CO₂, and CH₄ as part of the air quality analysis is not warranted because there is no evidence that such emissions would exceed the thresholds of significance used in the Draft SEIR.

T7-038

The commenter states that the analysis in Section 4.2, “Air Quality” relies on a 30-year life of the proposed Project rather than a potentially longer lifetime and therefore underestimates the life-of-project air quality impacts.

As shown in table 4.2-7 on page 4.2-28 of the Draft SEIR, the MDAQMD has established daily and annual mass emission thresholds by which the significance of criteria pollutant impacts are to be evaluated, and an annual mass emission threshold for Greenhouse Gas Emissions (GHGs). Thus, the air quality and GHG analyses properly assess impacts based on maximum daily or annual emissions, as applicable. The analysis does not rely on life-of-project emissions to determine significance. Because the greenhouse gas threshold is cumulative and based on annual emissions, the construction and operational emissions are considered together by adding operational emissions to construction emissions amortized over the anticipated life of the Project. Based on industry standards, and the foreseeable life of the Project as explained in the Project Description of the Draft SEIR, the use of a 30-year Project lifetime provides a conservative estimate of annual emissions.

T7-039

The commenter states that the Draft SEIR does not assess emissions from the IRS (assuming this stands for the in situ reactive zone [IRZ]) carbon substrate storage or transmission infrastructure or the locations of application across the site (Project Area).

The Air Quality analysis included in Section 4.2.5.3 is based on maximum daily and annual emissions resulting from the proposed Project, consistent with best practice and current methodology for analyzing air quality impacts as identified in the MDAQMD’s Guidance document (*California Environmental Quality Act and Federal Conformity Guidelines*). Because the type of day-to-day activities would

vary depending on the needs of the Project, and no one activity would necessarily occur independent of other activities, individual activities were not identified in the emissions modeling. Instead, peak daily construction was determined based on phases and the type and amount of construction equipment that was provided as the anticipated maximum equipment on-site on any given day. Additionally, annual operational emissions are based on the combined activities that would occur on-site during the operation of the remediation. While it is not appropriate to assess individual activities using the methodology recommended by the commenter DTSC includes the following information about emissions related to the IRZ. Liquid carbon substrate (e.g., ethanol) would be stored in above ground storage tanks and pumped to injection wells through enclosed pipelines. These stationary sources and operations are governed by existing air district rules. Volatile organic compound (VOC) emissions are expected but the amounts are minimal. For instance, at the PG&E Hinkley Compressor Station's ethanol system, which is nearly identical to the proposed ethanol system at Topock, the ethanol tanks are permitted by the MDAQMD and are equipped with Phase I vapor recovery systems per CARB Executive Order G-70-132-B. PG&E is also required to log daily input, output, average stored volume and temperature of the ethanol. The tanks are subject to annual static pressure decay tests and PG&E must conduct leak testing compliant with CARB testing methodologies. In addition, the carbon substrate (e.g., ethanol) is not a health hazard under the Office of Environmental Health Hazard Assessment (OEHHA) guidance. Overall, the emission sources commented here would not cause significant air quality or health risk impact.

T7-040

The commenter seeks clarifications of the on-site emissions identified in the Draft SEIR. They first question if the units used in the Draft SEIR are English or Metric tons and secondly question the relatively low annual emissions of criteria pollutants when the California Air Resources Board (CARB) reports different levels of emissions.

In response to the first question, the units used in reporting emissions of criteria pollutants in the Draft SEIR is English tons, as is the industry standard for this analysis and reporting. With respect to the second question, as indicated on page 4.2-1 of the Draft SEIR, the text included in Section 4.2.2 is a summary of the analysis included in the 2011 Groundwater FEIR. As such, the 2011 existing emissions assessment was taken directly from the Groundwater FEIR and, as stated on page 4.2-3, quantifies emissions only from the commuting emissions from the active employees. The emissions identified by CARB would take into account the electrical generation that occurs on-site and not the commuter activities. Therefore, there is a difference in emission sources being quantified. Because the Draft SEIR is focused on analyzing the air quality impacts of the Project activities that would occur, the existing activities are already accounted for in the ambient air quality (part of the baseline) for the region. The emissions thresholds for the air quality and greenhouse gas analysis are based on emission levels that a project can emit before there is the potential for the project to impact that ambient

daily or annual emission levels that are currently seen in the air basin. Because of this, emissions from projects are judged independently of the existing baseline conditions. Therefore, the existing emissions are provided for informational purposes. By calculating the emissions from the proposed Project, the SEIR does, in fact, provide information on quantity of additional pollutants and GHG loading as a result of the Project as requested by the commenter.

T7-041

The commenter states that, similar to the Groundwater FEIR, there are several references to generators and pumps proposed to be used as part of the proposed Project, and they request that the air quality impacts be explained and quantified.

Emissions from consumption of natural gas and production of electricity were calculated as an aggregate and therefore cannot be separated out as individual units to remodel individual generators used as part of the Project. The emissions from the pumps and generators are included in the air quality modeling, as was done in the 2011 Groundwater FEIR (see Draft SEIR, pages 4.2-35, -59, 4/5-21). Consequently, and consistent with current methodology and best practice for analyzing air quality impacts, they are collectively included within the annual emissions quantifications for the Project. As shown on page 4.2-35 of the Draft SEIR, the electrical consumption from the pumps is anticipated to be 7.8 million kilowatt hours (kWhs) annually, and the natural gas consumed by the generators is anticipated to be 3.2 million kilo British Thermal Units (kBTU) annually. The overall emissions associated with this consumption of electricity and natural gas were calculated using the CalEEMod model, consistent with current commonly accepted methodological approach. The CalEEMod output that provides this detail is included in Appendix AQ of the SEIR.

T7-042

The commenter states it is not clear in the Groundwater FEIR where the emissions for the 320 kW electrical generation was developed or estimated. Additionally, the commenter states that the Draft SEIR fails to quantify emissions from the Station that will power the Project.

The purpose of the Draft SEIR is to analyze the changes in the Project that have occurred subsequent to the certification of the original Groundwater FEIR; please refer to the 2011 FEIR for the basis of the cited emissions. The emissions from the Station are not included in the analysis as the Station's operations are part of the existing conditions. The emissions from the Station are not included in the analysis as the Station's operations are part of the existing conditions. The Project-related consumption of natural gas and electricity, 3.2 million kBTU and 7.8 million kWhs annually, respectively, is expected to be consumed operating the Project-related pumps and additional throughput for the generators. The emissions from each individual piece of equipment that would operate on-site were not quantified individually; instead the emissions from the total annual consumption were analyzed using the CalEEMod model. The output from the CalEEMod modeling is included in Appendix AQ of the SEIR.

T7-043 The commenter states that significant changes and improvements have been made to the “groundwater digital model” which was used for the 2009 risk assessment and requested that the risk assessment should be re-run to evaluate the groundwater to surface water transport pathway since the footprint of the remedy has been expanded to Arizona (Section 4.6.2.1).

The January 2017 Arcadis document titled, “*Addendum to Development of Groundwater Flow and Solute Transport Models*” concludes that recent groundwater model updates (e.g., eastern boundary conditions; evapotranspiration and river cells) had minimal impact on water levels and flow conditions in the vicinity of the site. The expansion of the Project footprint to Arizona is due to the addition of the freshwater source well(s) located in Arizona, not due to any Project-related contamination in Arizona. Therefore, there is no significant change in the Project or circumstances surrounding the Project that warrant re-running the risk assessment.

T7-044 The commenter states that notable changes and recommendations by Tribal experts to further improve the groundwater model should be incorporated into the PG&E report *Addendum to the Development of Groundwater Flow and Solute Transport Models*. The commenter states that several recommendations were made by Interested Tribes with regard to further work appropriate to the resolution of water budget and other groundwater issues.

DTSC and DOI have considered Tribal input on the groundwater model which were incorporated into the Agencies direction to PG&E for the requested model updates including the latest January 2017 addendum. DTSC will continue to solicit and incorporate Tribal input as part of the continuing Project communication process.

DTSC acknowledges the FMIT’s recommendations regarding the resolution of the water budget and other groundwater related issues.

T7-045 The commenter states that changes in the modeled [evapotranspiration] ET rates/locations in the updated flow model have been made and that those changes may affect the future plant uptake of groundwater. The commenter requests that there should be a mechanism for this to be considered and reviewed during future modeling updates to see if a re-evaluation of risks to receptors should be done based on improvements to the digital model and changes in plant communities

The January 2017 Arcadis document titled, “*Addendum to Development of Groundwater Flow and Solute Transport Models*” indicates that while updated River and ET cells affected simulated water levels in the vegetated area between the Colorado River and Topock Bay, there was minimal impact on water levels and flow conditions in the vicinity of the Site. Based on this conclusion, currently there is not a need to re-evaluate the risk to receptors. In terms of plant communities, the types and locations of plants within the Project Area are not anticipated to change

substantially from those that have been identified in the Draft SEIR as part of the existing environmental setting and which are known to generally exist in the area. There is, therefore, no evidence of any substantial change in reasonably foreseeable impacts from an increase in plant uptake of groundwater from what was previously analyzed in the 2011 Groundwater FEIR. However, PG&E acknowledges that as the remedy is constructed and implemented, additional data would be available from the proposed monitoring program for periodic model review and calibration. Tribes will be notified of monitoring results as part of the continuing communication process and are welcomed to review and provide input as the model is recalibrated.

T7-046

The commenter refers to Section 4.6.5.1 and states that mudflows may occur in the area of the freshwater supply wells and adversely affect the wells or the water quality of the freshwater wells.

This comment is addressed below in T7-057, which discusses flooding.

T7-047

The commenter requests an explanation of the protocol used to account for the high winds and Station inoperability during the March 2016 ambient noise measurement events. The commenter is concerned that noise from the strong winds that occurred during the March 2016 noise measurement events may have skewed readings of ambient levels to higher than actual values, and that the net effect could indicate higher than warranted noise levels.

DTSC acknowledges that during this monitoring event, conditions at and around the Station were not necessarily typical of day-to-day conditions in the vicinity. DTSC wishes to direct the Commenter to pages 4.7-11 through 4.7-13 of the Draft SEIR, in which the results of the March 2016 noise monitoring effort are summarized and discussed. On page 4.7-11, the Draft SEIR states “Wind gusts ranged from 5 miles per hour (mph) to 24 mph during the first 2 days of monitoring, which are not atypical for locations in the Project Area. Although wind gusts may cause a periodic increase in recorded noise levels, the proper use of windshields, as were employed during this monitoring effort, results in accurate data.”

