



Hualapai Department of Cultural Resources
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VIA ELECTRONIC MAIL

January 27, 2016

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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 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 Hualapai Department of Cultural Resources thanks you for giving us the opportunity to comment on the January 13, 2016 *Topock Soil RFI/RI-Plan to Address Data Gaps Identified During Work Plan Implementation (DG-WP-01)*. We have some additional concerns and wanted to share them with you. As we have said in the past and continue to state, the Topock Cultural Landscape is culturally significant for the Hualapai Tribe. We are very aware of the difficult nature of this project and will support all attempts at best practice and avoidance where-ever possible. We also appreciate the continue attention to detail that needs to continuously be addressed by all parties.

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 Hualapai Tribe has appreciated a thorough review process preceding the finalization of soil sampling locations. While the Hualapai 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 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 Hualapai Tribe. At the CWG meeting, when the Hualapai requested to review the data, the Hualapai Tribe were told that they will have the opportunity to review the analytical results after the soils investigation reporting is complete.

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 Hualapai to fully participate in the decision making processes and creates a firewall that does hinders open communication. The Hualapai continue 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 Hualapai Tribal involvement at a level that was established during the work plan development phase of the project. Without equal access to the data, the Hualapai cannot fully understand or review the rationale behind these proposed changes in sampling locations.

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, the Hualapai also notes 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 Hualapai request 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 Hualapai Tribe and its consultants can respond in a timely manner so as not to impede the progress of the sampling.

As always, we thank you for your prompt attention to this matter. If you have any questions, or concerns, please do not hesitate to contact our office at (928) 769-2223.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn Hubbs", written over a horizontal line.

Dawn Hubbs
Acting Director/Tribal Historic Preservation Officer