

**MARE ISLAND NAVAL SHIPYARD
RESTORATION ADVISORY BOARD (RAB) MEETING MINUTES
Held January 27, 2000**

Welcome and Introductions:

The January 2000 meeting of the Restoration Advisory Board (RAB) was called to order at 7:10 p.m. by Faiq Aljabi, Navy Environmental Business Line Team Leader, Southwest Division. Mr. Aljabi introduced himself, as did the attending RAB members and community members. Fourteen (14) RAB members, fifteen (15) guests and community members, three (3) community relations and RAB support staff from Gutierrez-Palmenberg, Inc. (GPI), and one (1) recorder were present. The following RAB members were in attendance:

- Ms. Bonnie Arthur
- Ms. Myrna Hayes
- Mr. Jerry Karr
- Ms. Paula Tygielski
- Ms. Cynthia Marquez
- Mr. John Cerini
- Ms. Diana Krevsky
- Mr. Ken Barden
- Mr. Ken Kloc
- Ms. Sandra Schady
- Mr. Adam Chavez
- Mr. Jim O'Loughlin
- Mr. Al Iliff
- Mr. Chip Gribble

Recorder: Kathy Langstaff

Mr. Faiq Aljabi - Good evening. It seems that the co-chairs are not here, or maybe they are late. My name is Faiq Aljabi, I'm an environmental engineer, and I'm representing the Navy tonight and may be running the RAB meeting. So if you have comments on the agenda, please let me know. We can start with introductions. We'll go from here and around the table.

(RAB and community members introduced themselves.)

Administrative Business:

Mr. Faiq Aljabi - Thank you. Next item on the agenda is acceptance of the minutes of the October meeting, and any more comments or any disagreements on the minutes? I don't see any hands raised, so I assume it's acceptable. And next is the presentation of early transfer. Dennis Kelly, please.

(Myrna Hayes arrived at this point.)

Mr. Dennis Kelly - I want to make my presentation utilizing this overhead, but I'm passing around what I will use. I used to be on the RAB, by the way. It's been a long time. I was asked to give a Navy perspective on early transfer. I will go over a pitch that the Navy provides to communities to discuss what early transfer is, why we would do it. I know you've already had a discussion about the Port of Oakland transfer, so you're familiar with that. This might be a little more of a macro level of what early

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transfer is all about.

It's all about the money. The reason the Navy closed bases was to save money. This gives you a little bit of an overview here. Basically, the Navy spent \$10 billion in order to generate \$2.5 billion savings by the year 2001. That's achieved both through the operational closure of bases and ultimately the disposing of the property. We don't have to go through this whole chart. It is meant to illustrate that, if you were a big thinker and you were thinking about base closure, you might tend to think that you close the base, turn over the property, and leave. This graphic simply is here to show that, hey, there's some steps to this process. You cease the mission. You save a bunch of bucks right there because basically a lot of people have lost their jobs and people cost a lot of money, but then there's a long road to actual transfer of the property and putting it back into productive reuse.

The reason that early transfer became a discussion item and that the legislation was passed, was an attempt to shorten that road. In terms of Navy properties, what this graphic shows is that there's still quite a bit of work to do to finish disposal of the bases that have been closed to date. If you look at the red column under "major," Mare Island would be a major BRAC closure or major base closure. Of 38 total to be disposed of through all the BRAC grounds in the United States, 32 remain; and this process took place in '91, '93 here, '95. So it takes a while to dispose of the property.

As I mentioned earlier, there's one way to look at this disposal process that's real simple: close, clean, convey. Anybody who works within this process knows it looks more like that, and these are just some of the variations. You can close the base, lease out property, clean up the property in parallel while it's leased out. That's one model.

Another is to be "parcelizing" bases. Mare Island has 21 parcels. But you can cut it into pieces, and some are leased, some are transferred. It's complex. The idea is, How can we move this process along faster? One idea currently being pursued by the Navy at Charleston Naval Shipyard, a shipyard somewhat similar to Mare Island, is a fixed-price contract for the whole cleanup. And at Charleston there's a contract out for bid right now where the successful bidder would clean up the entire base for a fixed price. The requirement is to bring it to regulatory closure. That's one way to go.

It doesn't do some of the things that early transfer might do if the situation is appropriate; that is, it's still an environmental contractor approaching the cleanup of the base the way they traditionally would do it. You come in, you sample, and then, based on the sampling, you come up with a remediation plan and you proceed to regulatory closure, same thing that's going to happen here.

