

U.S. ARMY CORPS OF ENGINEERS

IN RE GREGORY CANYON LANDFILL, LTD.
APPLICATION FOR A CORPS PERMIT

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TRANSCRIPT OF PROCEEDINGS  
PUBLIC SCOPING MEETING

June 3, 2010  
6:00 p.m.

111 Richmar Avenue  
San Marcos, California

Renee Kelch, RPR, CLR, CSR No. 5063



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APPEARANCES

From U.S. Army Corp of Engineers:

COLONEL THOMAS MAGNESS  
Commander of the Los Angeles District  
THERESE O'ROURKE  
Regulatory Division's South Coast Branch Chief

DR. SPENCER MacNEIL  
Senior Project Manager  
Spencer.D.MacNeil@usace.army.mil

STEVE DIBBLE  
Senior Archeologist  
GREGORY FUDERER  
Public Affairs office

Sergeant Major Jeffrey Koontz  
Chief, Security & Law Enforcement  
Los Angeles District

From PCR Services Corporation:

LUCI HISE  
JAY ZIFF



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PUBLIC SCOPING MEETING

JUNE 3, 2010

COLONEL MAGNESS: Okay. Are we ready to get started?

Well, I doubled up my chair so I can see you. And I hope you can see me. Good evening, everyone.

THE PUBLIC: Good evening.

COLONEL MAGNESS: We're not off to a good start there.

Good evening. I'm your friend.

UNIDENTIFIED SPEAKER: Prove it.

COLONEL MAGNESS: This is a great event. And if you take nothing else away from tonight, I hope you take away from it how great it is to be an American and to participate in the process.

This is a public scoping meeting, and it is not a mandatory part of our environmental process. But I thought it important, given the issues that we are dealing with and the importance to all sides of this project, whether for or against, I thought it important that we kick it off in a public way and in a transparent way and give everyone -- or as time allows give everyone the opportunity to present their opinions. And so that's what we will do here tonight.



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1 I'll begin with reading, which I am loath to  
2 do, but I will begin by reading into the record some  
3 opening remarks. Then we will have a presentation to  
4 set the stage for the project as proposed by the  
5 applicant. And then we'll take comments from the  
6 public.

7 My name is Colonel Thomas Magness. I'm the  
8 commander of the Los Angeles District for United States  
9 Army Corps of Engineers. And on behalf of the Corps I'd  
10 like to welcome you all to this public scoping meeting.

11 And if I could introduce the people I have with  
12 me, because they will be on the ground working this  
13 project every day. First of all, to my left is the  
14 project manager for this project from the Corps of  
15 Engineers side. This is Dr. Spencer MacNeil.

16 Also with me is Therese O'Rourke. And Therese,  
17 if you would stand up so people can see who you are.

18 Therese is the Regulatory Division's South  
19 Coast Branch Chief. She's from right in Carlsbad and  
20 she manages all the regulatory issues in the south  
21 coast.

22 Mr. Steve Dibble. Steve is over here to my  
23 right and your left. Steve is our senior archeologist,  
24 who is managing the Corps' Section 106 consultation  
25 process.



1 Mr. Greg Fuderer is probably all the way in the  
2 back. Greg is from my public affairs office. And he'll  
3 provide not only logistic support, but follow-up,  
4 follow-through. Any further communication that's  
5 required, much of that will be enabled by Greg Fuderer.

6 Ms. Luci Hise and Mr. Jay Ziff are from PCR  
7 Services Corporation. I believe they're both here.  
8 You're going to hear from Luci. She's up here to my  
9 right. You'll hear from Luci, and then there's Jay.

10 PCR are the consultants that we selected and  
11 will directly manage to assist my agency's environmental  
12 and regulatory review process.

13 And also with us. Our stenographer, Renee  
14 Kelch. And we'll give Renee's fingers a break as  
15 required as we make it through the evening. She'll  
16 transcribe everything we say and give us a public record  
17 that will allow us to go back through the comments, make  
18 sure that we, in fact, heard what we heard and be able  
19 to address everything through the course of the evening.  
20 I'll call for a couple breaks to give her a rest and to  
21 give anyone else a rest as required. But it's my  
22 desire, and I'm sure yours, to give everyone a chance to  
23 speak but also get through -- get through this event  
24 here tonight.

25 Gregory Canyon, Ltd., or GCL, recently applied



1 to my agency for a standard individual permit to  
2 construct a bridge across the San Luis Rey River and to  
3 fill a portion of the stream in Gregory Canyon to  
4 construct the proposed Gregory Canyon Landfill in  
5 northern San Diego County. Because federal permits  
6 qualify as federal actions, the Corps must also comply  
7 with the National Environmental Policy Act, or NEPA.

8 Due to the nature and the scope of the  
9 activities involving waters of the United States, Corps  
10 has determined -- in fact, I have determined, that the  
11 proposed project could result in significant impacts,  
12 and therefore, requires an Environmental Impact  
13 Statement, or EIS. On May 7, 2010, we published a  
14 Notice of Intent in the Federal Register to prepare an  
15 EIS for the project, and we also distributed a public  
16 notice of this Notice of Intent, receipt of GCL's  
17 application for a Corps permit, and this public scoping  
18 meeting. Hopefully you've had a chance to see all of  
19 those.

20 Under our federal permit program, the Corps of  
21 Engineers is responsible for regulating dredge-and-fill  
22 activities in waters of the United States. CGL's  
23 activities in the San Luis Rey River and in Gregory  
24 Canyon, which include discharging fill materials into  
25 waters of the U.S., are regulated under Section 404 of



1 the Clean Water Act.

2 Federal actions, such as Corps permit  
3 decisions, are subject to compliance with a variety of  
4 federal environmental laws in addition to NEPA, such as  
5 the Endangered Species Act and the National Historic  
6 Preservation Act. Consequently, the Corps has a  
7 responsibility to evaluate the environmental impacts  
8 that would be caused by the proposed project prior to  
9 making a permit decision. In meeting this regulatory  
10 responsible -- responsibility, the Corps is neither a  
11 project proponent nor are we an opponent.

12 In addition to evaluating the environmental  
13 direct, indirect, and cumulative impacts of CGL's  
14 proposed project, the Corps must determine whether the  
15 proposed project is the least environmentally damaging  
16 practicable alternative that meets the overall project  
17 purpose. Also, no permit can be granted if we find that  
18 the proposal is contrary to the public interest. The  
19 public interest determination requires a careful  
20 weighing of those factors relevant to the particular  
21 project. And the project's benefits must be balanced  
22 against its reasonably foreseeable detriments.

23 At this public scoping meeting, the Corps is  
24 requesting input from the general public concerning  
25 specific physical, biological and human-use factors that



1 should be evaluated in greater detail as part of our EIS  
2 and permit action under Section 404 of the Clean Water  
3 Act. The Corps would like to emphasize that we will  
4 carefully consider all comments that we receive for the  
5 proposed project and they will be given full  
6 consideration as part of any final permit decision.  
7 Following tonight's scoping meeting, all parties will be  
8 given until June 18th to provide any written comments on  
9 the proposal, which will also become part of the record  
10 for this project.

11 And I think it's important to emphasize to  
12 everyone we have until June 18 to get any final written  
13 comments into the record. So if you don't have a chance  
14 to be heard tonight because we just simply run out of  
15 time or run out of energy, then there is an opportunity  
16 to continue to provide input all the way up until the  
17 18th of June.

18 I will now turn the rest of the presentation  
19 portion of the meeting over to Luci Hise of PCR Services  
20 Corporation. As I said in introduction, PCR is the  
21 contractor we selected and will directly manage the  
22 preparation of our EIS. She will briefly discuss the  
23 Environmental Impact Statement process and how it  
24 compares to the EIR process that many of you have  
25 participated in during the last several years. She will





1 also provide an overview of the components of the  
2 project and the types of issues we will be evaluating.  
3 Following her presentation, I will then discuss how we  
4 will take oral testimony from you this evening. And  
5 until then, if you know you would like to speak tonight,  
6 please fill out a speaker card and give it to one of  
7 either the Corps -- you see Greg is raising his hands up  
8 in the back. Give it to one of the Corps or the PCR  
9 staff, either -- well, give it to Greg in the back if  
10 you haven't already. This will help us transition to  
11 the next phase, which will be the public input session.  
12 So I'll be back in just a minute. Let's listen to Luci  
13 first.

14 MS. HISE: Thank you.

15 The notice of intent is the first step in the  
16 NEPA process. As the colonel had indicated, the public  
17 notice and notice of intent was distributed in May,  
18 which started the scoping comment period, which runs  
19 from May 7th to June 18. The NOI tells agencies,  
20 organizations, and individuals that an EIS is going to  
21 be prepared. Copies of the public notice are available  
22 on the back table. The public notice provides a brief  
23 project description, the key areas that the Corps  
24 identifies for evaluation, and suggestions on  
25 alternatives that will be evaluated. The purpose of the



1 NOI is to get input from agencies and the community.  
2 The areas that the Corps is seeking input on are the  
3 environmental issues to be analyzed in the EIS and the  
4 alternatives to be considered.

5 This is a flowchart of the NEPA process. And  
6 as you can see, we are in that -- the red area, the  
7 scoping meeting.

8 The next step is the preparation of the draft  
9 EIS, which will incorporate comments received during the  
10 scoping process. The draft EIS will be made available  
11 for public and agency review, and agencies and the  
12 public have the opportunity to provide comments on the  
13 draft EIS. The comments will be addressed in the final  
14 EIS. And then the Corps, based on the EIS, will issue a  
15 record of decision.

16 This slide shows the comparison of the CEQA and  
17 NEPA processes. The processes are more similar than  
18 not, as you can see. However, key differences in the  
19 two processes is that NEPA identifies alternatives early  
20 in the process. Some alternatives may be rejected. And  
21 the alternatives that are carried forward in the process  
22 are evaluated co-equally with the proposed action. The  
23 draft EIS will also contain a Section 404 Clean Water  
24 Act analysis.

25 I think people are familiar with the site



1 location, which is approximately three miles east of the  
2 I-15 interchange. The site is adjacent to the Pala  
3 Reservation. The site is currently vacant but was  
4 previously identified by two dairies.

5 See if I can get this pointer to work.

6 MR. ZIFF: Top button? No.

7 MS. HISE: What I'd like to show are the --  
8 some of the key features of the site. SR 76 runs  
9 through the site to the east and west. There's an SDG&E  
10 easement running at the -- on the east side. It's up  
11 and down, north and south through the site. And then  
12 there's also a San Diego County Water Authority easement  
13 which contains Pipelines 1 and 2. Key physical features  
14 include the canyon and a portion of Gregory Mountain.

15 The primary components associated with the  
16 landfill would occupy approximately 300 -- 308 acres of  
17 the approximately 1,770 acre site. The landfill would  
18 have a maximum daily intake of 5,000 tons and an annual  
19 intake of 1 million tons. The landfill would accept  
20 solid waste for approximately 30 years. The landfill  
21 would have a double composite liner and a leachate  
22 collection and removal system. And there's a model in  
23 the back that shows the liner that's proposed.

24 This slide shows the jurisdictional waters of  
25 the U.S. relative to the project components. And it's



1 also on a presentation board in the back. There's a  
2 jurisdictional stream in the canyon that would be filled  
3 and a bridge that would be constructed over the river,  
4 impacting wetlands. A portion of the river has been  
5 delineated, and the Corps will be updating the  
6 delineation with the next couple of months for the rest  
7 of the property.

8 The proposed action includes improvements to  
9 SR 76 at the entrance to improve sight distance and  
10 facilitate truck movements. The improvements would  
11 widen the roadway and realign approximately 1,700 linear  
12 feet to the south of the existing alignment. The access  
13 road would enter the site, and a bridge, as I said,  
14 would be constructed over the San Luis Rey River. The  
15 bridge would be approximately 35 and a half feet wide  
16 and approximately 640 feet in length.

17 Vehicles would continue along the access road  
18 into the ancillary facilities area. And in that area  
19 there's things such as the booth scales, administrative  
20 offices, maintenance building, and there's water and  
21 leachate storage tanks as well as a reverse osmosis  
22 system.

23 There's two borrow/stockpile areas associated  
24 with the landfill. Borrow/Stockpile Area A and B.  
25 There's also monitoring wells that would be installed as



1 required by the regulatory agencies, and also pumping  
2 wells. And the water would be used on site. There's  
3 three yellow stars that show locations of the pumping  
4 wells.

5 While the majority of the construction would  
6 occur south of SR 76, there is a new well that would be  
7 installed to the north of SR 76, and then the water  
8 would be piped to the storage tank.

9 In addition, other components are the  
10 relocation of the SDG&E power lines up the slope of the  
11 mountain to accommodate the landfill footprint. There's  
12 also the protection or relocation option of the SDCWA  
13 pipelines. And a minimum of 1,313 acres of open space  
14 would be provided on the site, as required by  
15 Proposition C, for the long-term preservation of  
16 sensitive habitat and species.

17 This slide shows the key issues that the Corps  
18 has determined could have potentially significant  
19 impacts. And one of the things -- as I said earlier,  
20 the purpose of the scoping meeting is to get input into  
21 issue areas that should be evaluated in the EIS.

22 This slide is with regard to possible  
23 alternatives. As I mentioned earlier, the alternatives  
24 that are carried forward in the document are analyzed at  
25 the same level as the proposed action. In addition, the



1 draft EIS will include an analysis of the Section 404  
2 Clean Water Act. The no action alternative will be  
3 evaluated as required under NEPA.

4 In addition, some alternatives that will likely  
5 be considered are an on-site alternative that would not  
6 require the issuance of a permit by the Corps, and  
7 finally, likely off-site alternatives that would be  
8 analyzed are Merriam Mountain and Aspen Road. And  
9 again, one of the things that's part of the scoping  
10 process is to seek input on the alternatives that should  
11 be considered in the draft EIS.

12 So again, the comments are due by June 18.  
13 Comments can be submitted orally at this scoping meeting  
14 or in writing up until June 18. There's forms available  
15 that can be used for written comments on the back table.  
16 And you can either leave those here, there's a box back  
17 here, or could you can mail them into Spencer MacNeil.  
18 Comments can also be sent via an e-mail to Spencer  
19 MacNeil.

20 There's a web site where the project's permit  
21 application related documents are posted, and where the  
22 scoping meeting transcript will be posted once it's  
23 available. In addition, the draft EIS will be posted on  
24 the Corps web site.

25 And there's a board in the back that gives all



1 that information. So if people need to or want to write  
2 it down, it's available in the back of the room.

3 And now I'll turn it back over to the colonel.

4 COLONEL MAGNESS: Okay. We're going to  
5 reconfigure here real quick if you could.

6 Go ahead and do that, Spencer.

7 What I want do is get where we can all see the  
8 clock. Because we're going to stay disciplined on our  
9 use of each other's time. And we're going to move  
10 the -- move the podium as well, try to get the podium  
11 over to the middle.

12 And it is warm in here. We're trying to work  
13 on the air conditioning. I think we have twice as many  
14 people in the room as we should. So I need every other  
15 person to hold your breath and just take turns breathing  
16 so we can get through this.

17 But it's good to see everyone. And elected  
18 officials -- they're in the front -- if you turn around  
19 I'm sure you've seen all the young people that are here  
20 as well participating in this process. And I think  
21 that's very important what we're doing here.

22 Can you bring that -- can you bring any further  
23 over to the middle? Just put it right there in the  
24 middle. That's good. Is that comfortable with you all  
25 to be there at that podium?



1           And then back that up so we can all see it.  
2       Sorry about the musical chairs.

3           Okay. We're going to take oral testimony from  
4       the public in two sessions. The first session will be  
5       devoted to hearing from tribal leaders and selected  
6       representatives of significant interest groups. And  
7       because these speakers represent significant numbers of  
8       people, they will be allowed five minutes to make their  
9       statements. You don't have to take all five. You are  
10      authorized five. Something's happening here with my mic  
11      there.

12           The second session will be for members of the  
13      public who would like to present their views as  
14      individuals. And during this session speakers will be  
15      given three minutes to make their comments. And as I  
16      mentioned earlier, if you would like to speak during  
17      this second session, you must fill out a speaker card  
18      and give it to one of my staff. And again Greg Fuderer  
19      is in the back. Please give him -- right now I've got  
20      about a dozen. I'm thinking there's a few more. And if  
21      you want to make a comment, please fill that sheet out,  
22      and get that to Greg. Really want to hear from you  
23      tonight.

24           All oral or written testimony will become part  
25      of the administrative record for this permit





1 application. Once we have the written transcript of  
2 this testimony, it will be published on our Regulatory  
3 Division Web site. We will give you that web site  
4 before we leave tonight. It was also in Luci's  
5 presentation. We'll make sure that's back up before we  
6 leave.