As stated in the last paragraph on page 4.7-11, “Comparison of results in Table 4.7-3 with Table 4.7-1 and Table 4.7-2 demonstrate that data gathered in 2016 were within reasonable ranges of prior noise surveys”. The analysis goes on to state that the data gathered in 2016 shows ambient levels 3.7 dBA lower than levels recorded in 2008 at survey location 1 (short-term, 15 minute) and 3.1 dBA lower at survey location A (long term). The SEIR surmises these difference may be explained by the inoperability of the Station, lower traffic levels on Interstate 40 (I-40), or some combination of the two factors.

Although the 2016 observed values were lower than previous surveys, the SEIR relied on these data in determining impacts. For example, as shown on Table 4.7-11, 43.5 dBA was used as the ambient conditions for the Tribal Sensitive Receptor and not 47.2 dBA as recorded in 2008 for

that location. Using a lower noise level to represent ambient conditions makes the analyses more conservative because the introduction of noise is more noticeable in a quieter existing condition. As stated on page 4.7-11, “For the purpose of this analysis, a lower ambient noise reading, such as the 2016 noise survey results, yields a more conservative and worst-case scenario, as it requires a lower sound level increase to cause a significant impact.” The increases at that location are expected to be no more than 3.6 dBA over ambient.

Existing noise levels experienced in the 2016 event, during which appreciable wind gusts were experienced and noted, were found to be lower than noise levels during prior surveys. This is contrary to the expectation (wind effects typically creates higher noise levels), but as stated earlier, the result may be explained due to the use of proper wind shield equipment, the inoperability of the Station during the time of the surveys, lower traffic noise, or some combination of these reasons. Nonetheless, these lower ambient levels were used in the analyses of potential Project impacts. The modeling showed noise impacts would be less than significant even for these conservative analyses. For these reasons, no modified protocol was needed to account for the windy conditions during the 2016 measurement events.

T7-048

The commenter states that they were unable to locate discussion about noise shielding for the 30-kW generator at the TCS Evaporation Ponds, and recommends two layers of noise shielding be used given the sensitive area to cultural resources at the western end of the APE.

The building proposed to house the generator at the TCS Evaporation Ponds is described in the Draft SEIR on pages 3-51 and 3-52 of Chapter 3, “Project Description.” The noise impact analyses for the 30kW generator is presented in Table 4.7-11 and in the last paragraph on page 4.7-29 of the Draft SEIR. As shown therein, the nearest noise-sensitive receptor location would experience a maximum increase of only 2.7 dBA, well below the 5 dBA threshold. The benefits of shielding provided by the buildings at the TSC Evaporation Ponds were taken into account in the analysis. Based on the minimal calculated increase in maximum noise generated, operation of the generator does not exceed established thresholds; therefore, impacts are found to be less than significant, and mitigation is not required.

T7-049

The commenter requests that the Tribes be consulted with regarding the best mechanisms to achieve effective noise shielding and revise the document accordingly.

The building proposed to house the generator at the TCS Evaporation Ponds is described in the Draft SEIR on pages 3-51 and 3-52 of Chapter 3, “Project Description.” The noise impact analyses for the 30kW generator is presented in Table 4.7-11 and in the last paragraph on page 4.7-29 of the Draft SEIR. As shown therein, the nearest noise-sensitive receptor location would experience a maximum increase of only 2.7 dBA, well below the 5 dBA threshold. The benefits of shielding

provided by the buildings at the TSC Evaporation Ponds were taken into account in the analysis. Based on the minimal calculated increase in maximum noise generated, operation of the generator does not exceed established thresholds; therefore, impacts are found to be less than significant, and mitigation is not required.

T7-050

The commenter finds the subheading language used in the SEIR confusing, specifically the use of the terms “effect” and “impact” (see Section 4.7.2.2).

DTSC apologizes if the subheading is confusing. The intent of this section is to describe the activities and components that are evaluated and summarize impacts, if any were found from the 2011 Groundwater FEIR, and to consider the effects of mitigation strategies prescribed on those noise and vibration levels determined in the 2011 Groundwater FEIR (i.e., the impacts of the Project). In response to the commenter’s question on what the “effect” is considered: the “effect” is the consideration or conclusion on the level of significance from the “long-term operational-related transportation noise impacts” based on CEQA definition as a result of the Project described in the 2011 Groundwater FEIR.

T7-051

The commenter asks about the choice to present the impact conclusion before the analysis is presented (see Section 4.7.5.3).

There is no required format in the CEQA Guidelines regarding the form in which analyses and conclusions are presented in an EIR. Thus DTSC chose to present conclusions up front so that the reader would clearly and definitively know the result of the analyses, which is often lengthy and detailed. DTSC believes this approach will facilitate the review and enhances the clarity and readability of an EIR. Further, this is the way the analysis was structured in the 2011 Groundwater FEIR.

T7-052

The commenter states that the Draft SEIR contains only a single brief paragraph on vibration impacts and no mitigation is included (see Section 4.7.5.3, page 4.7-31). The commenter goes on to state that there is no mention of the Future Activity Allowance, nor assurances that these activities would not occur within 600 feet of sensitive receptors. The commenter concludes that, for these reasons, the analysis is inherently deficient.

The Draft SEIR considered the potential for the Project to cause vibration at pages 4.7-35 through 4.7-37 of the Draft SEIR. Specifically, the second paragraph on page 4.7-36 addresses potential impacts from Future Activity Allowance activities. In that paragraph the analysis acknowledges Future Activity Allowance activities may occur within 600 feet of sensitive receptors and states “As a result, this impact would be potentially significant.” The SEIR then presents Mitigation Measure NOISE-2, in which new wells are prohibited within 30 feet of vibration-sensitive receptors in California and within 275 feet of vibration-sensitive receptors in Arizona, which are the distances at which noise and

vibration attenuate. Therefore, the SEIR does contain analysis and mitigation of vibration impacts due to the Future Activity Allowance activities. DTSC does not believe any change to the SEIR is warranted.

T7-053

The commenter remarks that mitigation measures presented in the 2011 Groundwater FEIR was thought to apply for 1-2 years of construction, but now, through the SEIR, the commenter understands will apply for a 30-year duration. The commenter expresses concern that the SEIR process only included a 47-day public comment period and “no discussion or comment” regarding the comment resolution process. The commenter asks to have these “expanded future impacts” to be explained.

The Project Description in the SEIR includes a detailed description of the anticipated duration for pre-construction, construction and start-up, which is estimated at 5 years (see page 3-85). Operation and maintenance would occur over an estimated 30-year duration (see page 3-86). During this period of time, there is the potential that some construction activities could occur as individual components of the Future Activity Allowance as determined necessary by PG&E or the Agencies and may be implemented. These activities are anticipated to be various and short-term in duration, associated with the individual needs of the Project. The construction noise will not be continuous over the entire operation and maintenance phase. The noise analysis appropriately considers this scenario in both the Project and cumulative analyses. In addition, please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for additional discussion regarding communication as part of the Future Activity Allowance.

DTSC strives to include stakeholders throughout the processes needed to carry out its missions. To that end, in addition to numerous meetings with the public and members of the FMIT, DTSC issued a Notice of Availability (NOA) on January 12, 2017, notifying interested parties of the 47-day public comment period for the Draft SEIR, which concluded on February 27, 2017. Pursuant to CEQA Guidelines Section 15105, the period for public and agency review of and consultation on a Draft EIR shall not be less than 45 days when an EIR is prepared by a state agency, and in general, not more than 60 days, except under unusual circumstances. DTSC received 21 written comment letters from agencies, individuals, and Tribes. In accordance with Public Resource Code Section 21091, a written response to these comments is being provided as part of the Final SEIR.

Regarding the comment of “expanded future impacts,” DTSC acknowledges that implementation of the Final Groundwater Remedy Project is expected to be lengthy. It is important to note that the air quality and noise impacts presented in the SEIR represent the maximum impacts to sensitive receptors from air emissions or noise generation predicted to occur typically based on a worst-case, often short-term, basis. In other words, impacts presented are purposefully conservative, and thus, actual impacts are expected to be less than those presented.

Furthermore, for example, due to the vast area over which the various components of the Final Groundwater Remedy Project are to be implemented, impacts at the maximum levels presented are not expected to occur at each sensitive land use location, nor every day at those locations analyzed, during implementation of the Project. For these reasons, the impacts presented in the SEIR adequately, and conservatively, describe the potential maximum effects over the course of the Remedy.

T7-054

The commenter states that cumulative noise impacts were not adequately estimated or modeled and will not be measured or monitored for exceedance of regulatory thresholds unless a complaint is filed. The commenter asks how cumulative impacts will be considered and treated for both existing and potential future infrastructure elements.

Due to the wide range of activities proposed, with different distinct reference noise levels, changing both temporally and spatially throughout the Project duration, it would be speculative to quantify specific concurrent noise levels. Because noise levels from concurrent noise-generating activities do not combine linearly, a precise distance cannot be easily defined in advance pertaining to cumulative noise impacts. Best practice indicates that the construction contractor performs in situ noise monitoring when typical, real-life concurrent activities are first begun, and documentation be provided to DTSC to help establish the appropriate distances at which further monitoring is not required (until and unless a noise complaint is received). Although the Draft SEIR identifies the potential noise impacts of the Project to the extent those impacts are reasonably foreseeable, the Draft SEIR also includes Mitigation Measure NOISE-3 that requires the construction contractors conducting work on the soil and groundwater remediation projects to perform noise monitoring when concurrent activities are near the identified sensitive receptors, not just when complaints are raised.

T7-055

The commenter asks whether the Future Activity Allowance discussed in Section 4.9 of the Draft SEIR would also apply to the operational phase of the Project.

As explained in Section 3.6, page 3-11, the Future Activity Allowance includes two components: (1) an additional allowance for all Project infrastructure, established at up to 25 percent of the parameter set forth in the Final Remedy Design, and (2) up to 10 additional monitoring well boreholes to be installed in Arizona to assess groundwater levels and chemical constituents' changes as a result of continued freshwater pumping to protect private groundwater users. While these components may occur during the construction or operation phases, the activities themselves are construction activities and are therefore analyzed in the construction section of the impacts analysis.