What they learned in Brownfields -- and Brownfields are non-Department of Defense contaminated sites that have been redeveloped -- is that if you could marry the cleanup with the reuse activity, you could save a bunch of bucks, and you can make things move faster. You can get the property back in productive reuse, and you can do it in a manner that benefits everybody.

Some examples are that you can align infrastructure or coordinate it with the existing conditions. For instance, say you had a site where you were concerned about rainwater penetrating the topsoil. What if the remedy invoked from an environmental regimen is a cap? Maybe a parking lot can be both an environmental remedy as well as part of an infrastructure that would otherwise be put there anyway. Then you can coordinate a cleanup under construction so that you're only digging dirt once, or maybe you're digging dirt up that you would otherwise dig up and you would move it to a landfill. So those are

some of the concepts.

How does it work? This is a very famous story within the Navy. It's the gas station story. It's famous because probably the Navy's chief proponent tells it all the time. Some of you have heard it, but it's a real story. There was a situation where an environmental contractor was hired to assess a property a developer was going to build a shopping mall on, and the environmental contractor went and looked at the property and determined there had been a gas station there before and that the gas station had not been properly remediated. And so the developer asked this environmental contractor to give him a price on what it would take to remediate the property, and the price was \$2 million. And the environmental contractor expected that the next thing that would happen is this developer would hire him to remediate the property, but rather the environmental contractor never heard from the developer again. Forgot all about it, and about two years later, ran into this developer at a conference and said, "Whatever happened to that gas station property?" And the developer said, "Oh, I bought it and built a shopping center." And he said, "Well, what happened to the remediation? How did that get paid for?" And the developer said, "Well," he said, "you told me it was \$2 million, so we went to the seller and we took \$2 million off the price, and then, near as we could tell, it cost us, while we were building the shopping center, an additional \$200,000 to remediate that site, because we had to move all the dirt anyway."

That, in a nutshell, is the idea behind early transfer; and early transfer is an option that the Navy very much wants to bring to the table, but it's just a way to go. It has to make business sense, and it will not always make business sense. So there's got to be some driver, something that somebody else can bring to the table that's going to make sense where everybody wins. And so what the Navy's trying to do is get the word out and get the processes in place right now so it's a possibility. And you've had a presentation on the Port of Oakland, so you know in that case there was a situation where it made great business sense, and in fact that transfer took place.

I can remember a discussion about early transfer back in 1993, and there were a lot of valid concerns and questions about early transfer. Since then, there's been a bunch of tools on the table to address some of those concerns, and these are some of them: a prospective purchaser agreement; covenants not to sue by EPA; there's insurance products available now so that if you were going to take on the responsibility to do the cleanup, you could get assurance that your costs are not going to go over a certain amount.

The law has been amended to allow for early transfer, and the Navy has, for instance, in the case of the Port of Oakland, what we call an environmental services cooperative agreement, but it's the ability to pay someone who would enter into an early transfer arrangement with the Navy for that cleanup. Again, the idea here is that owners get access to the property years earlier. This has been supported both by the State of California as well as the federal regulators. The idea is that the cleanup cost becomes an incremental cost to a development that's otherwise taking place. There are tax advantages for private cleanup, and you could transfer the deed early or not.

The Navy has offered three scenarios to communities: 1) the Navy will do the cleanup, like we always have, transfer the deed, we're done; 2) the Navy will transfer the property early under this authority and continue to do the cleanup, just like they always have; or 3) the Navy would do the cleanup and work out a contractual arrangement with the receiver of the property where they would do the cleanup and basically at a fixed price. Some of the benefits, if you transfer the property early, shown here are hopefully that you can get the redevelopment of the property earlier. If you can transfer the deed, you

can finance that redevelopment. If you transfer, it goes on the tax rolls, and therefore the community benefits from that revenue stream.

This is the marketing part of this presentation, but what it does say is there is policy in place now where the Department of Defense says this is how you're going to do this. We're actually working on one of these at Mare Island right now with the dredge ponds, also working down in Alameda on one of these early transfers. The drivers are interesting when you get involved in these. For instance, in Alameda the driver is the ability to get financing, to have the deed in hand. You don't want to miss the market. We've got a hot market right now. If this can get you into the market, that's fine. I think we all remember some of the previous phases of the market, and we've done it now. Again, the idea doesn't really work well in terms of an early transfer where a community would take over the cleanup unless the community is backstopped by a developer. Communities, for the most part, don't have the expertise to do cleanup. It would be a developer that would have to bring that expertise to the table.