7 As you make your comments, please note there is  
8 a timer on this table. We will be respectful of each  
9 other's time. I'm sure you can appreciate that. And  
10 I'll give you -- I'll give you a nod and a wink, and  
11 we'll know when we're done.

12 The light will be green when you begin. When  
13 you have one minute left, the light turns yellow. When  
14 your time is up the light -- the light is red, and I  
15 will stare directly into your eyes, and you will know.

16 Let's all respect those time limits. I think  
17 that's fair for all of us.

18 The first person I'd like to ask to come  
19 forward is our supervisor from San Diego County, Pam  
20 Slater-Price.

21 MS. SLATER-PRICE: Good evening. And I'm glad  
22 to see so many people turned out. This is a very, very  
23 important hearing. Pam Slater-Price, chair of the  
24 County Board of Supervisors, supervisor for District 3.

25 I'm here to address the Gregory Canyon Landfill



1 yet again. And I've considered this to be one of the  
2 most important hearings that I've had the opportunity to  
3 address.

4 We have many concerns about this landfill. But  
5 I believe that the purpose of this hearing has to do  
6 with purpose and need for the landfill.

7 "Do we need this landfill?" is a critical  
8 question. It's my belief that we do not need the  
9 landfill. That 20 years ago when it was being planned  
10 and sited, there was a different -- we were in a  
11 different time and place.

12 At this time I believe that we're doing massive  
13 recycling, and it's going to be growing in our area. We  
14 are looking at new alternatives for waste diversion.  
15 And we also have excess capacity in our current existing  
16 landfills due to a diminished landfill stream as well as  
17 expansion of the existing three county landfills.

18 Right now the landfills, all three of them, are  
19 taking in a minimum of at least 1,000 tons less than  
20 they are permitted for each and every day. So  
21 therefore, we really do not need this landfill.

22 Let's say that we did need a landfill. Would  
23 it make sense to build a landfill in this site? I would  
24 have to say that the answer is no. Unequivocally, no.

25 First of all, it is in a canyon headed directly



1 towards a viable river which provides potable water for  
2 the City of Oceanside as well the Pala tribe, and 51  
3 wells used for agricultural as well as domestic purposes  
4 along the route.

5 In addition, the City of Oceanside is planning  
6 to expand their use. And they will be addressing that  
7 later in the hearing tonight.

8 The purpose of the landfill was actually back  
9 in the 1980s -- as they say now, "back in the day."  
10 That was supposed to take care of projected landfill  
11 shortfall that we were supposed to be experiencing.

12 Let me just tell you that I've been living in  
13 this county now since the age of six, and we don't have  
14 a landfill shortfall. As a matter of fact, we're  
15 having -- we're having a problem generating enough waste  
16 to go into all of these dumps. That is because we have  
17 an enlightened way of now dealing with all of our trash.

18 Recycling back in the day was something that  
19 your neighbor did to make a few dimes. Composting was  
20 only a fad. Today the business of waste management is  
21 moving away from landfilling and toward recycling,  
22 composting, and energy collection systems, with only  
23 inert material being landfilled. In fact, most of the  
24 in fill -- most of the in-county landfills that they are  
25 basing their life expectancy on what we had taken in



1 previously. This is no longer a good way to base their  
2 landfill expectations. Because what we know is we're  
3 seeing increased diversion, and state law is going to  
4 require even more.

5 I believe it's by year 2020 we're expected to  
6 divert 50 percent of our organics away from the  
7 landfills as well. Which is a large portion.

8 Now, we have a problem with Gregory Canyon also  
9 because it is not only located next to a potable water  
10 source on cracked bedrock in a canyon -- which three  
11 strikes and you're out -- but it also sits adjacent to a  
12 sacred site for the Pala tribe. And they will be  
13 addressing that issue later on.

14 Now, going back to the need for a landfill in  
15 San Diego County. I'm going to just expand a little bit  
16 on the landfills that we have existing. Otay landfill  
17 was expanded in 1999 to 2000. Miramar landfill was  
18 expanded in 2008. And Sycamore landfill has also been  
19 expanded.

20 As a result, on record today, we have that  
21 Sycamore landfill is anticipated to close in the year  
22 2040, which means we have 31 years left expected --  
23 landfill expectancy life for that particular landfill.  
24 Miramar's estimate closure date is 2022. And Otay has  
25 an anticipated closure date of 2028.



1           However, the number of years remaining until  
2           expected closure is not the number to remember. Miramar  
3           still has room for roughly 19,690,076 cubic yards of  
4           trash. This number is the number to remember. Because  
5           we have to consider again the diversion of waste. Even  
6           with expectations that the amount of trash will not  
7           decline, the numbers show tremendous capacity remaining  
8           in San Diego County landfills.

9           Today Miramar has a daily maximum accepted  
10          tonnage of 8,000 tons. Yet the landfill is only taking  
11          in 4- to 5,000 tons per day. Otay can accept 5800 tons  
12          per day, but takes in only 4,000 to 4500 tons per day.  
13          Sycamore can accept up to 3900 tons but falls short at  
14          about 3200 tons per day. This means Sycamore is falling  
15          behind to the tune of 700 tons a day, or 4900 tons a  
16          week. Why? Because there is not enough trash to go  
17          around.

18          We're also diverting -- one of the major  
19          fillers of landfill has been construction waste. That  
20          is all being diverted as well. I can see my time is  
21          running out quickly.

22          COLONEL MAGNESS: It's in the negative right  
23          now.

24          MS. SLATER-PRICE: I'm sorry. I'm in negative  
25          numbers. Okay. Thank you very much for coming out and



1 holding this public hearing. And you'll be hearing  
2 about all the other issues. I'm also submitting my  
3 letter tonight. And I'm submitting a letter from  
4 Council Member Donna Frye, the City of San Diego, and  
5 what's going on.

6 COLONEL MAGNESS: Next I'd like to call  
7 Chairman Robert Smith. Step forward.

8 And, Mr. Chairman, before you speak, and for  
9 all the other speakers, and I know supervisor you had a  
10 lot to say in a short period of time to say it, but we  
11 do want to capture this all into the record. So as  
12 people speak, please speak slowly so that we can  
13 transcribe this.

14 And, ma'am, I appreciate all that you had to  
15 say.

16 So please, Chairman.

17 CHAIRMAN SMITH: Good evening. My name is  
18 Robert Smith, Chairman of the Pala Band of Mission  
19 Indians. I'm here to strongly oppose the proposed  
20 Gregory Canyon Landfill, which is a terrible and  
21 unnecessary project. If built, this dump would  
22 desecrate Gregory Mountain and other areas considered  
23 sacred by the Luiseno people, for other threatened water  
24 sources that supply tens of thousands of San Diego  
25 County residents, degrading air quality, industrialize a



1 rural area that provides habitat for a number of  
2 endangered and other special species.

3 While my comments will focus on the role of the  
4 federal government in this process, I think it is  
5 important to place the proposed dump in an historical  
6 content.

7 For the Pala Band of Mission Indians and other  
8 tribes, this project is simply another example of  
9 governments ignoring the concerns and cultures of Native  
10 American tribes. Although it is not surprising, we see  
11 it indefensible that the location chosen for the  
12 landfill that the County claims would serve San Diego  
13 County residents would be located far reaches of the  
14 county on the border of the Pala Indian Reservation.  
15 That the proposed dump would be located on the border,  
16 that is ironic injustice.

17 The current boundary was created in 1902 when  
18 the reservation was expanded to provide home for the  
19 Cupeno Indians, who had been forcibly evicted by the  
20 federal government from their home in Warner Springs so  
21 that the White settlers could control and develop the  
22 area.

23 A century later the non-Indians now propose a  
24 garbage dump along that same border. The history is  
25 important because it helps explain why Pala has opposed



1 the dump since the late 1980s, long before Pala Casino  
2 had been built. This band was not opposed the dump  
3 because of its casino. Rather, Pala has been able to  
4 make its opposition to the project because of its  
5 casino. The County actually had it right when it  
6 repeatedly refused to approve landfill in Gregory Canyon  
7 in 1990 because of its location.

8 When proponents got a major -- majority of  
9 voters in the county to rezone the site in a sparsely  
10 populated corner of the county next to an Indian  
11 reservation, the vote was evidence that democracy does  
12 not always produce a just result. The vote would allow  
13 the landfill as a site if approved through the multiple  
14 permit process that the project would be required to go  
15 through. By no means did the vote mandate that the  
16 landfill be created in this location. Once the vote  
17 occurs, the County became an unwavering supporter of the  
18 project.

19 Now it's the federal government's turn to  
20 evaluate the needs, the impacts of, and alternatives to  
21 the dump. While the County can ignore the concerns of  
22 the tribe, the special trust relationship between the  
23 federal government and Native American people demands  
24 more from federal government.

25 A special relationship was recognized by





1 resolution of a policy passed by Congress and signed by  
2 President Obama in December of 2009. The resolution  
3 admitted the federal government had breached its trust  
4 obligation on numerous occasions, but it also  
5 acknowledged that tribes and federal government has a  
6 solemn covenant with lands that they both share.

7 The solemn covenant places a duty to the Corps  
8 and other public agencies to conduct their own  
9 investigation, particularly important, and warns against  
10 reliance on the County's previous analysis.

11 The dump always has required federal permits.  
12 And applicants' attempts to avoid federal law simply  
13 delay the inevitable. Those delays are no reason for  
14 the Corps, the Army Corps to hurry its critical review  
15 process.

16 There is a simple reason why the project has  
17 been studied for so long. Gregory Canyon is the wrong  
18 place for a dump. It is next to the San Luis Rey River,  
19 a resource of natural importance. Next to two major  
20 drinking water pipelines. Within critical habitat of  
21 three endangered species on other side of a sacred  
22 mountain.

23 Surely there are no alternatives that would be  
24 less environmental damaging.

25 Federal review also acknowledges that



1 circumstances have changed since the EIR was completed  
2 in 2001. The claimed landfill crisis has not  
3 materialized. A stricter law and growing public  
4 awareness has decreased the percentage of waste that is  
5 proposed. And the amount of waste that will be  
6 recycled, reused, and turned into energy in the future  
7 will only increase. Simply, there's no significant  
8 landfill capacity and no need for the landfill.

9 Critical water supplies have also decreased.  
10 The recent forecast calls for increasing scarcity due to  
11 global climate change.

12 In light of those facts, does it make sense to  
13 build a landfill that would threaten critical  
14 groundwaters as well as critical pipeline that carries  
15 imported water to the county of San Diego?

16 One need only look at the ongoing ecological  
17 disorder at the Gulf of Mexico to realize that the plans  
18 of a proposed dump that was state of the art means  
19 nothing. 30 million tons of garbage will remain buried  
20 long after the landfills are gone, the owners. Standing  
21 between the landfill project is technology that sounds  
22 specifically like a blowout preventer.

23 For these reasons, the Pala Band, and all of  
24 the county, the San Diego County, urge the federal  
25 government to abide and stress the obligation and



1 seriously consider the needs and impacts of the project  
2 and in the end reject it. Thank you.

3 COLONEL MAGNESS: Thank you, Mr. Chairman.

4 Nicely said. When your "thank you" hits that  
5 red light, that's perfectly timed.

6 I would say I do work for the president. I'm  
7 part of the executive branch. And on behalf of the  
8 president, I am here to fulfill that sacred trust that  
9 he insisted upon, that solemn trust.

10 I will also say that you would be the first  
11 ever to think of the Corps of Engineers as doing an  
12 accelerated review of anything. You have my assurance  
13 that we will follow the process. And you can hold us  
14 accountable to the process. It is the law, and that's  
15 the way we operate. And I appreciate your remarks.

16 Next I'd like to ask Vice Chairman Leroy  
17 Miranda to come out. And after that, Oceanside Mayor  
18 Jim Wood.

19 First, is the vice chairman here?

20 VICE CHAIRMAN MIRANDA: Yes.

21 COLONEL MAGNESS: Please.

22 Leroy Miranda for Pala now.

23 VICE CHAIRMAN MIRANDA: My name is Leroy  
24 Miranda. I'm the vice chairman of Pala. I'm here to  
25 speak about the sacred site of Chokla in Gregory Canyon.



1 I remember when it first started. I was there  
2 20 years ago, so. We all met at the old tribal hall.  
3 And we said, "We're going to protect it. This is a  
4 sacred site. The site that was protected and honored by  
5 old ones before us. Because it's so sacred, we're going  
6 to fight and protect it as much as possible because it's  
7 instilled into the hearts and souls of all our people  
8 and the generations to come.

9 I was a young man when this first battle began.  
10 That was in the '80s. Now that I'm a good and bright  
11 old man now, you know, I'm still battling and still  
12 trying to protect it. Not only me, but also my tribal  
13 members and other friends and other tribes around us,  
14 because we know how sacred it is.

15 My daughter is right here, and she's going to  
16 fight it. It's going to take as long as it takes, but  
17 we're going to protect it because it's something that  
18 our ancestors loved so much.

19 You know, during this time frame the Creator  
20 has given us this time to live and to protect and make  
21 sure all the tradition and culture is handed down from  
22 generation to generation. During this time frame it's  
23 our responsibility to make sure that all the culture and  
24 traditions and the ways are passed down.

25 Our people have been through so much. Just in



1 this century, in the last century, been so much. We are  
2 now recovering, recovering from a tragedy, now healing  
3 process.

4 Today I could say we have earth singers. Today  
5 I could say we have dancers and singers. Today I could  
6 say we are more than ever than I remember. And it's  
7 something that I know it's going to grow into more.

8 With the sacred mountain, Chokla, Takwic, being  
9 there, I know we will able to do much, much more for the  
10 future. And I know my children's children will be able  
11 to do so much. Because it's there we know we have a  
12 place to serve and pray to God.

13 Right now, if it's destroyed and a landfill put  
14 there, you wipe that all away. There's nothing. No  
15 matter what you do, it would be already tainted and  
16 destroyed. We have to protect it now. Because the  
17 generations after us need to use it and do what they  
18 need to do so we will be able to grow as people. Thank  
19 you.

20 COLONEL MAGNESS: Thank you.

21 MAYOR WOOD: Thank you very much. I'm Jim  
22 Wood, the mayor of the City of Oceanside, which happens  
23 to be the largest city in north San Diego County. We're  
24 pushing 200,000 people. We're heavily impacted by this  
25 decision of this landfill at Gregory Canyon.



1           But before I get into that. I want to say  
2 thank you, Colonel, to you and your staff for being here  
3 and listening to us, being objective regarding the  
4 outcome. But more importantly, I'd like to wish you  
5 best wishes in your new location and assignment in  
6 tropical north Afghanistan. I know you'll be happy to  
7 be over there soon, so -- I'm joking, of course. But  
8 thank you for representing us and United States around  
9 the world. And I thank you for that.

10           This is an item that's been talked about for  
11 quite a long time. I've certainly talked with you and  
12 your staff for the last five or seven years regarding  
13 the San Luis Rey River regarding our impact out there as  
14 a flood control channel, the impact it has on our City,  
15 the harbor, the military, and the adjacent base. How  
16 this runs out into the ocean, and the impact it has for  
17 flood control channel.

18           We're also -- recently were concerned about San  
19 Luis Rey River because of the some recent county fires  
20 that could easily take that, go straight down that flood  
21 control, right out into the ocean near Oceanside and  
22 Camp Pendleton. So we've been concerned.

23           And I've been back to Washington, D.C. for the  
24 last seven years talking about the San Luis Rey River.  
25 So it's nothing new for you and I to talk about this.



1 This is something that's been very important to us  
2 because it impacts Oceanside not with only those two  
3 issues, fire and flood, but it's our water source. I  
4 think that's important. I don't think there's another  
5 item, a more extensive and more valuable commodity in  
6 Southern California than water. I think we all agree to  
7 that. At least you and I over the years.

8 I'm happy that I followed wonderful speakers  
9 like supervisor Pam Slater, the tribal chiefs. I deal  
10 with them all the time. They're wonderful people  
11 representing the County and tribal countries.

12 What we have here on a daily basis, how did it  
13 impact Oceanside? We've been involved in a litigation  
14 regarding Gregory Landfill from the beginning. And it's  
15 for an obvious reason. That commodity, water, like I  
16 say, the value is unbelievable with all the situations  
17 happening with the Colorado River and Northern  
18 California. The Sacramento smelt. Those things where  
19 they cut water off.

20 This is a low desert out here in Southern  
21 California. So water is it. It's the most important  
22 thing we have. And it's interesting, Oceanside is one  
23 of the few communities that drills wells and supplies  
24 our residents with water from the San Luis Rey River.  
25 We get about 10 percent, and moving up to 20 percent of



1 our water from underground from the San Luis Rey River  
2 down flow, from aquifer under the ground, coming down  
3 from upstream.