The commenter further enquires whether the Future Activity Allowance was considered in the Arcadis Groundwater Modeling Report Addendum of January 2017 and the February 2016 Arcadis Development of

Groundwater Flow and Solute Transport Models. These two documents addressed modeling of the current groundwater condition as it is applied to the Final Remedy Design and would not include discussions of Future Activity Allowance. Future Activity Allowance includes actions that may be required outside of the currently planned remedy design and actions. It is possible that a future activity may be implemented to address an unexpected issue from a condition arising from a future revision of the model or that the model may need revision as a result of a future activity such as optimization of the extraction and injection area in preparation to switch over to monitored natural attenuation at a specific localized area.

T7-056

The commenter provides corrections in the text and states that the Sacramento Wash Improvements project is a Mohave County project, not a USFWS and HNWR project, and that Mohave County Public Works is the best source of information on this project (compared to the Needles Desert Star referenced in the SEIR). In addition, the commenter states that ADOT is building the bridge and construction was commenced in late 2016/early 2017. The commenter states that these corrections should also be made in the narrative text of subsection 6.4.2.4.

The project the commenter is referring to is actually referred to in the Draft SEIR as the Oatman Highway Crossing at Sacramento Wash project (6A) which is included in the cumulative impacts analysis correctly under the jurisdiction of the Arizona Department of Transportation. It should be noted that there is a separate Sacramento Wash Improvements project (4C) that the commenter is referring to, which is under the jurisdiction of the U.S. Fish and Wildlife Service. The transportation project Oatman Highway Crossing at Sacramento Wash project (6A) is appropriately cited with information from the U.S. Department of Transportation; however, it appears that additional information has been provided since the Draft SEIR was prepared. As a result, in response to the comment, the Draft SEIR text on page 6-23 is revised in the Final SEIR as follows:

ADOT in conjunction with Mohave County is proposing the construction of a bridge over the Sacramento Wash in Topock, Arizona. The new crossing will provide a 110-foot clear span over the Sacramento Wash (USDOT 2016). Project construction was initiated in February of 2016 anticipated to end in April 2017(USDOT 2016). The bridge and roadway improvements will be constructed on the existing alignment and therefore a temporary full road closure will be required to complete the work. Given the 24-mile detour through Needles, CA, during a road closure, accelerated construction alternatives will be implemented resulting in a full roadway closure time frame estimated at only 4 days for bridge assembly (Mohave County 2017).

In addition, the new reference is added to Chapter 8, "Bibliography," as follows:

County of Mohave (Arizona). 2017 (May). Oatman Highway at Sacramento Wash Crossing, Topock. Available at: <https://www.mohavecounty.us/ContentPage.aspx?id=128&cid=235&page=10&rid=1428>. Accessed May 12, 2017.

T7-057

The commenter refers to Section 4.6 and Appendix IS of the Draft SEIR and states that flooding may occur in the area of the freshwater wells, particularly the Sacramento Wash, and that impact should be further analyzed by conducting modeling. The commenter further states that this issue has implications for hydrological and cultural resources issues. The response to this comment also addresses Comment T7-046 above, which inquired about mudflows.

The design for the water supply wells HNWR-1A and Site B and associated infrastructure was based on the Colorado River 100-year flood elevation of 465.3 (River Mile 234, Zone AE; Base Flood Elevations determined) for the Colorado River. This is conservative for these well sites, which actually are located in Zone A (see Flood Insurance Rate Map [FIRM], Panel 5675 of 6700 for Mohave County, Arizona and Unincorporated Areas, issued February 20, 2013), where there is no determined regulatory base flood elevation. The Final Remedy Design infrastructure is currently designed at 1-foot above ground surface and approximately 6- to 12-inches above the Colorado River Zone AE 100-year flood elevation. This design approach for the Final Remedy Design infrastructure within the 100-year floodplain uses reasonably conservative engineering judgement in protecting Final Remedy Design infrastructure with the acknowledgement that equipment may need some repair/replacement during the lifespan of the Final Remedy Design.

The reasonableness of the current design can be derived from examining Figure 2 of the Supporting Information of Attachment A in Comment T3, which shows the proposed ADOT and MCPWD project would construct channels to more efficiently route flood waters away from the Oatman Highway and toward the Colorado River. While the resolution of this figure is relatively poor, it shows the results from a non-regulatory 2D hydraulic model, and presents a 2-year 30-minute storm with an approximate depth of water between 0.1 to 1.1 feet for the HNWR-1 well site at the downstream end of the Sacramento Wash (approximately 1,200 feet downstream of the new ADOT bridge). The remedy infrastructure at HNWR-1A will thus be above the 2-year approximation elevation displayed in Figure 2. Therefore, while the area of the freshwater wells may occasionally be subjected to a flood, as indicated in Appendix IS of the SEIR, the impact would not result in new significant impacts or substantially increase the severity of significant impacts previously identified in the Groundwater FEIR. In the unlikely event of a flood event specifically at the freshwater wells, the wells would be too small to impede or redirect the flow of the flood and could easily be repaired in the unlikely event of surface damage to the wellhead.

Finally, the commenter expresses concern that future floods may adversely impact the water quality of the freshwater wells. As the

commenter notes, this area periodically experiences floods. The ongoing sampling of the existing freshwater wells has not indicated adverse impacts to the water quality of the underlying freshwater. Therefore, no changes were made in response to this comment.

T7-058

The commenter states that the Alternatives Analysis in Chapter 7 does not accurately characterize construction quantities and further that the Future Activity Allowance is not explicitly addressed in the narrative so the commenter wonders whether it was included at all in the Alternatives Analysis.

The commenter does not indicate which construction quantities it believes are incorrect in Chapter 7. Each remedial alternative would, similar to the proposed Project, occur over many years, and a similar level of uncertainty beyond the initial design (i.e., the Future Activity Allowance) would be a component of any of them. DTSC has reviewed all of the quantities included on pages 7-17 and 7-18, and has identified several that do not specifically account for the Future Activity Allowance. Accordingly, these numbers have been updated in the Final SEIR. These updated quantities do not change the alternatives analysis or conclusions because the Future Activity Allowance is part of the Project analyzed within the alternatives scenario. In response to the comment, the text in the Draft SEIR on pages 7-17 and 7-18 is revised in the Final SEIR as follows:

The Final Remedy Design includes approximately 43,200 linear feet of trenches for fluid conveyance piping (about 8.2 miles) and the Future Activity Allowance includes 10,800 linear feet for a total of approximately 54,000 linear feet (10.3 miles), with most of the conveyance piping placed belowground in trenches. The Aboveground Pipeline Infrastructure Alternative would include 4,800 linear feet of aboveground fluid conveyance piping and 800 linear feet of underground trenching (less than 1 mile) which is substantially less trenching than the ~~43,200~~ 54,000 linear feet of underground trenching that would be required by the proposed Project.

Electrical power would be taken from the City of Needles power line located east of the IM-3 Facility and then run on poles to each of the injection wells, requiring approximately 360 feet of underground conduit. This is substantially less than the Final Remedy Design and Future Activity Allowance, which includes a total of ~~124,000~~ 155,000 linear feet of conduits in ~~43,200~~ 54,000 linear feet of trenches.

The Aboveground Pipeline Alternative would result in 1,869 cubic yards of soil disturbance, which is substantially less than the proposed Project disturbance of ~~56,500~~ 45,200 cubic yards. **Table 7-2** compares the infrastructure differences between the Final Remedy Design and the Aboveground Pipeline Infrastructure Alternative.

**TABLE 7-2
COMPARISON OF INFRASTRUCTURE ASSOCIATED WITH THE ABOVEGROUND PIPELINE
INFRASTRUCTURE ALTERNATIVE**

Infrastructure Component	<u>Final Remedy Design plus Future Activity Allowance</u>	Aboveground Pipeline Alternative
Fluid Conveyance Piping and Trenches	<ul style="list-style-type: none"> • 159,375 427,500 linear feet of piping in 54,000 43,200 linear feet of trenches 	<ul style="list-style-type: none"> • 4,800 linear feet of piping (3,970 linear feet aboveground/ 830 linear feet of trenches).
Total Volume of Soil Disturbance	<ul style="list-style-type: none"> • 56,500 45,200 cubic yards 	<ul style="list-style-type: none"> • Displaced soil volume: 1,869 cubic yards • Ground disturbance: 209 linear feet
Electrical/Communications Conduits and Trenches	<ul style="list-style-type: none"> • 155,000 424,000 linear feet of conduits in 54,000 43,200 linear feet of trenches • 10 power poles 	<ul style="list-style-type: none"> • 26 power poles for electrical and communications cable • 3 radio towers for transmitting control and signals to Remedy SCADA

T7-059

The commenter questions if there is a set numerical threshold at which fuel consumption can be held significant or untenable from a regulatory or CEQA standpoint.

There are no set numerical thresholds either in number of gallons of consumption or percentage of existing consumption. The analysis included in Section 5.2 of the Draft SEIR is an analysis required by CEQA Guidelines Section 15126(c), which focuses on the commitment of nonrenewable resources a project may have. In this manner, there are no set numerical thresholds either in number of gallons of consumption or percentage of existing consumption, which is why the analysis in the Draft SEIR was tied back to the usage/consumption in the State of California.

T7-060

The commenter states that the text for Mitigation Measure CUL-1b, -1c, and -4a uses the term “Native American monitors,” but the term “Tribal monitors” has been used in this Project and is defined in the CIMP, and therefore should be used throughout this document.

In response to the comment, the Draft SEIR text in Table 1-3 on page 1-43 and on page 4.4-135 is revised as follows:

PG&E shall invite ~~Native American~~ Tribal monitors to participate.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-061

The commenter suggests that Mitigation Measure BIO-1a implies that areas that are “non-disturbed” but have been additionally “disturbed” by

the proposed Project will not be subject to restoration. The commenter notes that the fact that an area has experienced some disturbance should not preclude it from restoration. The commenter further notes that all impacts must be considered per CEQA. The commenter recommends that prior to restoration activities within the fourteen proposed mitigation planting areas, Tribes should be consulted and Tribal Monitors present when the specific area boundaries are demarcated. The commenter requests that the mitigation plan to be prepared by PG&E under Mitigation Measure BIO-1a, sub-bullet b), should be submitted to Interested Tribes.

