



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Carlsbad Fish and Wildlife Office
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MCAS EL TORO
SSIC #5090.3

JUL 12 2000

Mr. Dean Gould
BRAC Environmental Coordinator
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1220 Pacific Highway
San Diego, California 92132-5190

Subject: Comments on Federal Agency-To-Agency Property Transfer Environmental Summary Document, For Certain Property, Marine Corps Air Station El Toro, California

Dear Mr. Gould:

Thank you for providing the U.S. Fish and Wildlife Service (Service) two copies of the subject document for review. We have forwarded a copy to Ms. Jane Scott of our Carlsbad Realty Field Office who is the point of contact for the transfer document. Our comments are provided under separate cover and focus on environmental contaminant issues relevant to the Installation Restoration (IR) sites addressed in the document. The document summarizes the environmental condition of a parcel of property at Marine Corps Air Station (MCAS) El Toro, California, which is proposed for transfer to the Federal Aviation Administration (FAA). A large portion of the property will be left as a habitat reserve. The Department of the Navy (DoN) has determined that although residual contaminants exist on the property, it is suitable to be transferred to another federal agency for the proposed use with acceptable risk to receptors.

The subject document classifies IR sites 2 & 17 as Area Type 5 which indicate that removal or remedial actions are underway, but have not yet been completed. The summary document states that natural resource/habitat mitigation measures will be coordinated with the U. S. Fish and Wildlife Service as a component of the selected remedy for IR Sites 2 and 17.

IR Sites 2 and 17 serve as habitat and are occupied by the federally threatened coastal California gnatcatcher (*Polioptila californica californica*). Section 7 of the Endangered Species Act (Act) of 1973, as amended requires a Federal agency to consult with the Fish and Wildlife Service (Service) in the event that a proposed action may affect a listed species. We acknowledge that DoN formally consulted with the Service on *interim emergency remediation actions* for landfills

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2 and 17. As a result of that consultation, we issued a biological opinion (1-6-97-F-14) that addressed these *interim* measures. However, to our knowledge DoN has not formally consulted with the Service regarding *final remedial actions* to be taken at IR sites 2 and 17.

By letter of April 5, 1999, we recommended that DoN consult with the Service regarding *final remedial actions* to include corrective actions, operation, and monitoring conducted at Sites 2 and 17. By that same letter, we also informed DoN that the ecological risk assessment failed to fully evaluate all pathways of exposure to the federally threatened coastal California gnatcatcher because the prey species was not assessed as a food source in evaluating risk to gnatcatchers via the food pathway. Modeling of a surrogate species for the gnatcatcher showed risk to avian species at landfills 2 and 17 during the Ecological Risk Assessment. At that time, we informed DoN that we would be willing to consider the selected remedy if DoN would provide data to demonstrate efficacy of the remedy over time. We are willing to work with DoN in developing this plan. Without this data, risk to the gnatcatcher from hazardous releases at the site remains unknown in the event that the remedy fails through erosion or breachment of the cap. We requested DoN submit a monitoring plan for the gnatcatcher to demonstrate protection of this species to our office for approval as a part of the remedy. To our knowledge, we have not received that plan.

A letter dated April 29, 1999 from Joseph Joyce, DoN, was submitted to our office requesting relief for mitigation of impacts to the gnatcatcher associated with remediation and the final closure of landfills 2 and 17.

In our letter of response dated August 6, 1999, we summarized the status of events and subsequent correspondence that had taken place as of that date with regard to habitat restoration resulting from habitat disturbance from *interim remedial action* at landfills 2 and 17. In that letter we outlined the following issues:

- as a part of the biological consultation, one of the measures agreed upon to minimize the effect of landfill remediation activities on the gnatcatcher was that habitat disturbed by interim remedial actions would be compensated for by revegetation/restoration of disturbed/cleaned sites at a ratio of two acres restored coastal sage scrub for each acre of habitat that is disturbed.
- as a part of that consultation a restoration plan was to be developed and submitted to the Service to address the habitat disturbed by the *interim remedial actions* within four months of the issuance of the biological opinion and revegetation would commence within one year of commencement of the biological opinion.
- a request was made by Michael Stroud, DoN, in a letter dated October 7, 1997 to reconsider the schedule for implementation of the revegetation plan committed to in the biological opinion until the Record of Decision (ROD) regarding remediation and closure

of the landfills could be approved by the regulatory agencies. The Navy further proposed that planning and implementation of revegetation be performed as a part of the final closure remedy for sites 2 and 17 which they anticipated completing in 1999.