4 So we're looking at possible impacts on us from  
5 a landfill. It's not about the landfill as a whole, or  
6 a dump. We've never regretted that we have a place to  
7 dump our refuse. But we're concerned about where you  
8 put it. And that's what this issue's all been about.  
9 Number one, putting it on the border of a tribal council  
10 area that's been historical for them.

11 For us it's like who would imagine that  
12 somebody would ever pick adjacent to a water flow  
13 stream, downstream to put a landfill with a plastic  
14 lining, and which experts indicate it will break, it  
15 will rip. They just don't know exactly when. And  
16 experts confirm that. So why would you pollute the  
17 underground water that supplies a large portion and the  
18 largest city in north San Diego County which is our  
19 commodity?

20 So like I say, we're drilling about 20 percent  
21 of our well water. Plan on pushing that up to 50  
22 percent. And that's a lot of time and money, as you  
23 well know, to have it potentially polluted by  
24 downstream. Not only the bridge going across the  
25 roadway to the Gregory Canyon land site and all the





1 pollutants that will go downstream.

2 Not just impact my City, but as you heard  
3 earlier from Supervisor Slater-Price, there's many  
4 people who have agricultural -- this is an agricultural  
5 community up here that drill their wells off that same  
6 water. Our City uses it and other people along the way.  
7 Plus the situation we've heard earlier that's so  
8 important to tribal council. It's their land, their  
9 religion. It's a sacred mountain. We add all that  
10 together, and the first thing that came to my mind is  
11 who in God picked this spot? They couldn't have picked  
12 a worse spot.

13 Now, it's there. With that in mind, what can  
14 we do about it? Believe me, there's no doubt that you'd  
15 be the first to stand up and say, "Why would you take  
16 the chance of polluting a valuable resource?"

17 With my time running out, I would hope that you  
18 vote to deny this permit.

19 Thank you very much.

20 COLONEL MAGNESS: Next I'd like to ask Deputy  
21 Mayor Lesa Heebner from Solana Beach to come forward.

22 And after that it's Chairwoman La Vonne Peck.

23 All right, Chairwoman, would you be next, then,  
24 please?

25 DEPUTY MAYOR HEEBNER: Thank you. My name is



1 Lesa Heebner. I'm the deputy mayor of the City of  
2 Solana Beach. I'm here to both make a few comments and  
3 to enter into the record two resolutions passed by the  
4 City of Solana Beach opposing the Gregory Canyon  
5 Landfill. One is dated 2004, supporting Prop B to  
6 repeal the North County recycle solid waste disposal  
7 initiative. And one's dated 2009, just last year,  
8 affirming our continued opposition to the siting of  
9 solid waste operations at Gregory Canyon.

10 As I was leaving the house today, I had a not  
11 so subtle reminder of really what we're talking about  
12 here today. As I was gathering up my phone, and my  
13 purse, my notes and everything, and something stunk in  
14 my house. It was the trash underneath my  
15 kitchen sink.

16 And I realized, "Wow, what a coincidence that  
17 I'm smelling this where I'm going to be this evening."

18 What was it? It was chicken bones. It was the  
19 wrapping from the fresh salmon from the night before.  
20 It was moldy cheese. And if you didn't recycle, it  
21 would be cat food cans and wine bottles, I'll admit it,  
22 cottage cheese containers.

23 COLONEL MAGNESS: I'll put that in the record,  
24 or strike that?

25 DEPUTY MAYOR HEEBNER: But luckily we do



1 recycle. As the supervisor pointed out, most of us are  
2 recycling. So the need for this is a little bit  
3 unbelievable.

4 Is this the right place to put stink and waste,  
5 right adjacent to a water source and a sacred site?  
6 Please, this site should not be a dump. Lord only knows  
7 what's going to come out of our bathroom wastebaskets as  
8 well. Expired medications and so forth.

9 In the wake of the BP spill, have we not  
10 learned that if something could go wrong, it probably  
11 will go wrong.

12 Do not locate a landfill -- do no not locate a  
13 landfill that could leach contaminants into a water  
14 source. The process is very important and I appreciate  
15 very much that you're holding this scoping meeting this  
16 evening. I request, and my whole council requests, that  
17 as you review all of the potential environmental  
18 impacts, that you deny the permit under Section 404 of  
19 the Clean Water Act. Thank you.

20 COLONEL MAGNESS: Chairwoman.

21 CHAIRWOMAN PECK: Good evening. My name is  
22 La Vonne Peck. I'm the tribal chairperson from the La  
23 Jolla Band of Luiseno Indian. And it's nice to meet  
24 you, Colonel Magness. And I've written many a letter to  
25 you trying to get a 404 permit during the fires.



1 COLONEL MAGNESS: I hope I wrote back.

2 CHAIRWOMAN PECK: You did. Thank you.

3 I just wanted to comment, is that we as tribal  
4 leaders try to keep our personal feelings aside when  
5 we're trying to resolve problems and when we're trying  
6 to fix and find solutions to problems. But in this case  
7 this evening this is very hard to separate the two.

8 The landfill would be built on -- or near  
9 Medicine Rock, a site that is both sacred to American  
10 Indians in Southern California and is one of the homes  
11 and resting places of Takwic, an important spiritual  
12 figure to all the Luiseno people, including our La Jolla  
13 tribe.

14 It saddens me that in 2010 that tribes are  
15 still fighting for things that are important to us.

16 Medicine Rock is also the site of ceremonies  
17 and religious gatherings for Native people. Building a  
18 landfill at Gregory Canyon would destroy and desecrate  
19 Medicine Rock forever. And destroying a place of  
20 spiritual significance.

21 And it saddened me today on the news when I had  
22 to see that media was taken to that rock and to see the  
23 pictograph, that we had to do that in order to support  
24 our stance and how we feel. That was sad. It was a sad  
25 day for me.



1           Construction of this landfill will mean a loss  
2 of tributary to the San Luis Rey and contaminate storm  
3 runoff. The landfill borders the mouth of the San Luis  
4 Rey River, which is a bedrock aquifer that provides  
5 drinking water to many of the residents of San Diego  
6 County, as you have heard.

7           This area is also close to an earthquake fault  
8 and is also in a wild fire area. And we know so well,  
9 La Jolla has lost 94 percent of our reservation in 2007  
10 fires. This week we finally completed all 47 of our  
11 FEMA projects. And it is devastating. And to think  
12 that this would just intensify for wild fires is very  
13 scary for our whole valley.

14           We're trying to be, as tribes, good stewards of  
15 the land. And Gregory Canyon developers knew when the  
16 County would not permit their landfill that this was the  
17 wrong place for a garbage dump.

18           During the fires we were told that by  
19 Congressional people that -- I didn't know the  
20 statistic, I hope that it's right, that 50 percent of  
21 San Diego County is undeveloped. I don't understand if  
22 that is true, why would you pick one of the most  
23 pristine valleys in San Diego County?

24           As we know, and as we've seen on television the  
25 last two weeks, the comparison of the Gulf crisis and



1 the comments that have been made the past two weeks that  
2 if this was Martha's Vineyard or if this was Chesapeake  
3 Bay, reactions would have been a lot quicker than are  
4 today.

5 And I feel that if this landfill was Del Mar,  
6 La Jolla, other areas, this would have been put to bed a  
7 decade ago.

8 The developers often refer to the ballot  
9 initiative as proof that voters want the landfill. I  
10 encourage the Army of Corps of Engineers to read  
11 Proposition C, as it is strictly a land use zoning  
12 change that asks the developers to meet all permitting  
13 requirements. I do not believe that this landfill can  
14 do that.

15 With all due respect, we will continue to vend  
16 that all permitting agencies, including the Army Corps,  
17 protect tribal sacred sites and San Diego County's  
18 existing/future water supply by denying all permits for  
19 the Gregory Canyon landfill.

20 The only way that our tribes can exercise our  
21 sovereignty is by doing it through our cultural and our  
22 religious practices.

23 In conclusion, La Jolla urges that you craft a  
24 purpose and needs statement that addresses all  
25 alternative sites, and does not allow the destruction of



1 a sacred site or the contamination of our groundwater.  
2 If you do this, you will find that Gregory Canyon is not  
3 an appropriate place for a dump, and you will deny this  
4 permit.

5 Thank you so much.

6 COLONEL MAGNESS: Thank you.

7 Next I'd like to ask is Chairman Mel Vernon  
8 here?

9 Mel, if you would come forward?

10 And then, Shasta, would you speak after him?

11 CHAIRMAN VERNON: Mel Vernon, Chairman of the  
12 San Luis Rey Band of Mission Indians. We are the tribe  
13 that is downstream from Pala and all the other tribes.  
14 We're right there where Oceanside is and where Mission  
15 San Luis Rey set up because of the water, of the river.

16 I agree with all of Pam Slater and Chairman  
17 Smith and any other speakers that spoke before, so I  
18 won't reiterate what they said. But I will just add  
19 that when it comes to our spirituality and our water,  
20 there's not a separateness. It's together. Water to us  
21 is life. It is a life within itself.

22 If we kill the spirit of the water by toxic  
23 runoff of a dump or site, that ourself is heading  
24 towards -- not just -- it's for the people. Our  
25 quality -- not just our quality of life, but the value



1 of life seems to be threatened.

2 This basically is committing suicide. This is  
3 something that we know is toxic, and yet we're putting  
4 it in our bodies through this water.

5 The other part of the spirituality that we have  
6 there at Gregory Canyon with Medicine Rock, for 10,000  
7 years the people have been here, and through our sites,  
8 our sacred sites and the mountains, these are embedded  
9 into our consciousness, into our very being. And this  
10 is what's brought us to survive in these places where  
11 we're at.

12 This is our -- this is our -- pretty much our  
13 Garden of Eden. And it still is our Garden of Eden.  
14 And every so often we have to step up to the plate to  
15 protect -- to protect it again. Our creation story is  
16 here. It's still here. The spirit of the mountains are  
17 still here, knowing where we're at.

18 Now, I'm going to broaden this out a little  
19 bit. But you know, we get excited about finding water  
20 on the moon. We send out millions and millions of  
21 dollars to rockets to Mars. Looking for what? Water.  
22 The same thing we have two miles down the road that we  
23 seem to devalue when it's in our hands.

24 My question is, how did we find ourselves in  
25 this place? Who's making our decisions about the value





1 of the water? Fiji water we put in a plastic thing that  
2 becomes something to be proud of, to show the label.  
3 The water is right here. Why do we disrespect our own  
4 water? Why do we devalue the water that we have here in  
5 front of us? What has happened to us to make us think  
6 this way. That's a deeper question that we all should  
7 really ask ourselves.

8           Anyway, without getting too far into that type  
9 of thinking, because we know that what really drives  
10 things is money. It was money that keeps these things  
11 going. It wasn't too long ago we had a toll road that  
12 was coming through. And I think it's still coming  
13 through somewhere. Because there's investment.

14           When does investment become a gamble? When  
15 does a gamble become investment? Somebody's gambling  
16 that this is going to happen and they're going to have a  
17 payday, I'm sure.

18           There's nothing wrong with looking for it,  
19 because that's our capitalistic system. My question is,  
20 when we put money before our health, money to destroy  
21 future generations, I think then the value of money has  
22 maybe got too much value in it, and we should start  
23 looking at life and what supports it. And that's water.  
24 Thank you.

25           COLONEL MAGNESS: Thank you.



1 Shasta.

2 MS. GAUGHEN: Good evening. My name is Shasta  
3 Gaughen. I'm the Tribal Historic Presentation Officer  
4 for the Pala Band of Mission Indians. It is my job to  
5 fulfill the federal and state requirements for the  
6 protection and preservation of the historic, cultural  
7 and archeological resources within the Pala reservation.  
8 It is also my duty to consult and advise on projects  
9 that affect Pala's traditional use areas, whether or not  
10 they fall within reservation boundaries. And it is in  
11 this capacity that I am addressing you today.

12 The Gregory Canyon Landfill project is an  
13 environmental, cultural, and political affront to the  
14 Luiseno and Cupeno people of Pala and neighboring  
15 reservations. For over 20 years, the Pala Band of  
16 Mission Indians has been fighting to prevent the Gregory  
17 Canyon Landfill. This landfill would completely  
18 desecrate and destroy Gregory mountain, one of the most  
19 important sacred sites of the Luiseno people. Known as  
20 Chokla, this spiritual site one of the resting places of  
21 the spirit of Takwic. Chokla is venerated by all  
22 Luiseno people today, not just those of the Pala band.

23 Allowing the Gregory Canyon Landfill to be  
24 built on the flanks of Chokla would be akin to building  
25 a trash dump around the walls of a cathedral.



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1 Furthermore, the landscape around Gregory Mountain --  
2 including the canyon and the surrounding hills -- is  
3 part of an integrated ceremonial and ritual complex that  
4 has been used by the Luiseno people for untold  
5 generations. The cumulative impacts of development  
6 have radically transformed many of the lands held sacred  
7 by Indian people. It is too much to ask for them to  
8 give up yet another piece of their living heritage.

9 I have often found that many people are  
10 skeptical when Indian tribes claim that an area has  
11 sacred or religious significance. This is because  
12 Indian spiritual and religious customs are not  
13 celebrated in the public eye. Sacred sites, such as  
14 those listed with the Native American Heritage  
15 Commission -- as Gregory Mountain and Medicine Rock,  
16 those are -- are kept in confidence for good reason.  
17 Public exposure, vandalism and desecration are just some  
18 of the consequences Indian people fear when considering  
19 whether or not to reveal the location of sacred sites.  
20 For this reason, Pala has long been hesitant to discuss  
21 the spiritual significance of Chokla in detail.  
22 However, when the landfill project was first proposed  
23 over 20 years ago Pala -- and other Luiseno bands --  
24 realized that the risk of exposure was far outweighed by  
25 the risk of their mountain and their river being



1 desecrated by Gregory Canyon garbage dump.

2 Do not be fooled by arguments that Pala's  
3 opposition stems from their casino, or that there is no  
4 archeological evidence testifying to Chokla's  
5 significance. Native ways of knowing and navigating the  
6 spiritual and sacred often leave no trace on the land,  
7 yet, the mark they leave on the cultural lives of the  
8 people is indelible.

9 Allowing the desecration of Chokla and the San  
10 Luis Rey River with a landfill is allowing the  
11 desecration of the spiritual heart of a people with a  
12 long history of suffering and inequality.

13 COLONEL MAGNESS: Shasta, slow down.

14 MS. GAUGHEN: I'm sorry. I'm trying to stay  
15 within my -- well, I can give her my notes.

16 COLONEL MAGNESS: Okay.

17 MS. GAUGHEN: Hey, I've got like three pages to  
18 go.

19 COLONEL MAGNESS: I know.

20 MS. GAUGHEN: Anyway, another issue that must  
21 be addressed is the inadequacy of the cultural resource  
22 reviews that have been undertaken by the project  
23 proponents. Gregory Canyon, Ltd., appears to pick and  
24 choose among cultural reports until they find one that  
25 suits their purposes. Archeologists GCL has hired in



1 the past who have told them that the site is far too  
2 culturally rich to be developed have been dismissed in  
3 favor of those who are willing to tell the proponents  
4 what they want to hear.

5 Furthermore, the cultural reviews have failed  
6 to take into account the views and experiences of the  
7 Luiseno people living today. Not all cultural uses will  
8 leave a visible mark upon the land, but without the  
9 direct input of these who use this sacred site, its  
10 spiritual, religious, and ritual significance goes  
11 un-remarked.

12 Presidential Executive Order 13175 states that  
13 federal "agencies shall respect Indian tribal  
14 self-government and sovereignty."

15 On November 5th, 2009, President Obama released  
16 a memorandum to the heads of all these agencies  
17 regarding the implementation of that order, stating that  
18 history has shown that failure to include the voices of  
19 tribal officials in formulating policy affecting their  
20 communities has all too often led to undesirable and, at  
21 times, devastating and tragic results. Meaningful  
22 dialog must take place.

23 Fulfilling this executive mandate means  
24 including a full and thorough review of the cultural and  
25 spiritual implications of the proposed landfill for the



1 Luiseno people. California's Native people have lost  
2 enough. I urge the Army Corps to do the right thing and  
3 deny the permit for this project.

4 And with my last 40 seconds I would like to ask  
5 all of the people who are opposed to the Gregory Canyon  
6 Landfill to please stand up and make yourself seen.

7 Thank you for your support.

8 COLONEL MAGNESS: Thank you, Shasta.

9 Okay. I think we have one more person. If you  
10 are an elected official, or a -- I hate to put  
11 anybody -- you know, my upbringing is everybody's the  
12 same. And I think we all feel the same way. But in the  
13 interests of preserving time, if there are any elected  
14 officials that I have not called upon because I don't  
15 have your name, then, please, I need to know that here.

16 But I have one more. And that was a Sheree Kay  
17 Hildebrandt, the solid waste manager of the City of  
18 Oceanside, is going to come forward and speak.