The Draft SEIR discloses, “[b]ased on the locations of proposed Project facilities, approximately 2.44 acres of ephemeral waters under USACE and CDFW jurisdiction delineated within the Project Area would be directly impacted during construction of the proposed Project. Of these 2.44 acres of potential direct impacts, approximately 1.58 acres of impact would occur to jurisdictional areas that are currently disturbed or developed. Thus, approximately 0.86 acre of non-disturbed jurisdictional ephemeral waters would be impacted during construction activities for installation of proposed Project facilities.” (page 4.3-61 of the Draft SEIR). Thus, impacts to all potential direct impacts existing jurisdictional features (including areas that have and have not been subject to previous disturbances) have been disclosed and quantified in accordance with CEQA. The Draft SEIR appropriately concludes that impacts to jurisdictional areas that are not currently disturbed would be significant and require mitigation (page 4.3-62 of the Draft SEIR). From a biological perspective, impacts associated with the proposed Project would affect the function and value of these non-disturbed areas.

The analysis of impacts and application of mitigation measures as it pertains to biological resources is directed by the regulatory agencies (CDFW and USFWS), and the biological mitigation measures related to direct and indirect impacts to jurisdictional resources are appropriate, as confirmed by the agencies (see Comment Letter A6 from CDFW for example). DTSC acknowledges the Tribal perspective regarding the use of terminology such as “previously disturbed” and “non-disturbed” land and the importance of the landscape as a whole, and the context of those impacts are described, analyzed, and mitigated throughout Section 4.4, “Cultural Resources,” of the Draft SEIR.

All ground-disturbing activities associated with the Project, including restoration areas, are subject to the requirements of the mitigation measures. In this instance, Section 2.12 of the CIMP, which specifies Tribal notification of all ground-disturbing activities, is required under Mitigation Measures CUL-1a-8q and applies to the Project. Therefore, Tribal notification and observation of ground-disturbing activities are required under the proposed Project

The agencies listed as reviewing mitigation plans are experts in the subject matter related to the biological impacts in the Project Area and have specific regulatory-driven approval authority over mitigation plans

on lands within their jurisdiction. DTSC also acknowledges the Tribes' desire to review the mitigation plan to get a complete understanding of the methodology, success criteria, and monitoring and reporting as it related to the biological resources within the Project Area. As a result, Mitigation Measure BIO-1a has been revised such that the Interested Tribes shall be included in reviewing the mitigation plan prescribed by the measure. In response to the comment, the Draft SEIR text on page 4.3-73 is revised in this Final SEIR as follows.

The plan shall be subject to CDFW approval and in conformance with the identified performance standards, and submitted to DTSC, BLM, BOR, USFWS, ~~and~~ DOI, Interested Tribes, and other appropriate landowners for review and comment within 60 days prior to finalization, as appropriate based on location of impacts.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-062

The commenter states that the final restoration plans to be prepared under Mitigation Measure BIO-1b should be submitted to Interested Tribes and Tribes were omitted from the list of stakeholders intended to receive the plans. The commenter states that Tribes should be consulted in addition to receipt of the final restoration plans to be prepared under this mitigation measure.

Mitigation Measure CUL-1a-16 specifies that "The Remedy Restoration Plan shall be provided to DTSC and Interested Tribes for review and comment." The Remedy Restoration Plan noted in Mitigation Measure CUL-1a-16 is synonymous with the Final Restoration Plan that was prescribed by Mitigation BIO-2b in the Draft EIR. In order to provide more clarity, DTSC has added cross-reference between Mitigation Measure CUL-1a-16 and Mitigation Measure BIO-1b, and revised Mitigation Measure BIO-1b to clarify. In response to the comment, the Draft SEIR text on pages 4.3-74 and 4.4-122 is revised in this Final SEIR as follows.

Mitigation Measure BIO-1b: Final ~~Habitat~~ Habitat Remedy Restoration Plan (New Measure). A ~~F~~final habitat Remedy R~~estoration P~~lan shall be developed and implemented following decommissioning of the proposed Project. The ~~F~~final habitat Remedy R~~estoration P~~lan will address restoration of areas that were impacted during construction, operation and maintenance, and decommissioning of the proposed Project, specifying salvage/replanting measures, as well as success criteria, monitoring, and adaptive management requirements for restored areas. Success criteria for restoration areas will be similar to that identified in the existing habitat restoration plans (i.e., 75% overall survival rate of mitigation plantings at the end

of a minimum 5-year monitoring period). Adaptive management actions to ensure successful establishment of native vegetation and desired density of cover of plants will include weed control, irrigation modification, herbivory protection, and additional plantings. The plan shall be submitted to DTSC, CDFW, BLM, BOR, USFWS, and DOI, and other appropriate landowners for review. The Remedy Restoration Plan shall also be provided to Interested Tribes for review and comment, consistent with Mitigation Measure CUL-1a-16.

CUL-1a-16: Implement Restoration Plan (New Measure).

Restoration following decommissioning of the Project shall be implemented in a manner consistent with Section 2.5 “*Protocols for Restoring the Environment to its Preconstruction Conditions Upon Decommissioning*” of the CIMP (as described above in Mitigation Measure CUL-1a-8q) and the Havasu National Wildlife Refuge Habitat Restoration Plan (C/RAWP Appendix G; see Mitigation Measure BIO-1a in this SEIR). Additionally, consistent with requirements of Section 6.3 “*Environmental Restoration*” of the CHPMP, a Remedy Decommissioning Plan will be submitted by PG&E to DOI within 120 days of DOI’s certification of completion of the CERCLA Remedial Action and determination by DOI that removal of such facilities is protective of human health and the environment. The Remedy Restoration Plan shall be provided to DTSC and Interested Tribes for review and comment, consistent with Mitigation Measure BIO-1b.

These changes presented in the mitigation measures do not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-063

The commenter requests that final habitat restoration plan(s) to be prepared in compliance with Mitigation Measure BIO-2c should be submitted to Interested Tribes for review and that Tribes were omitted from the list of stakeholders intended to receive the plans. The commenter states that Tribes should be provided a copy of the final habitat restoration plan.

Mitigation Measure CUL-1a-16 specifies that “The Remedy Restoration Plan shall be provided to DTSC and Interested Tribes for review and comment.” In order to provide more clarity, DTSC has added cross-reference between Mitigation Measure CUL-1a-16 and Mitigation Measure BIO-2c. In response to the comment, the Draft SEIR text on pages 4.3-111 and 4.4-122 is revised in this Final SEIR as follows.

Mitigation Measure BIO-2c: Disturbance of Special-Status Species and Loss of Habitat Caused by Decommissioning (Groundwater FEIR Measure with Revisions). To avoid impacts on special-status species that may occur within the Project Area as a result of decommissioning activities, an

Avoidance and Minimization Plan shall be developed and implemented through consultation with CDFW, BLM, and USFWS. The Avoidance and Minimization Plan will specify species-specific measures, including seasonal restrictions for decommissioning activities (i.e., avoidance of the avian breeding season and maternity roosting season for bats where habitat exists) as needed, as well as avoidance buffers around known locations of special-status species or their habitats. Avoidance and minimization measures identified in the plan shall be based on surveys conducted prior to decommissioning, and during the breeding season (as previously defined in the Groundwater FEIR for each species or suite of species). To the extent appropriate, the Avoidance and Minimization Plan for decommissioning activities will include applicable measures identified in the existing BIAMP and PBA. Restoration of any disturbed areas shall include measures to achieve no net loss of habitat functions and values existing before Project implementation. These measures shall be achieved by developing and implementing a Final Habitat Remedy Restoration Plan (refer to Mitigation Measure BIO-1b). The plan shall include a revegetation seed mix or plantings design, a site grading concept plan, success criteria for restoration, a monitoring plan for achieving no net loss of habitat values and functions, and an adaptive management plan. Success criteria for restoration areas will be similar to that identified in the existing habitat restoration plans (i.e., 75% overall survival rate of mitigation plantings at the end of a minimum 5-year monitoring period). Adaptive management actions to ensure successful establishment of native vegetation and desired density of cover of plants will include weed control, irrigation modification, herbivory protection, and additional plantings. The Final Habitat Remedy Restoration Plan shall be submitted to DTSC, CDFW, BLM, BOR, USFWS, and DOI, and other appropriate landowners for review. The Final Remedy Restoration Plan shall also be provided to Interested Tribes for review and comment, consistent with Mitigation Measure CUL-1a-16.

CUL-1a-16: Implement Restoration Plan (New Measure).

Restoration following decommissioning of the Project shall be implemented in a manner consistent with Section 2.5 “*Protocols for Restoring the Environment to its Preconstruction Conditions Upon Decommissioning*” of the CIMP (as described above in Mitigation Measure CUL-1a-8q) and the Havasu National Wildlife Refuge Restoration Plan (C/RAWP Appendix G; see Mitigation Measure BIO-1a in this SEIR). Additionally, consistent with requirements of Section 6.3 “*Environmental Restoration*” of the CHPMP, a Remedy Decommissioning Plan will be submitted by PG&E to DOI within 120 days of DOI’s certification of completion of the CERCLA Remedial Action and determination by DOI that removal of such facilities is protective of human health and the environment. The Remedy Restoration

Plan shall be provided to DTSC and Interested Tribes for review and comment, consistent with Mitigation Measure BIO-1b.

The changes presented in these mitigation measures do not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-064

The commenter states that the enhancement plans and mitigation plan for impacted special status plants to be prepared under Mitigation Measure BIO-2h should be submitted to Interested Tribes and Tribes were omitted from the list of stakeholders intended to receive the plans.

DTSC acknowledges the Tribes' desire to review the mitigation plans to get a complete understanding of the methodology, success criteria, and monitoring and reporting as it related to the biological resources within the Project Area. As a result, Mitigation Measure BIO-2h has been revised such that the Interested Tribes shall be included in reviewing mitigation plans prepared in compliance with the measure. In response to the comment, the Draft SEIR text on page 4.3-117 et seq. is revised in this Final SEIR as follows.

