

DEPARTMENT OF FISH AND GAME

LOWER RAGSDALE DRIVE, SUITE 100
MARTINEZ, CA 94540
(415) 649-2870



CERCLA/NRDA Unit

September 29, 1993

Mr. Gary Munekawa
Remedial Project Manager
Department of the Navy
900 Commodore Drive
San Bruno, CA 94066-2402

Dear Mr. Munekawa:

SUBJECT: REMEDIAL INVESTIGATION AND FEASIBILITY STUDY/APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS FOR THE ALAMEDA NAVAL AIR STATION (NAS), ALAMEDA, CALIFORNIA

Thank you for your recent invitation to attend your Technical Review Committee (TRC) meeting scheduled for 0900 on October 6, 1993, at the California Department of Toxic Substances Control's office at 700 Heinz Avenue in Berkeley.

We noted with interest your attached "Status Report" relative to the Draft Final Feasibility Study Plan (FSP) for follow-on field work at the Phases 2B and 3 sites, and also the Draft final FSPs for the follow-on field work for the Phases 5 and 6 sites (the landfill sites) plus related notations having to do with other aspects of the total project.

Of particular interest to us is the Phase 4, Ecological Assessment program. We are particularly interested in the "Ecological Risk Assessment" process for the quantification of risk to State fish and wildlife resources and the analysis of remedial alternatives for the protection of those resources. In this connection, we will provide a detailed technical review of the Draft Ecological Assessment (EA) Work Plan as a part of the Remedial Investigation/Feasibility Study (RI/FS) process.

In connection with the Installation Restoration (IR) project at Alameda Naval Air Station (NAS) and pursuant to Section 104(b) (2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), I am enclosing a complete list of Applicable or Relevant and Appropriate Requirements (ARAR's) for the protection of State fish and wildlife resources at the subject site and for inclusion in the final Remedial Investigation/Feasibility Study evaluation and decision(s).

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Additionally, this letter will serve to advise you of the Department of Fish and Game's interest in coordinating all natural resource damage assessment investigations as a State Natural Resource (co) Trustee, which may be necessary should the release(s) of any hazardous materials at the subject site cause injuries to state natural resources, pursuant to CERCLA § 104 and 122 and the Governor of California's recently issued executive order entitled "Designation of Natural Resource Trustees", dated August 23, 1993.

Since the facility will require the establishment of some type of working agreement or procedure to implement and administer the natural resource damage assessments, investigations, and planning, consistent with CERCLA, may I suggest that an early meeting, preferably at an agreed upon time and date, during the second or third weeks of October, be scheduled between our respective offices. We believe that this interaction between our reciprocal staff members will be helpful in establishing our mutual goals and strategy, particularly in regard to the matter of ecological investigation.

The following State laws and statutes may apply to the RI/FS actions at the subject site for the protection of fish and wildlife resources and their habitats:

- Designation of the Department of Fish and Game as trustee for State fish and wildlife resources: Fish and Game Code § 711.7;
- Taking for Scientific Purposes (§ 1001; 1002).
- Requirements for releasing substances deleterious to fish and wildlife: Fish and Game Code § 5650 (a) (b), (f); 5651; and 12016;
- Illegal take of birds and mammals: Fish and Game Code § 3005;
- Relevant policies for the general protection and conservation of fish and wildlife resources: Fish and Game Code § 1600 et seq.; 1700 ; 1750; 1801; and 2014; Water Code § 1243;
- Requirements for endangered or rare species: Fish and Game Code § 1900 et seq.; 2050 et seq. to 2068; 2070; 2080; 2090 et seq. to 2096;

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Other Laws and Treaties:

- Federal Endangered Species Act of 1973;
- California Endangered Species Act (Fish and Game Code § 2050 et seq.).

I have enclosed copies of these laws and regulations for your information. If any portion of these State laws is not considered in the Ecological Risk Assessment phase(s) of the RI/FS process, I will expect a written justification from the Navy stating the rationale, legal basis, and substantive reasons for their exclusion from ARAR consideration in the RI/FS.

For future correspondence on this site, please note for your records the following address change:

Dr. Michael Martin
CERCLA/NRDA Unit
California Department of Fish and Game
20 Lower Ragsdale Drive, Suite 100
Monterey, CA 93940-5729

Also, please be advised that I am the contact person for the California Department of Fish and Game for all further communication regarding the subject facility.

Please let me know if I can be of further assistance. My telephone number is (408) 649-7178 and FAX (408) 649-2894.

Sincerely,



Michael Martin, Ph.D.
Acting Staff Toxicologist
CERCLA/NRDA Project

Encl. F&G Code

cc: John Turner, ESD
Joe Milton, Legal
George Kikugawa (WEST DIV)

ENCLOSURE: FISH AND GAME CODE § 2050

APPLICABLE OR RELEVANT AND APPROPRIATE
REQUIREMENTS (ARAR'S) FOR THE FINAL
REMEDIAL INVESTIGATION AND FEASIBILITY
STUDY (RI/FS) EVALUATION AND DECISIONS

THE ABOVE IDENTIFIED ENCLOSURE IS NOT
AVAILABLE.

EXTENSIVE RESEARCH WAS PERFORMED BY
NAVFAC SOUTHWEST TO LOCATE THIS
ENCLOSURE. THIS PAGE HAS BEEN INSERTED
AS A PLACEHOLDER AND WILL BE REPLACED
SHOULD THE MISSING ITEM BE LOCATED.

QUESTIONS MAY BE DIRECTED TO:

DIANE C. SILVA
RECORDS MANAGEMENT SPECIALIST
NAVAL FACILITIES ENGINEERING COMMAND
SOUTHWEST
1220 PACIFIC HIGHWAY
SAN DIEGO, CA 92132

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