19 Is Sheree here?

20 MR. WALSON: I'm also an elected official.

21 COLONEL MAGNESS: Did you fill out a sheet so I  
22 can take notes?

23 MR. WALSON: I did.

24 COLONEL MAGNESS: Okay. Tell me what your name  
25 is, sir.



1 MR. WALSON: Gerald Walson, W-a-l-s-o-n.

2 COLONEL MAGNESS: Okay, we'll find you, Gerald.

3 I'd like to ask Joe Chisholm. Is Joe here?

4 Hey, Joe, come -- that's what I wanted right  
5 there. I wanted that guy.

6 I want to forewarn you all. When we transition  
7 from this first group to public at large, and I said  
8 three minutes. We're going to go two minutes.

9 UNIDENTIFIED SPEAKER: No, no.

10 COLONEL MAGNESS: But that gives everyone a  
11 chance to talk. If we went three minutes, I'm afraid we  
12 wouldn't have everyone a chance to talk.

13 So would you please be thinking about your  
14 remarks in terms of speaking, and within a two-minute  
15 window. That way everyone can talk. We have 50 people  
16 to come forward.

17 Okay. Joe.

18 MR. CHISHOLM: Thank you, Colonel. My name is  
19 Joe Chisholm. I'm chairman of the Pala Pauma Community  
20 Planning Group. We're the local -- County of San Diego  
21 appointed community planning group, with a subregional  
22 planning area that covers about 76,000 acres, and within  
23 which this is planned.

24 Essentially that entire area lies within the 51  
25 square miles that make up the San Luis Rey River



1 watershed. That watershed is founded on the river of  
2 life, the San Luis Rey, to the Luisenos and Cupenos for  
3 over 6,000, maybe 10,000 years.

4 It's also for the last 250 years been the home  
5 to one of the richest agricultural areas that San Diego  
6 County has. It's been estimated that nearly one half of  
7 the total productivity agriculturally in the county  
8 comes out of San Luis Rey River watershed. Last year  
9 that amounted to \$1.3 billion. We're talking about at  
10 least a half a billion dollars' worth of agricultural  
11 that comes out of this watershed, and it's all  
12 groundwater dependent.

13 The fact or the thought that a liner like this,  
14 some PVC plastic that you could wrap 30 million tons of  
15 garbage in, could protect the water that produces the  
16 food for all of Southern California, and for a place  
17 that, perhaps, on a long-term basis is one of the only  
18 remaining viable agricultural areas, because we do have  
19 groundwater. Something that doesn't exist in Southern  
20 California.

21 You have to remember how much that would mean  
22 to the people that live here, who have talked about this  
23 for 20 years and are frustrated by the fact that we keep  
24 talking about it and keep fearing to be able to continue  
25 agricultural. Something we definitely need.





1           In the long run, the original EIR was approved  
2 based on overriding findings. They found that there was  
3 some overriding social good. Some need we had to have  
4 this happen. Since that time, the costs involved in  
5 doing this project have soared. They've got incredibly  
6 higher. I'm not sure they were ever accurately weighed  
7 in the first place. But when you start to add moving  
8 aqueducts and high wire tension lines for SDG&E, there's  
9 no way you can make this work from an economic  
10 standpoint. And that needs to be looked at in the EIR.  
11 There has to be some kind of quid pro quo, a cost  
12 benefit to how this could be the place that we could  
13 spend so much money just so somebody can make a buck.

14           In the long run, our communities, the  
15 communities of Oceanside, Carlsbad -- it just goes on as  
16 you go out. As you get out by Rincon, it's La Jolla,  
17 it's Pala, it's Puama, it's Fallbrook. We're all  
18 dependent on agriculture. And the pristine environment  
19 that we have, some think it looks like a park. Well,  
20 that's what allows us to be a spiritual landscape, to be  
21 a historic landscape.

22           The place is intact as an overview. Nowhere  
23 else in the country -- well, certainly in Southern  
24 California, can you travel down a highway like high 76  
25 and see what you have there.



1           The history of the Fathers coming out to build  
2 missions, it's still all right there it's still readily  
3 available. And the desecration of this landfill will  
4 destroy that. It's an intact landscape. You can't get  
5 that somewhere else. It's spiritual to the tribal  
6 leaders. It's historic to those of who weren't born as  
7 a Native American. It's important to all of us.

8           With that, I just hope you'll think about that  
9 as you --

10           COLONEL MAGNESS: Thank you, Joe.

11           Okay, Gerald.

12           MR. WALSON: Thank you. My name is Gerald  
13 Walson. I'm president of BARC, which is the Bonsall  
14 Area Rural Community. I'm also a director of the  
15 Rainbow Municipal Water District.

16           I've asked this question a number of times  
17 without getting an answer. Everybody agrees that  
18 Gregory Canyon will leak. The only question is when and  
19 how much.

20           Now, the Corps should not allow any permits  
21 without evaluating the impact of a contaminated aquifer.  
22 Should look at three scenarios. Mild, moderate and  
23 severe. Question, how will the extent of the  
24 contaminant be determined? How will the aquifer be  
25 cleaned up? And at what cost? Could run into the



1 billions. And if Gregory Canyon files bankruptcy after  
2 a spill, who's going to pay for it?

3 If a spill occurs, San Luis Rey water users  
4 need to be identified immediately so they can take  
5 action. And we need to know what is the sustainable  
6 water source and supply that Gregory Canyon needs.

7 In the event that San Luis Rey water users are  
8 impacted, Gregory Canyon is required to provide impacted  
9 users with replacement water. So what is the plan for  
10 providing the replacement water?

11 The Gregory Canyon risk to the San Luis Rey  
12 area is devastating and does not warrant permitting  
13 Gregory Canyon.

14 Remember BP and the government said that  
15 offshore well drilling was safe.

16 COLONEL MAGNESS: Thank you, Gerald.

17 I'd like to ask -- I hope I'm saying this  
18 correct. Kilma Lattin. Kilma is from -- well, you can  
19 tell us where you're from. Come on, Kilma.

20 MR. LATTIN: All right. My name is Kilma  
21 Lattin. I'm tribal council member from the Pala Band of  
22 Mission Indians. It would be impossible for me to say  
23 any better some of the things that have been said here  
24 tonight. So I won't recap what's been said. A simple  
25 review of the transcript can do that. And, you know,



1 the people who've addressed you tonight are dignified  
2 great points, but I don't know that anybody's spoken to  
3 you soldier to soldier. I'm a former member of the  
4 Officer Corps in the United State Army like yourself,  
5 sir. So I know where you sit, I know the decisions that  
6 you make, and I know this is a poor decision.

7 COLONEL MAGNESS: I haven't made it yet.

8 MR. LATTIN: Yeah, I know. But if you were to  
9 make a decision, it wouldn't be the best decision. And  
10 the only point I want to make, if you've been around the  
11 Army a long time, then you're familiar with Napoleon's  
12 private, the story of Napoleon's private. I'm sure you  
13 have.

14 If Napoleon's private reviewed the facts on  
15 this, I think even he would know to make the right  
16 decision, sir. So that's the only remark I'm going to  
17 make.

18 COLONEL MAGNESS: Thank you.

19 I have one more agency or elected official,  
20 agency representative. And I'm going to ask Damon  
21 Nagami.

22 Am I saying that right, Damon?

23 And Damon's from the Natural Resources Defense  
24 Council.

25 MR. NAGAMI: Thanks, Colonel.



1           Good evening. And thanks for being here. My  
2 name is Damon Nagami. I'm a staff attorney with Natural  
3 Resources Defense Council. And I'm here today  
4 representing NRDC and our more than 250,000 members and  
5 activists in California.

6           We oppose the Gregory Canyon Landfill, an  
7 unnecessary garbage dump that would be built on the  
8 banks of the San Luis Rey River. We've reviewed the  
9 notice of intent, and I'd like to touch upon a few of  
10 our most serious concerns.

11           First, we urge the Corps not to define a  
12 purpose of this project too narrowly. We're concerned  
13 because the notice of intent seems to be skewed so that  
14 the project is defined as a landfill in a specific  
15 location.

16           That's the wrong place to start this analysis.  
17 A garbage dump is not a water dependent project. You  
18 don't need to put it near a water body like the San Luis  
19 Rey River. In fact, because the San Luis Rey is a  
20 special aquatics site that provides habitat to wildlife,  
21 serves as a bellwether for the overall environmental  
22 health of the region, the Corps must presume that a less  
23 damaging alternative exists. Such a finding should not  
24 be that difficult to make. Because I cannot think of a  
25 more damaging project than building a dump right on the



1 banks of a river.

2 Second, the Corps needs to look at a broad  
3 range of alternatives. And this doesn't mean just  
4 looking at other landfill designs. Are there other ways  
5 we can handle waste in the region? How about increasing  
6 diversion rates for organics, paper, construction  
7 materials? Wouldn't that decrease our dependence on  
8 using landfills for waste disposal? Or what about using  
9 technology to better manage the existing capacity for  
10 landfills?

11 These alternatives are viable because the need  
12 for a new landfill in this region just is not there.  
13 Waste diversion and recycling in San Diego County are  
14 off the chart. The downturn in the economy has meant  
15 less consumption and, in turn, less waste to dispose of.  
16 And existing landfills can be expanded in careful manner  
17 and run more efficiently so we don't have to destroy  
18 pristine land and pollute our rivers.

19 This myth that the county is running out  
20 landfill space is not supported by the facts. The Corps  
21 should take this into account when looking at the  
22 purpose and need of this project.

23 Third, we urge the Corps not to rely on  
24 outdated information. The notice of intent refers often  
25 to the State environmental review process. But those



1 environmental documents are now almost 10 years old. A  
2 new and updated analysis needs to be done.

3 Fourth, this analysis must take a close look at  
4 impacts on water supply and water quality. Building and  
5 operating a landfill will require a significant amount  
6 of water. And with the region in a drought and facing  
7 an uncertain future due to the effects of climate  
8 change, every drop counts.

9 We want -- we understand that they want to draw  
10 water from groundwater monitoring wells as one potential  
11 water source. The point of a monitoring well is to  
12 monitor whether any hazardous pollutants have gotten  
13 into the groundwater. Will drawing water from these  
14 wells interfere with monitoring and reduce the  
15 effectiveness of this protective measure? How can one  
16 well serve both functions effectively? This plan has  
17 not been vetted and needs to be reviewed carefully.

18 Also, because water agencies around here want  
19 nothing to do with this project, the proponents are  
20 planning to truck water from a company in the San  
21 Gabriel Valley, 90 miles away. Will these truck trips  
22 exacerbate air pollution in the region? What kind of  
23 traffic impact will this cause? The Corps needs to take  
24 a close look.

25 Finally, we're concerned that there's been no



1 greenhouse gas analysis for this project. The outdated  
2 EIR does not contain one. The National Academy of  
3 Sciences recently confirmed that climate change is  
4 happening. It's primarily caused by human activities  
5 and it poses a significant risk for a broad range of  
6 human and natural systems. Climate change is real, and  
7 its impacts need to be analyzed.

8 I'd like to conclude with a brief observation.  
9 This project has now been in the works for over two  
10 decades and there's been media attention over the years,  
11 including right now for this permit.

12 And I've heard project proponents recently call  
13 the tribe's ad that they took out in the paper  
14 outrageous. No. What's outrageous is this project.  
15 It's the worst idea we've seen in a long time. The  
16 wrong idea and the wrong location.

17 We urge the Corps to uphold NEPA and the Clean  
18 Water Act. In doing so, we believe the Corps will  
19 conclude that there are many better ways to manage  
20 San Diego's trash than filling a pristine canyon on a  
21 river with it. Garbage and water just don't mix.

22 Thanks for this opportunity to comment.

23 COLONEL MAGNESS: Thank you very much.

24 Okay. May I ask Cari Dale to come forward?

25 She's the water utilities director for the City of





1 Oceanside.

2 Cari.

3 MS. DALE: Good evening. As you mentioned, I'm  
4 Cari Dale. I'm the water utilities director with the  
5 City of Oceanside. And today I'm representing nearly  
6 200,000 residents that depend on my agency for safe  
7 water. They depend on my agency for clean water. And  
8 they depend on my agency for reliable water.

9 Presently we take water from the basin which is  
10 downstream of this proposed project. And I'm greatly  
11 concerned about the impacts of what it can do to our  
12 local supplies.

13 Oceanside has a significant long-term  
14 investment in the Oceanside desalter. Presently  
15 produces 6 million gallons a day, serving the residents  
16 and businesses of Oceanside. As Mayor Wood mentioned,  
17 this is 10 percent of our water supplies at present, and  
18 will be 20 percent of our total water supplies in the  
19 future.

20 Not only has the City of Oceanside invested in  
21 the desalter, but the local supply agency, the San Diego  
22 County Water Authority, as well as the Metropolitan  
23 Water District, have invested in this supply with us.

24 Locally developed supplies help the region as a  
25 whole meet the water demand, especially during a time



1 when drought and when water supplies are concerned.

2 I want to remind everyone that we live in a  
3 desert. And we have a water supply problem. Why, then,  
4 are we risking this local supply? The water that we  
5 bring into the region right now has been constrained  
6 with environmental restrictions, limiting pumping to the  
7 region, as well as drought. So our local supplies are  
8 becoming vitally important to sustaining the region's  
9 economic engine.

10 Please consider the long-term impacts of this  
11 project on a short-term project. The 200,000 residents  
12 of Oceanside, as well as the businesses in Oceanside,  
13 that depend on our water supplies are counting on you to  
14 deny the permit for Gregory Canyon Landfill. Thank you.

15 COLONEL MAGNESS: Thank you.

16 Okay, I'm going to transition now to, for lack  
17 of a better, to the general public comments. And I'm  
18 going to call you up three at a time.

19 First we're going to take a break. But  
20 don't -- please don't scatter. Just stand up and  
21 stretch and introduce yourselves to your neighbor. And  
22 then we're going to start back up in two minutes. We're  
23 really pushing it. Two minutes.

24 (Recess)

25 COLONEL MAGNESS: Okay. Thank you.



1 First I'd like to ask -- I have two -- two that  
2 probably should have been in the first group. They'll  
3 be on the clock for two minutes. But I'll be generous  
4 with the way I adjudicate the first two.

5 First, if Rua Petty would come forward, please.

6 Rua, are you here? Come on up.

7 MR. PETTY: Thank you, Colonel, for having this  
8 hearing. I'm president of Rainbow Municipal Water  
9 District, and also on the board of directors of the  
10 San Diego County Water Authority.

11 I will tell you that my district in the past  
12 has come out in opposition to Gregory Canyon Landfill.  
13 It is not easy to bring our precious resource of water  
14 to this region. Rainbow is pursuing the use of the San  
15 Luis Rey. We are downstream, and we are very concerned  
16 about the water quality and the impact Gregory Canyon  
17 will have on it.

18 Secondly, as the Water Authority, they have  
19 already gone on record that we have aqueducts near that  
20 that serve well over a million people. The Authority  
21 has gone on record that we have a major concern about  
22 this and the effect on those aqueducts. To this point,  
23 as far as I know, that has not been answered and has to  
24 be a major, major consideration.

25 Since I've been in the water business and on



1 our board, we're doing everything we can to find water  
2 and bring it to San Diego County. Again, it's not easy.  
3 We live in a desert. And we're trying to find local  
4 resources. And for something like Gregory Canyon to be  
5 approved and put in danger one of our local resources is  
6 a travesty. Thank you.

7 COLONEL MAGNESS: Thank you, sir.

8 Next I'd like George Wilkins to come forward.  
9 And after George, Larry Purcell. And then Mona Sespe.

10 MR. WILKINS: Thank you very much for the  
11 opportunity to speak.

12 My name is George and I'm the vice president of  
13 the San Luis Rey Watershed Council, which is a nonprofit  
14 organization that represents stakeholders in the San  
15 Luis Rey River.

16 The San Luis Rey Watershed Council has over 100  
17 government agencies, Native American tribes, and NGOs,  
18 as well as cities, counties, other agencies that are  
19 members or interested parties. And I wanted to let you  
20 know the Watershed Council does have very serious  
21 concerns about the landfill. We have ever since it was  
22 proposed.

23 We will be writing a formal letter to submit,  
24 and so that will be done before the June 18th submittal  
25 date.



1           And so some of the concerns that have been  
2 raised -- I don't want to elaborate too much, although  
3 they are very important concerns. The fact that there  
4 are sacred Native American sites right there at the  
5 project site is very important for many of our members,  
6 as wells for the people in this room.

7           Certainly water quality is a huge concern. The  
8 fact -- and this is a fact -- that San Luis Rey is one  
9 of the few watersheds in the entire San Diego County  
10 region that you can actually get good, sustainable water  
11 supply from. There really are not many places that have  
12 the type of aquifers that are found in the San Luis Rey.  
13 And this something that will eventually be compromised  
14 if this landfill is built. There's no way of getting  
15 around it.