- ii. *Enhancement of Known Populations:* Known populations of the species to be impacted would be enhanced by undertaking actions to increase the size of the known population. Such actions may include improving the quality of occupied habitat (e.g., invasive species removal) and/or seeding to facilitate population expansion. Enhancement of known populations may occur at off-site populations that are currently conserved or within the occupied portions of the Project Area that can be conserved. An enhancement plan for impacted special-status plants would be developed through coordination with CDFW. The plan shall be approved by CDFW and submitted to DTSC, BLM, BOR, USFWS, ~~and~~ DOI, and Interested Tribes for review and comment prior to finalization.
- iii. *Preservation of Occupied Habitat:* Habitat occupied by the species to be impacted would be permanently protected by establishing a conservation easement. PG&E would coordinate with CDFW to determine the conditions of the conservation easement, including the required acreage of occupied habitat to be conserved and requirement monitoring and management of the conserved population. The agreed upon conditions would be detailed in a mitigation plan for impacted special-status plants. The plan shall be approved by CDFW and submitted to DTSC, BLM, BOR, USFWS, ~~and~~ DOI, Interested Tribes, and other appropriate landowners for review and comment prior to finalization.

The change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-065

The commenter states that the correct language in Mitigation Measure CUL-1a-1 should be that “subcontractors will be required to ‘implement’ established protocols regarding Project activities that avoid, and/or minimize significant impacts associated with the Topock TCP...”

In response, the Draft SEIR text on page 4.4-110 (Mitigation Measure CUL-1a-1) and on page 4.4-135-136 (Mitigation Measure CUL-1a-5) is revised in this Final SEIR as follows:

During the construction, operation and maintenance, and decommissioning phases of the Project, PG&E shall carry out all Project activities, and shall require all subcontractors to ~~carry out all Project activities~~ implement established protocols regarding Project activities, in ways that avoid, minimize, and mitigate significant impacts resources associated with the Topock TCP

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-066

The commenter asks how and where the term “Topock TCP” from Mitigation Measure CUL-1a-1 is defined and whether this term replaces the term “Topock Cultural Area” from the FEIR. The commenter asks if they have the same boundaries, and if not, where other historical properties of Tribal concern are handled.

Pages 4.4-10, 4.4-61 and 4.4-62 of the Draft SEIR describes the Topock Cultural Area and Topock TCP. The Topock Cultural Area was defined as part of the Groundwater FEIR process and Project Area. The BLM defined the boundaries of the Topock TCP as corresponding to the then APE, and included an area of approximately 1,600 acres that overlapped in part with the Topock Cultural Area. However, the BLM also acknowledged that “Tribal members believe that the area known as the Topock TCP is part of a broader cultural landscape that includes the Colorado River, extending beyond the limits of the currently designed APE, and should not be understood as a discrete or detached site, but as part of a larger area of cultural significance” (BLM 2012). As the Topock TCP is a property eligible for listing in the National Register of Historic Places and is listed in the California Register of Historical Resources, the term Topock Cultural Area has been replaced in the SEIR with the term Topock TCP. DTSC concurs that additional clarification is warranted regarding the relationship between the Topock Cultural Area and the Topock TCP in the SEIR. In response to this comment, the text on page 4.4-10 of the Draft SEIR has been modified to the following:

DTSC determined that, based on the weight of the evidence, the area surrounding the Topock Maze appeared to qualify as a historical resource under CEQA as an area that is significant in the social and cultural annals of California. This historical resource was referred to as the “Topock Cultural Area” (TCA) in the Groundwater FEIR and its boundaries corresponded to the Groundwater FEIR Project Area. Following completion of the Draft Groundwater EIR, but prior to ~~Since~~ certification of the Groundwater FEIR, the U.S. Department of the Interior (DOI), Bureau of Land Management (BLM) determined that the area within the Area of Potential Effects (APE) (which overlapped in large part with the Groundwater Project Area), constitutes ~~Topock Cultural Area has been designated by the U.S. Department of the Interior (DOI)~~ a traditional cultural property (TCP) eligible for listing in the NRHP, known as the Topock TCP, and detailed information about this process and the Topock TCP is provided below in Section 4.4.3.1 of this SEIR. The term Topock Cultural Area (or TCA) used previously in the Groundwater FEIR has been replaced with the term Topock TCP and this SEIR analyzes impacts to the Topock TCP.

In addition, the text on page 4.4-61 of the Draft SEIR has been modified to the following:

~~Since certification of the Groundwater FEIR,~~ In 2010, the BLM determined that the area within the APE boundaries (which overlapped in large part with the Topock Cultural Area (TCA) as it was defined in the 2011 Groundwater FEIR) was formally designated constitutes a TCP, which is eligible for the NRHP. BLM made this determination as a result of Section 106 consultation for the Topock Remediation Project (defined by the U.S. Bureau of Land Management [BLM] to include remedial investigations and groundwater and soil removal and response actions pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA]). Through the Section 106 process, a PA (BLM et al. 2010) and a Cultural and Historical Properties Management Plan (CHPMP) (BLM 2012) were prepared and the BLM determined that there was a TCP of religious and cultural significance to several Interested Tribes within the Area of Potential Effects (APE) for the Groundwater Remediation Project, an ~~larger~~ area of approximately 1,600 acres that surrounds and encompasses is larger than the Project Area and overlaps the Project Area to a great extent.

T7-067

The commenter states that the former FEIR 2011 mitigation measures should not be used to address newly identified SEIR cumulative impacts since they have already been applied to the BOD and other Project reviews, surveys and processes for groundwater and soils.

Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property and Master Response 2: Use of the Future Activity Allowance in the Draft SEIR for a detailed response to this comment.

T7-068 The commenter states that the “request for access” procedures referred to in Mitigation Measure CUL-1a-2a relate only to Tribes desiring access to property owned by PG&E, and that this needs to be clarified.

In response to the comment, the Draft SEIR text on page 4.4-110 is revised in this Final SEIR as follows:

Procedures required by Appendix P of the C/RAWP include protocols and timelines for requesting access to PG&E property for religious, spiritual, or other cultural purposes and notification procedures

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

This measure is a new measure in that it requires implementation of the Tribal Access Plan that was required to be developed as a result of Mitigation Measure CUL-1a-2: Develop Tribal Access plan of the 2011 Groundwater FEIR.

T7-069 The commenter asks why qualification specifics for new cultural or historical resource consultants were struck, in regard to Mitigation Measure CUL-1a-3a.

The qualification specifics were modified to be consistent with the requirements of the Stipulation XI.A of the PA, which references qualifications standards set forth by the Secretary of the Interior (codified in 36 CFR Part 61; 48 FR 44739).

T7-070 The commenter states that DTSC should solicit input from Interested Tribes on the suitability and acceptability of any proposed new cultural resources consultant, and consider the Tribal input when approving any new cultural resources consultant. The commenter indicates this would be consistent with the Advisory Council on Historic Preservation guidance titled: “Native American Traditional Cultural Landscapes and the Section 106 Review Process (July 2010).”

The comment is noted for the record. Consistent with Mitigation Measure CUL-1a-3a of the 2011 Groundwater FEIR, DTSC retains approval authority of PG&E’s cultural resources consultants. Mitigation Measure CUL-1a-3a also requires that Tribes be provided the opportunity to accompany the Qualified Cultural Resources Consultant during condition inspections. In addition, the “Periodic Site Monitoring” reports will be provided to Interested Tribes for review and comment.

T7-071 The commenter states that inspection reports should include a section on Tribal recommendations for treatment and management as well as Tribal review of updates to DPR forms, with regard to the provision related to historical resources condition.

Annual Historical Resource Condition Inspection reports are considered cultural resources-related documents and would be provided to Interested Tribes for review and comment in accordance with Mitigation Measure CUL-1a-8q, which requires implementation of protocols outlined in the CIMP. However, DTSC has revised measure CUL-1a-3a to clarify that this provision of the CIMP applies to these reports, and the Draft SEIR text within measure CUL-1a-3a has been revised as follows:

PG&E shall provide reports to DTSC and the Interested Tribes for review and comment in accordance with CIMP Section 2.3 “Protocols for the Review of Cultural Resource-Related Documents” and Section 6.6.5 “Periodic Site Monitoring” of the CHPMP.

Comments provided by Interested Tribes on draft reports and DPR forms would be considered in accordance with all applicable guidance documents (CIMP, CHPMP, PA, BLM Manual 1780-1, etc.). Also, the CHPMP Section 6.6.5 states that treatment measures will be determined by BLM in consultation with the Tribes.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-072

The commenter states that Tribes should also be allowed to provide input on both signage language, location and installation methods, and there have been issues in the past regarding the location and manner of installation of signage at the site.

DTSC acknowledges the concern regarding the potential future installation of signage, and in response to the comment, the Draft SEIR text on page 4.4-112 within Mitigation Measure CUL-1a-3d is revised in this Final SEIR as follows:

In addition to requirements set forth in Appendix P of the C/RAWP, PG&E shall include Interested Tribes as key stakeholders in the design and installation of signage and shall install signage prior to the start of construction, if possible, dependent on cooperation and input from land owners and land management entities...

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-073

The commenter states that FMIT should be listed as one of the key stakeholders to be consulted on the signage because FMIT is a landowner in the Project Area.

DTSC acknowledges that the FMIT are a landowner in the SEIR Project Area. In response to this comment, the text on page 4.4-113 of the Draft SEIR has been modified to the following:

As provided in Appendix P of the C/RAWP, PG&E shall initiate conversations with key stakeholders (i.e., BLM, San Bernardino County, Park Moabi) within six months of the final approval of the Final Remedy Design. In addition to the key stakeholders listed in Appendix P of the C/RAWP, the FMIT shall be included as a land owner in the Project Area.

T7-074

The commenter conveyed that the stipulation in Mitigation Measure CUL-1a-4 stating “the scientific and engineering team shall provide all deliverables and results to all involved tribes” is not representative of the current established protocol used by the Tribes, TRC and PG&E’s consultant HDR. The commenter states that key provisions have been altered which complicates how the measure is implemented, such as leaving out a process to replace TRC members. The commenter states that “including but not limited to” should not have been stricken from the text.

DTSC acknowledges the procedures around document sharing within the TRC. As such, the Draft SEIR text within Mitigation Measure CUL-1a-4 on page 4.4-113 is revised in this Final SEIR as follows:

The entirety of the monies shall be used to fund the scientific and engineering team exclusively, and shall not be used to fund other tribal government expenses or used to support legal counsel. ~~A stipulation of the contract shall be that the scientific and engineering team shall provide all deliverables and results to all involved tribes, despite a possible contract agreement with only one tribe or with PG&E.~~ Activities shall be reported to DTSC for review and to ensure PG&E is in compliance at least annually.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

The mechanism for selection of TRC member is the same as stated in the 2011 Groundwater FEIR “TRC members shall be selected by majority vote amongst participants from the Interested Tribes.” DTSC has determined that the most relevant experts for this particular Project and who would be best able to assist the Interested Tribes in technical matters relating to the remedy design and its construction are those experts related to geology, hydrology, water quality, engineering, paleontology, toxicology, chemistry, or biology.