What does the early transfer mean to an LRA (Local Redevelopment Authority)? I've been with this process here since 1993, and there's certain problems inherent in the process. The bottom line is that getting the deed in the hands of the LRA, ultimately the developer, is a key part of moving ahead with redeveloping the property. Early transfer helps facilitate doing that earlier. The fact that you have a deed should empower an LRA -- I'm using my acronym; Myrna always used to tell me not to do this -- but to enable a city to do better in attracting developers to the table.

Without the deed in hand, it can be difficult to attract a developer to make financial commitments to develop your site. Again, this facilitates doing that earlier. Same with the investors. I mentioned earlier it does put the property on the tax rolls. The Navy can come to the table with funding to turn over the responsibility for the environmental cleanup, but to fund it; and the LRA, once they have the property, has the full power the city would otherwise have in terms of land-use decisions.

As long as the deed resides in the Navy's hands, then the Navy, a part of the government, is obligated to place certain restrictions on property in a lease scenario. Once it's transferred, that eliminates a lot of the concerns that the Navy would otherwise have that burden redevelopment.

The last bullet on this side is that the Navy remains liable under CERCLA. That's the Comprehensive Environmental Remediation -- it's the law. Actually, a former military base provides some opportunities that don't exist at other sites in terms of indemnification. So I mentioned this earlier, but I'll say it again: The idea here is to get a spectrum of alternatives out on the table and available to communities, and it's not an all-or-nothing proposition. It probably will make sense to do early transfers for some parcels of land at some bases. It will probably make no sense to do it at other bases or other parcels. It's one of those things where it's just an opportunity, and if all the facts line up, then it can be a win-win for everybody. We'll transfer property while we continue to do the cleanup.

That's what we're looking at doing right now down in Alameda: We'll transfer property and enter into a fixed-price arrangement with the receiver. And that's what we did at Oakland, where they're going to do the cleanup. We won't transfer property and enter into a fixed-price arrangement, I might add, if it's going to cost the government more money. If the business facts line up, then the funding that the Navy could bring to the table, if a community wants to do the cleanup, should be sufficient to cover these items. All the engineering studies are required.

The cleanup cost-cap insurance is basically a guarantee that the price of the cleanup won't go over a certain amount. It's an insurance product. Liability insurance, regulator interface -- that is, the cost of the regulator's time to facilitate the cleanup. Administrative costs, monitoring, shared savings. If the money that the Navy brings to the table can't do those things, then there won't be a deal. These are some of the concerns that have come up as people look at early transfer. The first one you hear is that there's not enough data to find the extent and magnitude of the contamination. The Navy believes that for the most part these sites are probably both characterized, as any places in the nation, these 14 base closures; but no matter what the Navy believes, ultimately whether or not there's enough data will not be the result of what the Navy believes. It probably won't be the result of what the community believes, and it probably won't be the result of what a developer believes. It'll be what the insurance provider believes before they underwrite cost-cap insurance on these sites.

Is there enough data to quantify the remaining cleanup costs? The cleanup of the kind of sites you find in closed military bases is not unusual in the business, and so actually there is typically enough data to go quantify those costs. And, again, ultimately the Navy has an estimate of what it's going to cost to do all of the cleanup at all its sites. If the cost that a city comes up with exceeds the Navy's estimates, then there just won't be a deal, and the Navy will continue to do the cleanup.

And this is the risk associated with an early transfer, and they're very little to a community. We have a cooperative agreement. First of all, the costs are covered with the insurance products. The potential to bust through your estimates is covered. The CERCLA indemnifications remain in place. That is, the Navy would come back if there's any contamination found in the future. So there's a lot of recourse in this process.

It won't work if unrealistic expectations exist. What's meant by that is the dollars. Early transfer is not an opportunity for folks to go out and get a Navy contract for cleanup and do it at more than it would otherwise cost the Navy or the government. Early transfer is an opportunity for folks to bring a solution to the table the Navy doesn't have, like the development they're already planning, the construction they're already planning; and if it dovetails with the cleanup the Navy otherwise has to do, there's potential to move things faster and to save money.

