



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

**Via Electronic Transmittal**

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

1/29/2016

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 January 13, 2016 *Topock Soil RFI/RI-Plan to Address Data Gaps Identified During Work Plan Implementation (DG-WP-01)*

Dear Mr. Yue, and Ms. Innis,

The Cocopah Indian Tribe (the Tribe) appreciates the opportunity to provide comments regarding the January 13, 2016 *Topock Soil RFI/RI-Plan to Address Data Gaps Identified During Work Plan Implementation (DG-WP-01)*.

Extensive efforts have been made by all stakeholders in determining the need for and location of soil samples included within the soil investigation. Prior to the initiation of the *Topock Soil RFI/RI-Plan to Address Data Gaps Identified During Work Plan Implementation (DG-WP-01)* the Cocopah Indian Tribe has appreciated a thorough review process preceding the finalization of soil sampling locations. While the Tribe may not have agreed on the need for soil sampling in some locations, the rational determining the need for a sample location was transparent. This particular review process, however, appears to have changed for many of the additional sample locations dictated in the *Topock Soil RFI/RI-Plan to Address Data Gaps Identified During Work Plan Implementation (DG-WP-01)*.

For example, some of the additional XRF soil samples which have been proposed in the Data Gap work plan are based on analytical results that have been shared with both PG&E and the agencies. Some of these data have been referenced in a recent (1/20/2016) CWG meeting

presentation and discussions. The vast majority of the analytical results, however, have not been shared with the Cocopah Indian Tribe.

As another example, there are several instances in the above-referenced document in which geophysical anomalies are cited, as a basis for decisions, but the geophysical data are not provided. We understand that such data were made available to PG&E and the Agencies.

This manner of dissemination of information does not allow the Cocopah Indian Tribe to fully participate in the decision making processes and creates a firewall that hinders open communication. The Tribe continues to request equal participation in data review and decisions which will inevitably impact the cultural resources of the area. Any deviations from the investigation locations determined during the work plan development phase necessitates Tribal involvement at a level that was established during the work plan development phase of the project. Without equal access to the data, the Tribe cannot fully understand or review the rationale behind these proposed changes in sampling locations. Furthermore, this is a new separate action which requires not just review of documents but Tribal consultation for the proposed actions.

It appears from the information included within the *Topock Soil RFI/RI-Plan to Address Data Gaps Identified During Work Plan Implementation (DG-WP-01)* that some soil samples have been collected without Stakeholder review. For example, XRF samples AOC14 (samples XRF01 – XRF06) were not included within the Soils Investigation Work Plan or the Soils Final Environmental Impact Report. In addition, it is also noted that sample SD-20 (listed on page 7 of DG-WP-01) was added and already collected.

As has been done in the past and to ensure compliance with the mitigation measures outlined in the soils FEIR, the Cocopah Indian Tribe requests the opportunity to review and comment on any soil samples that are added or moved prior to the collection of that sample. If the collection of a particular sample has a critical time component, the Tribe and its consultants can respond in a timely manner so as not to impede the progress of the sampling.

If you have any questions feel free to contact me at: Cell: 928-287-5042 or Office: 928-722-7522, or by email at [CocopahTPM@gmail.com](mailto:CocopahTPM@gmail.com)

Thank you



Edgar Castillo  
Cocopah Indian Tribe  
Topock Project Manager

Cc:  
Tribal Representatives