T7-075

The commenter states that the technical products prepared by TRC will not be made available to anyone without consent of the requesting Tribe.

The commenter states that Mitigation Measure CUL-1a-4 should be revised with input and review from the Tribes.

DTSC acknowledges the procedures around document sharing within the TRC. As such, the Draft SEIR text within Mitigation Measure CUL-1a-4 on page 4.4-113 is revised in this Final SEIR as follows:

The entirety of the monies shall be used to fund the scientific and engineering team exclusively, and shall not be used to fund other tribal government expenses or used to support legal counsel. ~~A stipulation of the contract shall be that the scientific and engineering team shall provide all deliverables and results to all involved tribes, despite a possible contract agreement with only one tribe or with PG&E.~~ Activities shall be reported to DTSC for review and to ensure PG&E is in compliance at least annually.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

DTSC conducted meetings on April 19 and 20, 2017, with Interested Tribes between the Draft and Final SEIR to again discuss their concerns regarding mitigation measures.

T7-076

The commenter states that HDR is specifically tasked with providing administrative separation from PG&E and contracts with and pays TRC members. The commenter states that the mitigation language should be revised to reflect the accepted TRC protocol.

DTSC acknowledges the procedures around document sharing within the TRC. As such, the Draft SEIR text within Mitigation Measure CUL-1a-4 on page 4.4-113 is revised in this Final SEIR as follows:

The entirety of the monies shall be used to fund the scientific and engineering team exclusively, and shall not be used to fund other tribal government expenses or used to support legal counsel. ~~A stipulation of the contract shall be that the scientific and engineering team shall provide all deliverables and results to all involved tribes, despite a possible contract agreement with only one tribe or with PG&E.~~ Activities shall be reported to DTSC for review and to ensure PG&E is in compliance at least annually.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-077

The commenter states that DTSC must consult with the affected Tribes to evaluate their technical needs in addition to the necessity and dollar

value of the TRC because the TRC is an invaluable resource to the Tribes.

DTSC agrees that funding for the TRC and Project Managers should be extended until the groundwater remedy is determined by DTSC to be operating properly and successfully. As a result, modifications are made in this Final SEIR to Mitigation Measures CUL-1a-4 and CUL-1a-11 as indicated below. DTSC is committed to continued involvement with the Interested Tribes throughout the duration of the Project.

CUL-1a-4: Technical Review Committee (Groundwater FEIR Measure with Revisions). ...~~Upon conclusion of the construction phase of the Project,~~ Funding for the TRC shall continue until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the TRC shall be assessed by DTSC and , at which time the provision of the TRC may be extended, reduced, or terminated. During the operation and maintenance and decommissioning phases, the necessity of the TRC shall be periodically evaluated by DTSC.

CUL-1a-11: Open Grant Funding (Groundwater FEIR Measure with Revisions). ...~~Upon conclusion of the construction phase of the Project,~~ Funding for these positions shall continue until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the cultural resource specialist/project manager positions shall be assessed by DTSC and , at which time the positions may shall be extended, reduced, or terminated. During the operation and maintenance and decommissioning phases, the necessity of the positions shall be periodically evaluated by DTSC. These positions shall be inclusive of those referenced by CR-1e-9 in the Topock Soil Investigation Project EIR and MMRP.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-078

The commenter asks how “the conclusion of the construction phase of the Project” (Mitigation Measure CUL-1a-4) will be measured by DTSC regarding the necessity of the TRC, especially if a 25 Percent Future Activity Allowance is included.

As shown in response to comment T7-077, the following modification is made in this Final SEIR to Mitigation Measure CUL-1a-4 as follows:

CUL-1a-4: Technical Review Committee (Groundwater FEIR Measure with Revisions). ...~~Upon conclusion of the construction phase of the Project,~~ Funding for the TRC shall continue until DTSC has determined that the remedy is operating

properly and successfully, at which time the necessity of the TRC shall be assessed by DTSC and, ~~at which time~~ the provision of the TRC may be extended, reduced, or terminated. During the operation and maintenance and decommissioning phases, the necessity of the TRC shall be periodically evaluated by DTSC.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-079

The commenter states that DTSC must revise Mitigation Measure CUL-1a-4 to reflect the actual protocol administered by the Tribes and that DTSC must consult with the Interested Tribes before proposing any revisions to the mitigation measures.

In response to the comment, modifications are made in this Final SEIR to Mitigation Measures CUL-1a-4 and CUL-1a-11 as indicated below. DTSC is committed to continued involvement with the Interested Tribes throughout the duration of the Project.

CUL-1a-4: Technical Review Committee (Groundwater FEIR Measure with Revisions). ...~~Upon conclusion of the construction phase of the Project,~~ Funding for the TRC shall continue until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the TRC shall be assessed by DTSC and, ~~at which time~~ the provision of the TRC may be extended, reduced, or terminated. During the operation and maintenance and decommissioning phases, the necessity of the TRC shall be periodically evaluated by DTSC.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-080

The commenter states that the set of protocols in Mitigation Measure CUL-1a-8q should also reference Tribal protocols, for example, there is a specific protocol that relates to excavation materials or drill cuttings which contain clay. The commenter states that these Project protocols are specific to the Tribes, and are additional to the CIMP, CHPMP, and PA.

Mitigation Measure CUL-1a-8q requires implementation of the CIMP, which was finalized on November 18, 2015, and is included in the SEIR as Appendix H of the C/RAWP. The text on pages 4.4-114-118 summarizes the primary impact-reducing components of the CIMP, some of which reference the federal requirements of the PA and CHPMP. Protocols for handling and disposition of clay is covered by the 2016 *Protocols for Handling and Disposition of Clay Materials Exposed by Project Activities* and conformance with this set of protocols is included

in the *Cultural and Historic Properties Treatment Plan for the Topock Compressor Station Remediation Project* (Hanes and Price *in progress*), implementation of which is required by SEIR Mitigation Measure CUL-1a-19, “Implement Treatment Plan for the Topock TCP.”

T7-081 The commenter requests to provide examples of what may constitute “unforeseen circumstances” that may require amendments to the CIMP. For example, the commenter asks what would be the triggers for circumstances that would instead require a work plan to be prepared (i.e., the protocol in CUL-1a-14).

Given that the Project is anticipated to extend over 30 years, it is difficult to predict what unforeseen circumstances could occur in the future that may warrant amending the CIMP, such as changes in technology. DTSC felt that it was necessary to include a mechanism to amend the CIMP given the longevity of the Project. Please see Master Response 2: Use of the Future Activity Allowance in the Draft SEIR, which incorporates revisions and clarifications made as part of this Final SEIR.

T7-082 The commenter states that a request for access is necessary only for PG&E-owned property, in reference to Mitigation Measure CUL-1a-8q. The commenter states that a courtesy call is typically given for areas outside of PG&E-owned property and that this should be clarified in the text. The commenter states that Tribes have federal and state rights to access public lands for religious and cultural purposes.

Mitigation Measure CUL-1a-8q requires implementation of protocols outlined in the CIMP. Section 2.11, “Protocols to Accommodate Tribal Ceremonies or Activities Involving Topock Cultural Area,” was developed in accordance with 2011 Groundwater FEIR Mitigation Measure CUL-1a-8k: Protocols to be followed by Project personnel to accommodate, if feasible as determined by DTSC, key Tribal ceremonies that involve the Topock Cultural Area. The CIMP Section 2.11 states that “For the purposes of this protocol, key Tribal ceremonies will include any ceremonies or activities for which the Tribes choose to notify and/or ask for assistance.” It also states that “...PG&E and Tribal representatives will identify other impacted landowners. The Tribal representative will be responsible for further discussion of ceremonial activities with these landowners, if necessary” and “Access to the Project Area by Tribal religious practitioners for the purpose of conducting Tribal ceremonies will be consistent with federal and state laws, regulations, and agreements governing the property within the Project Area. Such access will also be consistent with the Access Plan prepared under MMRP CUL-1a-2 and General Principle I.C contained in the BLM PA.”

In response to the comment, the Draft SEIR text within Mitigation Measure CUL-1a-8q on page 4.4-117 is revised in this Final SEIR as follows:

Section 2.11 - Protocols to Accommodate Tribal Ceremonies or Activities Involving Topock Cultural Area: Key Tribal ceremonies involving the Topock Cultural Area [Topock TCP] will be accommodated if feasible as determined by DTSC. Any Tribe(s) wishing to perform such a ceremony may contact The first step in the protocol is a request for access by Interested Tribes to conduct Tribal ceremonies by phoning, emailing, or writing to PG&E's Site Manager by telephone, email, or in writing to discuss the specific request. For the purposes of this protocol, key Tribal ceremonies will include any ceremonies or activities for which the Tribes choose to notify and/or ask for assistance. PG&E will consider the request and decide if the request can be accommodated as is, with modifications, or not at all, and will notify the requestor by phone or in person as soon as possible. PG&E staff, consultants, contractors or subcontractors will conduct themselves appropriately and, if invited to participate, will be respectful, turn off cell phones, and refrain from photography without permission. PG&E will maintain confidentiality of documents and sensitive information to the maximum extent allowed by the law. The Tribal representative will be responsible for further discussion of ceremonial activities with other identified impacted landowners, if necessary. Access to the Project Area by Tribal religious practitioners for the purpose of conducting Tribal ceremonies will be consistent with federal and state laws, regulations, and agreements governing the property within the Project Area. Such access will also be consistent with the Tribal Access Plan prepared in response to 2011 Groundwater FEIR Mitigation Measure CUL-1a-2, "Protocol to Preserve Tribal Member's Access to, and Use of, the Project Area" as included in Appendix P of the C/RAWP, General Principle I.C of the BLM's PA, and Appendix B "Tribal Access Plan" of the CHPMP.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, the result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

DTSC does not have the authority to grant or deny access to federal public lands or private lands (no state-owned land is within the vicinity of the Project Area) and acknowledges that the Tribes are free to pursue access to lands for religious and cultural purposes from the land owner or land managing entities.