In order to do an early transfer, you have to get the governor's approval at a site like this. If it's an NPL site, a National Priority List, you also have to get the administrator of the Federal EPA's approval. There was a lot of concern when this legislation went through Congress that this early transfer be something that doesn't get rammed down the local authority's throat, if you will, and that's why this was put into legislation. In order to get the governor's approval, you have to make certain findings and the governor has to make a finding, which means that the Department of Toxic Substance Control, Chip Gribble and his compatriots, have to make a recommendation to the governor that this early transfer is protective of human health and the environment.

A number of assurances are spelled out in the legislation which have to be in the deed for an early transfer, and the Navy has to comply with public-notice requirements, similar to the cleanup you're familiar with now. And the fact that you're doing a transfer cannot delay the cleanup process, which, as I mentioned earlier, the whole goal of this was to move along faster anyway.

What's in it for the Navy? Closed properties are in the rearview mirror for most of the operational Navy. The Navy has been mandated to dispose of the property, so to the extent that early transfer can

take place, the Navy's accomplishing its mission. The City gains greater control for the redevelopment. The Navy no longer owns the property it transfers, has certain interests in the property, and therefore it does not become a third party to any discussions or negotiations.

For the Navy, the fixed price helps the Navy at the budget table. A marginal cleanup is typically looked at as this kind of long process that goes on forever, and when you go into the budget arena and you say, "Okay, I need this much this year," there's little incentive in the budget and the budgeteers to continue to fund at a high level. They have other priorities. So there's always this that goes on. But if you can talk to the budgeteer and say, "For this amount of money, we can complete this phase, and it's a fixed price contract," we're really only talking now about whether an LRA would do the cleanup or a city would do the cleanup. And that's very attractive to the budgeteers, and that's very easy to sell.

And therefore, funding these early transfers, particularly the ones where cleanup would be done by a community, enjoys a lot of advantage. And, of course, the government will save money. The earlier the government transfers the property, the earlier the government does not have the responsibility for overhead costs associated with carrying the property. Now I'll entertain questions. Chip?

- Q. Mr. Chip Gribble - It sounds like the preferred approach from the Navy's perspective is a fixed-price arrangement?
- A. Mr. Dennis Kelly - Well, the preferred approach from the Navy would be that every base closure property that exists, the Navy would enter into a fixed-price arrangement with the communities that receive the property, and the fixed price would be less than the Navy's current budget estimate.

But, no, the Navy's not unrealistic enough to believe that's going to happen. So what the Navy is looking for really is to make sure that those locations where the development of the property in business terms would facilitate a developer doing the cleanup on behalf of the city at a lower cost because of what they're going to do, that we can enter into those arrangements, we the Navy. We can lower the cost to the taxpayer of the cleanup.

But we're not expecting that's going to be the situation everywhere. As a matter of fact, it probably won't be. But there will be situations where this authority and that type of a fixed-price arrangement is going to work for everybody, and that's really what we're trying to do, bring that to the table, make sure everybody knows, "Hey, there is this opportunity here, this option; if it works, let's do it."

- C. Mr. Chip Gribble - The concern that I have with that is that if you have a fairly simple site, then the uncertainty is correspondingly lower as opposed to if you had a very complex site, which we have out here, a lot more complexity -- and the more complexity, the more uncertainty. And so, if you're dealing with a fixed price, I'd be nervous that at some point, the contractor is bumping up against their ceiling, and now we're all under pressure to get off on the cheap rather than the way that we'd be more comfortable in going simply because of the complexity and the uncertainty, that the cost to complete was more than what people had hoped for initially.
- C. Mr. Dennis Kelly - Chip's right. As a matter of fact, the early guidance that came out of the Federal EPA and how are you going to do these things indicated that you don't do these until a site is fully characterized. Has there been movement since then? And I don't really know where it's going to end up. I do know this. I know that if -- I'll pick on the Port again -- you have a business effort that's got so much money at stake that's tied to time and schedule, that the cost of the cleanup is really a minor issue, and the business risk is far greater, the business risk of not getting property on a certain

schedule, not being able to do what you want to do in terms of dollars far outweighs the business risk of whether you've figured out the cost of the environmental cleanup right.