16           One of the concerns that has not been talked  
17 about too much tonight has been flooding. My profession  
18 is, I'm a -- I try to explain my kids, a hydrologist.  
19 It's like, "What the heck is that?"

20           I'm a water scientist, and I specialize  
21 in water resources and flooding. And I've worked  
22 extensively in this watershed for over 20 years. I  
23 worked for San Diego County Flood Control District for  
24 12 years. I worked with Terry Dean from your office.  
25 And this watershed has a long history of serious



1 catastrophic floods.

2 So just a couple of the important things to  
3 note on the project site plan it shows the normal low  
4 flow of the river. It does not show the 100 year  
5 floodplain of the river.

6 The flood of record that we actually have  
7 record of for this river is 1916. The 1916 flood for  
8 the San Luis Rey produced 96,000 cube feet per second in  
9 Oceanside. It was the -- or it is the eighth largest  
10 flood of record for Southern California recorded  
11 history.

12 The Santa Ana River has -- it's the seventh  
13 largest flood of record. And it's 100,000 csf. That  
14 flood came from watershed that's three times the size of  
15 San Luis Rey. So the San Luis Rey, one third the size  
16 of Santa Ana River, produced a flood that's basically  
17 almost the same speed of flow. And --

18 COLONEL MAGNESS: George, in the interest of  
19 time, could I ask you to wrap up? I know you are going  
20 to submit written comments, and so could I ask you to go  
21 ahead and wrap that up?

22 MR. WILKINS: Sure. To wrap this up, if you go  
23 and look at the photos from 1916, you will see complete,  
24 bank-to-bank absolute devastation. And it has been  
25 almost 100 years since that flood. There's no doubt



1 that the bottom end of the landfill and ancillary  
2 facilities will be wiped out. I would ask you to please  
3 look at that and basically reject this landfill permit.

4 COLONEL MAGNESS: Okay. Thank you.

5 Again, I committed to George that I would allow  
6 him to run over. But if we could stay within the  
7 constraints of time. We have at least 50 people. I  
8 really want everyone to come forward. And so let's, you  
9 know, tailor your remarks and then submit -- anything  
10 you want to submit as follow-up afterwards, you are more  
11 than welcome to do so by our deadline.

12 So, please, I'd like Larry Purcell to come  
13 forward, followed by Mona Sespe, and then Dave  
14 Singleton.

15 Larry.

16 MR. PURCELL: Thank you. Good evening. My  
17 name is Larry Purcell. I'm here representing the  
18 San Diego County Water Authority. The water authority  
19 is a public agency responsible for supplying the  
20 imported water necessary to support over 3 million  
21 residents and the region's \$171 billion economy.

22 Our concerns with the proposed landfill are  
23 twofold. Number one is ensuring protection of local  
24 water resources. And number two, ensuring protection of  
25 water authority facilities of our regional water



1 distribution system.

2 The proposed landfill site sits atop and  
3 upstream of groundwater basins and is immediately  
4 adjacent to the San Luis Rey River. Both groundwater  
5 and surface waters are currently used by private  
6 citizens and local water agencies as a source of supply.  
7 And the use of these sources is expected to be expanded  
8 in the future. Should these supplies become unusable  
9 due to contamination, greater reliance will be placed on  
10 the water authority to provide replacement supplies.

11 As you're aware, the state of California is  
12 currently experiencing significant water supply  
13 shortage. Loss of these local supplies would negatively  
14 affect our water agencies and citizens with rights to  
15 use these sources and increase reliance on uncertain  
16 imported water supplies.

17 So we request that the EIS examine the  
18 potential effects of providing feasible replacement  
19 supplies, including the necessary infrastructure and the  
20 source and amount of funding required to implement a  
21 water replacement plan.

22 Our second concern is to maintain the integrity  
23 of our regional water delivery system. The proposed  
24 landfill site is immediately adjacent to two large  
25 existing -- excuse me, two existing large diameter





1 buried pipelines, and a third pipeline has already been  
2 approved for installation. These three pipelines  
3 represent 37 percent of our imported water capacity.  
4 The pipelines could be adversely affected by the  
5 realignment of SR 76 and a bridge across the river, as  
6 well as blasting and excavation activities and heavy  
7 vehicle crossings during the landfill construction  
8 operation.

9 Almost done. We request the EIS examine the  
10 potential effects on water or its facilities and the  
11 regional distribution system. And we'll be submitting a  
12 letter with these comments.

13 COLONEL MAGNESS: Thank you very much.

14 MR. PURCELL: Thank you.

15 COLONEL MAGNESS: Mona. And then, again, Dave  
16 Singleton. And then Laura Hunter will be --

17 Wait, you're not Mona.

18 MR. LAHSAIE: I thought you said Mo.

19 I will say, "Hey, Mo."

20 No. It's Mona Sespe.

21 MS. SESPE: I'd like to thank all the Native  
22 people and all our supporters that are here with us  
23 today. And the Native people would like to welcome you  
24 to our traditional lands. I'd like to ask for a  
25 blessing on everyone here and that we have the



1 understanding and respect for each other.

2 My name is Mona Sespe, and I'm a member of the  
3 Pala Band of Indians. I always see the Gregory Canyon  
4 referred to as the cultural resources. It's so far from  
5 the truth. Gregory Mountain is a sacred place to our  
6 people. And it is a derogatory meaning and does not  
7 convey the sacredness of this area. From the past to  
8 this day, ceremonies, healing prayers, bear dances,  
9 privity rights ceremonies and sweats are still being  
10 held there to this day. Plant medicine sacred to our  
11 people. Animals sacred to us to this day.

12 Does this sound like a cultural resource? Do  
13 you consider your faith and your church to be a cultural  
14 resource? I'm not trying to be disrespectful in any way  
15 to anyone. I'm trying to show you how we love and honor  
16 and respect this place, Gregory Mountain, our church,  
17 our sacred place.

18 I do believe in our ways and traditions. I  
19 live it, and I practice it, and I come in respect. I  
20 have stood before various boards, since 1984, begging  
21 and pleading not to allow these projects, because our  
22 freedom of religion will be denied, and the destruction  
23 of our sacred mountain. So today I ask each of you to  
24 search your heart, to search your minds, and vote no.

25 Indian people have persevered through



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1 hardships, being moved from traditional lands, our  
2 traditional lands being taken, being told we can't speak  
3 our language, being told we can't practice our religion  
4 in traditional ways.

5 COLONEL MAGNESS: Mona --

6 MS. SESPE: I'm almost done.

7 COLONEL MAGNESS: I need you to be done.

8 MS. SESPE: Okay. I ask that you help us to  
9 preserve, you know, our ways and our traditions. And we  
10 were told in 1978 that we were allowed at that time to  
11 practice our religion.

12 And I thank you for your time.

13 COLONEL MAGNESS: Thank you.

14 This is difficult and I apologize upfront. But  
15 again, I think it's more important that everyone speak  
16 as opposed to giving more time and not letting everyone  
17 speak. And then we can submit the rest for the record.

18 Please, Dave, followed by Laura Hunter, and  
19 then Helene Brazier.

20 MR. SINGLETON: My name is David Singleton.  
21 I'm program analyst representing the Native American  
22 Heritage Commission. The State of California agency is  
23 the only unit of state government that is governed by  
24 Native Americans. Nine members appointed by the  
25 governor, with approval by the California Senate. I did



1 leave -- I did leave written remarks.

2 Before I continue, I have to say I was moved by  
3 Mona Sespe's statement. Very moving.

4 In the opinion of the Native American Heritage  
5 Commission, the proposed project, you know, as planned  
6 threatens a sacred place, as Ms. Sespe said. One of --  
7 one of great significance, you know, as defined by state  
8 law. But we would like to mention a couple of things  
9 for the Corps to, you know, to examine, you know, more  
10 closely.

11 Well, first, in our written remarks, we  
12 actually identify a smaller footprint. But in the -- in  
13 the request from your staff, Corps of Engineers  
14 archeologists for a sacred land spot search, we actually  
15 found cultural resources site in the broader  
16 configuration. Both the Bonsall and the Pala USGS 7.5  
17 quadrangle.

18 Now, Section 106, the guidelines of 2009, call  
19 attention to religious and cultural -- items of  
20 religious and cultural significance to Native Americans.  
21 We ask you to examine that more carefully. We believe  
22 that this site, you know, fits that definition, you  
23 know.

24 And also what Chairman Smith mentioned about --  
25 COLONEL MAGNESS: Brief.



1 MR. SINGLETON: Okay. -- the historical  
2 context that is referred to in the Secretary of the  
3 Interior standards for the treatment of archeological  
4 properties, that you examine that more carefully.

5 COLONEL MAGNESS: Okay.

6 MR. SINGLETON: Okay. In closing, you know --

7 COLONEL MAGNESS: You close.

8 MR. SINGLETON: Well, you've heard already, and  
9 from Ms. Sespe and others, you know, the evidence of  
10 this sacred place leads us to the conclusion that you  
11 deny the Section 404 permit.

12 COLONEL MAGNESS: Thank you.

13 MR. SINGLETON: That's the position of the  
14 committee.

15 COLONEL MAGNESS: All right. Ms. Hunter.

16 MS. HUNTER: Good evening. My name is Laura  
17 Hunter. I am here representing the Environmental Health  
18 Coalition. We have come tonight in our beautiful blue  
19 shirts to stand in solidarity with the local peoples and  
20 the Native peoples in their struggle in environmental  
21 justice.

22 We know what it's like to have a terrible  
23 project like this one dumped in your neighborhood and  
24 affecting your life. We're opposed to the Gregory  
25 Canyon Landfill. Because of time, I'll just focus on a



1 couple points. One is on your list of issues that  
2 you're covering, I didn't see environmental injustice  
3 included.

4 And the Executive Order 12898 requires that,  
5 "To the greatest --" I'm quoting now -- "the greatest  
6 extent practicable each federal agency --" that's you --  
7 "shall make achieving environmental justice part of its  
8 mission."

9 This project proposal is part of the disturbing  
10 trend that we see throughout San Diego County. In seven  
11 of existing proposed or -- proposed or existing  
12 landfills, five, including this one, are located in  
13 areas where poverty levels exceed the national average.  
14 Six of seven, including this one, are in ZIP codes where  
15 average percent of people of color live above the  
16 national average.

17 What we know about environmental justice  
18 nationwide, these kinds of -- citing of these kinds of  
19 toxic, detrimental projects in these kinds of areas is  
20 not an accident. And this is classic case of  
21 environmental justice. And we urge a full and extensive  
22 evaluation of that aspect in your EIR -- EIS.

23 You've heard a lot of comments -- thank you.

24 You've heard a lot of comments about the water  
25 issue. Fractured bedrock is going to leak. It's just a



1 matter of time before this leaks. And we would ask that  
2 you cover in your environmental review the entire length  
3 of time that the waste will be available to impact water  
4 resources, you know, around a thousand years, and not  
5 just a time of the length of the active life of the  
6 landfill. You have to analyze it in terms of impact and  
7 in terms of cleanup.

8 I'm going to close and meet my darn deadline by  
9 submitting 50 additional comment letters from community  
10 members that want you to oppose this dump.

11 Thank you very much.

12 COLONEL MAGNESS: Helene. I hope I'm saying  
13 that right. You can correct me. Pull that down.

14 MS. BRAZIER: My name is Helene Brazier. I'm a  
15 long-time, concerned resident. I'd like to thank  
16 Supervisor Pam Slater-Price for her comments this  
17 evening and commend her for her long-term involvement in  
18 this project. In the land swap between Districts 4  
19 and 5, I wish that our part of the council had gone to  
20 District 4.

21 I'd also like to commend Joe Chisholm for his  
22 fashion sense.

23 In early meetings, when a dump was being  
24 considered for North County, Gregory Canyon was at the  
25 bottom of a list of 18 or 19 possibilities. It was



1 there because of its proximity to the river. It should  
2 have stayed there.

3 Surely the recent events of the Gulf have  
4 demonstrated the folly of accepting industry's  
5 assurances of safety. The liner will leak. They all  
6 do. And the toxic soup will pollute the San Luis Rey  
7 River, just as surely as the oil is polluting the gulf.  
8 Our environment is far too precious, as are our sacred  
9 sites, to risk for a dump we do not need. Please deny  
10 the permit request.

11 Thank you very much.

12 COLONEL MAGNES: Next if I could have Andrea  
13 Seavey, followed by Patricia Duro, and then Cynthia  
14 Frank.

15 Ma'am.

16 MS. SEAVEY: Hello.

17 COLONEL MAGNESS: Hello.

18 MS. SEAVEY: I'm Andrea Seavey. I've lived  
19 over 40 years in San Diego County. And I just want to  
20 add on to my fears. Is it possible that if we don't  
21 have trash for this dump, and you let them build it,  
22 will Riverside County be bringing their trash down?  
23 That's what I'm afraid of. I just want to bring that up  
24 as another no-no. And I want to cede my time.

25 COLONEL MAGNESS: Thank you.





1 Patricia Duro.

2 MS. DURO: I almost chickened out.

3 COLONEL MAGNESS: Don't chicken out. Pull that  
4 mic closer to you, Ms. Duro.

5 MS. DURO: All right. I'm a lifetime resident  
6 of the Rincon Indian Reservation. We're at the mouth of  
7 the San Luis Rey River. I was a young child when that  
8 river used to flow. And we lived our childhood around  
9 that river. We live off of wells, and that's our  
10 drinking water. So to pollute this river with a dump  
11 would really be disaster for everybody.

12 But one of the things that I'm interested in,  
13 I'm trying to gather information, is the recovery of the  
14 steelhead fish that goes up the river. And I think  
15 there's a lot of things that could benefit everyone by  
16 having like a wilderness protection. I don't know what  
17 agency to go to. But there's many, many animals that  
18 could -- that live around the habitat that are still  
19 there, and they're dwindling. And we just have --

20 And so I would like to see the revitalization  
21 of the habitats in the river with the fish and deny that  
22 dump. Because that dump, it will pollute. And it will  
23 kill that ground for 500 years. I don't think we need  
24 it.

25 Thank you.



1 COLONEL MAGNESS: Cynthia Frank is up next,  
2 followed by Sheila Manning, and then J.P. Embry.

3 Ms. Frank.

4 MS. FRANK: Thank you. I'm Cynthia Frank. I'm  
5 a resident of Valley Center. And I'm a transplant from  
6 the East Coast, where I grew up in an environment of  
7 beautiful green, plentiful water, and moved to  
8 California, and have during my time here raising a  
9 family grown to love the kind of environment we have  
10 here in California, which is so unique.

11 It's hard for me to adjust at first from green  
12 to only green for a couple months. But I came to  
13 appreciate it. I went to school -- my kids were a  
14 little -- old enough and studied some archeology and  
15 participated in some work along the Pacific Crest Trail.  
16 And in doing so, I really had an opportunity to get  
17 closer to our environment here and really gain an  
18 appreciation of it.

19 I just want to reiterate some of these problems  
20 that we're facing. Water quality, which probably has to  
21 be there at the top. Our agricultural presence in the  
22 area, really paramount. We don't have enough preserved  
23 agriculture.

24 Unfortunately, development comes into the area,  
25 keeps squeezing us down. The drought issues keep



1 squeezing us down. We get less and less protection for  
2 our agricultural people.

3 We also had the issue of preservation of a  
4 really unique and rare environment, one that is not very  
5 plentiful in our area, the river rain lands. And it  
6 seems to me a fairly pristine example of it. The  
7 historical and sacred aspects of this area. There's  
8 already been the impact of a quarry in the area that  
9 came, that was opposed. We already have extra traffic.  
10 And we would only look forward to more heavy traffic and  
11 accidents on that road.

12 And I thank you for your time. I will submit  
13 further comments.

14 COLONEL MAGNESS: Thank you, Ms. Frank.

15 Sheila Manning.

16 Ms. Manning.

17 MS. MANNING: Thank you very much for being  
18 here this evening. As president of RiverWatch, a  
19 nonprofit organization working to protect and preserve  
20 the environmental health of the San Luis Rey River and  
21 surrounding area, I'm charged with speaking for hundreds  
22 of concerned citizens in opposition to the construction  
23 of a dump adjacent to the last free-flowing river in the  
24 county.

25 Over the years we witnessed the full might of



1 the San Luis Rey River, at times overflowing its banks,  
2 creating havoc as it gushed over roads, uprooted trees,  
3 destroying cultivated land and taking out bridges as it  
4 swiftly moved towards the Pacific Ocean.

5 What you do here in the near future will impact  
6 more than two acres. It will impact the entire river  
7 and surrounding area for generations. The citizens of  
8 this county cannot rely on an EIR that was prepared a  
9 decade ago. The citizens of this county cannot rely on  
10 an EIR that keeps changing without review.