T7-083

With regard to Mitigation Measure CUL-1a-11, the commenter states that historic rates must be subject to reasonable periodic adjustment or escalation and that this should be included in the measure. In response to the comment, the Draft SEIR text of CUL-1a-11 has been revised in the Final SEIR as follows:

CUL-1a-11: Open Grant Funding (Groundwater FEIR Measure with Revisions). ... During the construction phase of the Project, PG&E shall provide an open grant for one part-time cultural resource specialist/project manager position for each of the five Interested Tribes: Chemehuevi, Cocopah, CRIT, FMIT, and Hualapai. The award of the grants is for the timely review of Project documents, participating in project-related meetings, coordinating and managing input and interests for the Tribe on the Project, and to act as a Tribal liaison with PG&E and regulatory agencies. The part-time cultural resources specialist/project manager shall be compensated at rates of historic compensation with provisions for escalation of rates tied to the U.S. Department of Labor, Bureau of Labor Statistics Employment Cost Index.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-084

The commenter asks why DTSC changed the language in Mitigation Measure CUL-1a-11 regarding FMIT's ownership of land in the Project Area and involvement in the environmental process, specifically the following: "Additionally, in light of FMIT's ownership of land in the project area and historical involvement in the environmental process, additional funding is guaranteed for one full-time FMIT position upon submission of an application by a qualified FMIT member who shall be appointed by the FMIT council, provided such funding is not duplicative of the services and funding provided by PG&E pursuant to the Settlement Agreement between PG&E and the FMIT in *Fort Mojave Indian Tribe v. Dept. of Toxic Substances Control*, et al., Case No. 05CS00437 for a position with the FMIT's AhaMakav Cultural Society."

Reflective of the continued involvement of each of the five Interested Tribes in the Project, DTSC modified the original language to include funding for a part-time Project Manager for each of the five Interested Tribes. DTSC does not believe that a full-time position is warranted during the construction or operation and maintenance phases of the Project. However, DTSC has also modified CUL-1a-11 to provide greater flexibility in considering the Tribes' needs, and allowing for continued participation of project managers as the Project progresses during the operation and maintenance phase.

The original 2011 Groundwater FEIR Mitigation Measure CUL-1a-11 stated that "Upon conclusion of the construction phase of the project, the necessity and dollar value of the grant program shall be assessed by PG&E and, with the approval of DTSC, shall either be extended, reduced, or terminated under the operations and maintenance phase." In response to the comment, the Draft SEIR text of CUL-1a-11 has been revised in the Final SEIR as follows:

Mitigation Measure CUL-1a-11: ... ~~Upon conclusion of the construction phase of the Project, Funding for these positions shall continue until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the cultural resource specialist/project manager positions shall be assessed by DTSC at which time and the positions may shall~~ be extended, reduced, or terminated. During the operation and maintenance and decommissioning phases, the necessity of the positions shall be periodically evaluated by DTSC.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-085

The commenter recommends keeping the following language that was removed from Mitigation Measure CUL-1a-11: “for review and comment of subsequent project and/or environmental documents related to the design and implementation of the groundwater remediation project to avoid, reduce, or otherwise mitigate impacts on historical resources as defined by CEQA.”

DTSC believes that the modified language, “The award of the grants is for the timely review of Project documents, participating in Project-related meetings, coordinating and managing input and interests for the Tribe on the Project, and to act as a Tribal liaison with PG&E and regulatory agencies” (as shown on page 4.4-120 of the Draft SEIR), is better reflective of the actual intent of the measure and the types of activities that have generally been covered by the grant monies.

T7-086

The commenter states that FMIT was not notified of any issues that could warrant the proposed changes to the 2011 versions of the mitigation measures and DTSC should consult with FMIT before proposing any revisions to the mitigation measures.

Since this is an SEIR, the basis of the mitigation measures is the 2011 FEIR. On August 21, 2013, DTSC met with representatives of Chemehuevi, CRIT, Cocopah, Hualapai, FMIT, and PG&E at the FMIT Tribal Office to discuss, provide clarifications of, and receive input on the Groundwater Mitigation and Monitoring Response required by the 2011 EIR. DTSC considered the input received from Tribes during this meeting in the development of the mitigation measures in the Draft SEIR. In addition, DTSC met with members of the Interested Tribes to discuss mitigation on several occasions prior to publication of the Draft SEIR for public review. DTSC met with representatives from the Chemehuevi, Cocopah, CRIT, FMIT, and Hualapai Tribes on July 19, 2016, and August 5, 2016, specifically to discuss conceptual mitigation options that could be included in the SEIR. DTSC also participated in a meeting with representatives from the Cocopah, CRIT, FMIT, and Hualapai Tribes on April 19 and 20, 2017, between the Draft and Final

SEIR to again discuss Tribal concerns and comments regarding the mitigation measures.

T7-087

The commenter requests that FMIT be consulted with regarding DTSC's assessment of the necessity of positions at the end of the Project construction phase.

As a response to the comment concerning open grant funding, modifications are made in this Final SEIR to Mitigation Measure CUL-1a-11 as follows:

CUL-1a-11: Open Grant Funding (Groundwater FEIR Measure with Revisions). ...~~Upon conclusion of the construction phase of the Project,~~ Funding for these positions shall continue until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the cultural resource specialist/project manager positions shall be assessed by DTSC and ~~and, at which time the positions may shall~~ be extended, reduced, or terminated. During the operation and maintenance and decommissioning phases, the necessity of the positions shall be periodically evaluated by DTSC. These positions shall be inclusive of those referenced by CR-1e-9 in the Topock Soil Investigation Project EIR and MMRP.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-088

With regard to Mitigation Measure CUL-1a-11, the commenter asks how "during the construction phase" and "upon conclusion of the construction phase of the Project" will be measured by DTSC, especially if a 25 Percent Future Activity Allowance is included.

In response to the comment, modifications are made in this Final SEIR to Mitigation Measures CUL-1a-4 and CUL-1a-11 as indicated below.

CUL-1a-4: Technical Review Committee (Groundwater FEIR Measure with Revisions). ...~~Upon conclusion of the construction phase of the Project,~~ Funding for the TRC shall continue until DTSC has determined that the remedy is operating properly and successfully, at which time the necessity of the TRC shall be assessed by DTSC and ~~and, at which time the provision of the TRC may be extended, reduced, or terminated.~~ During the operation and maintenance and decommissioning phases, the necessity of the TRC shall be periodically evaluated by DTSC.

CUL-1a-11: Open Grant Funding (Groundwater FEIR Measure with Revisions). ...~~Upon conclusion of the construction phase of the Project,~~ Funding for these positions shall continue until DTSC has determined that the remedy is

operating properly and successfully, at which time the necessity of the cultural resource specialist/project manager positions shall be assessed by DTSC and ~~at which time~~ the positions ~~may~~ shall be extended, reduced, or terminated. During the operation and maintenance and decommissioning phases, the necessity of the positions shall be periodically evaluated by DTSC. These positions shall be inclusive of those referenced by CR-1e-9 in the Topock Soil Investigation Project EIR and MMRP.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-089

With regard to Mitigation Measure CUL-1a-14: Tribal Notification of Potential Future Activities, the commenter asks what the triggers would be for circumstances that would require a work plan to be prepared.

Given that the Project is anticipated to extend over 30 years, it is difficult to predict what unforeseen circumstances could occur in the future that may warrant amending the CIMP, such as changes in technology. DTSC felt that it was necessary to include a mechanism to amend the CIMP given the longevity of the Project. Please see Master Response 2: Use of the Future Activity Allowance in the Draft SEIR, which incorporates revisions and clarifications made as part of this Final SEIR.

T7-090

With regard to Mitigation Measure CUL-1a-15: Use of the Future Activity Allowance in the Draft SEIR Cultural Resources Survey, the commenter states to please justify the 5-year survey standard since wind, rain, and other events occur more frequently than on 5-year cycles. The commenter suggests that a shorter time frame may be more appropriate and to consult with the Tribes regarding a more appropriate interval.

While there is no set interval for re-survey of areas previously surveyed, the 5-year standard is generally accepted practice in cultural resources management, and is consistent with California Office of Historic Preservation guidance. In Arizona, the SHPO generally does not require re-survey of areas that have been surveyed in the past 10 years. However, DTSC feels that the more conservative 5-year interval is reasonable in this situation given that the Project is within a desert environment, where ground surface is readily visible but acknowledging that conditions can change due to weather patterns. DTSC would also like to note that pre-construction field verification inspections of all areas prior to start of construction in an area, consistent with CIMP Section 2.16, would occur regardless of the date of the last survey.

With regard to the request that DTSC consult with the FMIT regarding the appropriate interval, DTSC conducted meetings on April 19 and 20, 2017, with Interested Tribes between the Draft and Final SEIR to again discuss their concerns regarding mitigation measures. Nevertheless, DTSC believes that the 5-year interval is adequate and reiterates that pre-

construction surveys will be conducted prior to commencement of any activities in all areas.

T7-091 The commenter states that DTSC should explain in more depth its approach to AB 52 compliance and how this may have affected the Draft SEIR analysis and consultation with Tribes. The commenter also states that DTSC must explain whether the proposed Future Activity Allowance approach is a veiled attempt to try and get around the requirements of AB 52 for future Project components.

Please refer to Master Response 2: Use of the Future Activity Allowance in the Draft SEIR and Master Response 3: Inapplicability of Assembly Bill 52 in Project Approval for a detailed response to this comment.

T7-092 With regard to Mitigation Measure CUL-1a-15, the commenter states to please explain what “would impede the fundamental Project objective of implementing the Final Remedy Design” mean to DTSC, and that the Tribes would prefer to see “materially impede.” The commenter states that all reasonable construction methods and design options are pursued to demonstrate compliance with CEQA, and this language should be included in the Mitigation Measure.

DTSC would like to thank the commenter for this insightful comment; however, as stated in CUL-1a-15, the statement quoted is used as an example of an instance where the subsequent list of action would apply. DTSC’s intention is to elevate avoidance of the resource as primary goal. Alternative action would only apply if avoidance of the resource will somehow compromise the ability for the remedy to function as intended or that by avoiding the resource it could potentially jeopardize the health and safety of individuals or cause significant harm to the environment or receptors. Because avoidance is the preferred method of management associated with resources, it is assumed that all reasonable construction methods would be considered prior to intrusion of the resource. DTSC does not see the necessity in adding the suggested language. Therefore, no change to the mitigation measure language has been made.