And from the regulator perspective, looking at the port, the financial viability of the port, the same perspectives prevail. So I think these are all going to be looked at, and by both the Navy and the regulatory community, on a case-by-case basis, because ultimately one of the findings that has to be made is that this cleanup is not going to be jeopardized by these deals. But I don't know how --

- Q. Mr. Chip Gribble - And just one more question. So one of the other approaches that you outlined was -- I think was not a fixed price, but the Navy would in effect reimburse, cost reimbursement, as you go along, as long as the costs didn't exceed the Navy's estimates.
- A. Mr. Dennis Kelly - No. I've outlined three options. One is we just keep doing what we're doing, what we're doing right now: Navy does the cleanup; you transfer the property once the CERCLA covenants have been made. The other option is that you transfer the property early; the Navy continues to do the cleanup posttransfer. And the third option was that the Navy transfers early and the community assumes the responsibility for the cleanup in a fixed-price agreement.
- C. Mr. Chip Gribble - Oh, I was thinking that, in the third option, there are alternatives to the fixed-price arrangement.
- C. Mr. Dennis Kelly - I haven't heard any of those yet anywhere, so --
- C. Mr. Chip Gribble - Okay.
- Q. Mr. Jerry Karr - Dennis, are there provisions for parceling out of property, like, say, Mare Island, to do this type of early-transfer project where you're dealing with housing areas or things with minimal contamination versus an industrial area and areas of higher concern, or is it the whole base, either/or?
- A. Mr. Dennis Kelly - Pretty much, yes, you can do it on a parcel-by-parcel basis. As I think most of you are aware, on Mare Island the parcelization that exists today was really driven by the cleanup schedule in an attempt to release the cleaner property early. But regardless, the answer to your question is that if it makes sense for a piece over here to entertain early transfer, but not something over there, the Navy will certainly entertain that, and has.
- C. Mr. O'Loughlin - I'm a community representative from Napa. Seems to me that putting a higher emphasis on getting business started and taking steps that will make it harder to clean up when a site is used for business, seems to me you've got the tail wagging the dog. It seems that the environmental benefits and cleaning up the site should have a higher priority than getting business going and having business going on there while the city's trying to supervise the site cleanup.
- A. Mr. Dennis Kelly - And your comment's noted. I can tell you that the intent is that the level of cleanup is not affected by this concept. The concept is that you do the same level of cleanup regardless. The question is how you get to it.
- Ms. Myrna Hayes - Dennis, Myrna Hayes, Community Co-chair. A couple of things. First of all, I think it's important for folks in Vallejo, anyhow, to know if you're trying to apply this model, that one of the big benefits that was noted was that this property would get onto the tax rolls.

And I want to remind people that in the city council's study session held recently on Mare Island a couple of weeks ago about the progress on Mare Island, that at least one developer proposed that the only option for them to move forward with the redevelopment of the property, the only funding mechanism available to them they thought was realistic, would be creating a redevelopment agency

district; and that has tax increments that go other places besides into the general fund.

And so I would caution you to be aware that that property, if it were to become a redevelopment agency project, doesn't necessarily blossom immediately with tremendous resources going into the general fund and benefit the tax base, in this situation anyway. And that will become a debate, and that is a political issue.

The citizens of Vallejo have turned down rather soundly the last redevelopment agency project that was proposed. So it's a political issue as much as it is an economic issue, and I encourage you to be involved at that level, because certainly there are a number of council members, including the mayor, who are very supportive of the early transfer process. And I'm not going to say it's all bad, but I want you to look at it from our individual perspective.

The other thing that crossed my mind is that if everybody's going to win here, who are the losers? I mean, the military plays win-and-lose games. Who is the loser? I can see a big loss for the community if we are having to do a lot of extra administrative work. I can see a lot of problems if the regulators who are working for the public, as I imagine the Navy is, don't get the resources -- as was the case with the DSMOA problems this last year -- to do their job.

And then this whole notion of "let's throw a few million dollars over to a project" all at once sounds wonderful, and as you referred to them, the budgeteers like it, but I'm not convinced that, if we struggled to work through the cleanup using whatever we had, a \$19 million budget last year, I don't see how we could do an effective cleanup with, say, a 70 or 90 or \$150 billion budget all thrown in our laps at once. I don't think we have the regulatory or cleanup infrastructure to be able to do that.