11 Nature is very fragile, easily damaged, and  
12 very difficult to repair. For over 20 years, each  
13 flawed plan has been brought before agency  
14 representatives. And today we are standing again as  
15 this site is the most inappropriate for a landfill. A  
16 landfill that will bury in the ground just south of the  
17 Pala aquifer, which contains estimated 50,000 acre feet  
18 of groundwater.

19 What will be buried above it in fractured rock,  
20 in household refuse, chemical waste, paper, vehicles,  
21 tires, manure, all types of garbage. All dumps leak  
22 toxic leachate. Even state of the art landfills will  
23 eventually leak. So when the plastic liner fails, and  
24 it will, the pollutants from the dump will enter the  
25 groundwater undetected. It's only a matter of time, and



1 the San Luis Rey River will be contaminated.

2 The use of groundwater monitoring wells to  
3 supply water for dust control is a serious problem in  
4 the making. The monitor wells are designed to detect  
5 leaks, not for drawing water for use on the site. The  
6 membership of RiverWatch has serious concerns relating  
7 to the changes in the bridge design. We've not seen  
8 reports related to construction and safety, and we  
9 question the flow of the river being constrained by the  
10 collection of debris during heavy rains.

11 COLONEL MAGNESS: Ms. Manning.

12 MS. MANNING: I'll sum it up.

13 COLONEL MAGNESS: Thank you.

14 MS. MANNING: The canyon is shallow and  
15 insufficient. The site has seismic stability issues.  
16 The --

17 COLONEL MAGNESS: That's not your summary.

18 MS. MANNING: And in reality --

19 COLONEL MAGNESS: And in summary --

20 MS. MANNING: -- there's no need for this dump.  
21 Times have changed. Thank you, sir.

22 COLONEL MAGNESS: Thank you.

23 I'm sorry about that. I'm just trying to be  
24 fair. Okay.

25 J.P. Embry, followed by Ruth Harber and George



1 Stockton.

2 J.P.

3 MR. EMBRY: My name is Tyler Embry. I live on  
4 Couser Canyon.

5 I think it's important to answer a question  
6 I've heard asked several times here tonight. Why was  
7 this site ever located as a dump site. With all due  
8 respect to Supervisor Slater, the original study -- I  
9 believe, it was the Ibarra report. The original study  
10 studied 133 sites for a dump. Of these 133, Gregory  
11 Canyon was not even minimally qualified.

12 However, after Waste Management made \$100,000  
13 donation to Supervisor Brian Bilbray's favorite charity,  
14 Brian Bilbray, in collusion with John MacDonald, brought  
15 it back up as a consideration. And even though these  
16 two incidents were unrelated whatsoever -- I'm not  
17 saying anything. Even though they were unrelated, they  
18 did approve Gregory Canyon as -- and it went right up to  
19 the top of the list.

20 So that's how this all came about. And I hope  
21 that Supervisor Slater keeps this in mind. We had this  
22 thing beat at every level until it gets behind the  
23 scenes. Thank you.

24 COLONEL MAGNESS: Okay, Mr. J.P.

25 MR. EMBRY: You'll hear more.



1 COLONEL MAGNESS: I've been waiting for you.

2 MS. HARBER: I'm sure you have. Okay. Watch  
3 it.

4 COLONEL MAGNESS: I'm watching you.

5 MS. HARBER: I'm secretary/treasurer of  
6 RiverWatch. I don't have to tell you it's an  
7 environmental group. I've been at this for two decades.

8 I want to give you a little history lesson.  
9 Mid '80s a study for North County landfill of about 100  
10 sites rejects the Gregory Canyon as too small and too  
11 close to the river. Final study, 18 sites chosen. No  
12 mention of Gregory Canyon.

13 In 1990, a first EIR is issued and rejected by  
14 the County of San Diego.

15 In 1990 the county grand jury rejects the  
16 selection of the site on the grounds that it violates  
17 the religious rights of the Luiseno people, that the San  
18 Luis Rey River would be contaminated, that there would  
19 be damage to the wildlife, create traffic, dust and  
20 noise pollution. Churches and synagogues object on the  
21 grounds that the trash will desecrate a revered Luiseno  
22 mountain.

23 Many subsequent EIRs all agree that there are  
24 unmitigable problems. Air quality, culture, traffic,  
25 noise, and endangered species. Unmitigable. But the



1 Department of Environment Health of the County of  
2 San Diego, under Gary Erbeck, invoked overriding  
3 considerations even though the problems are so flagrant.  
4 Suspicious? Oh, you bet.

5 And nothing's changed.

6 Over the years, the promoters of this dump and  
7 their out-of-county, out-of-state financial backers,  
8 through Machiavellian machinations have tried to justify  
9 their projects. A double liner, which by the way was  
10 never tested in a real dump. Still made offers of a  
11 trail up the mountain to be made accessible to the  
12 Luisenos.

13 Most egregious with Proposition C in 1994,  
14 where county-wide ballot proposition ignored the threat  
15 posed by a dump to thousands of people who depend on the  
16 San Luis Rey River for drinking water.

17 COLONEL MAGNESS: Ms. Ruth --

18 MS. HARBER: Army Corps, you work for the  
19 people, not special private interests.

20 COLONEL MAGNESS: You got that right.

21 MS. HARBER: Okay.

22 COLONEL MAGNESS: And I know you have written  
23 comments that you could submit for the record.

24 MS. HARBER: You bet.

25 COLONEL MAGNESS: Thank you.





1           Now, I note for the record that Machiavellian  
2           machinations is spelled correctly. And we're going to  
3           put that in the record. Thank you very much.

4           George.

5           MR. STOCKTON: Okay.

6           COLONEL MAGNESS: I'm sorry, George, before you  
7           go, I'm going to ask Del Ross to be ready, and then John  
8           Ljubenkov.

9           Okay. Please, George.

10          MR. STOCKTON: Okay. My name is George  
11          Stockton. I'm elected member of the Yuima Municipal  
12          Water Company. Our company has come out against the  
13          Gregory Canyon. And I certainly agree with everything  
14          that's been said here in opposition to the proposal.

15          Just to keep it simple and keep this very  
16          short, there's one thing I want -- I'm a scientist and a  
17          farmer. One thing I want you to remember; and that is,  
18          the dump will be there forever, and not the liner.

19          Thank you.

20          COLONEL MAGNESS: Thank you, George.

21          Del Ross, John Ljubenkov, and then Edward  
22          Kimura will be following.

23          Del.

24          MR. ROSS: Yeah. Thanks.

25          I'm Del Ross. I'm a professional engineer and



1 an advocate. Actually, really, I support advocates and  
2 advocate organizations in litigation, etc. I'm  
3 experienced in running 404 programs, and as well, and  
4 entangle Army Corps of Engineers on those kinds of  
5 things.

6 More recently I was guardian of the Santa  
7 Margarita River as associate director for water quality  
8 for the RCD, Resource Conservation District, in that  
9 area.

10 They've all said it all. Everything I could  
11 think of has been experienced here. There is no need,  
12 as Pam Slater has said. No need, no economic area,  
13 nothing like that.

14 We haven't -- I don't know a lot about cost  
15 analysis for the project, what this going to do for fees  
16 and what have you. But I imagine that's probably going  
17 to be enormous. If this thing is going to be small, yet  
18 it will be bigger as grows.

19 The water quality impact on the San Luis Rey  
20 and, of course, on Oceanside is just stupendous. And on  
21 top of that the agriculture in the area.

22 I -- you have a challenge. And that challenge  
23 is to actually adequately do a full, total EIS review of  
24 this particular area. I've done SEQA reviews quite  
25 frequently. And many times those are handed off to



1 various agencies, and they get kind of boilerplate.

2 I just ask you, check those agencies that  
3 you're going to be reviewing it with, and please get the  
4 top people to give you their answers, not just take  
5 something from the boilerplate down to the corner of  
6 somebody's office. You have a challenge. At least on  
7 the surface as I see it, it's almost a no-brainer. No.

8 COLONEL MAGNESS: Thank you, Del.

9 John.

10 Edward, you're next. Edward Kimura.

11 MR. LJUBENKOV: My name is John Ljubenkov. I'm  
12 a biologist, and I'm also on RiverWatch.

13 I can't believe that this project is still  
14 being put forward as a viable plan. We all know that  
15 the topography of the site means that when the landfill  
16 eventually leaks, the waters of the San Luis Rey will be  
17 polluted by its effluent. This means that eventually  
18 everyone and everything that uses this water will be  
19 affected. If Osama Bin Laden had proposed such a  
20 diabolical scheme to poison the people of Oceanside, we  
21 would be up in arms. But today confronted by the same  
22 proposal a from a behemoth corporation, we're told to  
23 not be afraid because economic necessity dictates that  
24 we ignore environmental good sense. Well, we've heard  
25 that justification for poor planning of everything from



1 the levees of New Orleans to unrelated offshore oil  
2 drilling.

3 Here, the Army Corps clearly has the chance to  
4 think ahead and to prevent an ecological disaster by not  
5 granting a permit, thereby stopping the landfill and  
6 thereby preventing a foreseeable disaster in 30 years or  
7 so. The power to issue a permit contains within itself  
8 the power to deny a permit when necessary. And it's  
9 necessary here now. Local planning processes were  
10 superseded by skillful use of the initiative process, so  
11 that the actual affected community has never had its  
12 say, and that's why so many of us are here today, to  
13 have our say finally.

14 We ask that the Army Corps refuse to grant a  
15 permit and put an end to this worthless and insane  
16 project today. It would bring relief to all the  
17 residents of the San Luis Rey Valley, and it would stop  
18 the double threat to our homes of pollution and  
19 industrialization. And thanks.

20 COLONEL MAGNESS: Good job. Thank you, John.

21 Edward Kimura, and then Eric Bowlby.

22 MR. BOWLBY: Bowlby.

23 COLONEL MAGNESS: Bowlby, and Lawson Chadwick.

24 Edward.

25 MR. KIMURA: Thank you, Colonel. My name is



1 Edward Kimura, speaking on behalf of the Sierra Club,  
2 San Diego Chapter.

3 Again, we thank you for holding this scoping  
4 meeting on the very important issue, the Gregory Canyon  
5 Landfill. Our chapter opposes this ill-conceived  
6 landfill from the very outset, over 20 years. But we'll  
7 be submitting detailed comments. So let me just kind of  
8 hit some of the highlights I think that we would want to  
9 stress.

10 First of all, the Sierra Club does have an  
11 environmental justice policy issue. And if there's a  
12 clear case of environmental injustice if this passes, we  
13 will -- this goes against our total policy, because of  
14 the desecration of the spiritual lands and the river  
15 itself.

16 Now, let me -- there's one thing that I think  
17 is important. Besides destroying the pristine habitat  
18 of the landfill itself, you're also destroying potential  
19 future use of that as a viable watershed. The landfill  
20 would just block that watershed off.

21 The other thing that is also important to  
22 understand is that a toxic leak will severely impact the  
23 riparian habitat and the recreational resources of the  
24 entire San Luis River basin because there's been plans  
25 to put in recreational facilities for the county at the



1 San Luis River banks downstream.

2 And then the landfill will contribute to global  
3 warming because it will emit greenhouse gases, as well  
4 as something that's come up recently, the toxic  
5 non-methane organic gases that can adversely affect  
6 public health as well as the environment.

7 Then, finally, the new landfill should not be  
8 permitted because they discourage sustainable  
9 alternatives of reducing, re-using, recycling the  
10 valuable natural resources that we all continue to throw  
11 away.

12 So we again thank you for holding this. And  
13 please deny the landfill. Thank you.

14 COLONEL MAGNESS: Thank you, Edward.

15 Eric, and then Lawson. And after that be  
16 George Courser.

17 MR. COURSER: Courser.

18 COLONEL MAGNESS: So Eric.

19 MR. BOWLBY: Good evening. Eric Bowlby. I'm  
20 the executive director of a nonprofit organization  
21 called San Diego Canyon Lands. And we have been working  
22 to restore and clean up and preserve our canyons  
23 throughout San Diego County. I have full time for the  
24 last 10 years been working to get the trash out of our  
25 canyons throughout San Diego County. And we actually



1 build sewage and volunteer groups that do that work.  
2 San Diegans love their neighborhood canyons. And I have  
3 seen so much love come to this podium for this canyon  
4 like none other.

5 Number two, there are a number of alternatives.  
6 We have to do better recycling, redirecting and reusing  
7 the materials that we're using.

8 And I want to thank Supervisor Pam for  
9 thoroughly looking at these alternatives and bringing  
10 those alternatives and the information to the table  
11 here. This is not the least damaging environmental  
12 alternative for a landfill, that's for sure.

13 Is it reasonably foreseeable that double  
14 composite liner will leak someday? Yes. Do fail-safe  
15 engineered projects fail sometimes? Yes.

16 This is BP. This is bad planning. Please do  
17 not move this forward. Deny this permit. Thank you  
18 very much.

19 COLONEL MAGNESS: Thank you.

20 Lawson.

21 MR. CHADWICK: Yes. Hello, Colonel.

22 COLONEL MAGNESS: Hello.

23 MR. CHADWICK: I'm asking the Army Corps of  
24 Engineers to deny this permit, as a friend of Palomar  
25 College and a citizen of Oceanside, where we get 10 to



1 20 percent of our water from the San Luis Rey River.

2 Palomar College is building an 80-acre campus  
3 that's just three miles west on 76 and 15. And this  
4 would really impact this future campus of 12,000  
5 students.

6 Also, be mindful that the worst toxic leak was  
7 next door at Camp Pendleton, from the Las Pulgas  
8 landfill. It's been leaking pollutants for years.

9 The San Diego Water Control Board inspector  
10 called this the worst landfill failure of this kind in  
11 county history. Most of the trouble, the failure of  
12 this synthetic liner, released hundreds of thousands of  
13 gallons of contaminant leachate. Will 30 years of  
14 garbage be worth it?

15 COLONEL MAGNESS: Thank you, Lawson. Do you I  
16 was seeing if you wanted the submit that into the  
17 record.

18 George.

19 MR. COURSER: Thank you, Colonel. George  
20 Courser with the Back Country Coalition. I appreciate  
21 you being here, as well as Dr. MacNeil.

22 I believe that if this project is to be moved  
23 forward from the application phase, that both you  
24 gentlemen will have to view it as a super fund site  
25 potential. And I believe that the U.S. EPA should be





1 right at your side with this, as well as the Local  
2 Regional Water Quality Control Board, who has a vast  
3 record of this information, that you should avail  
4 yourself to. And I plead that you do so.

5 The comments concerning Las Pulgas are more  
6 than apt. This is probably the worst water quality  
7 disaster in San Diego's history. But it will be dwarfed  
8 by Gregory Canyon. There is no comparison.

9 I would ask you to look very closely at Camp  
10 Pendleton. I would also like you to look back at a  
11 project where landfills destroyed another river. And  
12 that is in Ohio's Mahoning River Valley, where currently  
13 the Army Corps is undertaking \$100 million remediation  
14 project.

15 I think that Gregory Canyon -- the lessons of  
16 Mahoning can be related to Gregory Canyon Landfill.  
17 It's the largest environmental remediation fund in  
18 history except for the Valdez, and of course BP.

19 Thank you very much.

20 COLONEL MAGNESS: Thank you.

21 Next up is Jose Beltran, and then my man Lo --  
22 Mo.

23 Hey, Mo. Where's Mo? I hope he's still here.  
24 Mo, you're Number 2, my man.

25 Jose. Is Jose here?



1 MR. BELTRAN: I decided to give up my time.

2 COLONEL MAGNESS: Okay. Thank you, Jose. And  
3 I have your comments that you wrote on your sheet.

4 MR. BELTRAN: Thank you.

5 COLONEL MAGNESS: All right, Mo. You're up, my  
6 friend.

7 And then James Moreno.

8 MR. LAHSAIE: I stapled my statement to the  
9 green sheet. Do you have that one?

10 COLONEL MAGNESS: I do not. Maybe this is the  
11 wrong Mo.

12 MR. LAHSAIE: No. Actually, the gentleman  
13 brought it to you, that I was supposed to be in the  
14 first round.

15 COLONEL MAGNESS: Okay. Well, go ahead and say  
16 your remarks.

17 MR. LAHSAIE: My name is Mo Lahsaie. I'm the  
18 coordinator of the City of Oceanside Clean Water  
19 Program, Water Utilities Department.

20 On behalf of the City of Oceanside, I  
21 respectfully request that the Army Corps continue to  
22 protect the waters of the state by addressing the  
23 following issues pertaining to future use of groundwater  
24 quality of the San Luis Rey River and aquifer associated  
25 in this basin.