- in response to that request, we requested DoN via electronic mail on December 5, 1997, to identify areas that will not be affected by capping the landfills, and prepare a revegetation plan for those areas that could be implemented as close as practicable to the stipulated time frame. To our knowledge, DoN has yet to respond to this request, nor carried out the previously agreed to commitment to revegetate with coastal sage scrub to minimize the effects of landfill remediation on the gnatcatcher.

In our letter of August 6, 1999, we acknowledged that we would consider the conservation of coastal sage scrub afforded through disposal of the 1,033-acre parcel of Marine Corps Air Station, El Toro as an alternative measure that will contribute to the minimization of the long-term impacts to the gnatcatcher as had been previously discussed at our August 25, 1998 meeting. However we requested that DoN clarify the extent of habitat and gnatcatcher impacts associated with the final remediation action and the extent of restored habitats, if any, so that we can properly evaluate DoN's request.

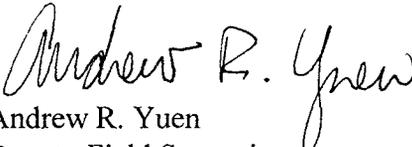
We remain uncertain whether additional impacts to the gnatcatcher are likely in association with the *final remediation and closure* of landfills 2 and 17 and *property transfer*, but we expect that DoN will fulfill their responsibilities pursuant to section 7 of the Endangered Species Act of 1973, as amended. DoN should initiate formal consultation with this office prior to *final remedial action* at Sites 2 and 17 and prior to *property transfer* if final remediation measures or property transfer is likely to affect the California gnatcatcher. This process will identify the appropriate actions to offset impacts to the habitat of the gnatcatcher resulting from remedial actions taken at these sites and/or potential impacts resulting from the transfer of this property. The natural resource/habitat mitigation proposed by DoN should be resolved prior to property transfer. The monitoring plan for the gnatcatcher as previously requested by our office should also be submitted prior to property transfer.

The Explosive Ordnance Disposal Range (EOD) has been identified by DoN as an IR site. Contaminants likely to be associated with munitions and ordnance relevant to the EOD Range include nitrated toluenes such as 2,4,6-Trinitrotoluene (TNT), 2,4-Dinitrotoluene (DNT), 2,6-DNT, Nitrotoluene, 1,2-Dinitrobenzene (DNB), 1,3-DNB, Trinitrobenzene (TNB), Nitrobenzene, along with total phosphorus and white phosphorous. Have these contaminants relevant to the EOD Range been analyzed? The EOD Range is not addressed in the text of the summary document. According to Attachment 2, this site will be transferred to the Federal Bureau of Investigation. Has the environmental condition at the EOD site been determined by DoN as environmentally suitable to transfer for the proposed use, and will this be addressed in a separate document?

The Oil/water Separator (OWS) Site 806 has been identified as a Location of Concern (LOC). It is further identified as a 1,500 gallon concrete structure that contained/conveyed runoff from the former bomb assembly structure (Buildings 806, 807, 809, and 810) to a tributary of Borrego Canyon Wash. The same contaminants (e.g., nitrated toluenes) associated with the EOD range would likely be associated with the bomb assembly structures. According to the summary document, soil samples were analyzed for petroleum hydrocarbons, volatile organic compounds, and perchlorates. Have any samples been analyzed for contaminants that would likely be associated with munitions and ordnance (e.g., TNT, DNT, DNB, TNB, Nitrobenzene and phosphorus)? Also, if high explosive rounds containing TNT, RDX (hexahydro-1,3,5-trinitro-1,3,5-triazine) or HMX (octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazocine) were stored and assembled at these facilities, these analytes should also be included in the suite of analysis. This information is essential since DoN states in the document that once a "No Further Action" determination has been made by the Regional Water Quality Control Board, the FAA will be responsible for future environmental liability associated with OWS 806. Furthermore, analysis of all contaminants likely associated with munitions and ordnance is needed in order that we may evaluate potential residual contamination that may impact the Service's trust resources.

We appreciate the opportunity to provide comments to the "Federal Agency-To-Agency Property Transfer Environmental Summary Document, For Certain Property, Marine Corps Air Station El Toro, California." We look forward to continuing our work with DoN during the consultation and the property transfer process. If you have any questions regarding these comments, please contact Judy Gibson of my staff at 760-431-9440.

Sincerely,



Andrew R. Yuen
Deputy Field Supervisor

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TRANSMITTAL

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Recipient: Dean Gould, BEC

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