T7-093 With regard to Mitigation Measure CUL-1a-15, the commenter states to please explain what “expedited action” and “immediate deviation from a planned activity” means to DTSC and what the thresholds or standards are.

An expedited action or one that would require immediate deviation from a planned activity would likely be a situation of a sudden and unexpected nature. DTSC agrees because of the thorough evaluation during the design process that these potential actions have been minimized to the extent possible. However, “expedited actions” can still be necessary or applicable. An example would be if during installation of remedy pipeline in the compressor station and excavation run into an unexpected gas line or may cause instability of a slope. The location and method of installation may need to be altered quickly to avoid damage or PG&E downtime. Other situations may also warrant an expedited action where

imminent adverse impacts could result if action is not taken such as when a trench or a borehole is collapsing unexpectedly and need immediate action to shore up the hole. Other examples could be damage to a structure as a result of an accident where additional bracing or other engineering controls would be required to stabilize the damage.

T7-094

The commenter states that the text for Mitigation Measure CUL-1b, -1c, and -4a uses the term “Native American monitors,” but the term “Tribal monitors” has been used in this Project and is defined in the CIMP, and therefore should be used throughout this document.

In response to the comment, the Draft SEIR text in Table 1-3 on page 1-43 and on page 4.4-135 is revised as follows:

PG&E shall invite ~~Native American~~ Tribal monitors to participate.

T7-095

The commenter states that the following text should be added to Mitigation Measure CUL-1b, -1c, and -4a: “Tribal interpretations of resource finds shall be included in the required documentation of monitoring” and that “tribes will be consulted during the completion or updating of any required recordation forms and their views included in the forms.”

DTSC understands that the Interested Tribes are afforded the opportunity to provide input on recordation forms as part of measures outlined in the Treatment Plan. DTSC agrees that Tribal views should also be included as part of the sites forms prepared by the Qualified Cultural Resources for new discoveries, in conformance with the Treatment Plan measures and BLM manuals, and agrees that Mitigation Measure CUL-1b/c-4a should be modified to allow for Tribal input on archaeological resources discoveries site forms and updates. The Draft SEIR text within measure CUL-1b/c-4a has been revised as follows:

Department of Parks and Recreation 523 forms, following the Office of Historic Preservation’s *Instructions for Recording Historical Resources*, shall be prepared by the Qualified Cultural Resources Consultant and filed with the South Central Coastal Information Center (for archaeological resources in California) and Arizona State Museum site cards shall be prepared by the Qualified Cultural Resources Consultant and filed with the Arizona State Museum (for archaeological resources in Arizona) for all newly identified and updated archaeological resources, and shall be compiled and provided to DTSC as they become available. Interested Tribes shall be afforded an opportunity to provide input on archaeological discoveries site forms and updates in accordance with measures outlined in the Treatment Plan (Mitigation Measure CUL-1a-19) and BLM policies and practices pertaining to information sharing.

This change presented in the mitigation measure does not result in a decrease in the effectiveness of the proposed measure, result in a substantial increase in the severity of the identified impact after mitigation, or preclude meaningful review and comment.

T7-096

The commenter states that PG&E should solicit input from Interested Tribes on the suitability and acceptability of any proposed architectural historian, and consider the Tribal input when approving an architectural historian.

The comment is noted for the record. Consistent with Mitigation Measure CUL-1a-3a of the 2011 Groundwater FEIR, DTSC retains approval authority of PG&E's cultural resources consultants. Mitigation Measure CUL-1a-3a also requires that Tribes be provided the opportunity to accompany the Qualified Cultural Resources Consultant during condition inspections. In addition, the "Periodic Site Monitoring" reports will be provided to Interested Tribes for review and comment.

T7-097

With regard to Mitigation Measure CUL-1b/c-7, the commenter states that the Tribe should be consulting parties and be provided the opportunity to review and draft reports, evaluations or determinations of eligibility for any structure, building, etc., involved in the Project.

DTSC appreciates that the FMIT is interested in commenting on documents pertaining to evaluations and determinations of eligibility for built environment resources.

DTSC will continue to allow for Tribal review and comment on cultural resources documents consistent with CIMP Section 2.3 – Protocols for the Review of Cultural Resource-Related Documents and other guidance documents (i.e., PA and CHPMP) and BLM policies and practices pertaining to information sharing.

T7-098

The commenter states that PG&E should provide DOI and DTSC a list of all existing wells potentially impacted by the remediation system.

Water supply wells located in the vicinity of the Project have already been identified and listed in Mitigation Measure HYDRO-6a as well as Section 4.9.3.1, "Results of Hydrologic Analysis" of the Draft SEIR. HYDRO-6a also contains a provision to add additional wells if new ones are discovered or installed in the future. PG&E also periodically monitors Moabi Regional Park water supply wells as part of the groundwater monitoring program.

T7-099

The commenter states that provisions should be added to Mitigation Measures NOISE-1, -2, and -3 to stipulate the use of low-noise electric and hydraulic equipment that can attain noise levels as low as 65 dBA. The commenter states that especially given the long duration of the Project, the noise mitigation measures must include analysis and adoption of better technology that further lessens environmental effects.

DTSC appreciates the information on the Boart Longyear drill rig case study and will forward that information to PG&E for consideration to reduce and minimize noise during construction. Although an electronic drill rig may have a lower noise footprint during operation, this drilling equipment is not widely available. Furthermore, DTSC notes that this Project does not have a zoning code requirement to restrict the construction activity to attain a similar stringent 65dB noise ceiling. The drill rig is only one of many construction equipment that would be used which will result in generating vibration and noise. The use of the Boart Longyear drill rig would not eliminate or reduce vibration during drilling. Nevertheless, similar to the case study, DTSC has required the use of sound barriers when appropriate to reduce the construction related noise.

Letter T8: Cocopah Indian Tribe



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CCR – 032-05-001
Via Electronic Transmission

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

June 1, 2017

RE: Draft SEIR Mitigation Measures from the Cocopah Indian Tribe

Dear Mr. Yue:

The Cocopah Indian Tribe appreciates your consultation efforts on this project. We are pleased that you contacted the Tribe on this cultural resource issue for the purpose of solicitation of our input and to address our concerns on this matter. We would like to provide the following items to serve as proposed Draft SEIR mitigation measures from the Cocopah Tribe.

T8-001

Given that the Colorado River Tribes are connected through culture, language and traditions, we propose funding to support cultural and language programs. The Cocopah Tribe maintains a Cultural Arts and Language (CAL) Program that promotes cross cultural education through sharing oral histories, shared ancestral language, food, songs, stories, migration and trade routes. The program works to support cultural continuity through language, arts, and cultural education (sharing) from the elders to youth both within the Cocopah Tribe and among the other River Tribes. This program is a means from which we can bridge the traditional knowledge gap between the elders and youth of the Cocopah Tribe, while also working with the various other River Tribes by conducting cultural exchange programs with youth and elders. Through cultural exchanges the shared histories of the River Tribes can be maintained within each of the Tribes by utilizing the traditional knowledge of the elders from one Tribe to bridge an information gap within another Tribe and maintain the balance of knowledge within all River Tribes.

T8-002

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Similarly, restoration of the environment is a concern of all the River Tribes. Maintaining viable native tree and plant species is crucial to cultural sustainability. Therefore, support of restoration efforts is highly beneficial to the Cocopah Tribe. We propose funding that can aid the Tribe in continued restoration of the Limitrophe region of the Colorado River corridor.

Further, we would like to support the Hualapai Tribe's mitigation proposals for a cultural preserve, educational scholarships and the trail study / landscape study.

If you have any questions or need additional information, please feel free to contact me at the cultural resource department. We will be happy to assist you with any future concerns or questions.

Sincerely,



H. Jill McCormick, M.A.
Cultural Resources Manager

Cc:

T8-002

**Letter
T8
Response**

**Cocopah Indian Tribe
Jill McCormick
June 1, 2017**

-
- T8-001 The commenter expresses their appreciation of DTSC’s consultation efforts on the Project. The comment is noted for the record.
- DTSC thanks the Cocopah Tribe for taking the time to provide additional comments on the Draft SEIR and for their continued participation in the Final Groundwater Remedy Project. Response to comments in the body of the letter can be found in T8-002.
- T8-002 The commenter provides suggested mitigation measures to offset impacts to Tribal resources, and provides examples of the Cocopah’s efforts to maintain their cultural identity through their Cultural Arts and Language (CAL) Program. The commenter suggests that mitigation include funding for cultural and language programs, restoration of the Limitrophe region of the Colorado River corridor, a cultural preserve, educational scholarships and a trail study/landscape study.
- DTSC appreciates the additional information regarding the Cocopah Tribe’s cultural programs and preferences for cultural resources mitigation measures. DTSC concludes that mitigation is appropriate to offset cumulative impacts to the Topock TCP. Please refer to Master Response 1: Cumulative Mitigation for Impacts to the Topock Traditional Cultural Property for a detailed response to this comment.
- DTSC asserts that the Project includes, inherent in its design and associated mitigation measures, the restoration of the Project Area to preconstruction conditions (see Final SEIR, Volume 2, Section 3.7.5; Mitigation Measure BIO-1a; Mitigation Measure BIO-1b; Mitigation Measure Bio-2h; Mitigation Measure CUL-1a-8q (Section 2.5 of the CIMP); Mitigation Measure CUL-1a-16). DTSC finds, however, that requiring restoration of the Limitrophe region of the Colorado River corridor lacks a nexus and rough proportionality to the identified impacts of the Project and therefore declines the proposal. (See CEQA Guidelines, Sections 15041, 15126.4, subd. (a)(4), See also Pub. Resources Code, Sections 21081.6, subd. (b) [agency must ensure mitigation is legally enforceable], 21004 [CEQA does not expand agency authority to impose condition].) There is, moreover, no evidence in the record to support the contention that that the Project will result in a direct significant impact to the Limitrophe region of the Colorado River corridor. It should be noted, however, that new Mitigation Measure CUL-5 applies to the Cocopah Indian Tribe, and as such, mitigation funding could be used by the Cocopah Indian Tribe to implement interpretive facilities or programs, land preservation/conservation, or educational programs (such as grant funding to further the cultural understanding, including research of the Topock area).

CHAPTER 6

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Chapter 1: Introduction

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Chapter 2: Master Responses

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