1           There are -- there is a need to provide the  
2 best assurance of the earliest possible detection of the  
3 release from the landfill. There are at least three  
4 questions that I have that I would like these questions  
5 to be addressed.

6           What will be the acceptable risk? When I say  
7 "acceptable risk," I mean quantitative risk. Not just  
8 qualitative, saying that it's not going to happen.  
9 Well, quantitative risk for possible failure of the  
10 landfill liner impacting the groundwater quality. In  
11 other words, how much risk are we willing to take if the  
12 landfill liners fail?

13           Number 2, are the applicants willing to stop  
14 operation of the landfill if failure occurs? Which I  
15 don't think they will stop.

16           And Number 3, what assurance do the watershed  
17 stakeholders have after the closure of the landfill,  
18 say, for 30 years, 100 years, and beyond, that the  
19 leachate generated from the landfill will not reach  
20 surface and groundwater?

21           Okay. The proposed -- as many people have  
22 brought this one, but I would like to reemphasize. The  
23 proposed landfill overlies a fractured bedrock aquifer,  
24 hydrologically connected to a larger aquifer, making  
25 groundwater flow patterns and the movement of



1 contaminant difficult to predict.

2 The risk of contamination to the river and  
3 aquifer from the landfill will greatly increase during  
4 years of high rainfall. The degradation of landfill  
5 liners by leachate and ground movement from settling or  
6 potential earthquakes makes liner integrity highly  
7 uncertain.

8 COLONEL MAGNESS: Hey, Mo.

9 MR. LAHSAIE: Okay.

10 COLONEL MAGNESS: Can you conclude?

11 MR. LAHSAIE: And the City of Oceanside  
12 believes that the benefits of this project simply do not  
13 outweigh the significant impacts it will cause to the  
14 quality of groundwater in San Luis Rey River watershed.  
15 We urge the Army Corps of Engineers to disapprove the  
16 401 Water Quality Certification for this project.

17 COLONEL MAGNESS: 404.

18 MR. LAHSAIE: Thank you.

19 COLONEL MAGNESS: Thank you, Mo. And I do have  
20 your written comments.

21 James.

22 And then Everett Delano, would you be on deck?

23 And then Katelyn Wendell, or Wendell.

24 Please, James.

25 MR. MORENO: I'm Jim Moreno. I'm a poet with



1 Langston Hughes Poetry Circle.

2 And, Colonel, I want to thank you, as a Vietnam  
3 veteran, for conducting this --

4 COLONEL MAGNESS: Thank you for your service.

5 MR. LAHSAIE: -- exercise in democracy.

6 Perhaps a poet story puts perspective on what  
7 Indian and non-Indiana alike are trying to say. There  
8 was a missionary; he heard about this wise chief, this  
9 great chief, a very just chief. He knew that if we  
10 could visit this chief and convert him, the whole tribe  
11 would convert to the religion.

12 So he goes to see the chief. And the chief  
13 receives him with great hospitality, great kindness.  
14 And the missionary tells the chief about the values of  
15 this religion about the history of this religion, about  
16 the salvation of this religion.

17 And the chief listened to him really hard. And  
18 he -- after it was all over, he said, "Do you want to  
19 convert to my religion?"

20 And the chief took a very long, wise pause, and  
21 said, "You know, the values of your religion are a good  
22 scratch. The history of your religion is a good  
23 scratch. And this salvation that you offer me is a good  
24 scratch. But where you want to scratch, we have no  
25 itch."



1           And so I want to say in this corporation,  
2        "You're scratching in the wrong place." And I want to  
3        say to this corporation, "Where you want to scratch, we  
4        have no itch."

5           Thank you.

6           COLONEL MAGNESS: Everett.

7           MR. DELANO: Everett Delano. It's very tough  
8        to follow that, so I won't even try.

9           I've represented RiverWatch for quite some  
10       time. I've had the pleasure of doing so and being  
11       successful for cases involving Gregory Canyon. But the  
12       bad idea keeps coming back.

13           The nice thing, however, is we have here,  
14       Colonel, we appreciate this, and the rest of the folks  
15       from the Corps, an agency that obviously both -- that  
16       has the responsibility and power to do something, and  
17       it's obviously taking it very seriously. And we do  
18       appreciate that.

19           I just wanted to kind of identify a couple  
20       things. Obviously we'll submit written comments.  
21       There's no need for a long discussion here.

22           But, you know, in terms of your public interest  
23       review, as you well know, the review includes a  
24       consideration of the extent and permanence of the  
25       project's detrimental effects. Well, I think you're



1 hearing tonight some of the very concerns about the  
2 extent and permanence of those effects.

3 In addition, and Damon Nagami mentioned this  
4 previously, but I don't want to let it be lost in there.  
5 And indeed, your notice discusses it as well. The  
6 presumption is that there's something better to do.  
7 That there's a better alternative in this.

8 I notice in the slide that came up at the  
9 beginning of the discussion, there were a few off-site  
10 landfill considerations. But I think that there's more  
11 than that, really, and this gets into the notion of  
12 purpose and need. Of course, the purpose needs to be a  
13 genuine and legitimate purpose. And the Corps exercises  
14 independent judgment. It doesn't take the applicant's  
15 say for what it is.

16 But really, the most important thing is that  
17 the purpose not be defined so narrowly as to make what  
18 is practicable alternative appear impracticable.

19 And in that regard, I just want to point out,  
20 if we're talking about solid waste and those issues,  
21 what we need to be starting to think about here is,  
22 okay, well, some of the waste diversions and other  
23 strategies mentioned here previously. But also some of  
24 the other ways in which solid waste is being dealt with  
25 now.



1 I have heard at some point in time the notion  
2 that North County needs a landfill in North County.  
3 This is the last thing right here. And I think that's  
4 the wrong kind of purpose here. That's not how solid  
5 waste is handled. That's not how the transportation  
6 issues are handled.

7 Thank you.

8 COLONEL MAGNESS: Thank you, Everett.

9 Katelyn.

10 MS. WENDELL: Hi. I'm Katelyn Wendell. I am a  
11 legal intern with Sierra Club, San Diego.

12 First, thank you for holding this forum and  
13 allowing the public to come out and voice their concern  
14 and recognizing the Corps' duty to do an in-depth  
15 analysis of all the environmental impacts of this  
16 project. And we're confident that when you do that, it  
17 will be clear that this project is against the public  
18 interest and there's no possible benefit that could  
19 outweigh that.

20 As Supervisor Slater-Price mentioned, there's  
21 just no need for this landfill, and Sierra Club does  
22 promote a zero waste policy, cradle-to-cradle handling  
23 of our trash and refuse. So with proper planning, we  
24 can handle any trash needs we have. Also, we just like  
25 to reiterate the water concerns. That's clearly the





1 major concern, I think -- or one of the major concerns  
2 out here tonight.

3 I'd also like to raise the issue of traffic and  
4 increased greenhouse gas emissions from trucks. Not  
5 only to build this landfill, there's going to be  
6 construction materials plus the issue of trucking in  
7 water, but also going to the purpose of this project,  
8 the project applicant asserts that there's a need for a  
9 landfill to handle North County waste. But we believe  
10 that they are contemplating contracts with counties as  
11 far as -- north as Los Angeles. So how does trucking in  
12 make it any better than trucking North County waste out?  
13 The greenhouse gas emission will be equivalent, if not  
14 more.

15 And finally, just to reiterate the legal  
16 consideration against this project as the least -- this  
17 is not the least environmentally damaging practical  
18 alternative. There are better alternatives, such as no  
19 project.

20 Thank you.

21 COLONEL MAGNESS: Thank you.

22 Susan McAllister. Followed by Johnny Pappas.

23 And then Olive Rice.

24 Susan?

25 UNIDENTIFIED SPEAKER: She had to leave.



1 COLONEL MAGNESS: Susan left. I'll keep her  
2 two minutes.

3 Johnny? Is Johnny here? Come on up, Johnny.  
4 After Johnny will be Olive Rice and then Fred  
5 Marr.

6 MR. PAPPAS: Thank you for this opportunity,  
7 Colonel. And thank you to all the elected officials  
8 here and the Native American leaders, members of Native  
9 American tribes.

10 I'm here as a citizen from Escondido and also a  
11 member of the executive committee of Surfrider  
12 Foundation, San Diego Chapter. And I am the proud owner  
13 of a worm bin.

14 COLONEL MAGNESS: Congratulations.

15 MR. PAPPAS: I divert most of my trash, either  
16 recycle or I use my worm bin for organic trash. This is  
17 something that many of our members do. We also enjoy  
18 the waters of San Diego County, the beaches, the  
19 watersheds.

20 This project would impact the watersheds of San  
21 Luis Rey River. One thing that really hasn't been  
22 talked about too much tonight is the fact that we are in  
23 an era of more earthquakes. Soon, perhaps, our members  
24 will be able surf on a piece of trash down San Luis Rey  
25 River all the way to the ocean.



1           What also hasn't been mentioned is the fact we  
2           have two aqueducts for the County Water Authority that  
3           provide the City of San Diego with its drinking water,  
4           and we're concerned about that also.

5           Somehow our membership seems to coalesce around  
6           these really simple issues. Whether it's a toll road  
7           through a state park, or a dump next to a river, we  
8           usually join together. We consider ourselves stewards  
9           of the environment. But we have to look back to the  
10          Native American tribes as the original stewards of the  
11          environment, and look to them, look to their sacred  
12          sites and join with them in opposing this project.

13          And we hope that you will deny this horrible  
14          for a permit. Thank you.

15          COLONEL MAGNESS: Thank you, John.

16          MS. HARBER: I want to indicate to people who  
17          walk by here that I just spilled a glass of water, so  
18          please don't slip.

19          COLONEL MAGNESS: Where's my Sar Major? I'll  
20          get that cleaned up.

21          Sar Major, can you get some paper towels?

22          MS. HARBER: Thank you.

23          COLONEL MAGNESS: We've got something up here.

24          Okay. Olive, and then Fred, and then Robert  
25          Walker.



1 MS. RICE: I'm Olive Rice, and I live about a  
2 quarter of a mile west of Rosemary's Mountain. And many  
3 neighbors who see that beautiful mountain are here with  
4 me.

5 Thank you very much for this opportunity for  
6 all of us. Some marvelous points have been made. And  
7 one of the first was some elected official, I think,  
8 from Oceanside.

9 And when I first read the --

10 COLONEL MAGNESS: The notice?

11 MS. RICE: It escapes me. I notice one  
12 sentence, "This project is located outside the coastal  
13 zone and not expected to affect coastal zone resources."  
14 And this, to me, is a misapprehension from the U.S. Army  
15 Corps of Engineers.

16 But other than that, I'm hoping any kind of  
17 error on thinking will be addressed. And thank you  
18 again for bringing this opportunity.

19 COLONEL MAGNESS: Thank you, Olive.

20 Ruth, are we okay?

21 MS HARBER: Yes.

22 COLONEL MAGNESS: Don't spill that water again.  
23 And take that stick away.

24 MS HARBER: No. I need it.

25 COLONEL MAGNESS: Okay. Fred, and then Robert



1 and then Mary Yang.

2 MR. MARR: Good evening, Colonel, and everyone  
3 gathered here tonight. I'd like to tell a little story  
4 to kind of illustrate what a sacred place is to people  
5 who might not really grasp it. You know, there's a lot  
6 of people who don't get this stuff.

7 I became an amateur anthropologist defending  
8 the black water, the site out there. It was actually  
9 the cradle of the sacred mother, the holy mother  
10 mountain.

11 In 1999 I was a regular white guy. I did new  
12 nothing about sacred places. I was driving at the foot  
13 of the Kuuchaama, the sacred mountain, Mount Tecate. I  
14 didn't know that it was a sacred mountain. I saw a  
15 gigantic snake's head the size of a hillside swallowing  
16 a bird at the foot of that mountain. I spent almost two  
17 years trying to find written documentation. What did  
18 this mean?

19 On 9/10/01 I found description when she  
20 defended the mountain from an antenna put on its top.  
21 She described two towers in front of the mountain's  
22 face.

23 The next morning a friend called and said,  
24 "Turn on the TV."

25 I said, "What channel?"



1 He says, "It doesn't matter."

2 I saw the first tower going down. I saw the  
3 second tower struck by a plane.

4 These are not just little toy things. These  
5 are spiritual powers beyond our imagination. These are  
6 the Gods that we claim to worship, and these are their  
7 holy places.

8 COLONEL MAGNESS: Thank you, Fred.

9 Okay. Robert. And then Mary and then Cynthia  
10 Mallett. And we're doing very good. We're going to run  
11 a little bit over on time. But we're going to get  
12 through everyone.

13 Please.

14 MR. WALKER: Thank you, Colonel.

15 My name is Bob Walker. I live in Courser  
16 Canyon. I raise avocados, so water is very important to  
17 me. What amazes me is about this project, there were  
18 dairies down below, and suddenly the County decided that  
19 they were polluting the river. So that kind of amazes  
20 me after they decided that, they decided to put a dump  
21 on top of it. That didn't make very much sense to me.

22 And as I go up 76, I see water that is coming  
23 up from the ground that were quarries. And I wonder how  
24 the dump was going to prevent that from happening.

25 I hope with all the people that have been here



1 this evening, particularly people that are well educated  
2 in this issue, have presented points which are so  
3 salient, I find it almost impossible to think that this  
4 project could go ahead.

5 Thank you very much.

6 COLONEL MAGNESS: Thank you, Bob.

7 Ms. Mary, and then Cynthia. And then in the  
8 hole M.A. Mareck.

9 MS. YANG: Hi. My name is Mary Yang. I was  
10 the founder of a biotech company. I was also on the  
11 steering committee of the San Diego Foundation Regional  
12 Focus 2050 Study. This study involved over 40  
13 world-renowned scientists employed from government  
14 agencies and other organizations. Our goal was to  
15 determine how climate change would impact the region in  
16 terms of public health, water usage, and other factors.

17 With respect to water, we found that by 2050  
18 San Diego County will require 37 percent more water than  
19 what we currently use. 75 to 95 percent of San Diego  
20 water comes from Northern California or the Colorado  
21 River, and these major sources could shrink by 20  
22 percent.

23 By 2050 we would face a water shortage of 18  
24 percent despite current plans to conserve, recycle and  
25 augment our water supply.



1           The Gregory Canyon landfill threatens one of  
2           our few precious local sources of drinking water. In  
3           addition, enormous amounts of water will be required for  
4           construction and continued maintenance of this facility.

5           Given the dark numbers from the foundation  
6           study, the Gregory Canyon landfill simply does not make  
7           sense.

8           Recall that the County initially rejected the  
9           landfill's location because it failed seven out of eight  
10          County siting criteria. Gregory Canyon, Limited, has  
11          evaded the County's landfill approval process by getting  
12          authorization via ballot initiative. This is similar to  
13          getting a waiver for oil drilling despite regulations  
14          which are already in place.

15          I urge you to look at alternatives and  
16          understand that another landfill is simply not necessary  
17          in this area.

18          I'm a resident of Solana Beach. And since  
19          implementing a single strain recycling process, our City  
20          has been able to divert over 62 percent of our trash  
21          from the landfills.

22          We have an ordinance to recycle at least 50  
23          percent of debris from certain construction and  
24          demolition projects. We have a plastic bag recycling  
25          program with Trex. So our plastic bags are made into





1 outdoor decking, fencing and rails rather than going  
2 into a landfill.

3 COLONEL MAGNESS: Mary.

4 MS. YANG: The California state assembly just  
5 approved a ban on the use of plastic bags. Your  
6 landfill, this landfill is not necessary. And I urge  
7 you to deny it.

8 COLONEL MAGNESS: Thank you.

9 Mary, is that study something you want to enter  
10 into the record? It sounds like we can all benefit from  
11 that. Thank you.

12 Hello, Cynthia.

13 MS. MALLETT: Hello. Cynthia Mallett.

14 Hi, Ruth.

15 My name is Cynthia Mallet, president of the  
16 San Luis Rey River Watershed Council.

17 The mission of the San Luis Rey River watershed  
18 Counsel to preserve, protect, and enhance the natural,  
19 cultural and economic resources of the San Luis Rey  
20 watershed. With this in mind, the stakeholders within  
21 the San Luis Rey watershed have great concern that the  
22 approval, building, operation, and eventual closure of a  
23 proposed Gregory Canyon Landfill can negatively impact  
24 all of these resources that the San Luis Rey Watershed  
25 Council is striving to protect.



1           The San Luis Rey watershed has a long history  
2 of flooding problems. In 1916 the water quantity  
3 flowing through the watershed caused significant damage  
4 to bridges, trellises, and river crossings. It also  
5 damaged the Mission bell tower at the San Antonio de  
6 Pala asistencia, which is located thousands of feet  
7 north of the river.

8           Additional development in the watershed, and  
9 watercourse constrictions along the main river stem, has  
10 also caused flooding problems in more recent years.

11           The proposed bridge project causes further  
12 constriction of the main stem of the San Luis Rey River,  
13 including one acre of fill material that is proposed to  
14 remain after the completion of the bridge over the  
15 river.

16           The San Luis Rey Watershed Council and its  
17 stakeholders ask the permitting agency to heavily  
18 scrutinize the proposed project, to determine that the  
19 bridge can handle the water quantity that will someday  
20 come through the area again, similar to the 1916 flood.

21           Will the integrity of the bridge and the  
22 landfill itself be able to withstand that quantity of  
23 water without causing additional impacts up and  
24 downstream from it for hundreds of years to come?

25           Please address in the EIS how this landfill



1 project will negatively impact environmental resources,  
2 including service and groundwater quality after the  
3 landfill is be closed, and for hundreds and thousands of  
4 years to come. Thank you very much.

5 COLONEL MAGNESS: Thank you.

6 M.A. Mareck. I hope I'm reading that right.  
7 Mareck? Maveck? Anybody?

8 Okay. Tom Stephan.

9 Come on up here, Tommy.

10 And then Hershell Price followed by Jon Vick.

11 MR. STEPHAN: Hi. I'm Tom Stephan. I'm a  
12 San Diego native. I'm a director of the Southwest  
13 Raptor Project. And I advise governments and  
14 municipalities on sensitive raptor issues. I'm also a  
15 biologist. I'm a raptor propagator. I've been a  
16 falconer for 42 years. And I'm an expert on the health  
17 of birds of prey.

18 And when you're talking about golden eagle  
19 nests, it's like security, the first rule is you don't  
20 talk about it. But it's in the EIR, so here I am with  
21 some trepidation. Because once you broadcast, people  
22 want to go up there and go look at them and disturb  
23 them.

24 But the EIR says that the eagles hunt up -- way  
25 up there; they nest right above this proposed landfill.



1 And that they're up there, and the landfill is going to  
2 be down here, and there's no problem also.

3 But that's now how it is. Golden eagle habitat  
4 is a vertical environment overlooking a grasslands or  
5 some type of foraging habitat. And they need both of  
6 those simultaneously, undisturbed.

7 And there's precedence set here in San Diego  
8 County now. The Gower Mountain nest, when they built  
9 San Diego Country Estates in part of Ramona underneath  
10 it, was abandoned.

11 And the another nest at Solo Rock, right over  
12 Dos Picos Park, which I fought for seven years, and a  
13 cadre of friends, and won, was abandoned for seven  
14 years. And finally, because no one was developing  
15 there, and the brush started to grow back, they came  
16 back. And they raised two young, which is really a neat  
17 thing.

18 But if you put a landfill underneath this, you  
19 will lose that nest. Now, we had 50 nests -- not to go  
20 on, but we had 50 nests originally, and we've already  
21 lost half of them. So the County -- if I was developer,  
22 the County would make me mitigate 100 percent. You  
23 can't -- you have do that now, in order to get -- to  
24 save half the nests, you would have to save every one of  
25 them.



1           The nest is on -- this is the westernmost  
2 golden eagle nest left in San Diego County. So it's on  
3 the frontline of urban sprawl.

4           And if I may, the hydrologist gentleman brought  
5 something, a worst-case scenario to me. What if the  
6 Lake Henshaw Dam sitting on an earthquake fault failed  
7 during an earthquake, and through liquefaction the  
8 landfill failed, that water would come down and wash all  
9 that trash all the way out to the ocean, and completely  
10 just wipe the place out.

11           COLONEL MAGNESS: Thank you, Tom.

12           Hershell.

13           Then Jon Vick. Where are you, Jon? Jon,  
14 you're next.

15           MR. PRICE: Good evening, Colonel. My name is  
16 Hershell Price. I'm a resident of Del Mar. I represent  
17 the City of Del Mar. I'm on the County Water Authority  
18 Board of Directors. And our city is also on record  
19 being opposed to this landfill. The first time that  
20 I've heard it was just from this speaker. But main  
21 reason I came here, because you heard from Rua Petty,  
22 water authority, and Larry Purcell, who represents the  
23 water authority as well. And that is, I come here to  
24 ask you to include a worst-case scenario analysis.

25           First of all, define what the worst-case



1 scenario is. To me, worst-case scenario is the failure  
2 of that liner with 30 -- 30 millions of trash on it.  
3 And so, therefore, we have to look at that because if  
4 that fails, that -- that fractured bedrock and that  
5 total watershed is going to be gone forever. There's so  
6 many poisons that are developed as toxic waste in the  
7 bottom of those liners.

8 So I ask you -- I don't know if it's part of  
9 the process, but you have to have a worst-case scenario,  
10 as far as I'm concerned. For example, like they  
11 mentioned tonight, BP out in the Gulf.

12 There's one other. And that is, there was some  
13 tailings -- many years ago there was a uranium mine over  
14 in Utah. They decided to take the tailings and put them  
15 along the side of the Colorado River. I don't know if  
16 you're familiar with that. We're dealing with it now.  
17 The uranium started leaching into that Colorado River,  
18 which it's continuing to do. So it's costing millions,  
19 and perhaps billions, of what they're now trucking that  
20 out of there.

21 And this has to be considered. Because once it  
22 fails, we're gone.

23 Thank you, sir.

24 COLONEL MAGNESS: Thank you, Hershell.

25 Jon. And after Jon is Soleil Develle. Soleil?



1 MR. DEVELLE: Soleil.

2 COLONEL MAGNESS: Soleil. Okay. You're next,  
3 my friend, and then Patsy Fritz.

4 Jon.

5 MR. VICK: Good evening, Colonel.

6 I'm Jon Vick from Valley Center. Member of the  
7 Valley Center Community Planning Group, speaking as an  
8 individual. And I want to thank you for running this  
9 scoping meeting. And as we said in the Air Force, we're  
10 always happy when the Army Corps of Engineers is around  
11 because we know things get done right.

12 I want to make a case for the Gregory Canyon  
13 Landfill not being in the public interest. I  
14 appreciated Supervisor Slater-Price's comment about  
15 recycling. 10 years ago we would put out a 55-gallon  
16 barrel of trash that would be picked up and taken to the  
17 landfill. Today we're recycling 80 percent of that.

18 I'd like to request that EIR be redone to  
19 reconsider the recycling pattern that is now taking  
20 place and promise to take place in the future. I  
21 believe that we'll find that the landfills now being  
22 planned are not needed because of the recycling.

23 Secondly, that 20 percent or 25 percent that is  
24 not recycled, I don't think you want that anywhere near  
25 your water. The stuff that goes into the garbage is



1 really nasty. And a plastic liner is not going to keep  
2 that nasty stuff away from our drinking water.

3 Some of the garbage that goes into the trash  
4 does not decompose over a 500 or 1,000 year period.  
5 That's why the State of California is proposing a law to  
6 prohibit plastic bags being used for grocery stores.  
7 That plastic goes in the landfills, does not decompose  
8 over 500 to 1,000 years.

9 So my next request is that study you're doing  
10 look out that length of time to analyze what will happen  
11 in 500 or 1,000 years, not a short term.

12 Thank you very much. I ask you deny the  
13 landfill application.

14 COLONEL MAGNESS: Thank you, Jon.

15 Soleil, Patsy, and then Rodney Miller. And  
16 after Rodney, is Leo Calac. And then that would be all.

17 MR. DEVELLE: I thought I was close to the  
18 bottom of the list.

19 COLONEL MAGNESS: Saving the best for last.

20 MR. DEVELLE: Thank you for having this  
21 meeting. As Fallbrook resident and organic farmer and  
22 president of the Pacific Southwest Certified Organic  
23 Farmers Association, I'm going to ask that you deny this  
24 permit.

25 Because there's been many things spoken today,





1 and I've listened to them all, and I'm sure you have  
2 too7. And I don't want to repeat anything. They've all  
3 been very significant. And the plea is loud and clear.  
4 But there is a saying, you know, that whiskey's for  
5 drinking and water's for fighting for.

6 And we're talking about a serious problem with  
7 our water. Today I work also for a local water agency.  
8 I deal with agricultural people all the time. They're  
9 cut back 30 percent. The water is not coming down the  
10 pike. We need to develop our resources locally. And  
11 this is a serious time. Water is not abundant, as it  
12 were. Because people are coming here. You know, so  
13 many things. So just keep that in mind. And thank you  
14 for time. And thank you for your listening.

15 COLONEL MAGNESS: Thank you.

16 MR. MILLER: Colonel, thank you for --

17 COLONEL MAGNESS: Are you, Patsy?

18 MR. MILLER: No.

19 COLONEL MAGNESS: Stand by, my friend.

20 MS. FRITZ: Patsy Fritz.

21 COLONEL MAGNESS: Thank you, ma'am. You are  
22 Patsy.

23 MS. FRITZ: 30-year resident and grower. I had  
24 to come here tonight, got here a little late because I  
25 had another earlier meeting, but two years ago at the



1 Escondido workshop of the Regional Water Quality Control  
2 Board there was a young engineer who was talking about  
3 the state-of-art liner. And she said, admiringly, this  
4 liner would probably last over 100 years. Wow. I mean,  
5 the San Luis Rey aquifer has taken over 100 million  
6 years. But that leachate is a witches' brew. I mean,  
7 we can't replace that aquifer. And it's on fractured  
8 bedrock. Fractured over the eons by the earthquakes.

9 You know, Gregory Canyon wouldn't ever go  
10 forward with this because they had restriction on their  
11 permit that says that they can only process waste from  
12 San Diego County. They're looking to L.A. Why are we  
13 taking other counties' trash?

14 Gregory Canyon, Limited, knew the river was  
15 there when they bought the land. The river was there  
16 first. And I ask you to respect the river and deny the  
17 permit. Thank you, sir.

18 COLONEL MAGNESS: Thank you.

19 Rodney. Get up here.

20 MR. MILLER: Patsy, sorry, I jumped the gun  
21 there, Patsy.

22 Colonel, I want to thank you for going over and  
23 above to bring this meeting to all of us. Doctor,  
24 ma'am. I appreciate it a lot.

25 Let's see if I can get this together now. I'm



1 drawing a blank.

2 COLONEL MAGNESS: You're opposed to the  
3 project?

4 MR. MILLER: Yes.

5 COLONEL MAGNESS: Does that help?

6 MR. MILLER: Yes, it does. But name is Rodney  
7 Miller. And I've been running up and down the San Luis  
8 Rey River for 65 years. It's pristine. I don't want to  
9 lose it. And I know it, nobody wants to lose it. And  
10 we will lose it if that happens.

11 But when I read in the paper that the Army  
12 Corps of Engineers put a temporary stop, I was fired up.  
13 I knew -- I knew that we had a chance then. I really  
14 knew we had a chance. And I feel we're going to win.

15 COLONEL MAGNESS: Thank you, Rodney.

16 Leo. Come forward, please, my man, Leo. Is he  
17 here? And then Sheree Hildebrandt. Is Sheree still  
18 here?

19 UNIDENTIFIED SPEAKER: Colonel, you don't put  
20 an outhouse on top of the well.

21 COLONEL MAGNESS: I'll write that down.

22 MS. HILDEBRANDT: Hi. My name is Sheree  
23 Hildebrandt. I'm solid waste manager for the City of  
24 Carlsbad. I'm here representing the City of Carlsbad  
25 and the Carlsbad Municipal Water District. They will be



1 submitting a statement later on, and in part I'd like  
2 to read part it.

3 The City of Carlsbad has a main concern for  
4 water quality. The Gregory County Landfill project,  
5 including its component bridge across the San Luis Rey  
6 River, poses considerable risk to two existing high  
7 capacity water pipelines owned by the San Diego County  
8 Water Authority, which are located immediately adjacent  
9 to the landfill footprint and upstream of the proposed  
10 bridge.

11 A compelling concern regarding this project is  
12 possible is -- excuse me, regarding this project is  
13 possible exposure of water pipelines along the riverbed  
14 due to cumulative effects of the streambed alteration  
15 from construction of the access road, bridge, and the  
16 realignment of 76.

17 The landfill project action either individually  
18 or cumulatively may aggravate saltation along the river,  
19 cause an imbalance in river structure or increase  
20 erosion that should jeopardize the integrity of the  
21 water pipeline across the riverbed.

22 The proposed landfill being located on the  
23 banks of San Luis Rey River poses a very real threat to  
24 the region's drinking water supply.

25 The County is facing an uncertain future when



1 it comes to water, and we can't risk having the dump  
2 site leak toxic substance and other pollutants into the  
3 river or into its underlying aquifer.

4 The proposed dump will threaten the San Luis  
5 River watershed and its unique ecosystem that serves as  
6 ecological bellwether for the entire region. This  
7 project represents the single largest threat to water  
8 quality and water supplies in San Diego County today.

9 In addition, the Carlsbad Municipal Water  
10 District has water rights in the San Luis River basin  
11 and has great concerns over the potential serious  
12 impacts that leachate from the landfill may have on the  
13 quality of the surface and groundwater in and along the  
14 San Luis River basin.

15 Due to these concerns, the Carlsbad Municipal  
16 Water District board of directors passed a resolution on  
17 July 7, 2009 adopting a position of opposition to the  
18 proposed siting of a solid waste landfill operation at  
19 the Gregory Canyon site within the San Luis Rey River  
20 basin.

21 The executive manager of the Carlsbad Municipal  
22 Water District previously submitted a letter to Regional  
23 Water Quality Control Board expressing the district's  
24 opposition to the project in conjunction with the  
25 regional board's consideration of this project. This



1 letter serves to notify the U.S. Army Corps of Engineers  
2 that the Carlsbad Municipal Water District Board opposes  
3 the project and encourages the Corps to deny the  
4 requested permit.

5 Thank you for your time.

6 COLONEL MAGNESS: Thank you.

7 I don't have any more green sheets but I don't  
8 want to leave anyone out. If you feel like we missed  
9 you, come forward now.

10 MR. STUMPGES: Could I ask a question? Is  
11 this --

12 COLONEL MAGNESS: Could you come to the  
13 microphone and say you who are so we can hold you  
14 accountable for your statements.

15 MR. STUMPGES: My name is Fritz Stumpges. I'm  
16 from Pauma Valley. I live there now.

17 I was just wondering if it's illegal in a  
18 meeting like this or not a protocol to have any one  
19 single positive representative of the dump? Is there  
20 not any good ideas, or is this just not the forum? Is  
21 it like backroom deals, all the other representatives of  
22 our protection agencies that let us down?

23 COLONEL MAGNESS: I don't think there's any  
24 shortage of those other types of voices. You know, why  
25 they don't come forward? You know, everyone has their



1 reasons. I think that's a good way for me to conclude.  
2 And it is this: There's a lot -- there's clearly a lot  
3 of emotion involved in an issue like this. I'm very  
4 sensitive to anything, for example, as a water resource  
5 agency that impacts on water. The U.S. Army Corps of  
6 Engineers has a brand that been around for over 200  
7 years. We value our water.

8 And the way we treat is in a very balanced  
9 approach, where we measure and we get all the facts, and  
10 we follow the process. You can hold us accountable to  
11 that process. That process is the law. NEPA is, and  
12 the Clean Water Act is well known, and that is -- that's  
13 what we'll follow as we make our way through this. And  
14 then we will reach an appropriate balanced conclusion  
15 that takes into account all sides, whether they were  
16 voiced here in the last two hours and 45 minutes,  
17 submitted in written form, or are the position of the  
18 applicant. We will take all of that together and reach  
19 an appropriate conclusion.

20 You know, the U.S. Army Corps of Engineers  
21 considers themselves to be the world's premier public  
22 engineering organization. I believe our brand has been  
23 adjusted over the last several years. If you look at  
24 what we're doing around the world, I believe we are the  
25 world's premier public environmental engineering



1 organization. And it's a brand and a reputation that we  
2 take very, very seriously.

3 We're engaged in the San Luis Rey River from  
4 the head to the toe. We are working in many projects  
5 all along that river, and so of course, all of that will  
6 be considered as we reach an appropriate conclusion.

7 And when that comes across my desk, you will be  
8 sure that we have followed the process. You will be  
9 sure that whatever it is that you said here today was  
10 considered in a final decision. And you can be sure  
11 that the world's premier public environmental  
12 engineering organization has done what you all pay us to  
13 do.

14 Thank you for being here today. Good night.

15 (The meeting concluded at 8:45 p.m.)  
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REPORTER'S CERTIFICATION

I, Renee Kelch, a Certified Shorthand Reporter in  
and for the State of California, do hereby certify:

That the foregoing proceedings were reported by me  
stenographically and later transcribed into typewriting  
under my direction; that the foregoing is a true record  
of the proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name this  
28th day of June, 2010.

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Renee Kelch, CSR No. 5063