- Q. So if the budgeteers were going to allocate that big chunk, what period of time would you have to disburse those funds in? Usually you work off of fiscal years.
- A. Mr. Dennis Kelly - Actually, to answer your question, Myrna, it's actually no-year money. And obviously everybody in the United States can't go do an early transfer with a cooperative agreement and get all the money out of the federal, because the money's not there. In answer to your first question, who are the losers? I really don't think there are any losers. This is a new process, and it may not work like everybody's envisioned. It has worked. Who are the losers? You can't do an early transfer without the Navy's approval. The Navy's not going to approve this without making a number of warranties that cleanup is going to be done to the appropriate standards. Another is it's not going to cost more. A community is not going to do it unless they're protected, because, quite frankly, they're going to have another agreement with a developer. A developer's not going to do it unless they have a financial incentive.

So the bottom line is, if there are losers, it won't happen. And it'll happen only where it's a win-win, and there are a lot of controls because of the number of approvals that you have to get to do one of these. Any other questions? Yes.

- Dr. Jay Sexton - I'm a loser. My name is Dr. Jay Sexton, and I'm the national vice president for Touro University, and I was brought here to Mare Island to determine what our next steps should be. We were going to build a university of 8,000 students. We took over the lands, and we have a Phase 2 and a Phase 3 that we haven't exercised yet, and the reason we haven't exercised it at this point is that we feel we're the losers. We had a budget for cleanup and starting-out program of \$8 million. So far it's cost us

\$16 million for Phase 1.

That's because the environmental cleanup we had to go through in order to get approvals in the state and from the federal government -- the toxic waste, the lead, the asbestos, which we had to do all of ourselves -- was far more than anyone had thought. As we lose, so does Vallejo lose, because if we don't move ahead and those students don't come in, they don't spend their money in Vallejo; they don't help build up the city; we don't start the education program to train teachers specifically for this area; and, in my opinion, everyone loses.

We feel that the Navy has not cleaned up adequately what they said they would clean up. We feel that we did not get a good deal; and from a business point of view, we haven't moved to our next phase. I was supposed to start the undergraduate program in September. I already have the approvals from the State of California for an undergraduate program, a graduate program, and we're moving ahead to get approvals for more programs.

The question now that we're facing is, should we move off Mare Island and have those programs somewhere else, because the business case, as you discuss it, is not a good one. And the insurance that you describe doesn't seem to be available to us, and we would hope maybe you could come over and help us to get that insurance for the next phase at the proper kind of price, because we're in trouble.

And I purposely live on Mare Island. I'm going to take just another minute to tell you what it's like to live on Mare Island today. I want to live with our students, because they're complaining. In parts of Alaska, in the Mississippi swamps, and on Mare Island, there's no cable TV. That isn't funny if you're a student who wants to watch cable TV and if you're a university that wants to transmit information to hospitals using high-speed cable where you can have interactive video and you can't even get regular cable.

What do you think they think of us? We can't get the right telephones because the lines don't exist. DSL, you know, the thing that gets advertised? No chance for five or six years. So that it is very, very difficult, because of the situation we're in, that I hope you're all handling. Now, I've only got five minutes, so I promise not to talk longer, but I could talk two hours if at another time you invited me.

Let me tell you what we're starting to do, and it's around you. We've just written a letter to President Clinton, because he was here and he made promises. And I'll hand out some of those letters. We've just written letters to the four presidential candidates who I assume are going to be in California asking for their help, and we're asking for your help because you're talking about global issues.

And that's good and important, and you should be knowledgeable about them, but a lot of you live in this county and should be concerned about Mare Island, and we're on Mare Island and we're in trouble. Thank you for letting me speak so long. I'm going to give you this information, but it's only the first one. There'll be many more to come unless we can get the Navy to help us more. Thank you.

Mr. Dennis Kelly - Okay. Any other comments on early transfer? All right.

Mr. Faiq Aljabi - Thank you. Now I'll open it up for public comments. I assume no questions, no comments.

Ms. Myrna Hayes - Before we take a break, for those of you who don't know who I am, I came in late with the food. I'm Myrna Hayes, and I'm the community co-chair for the Restoration Advisory Board, and I apologize for coming in late. I just wanted to thank everyone -- Chip has a comment.

Mr. Chip Gribble - Sorry. At the beginning of the meeting, we went around the room for introductions, but we only went around the tables here, and I don't think we got to the public part of the room.

Ms. Myrna Hayes - Can we quickly do that? Our policy has been to invite folks who are here with us to share what their names are, who they represent -- you can also be anonymous if you like.

(The guests and community members introduced themselves.)

Ms. Myrna Hayes - Well, Mike, it took a bit to get you up to a Mare Island RAB meeting, but welcome. Mike's a former Navy co-chair for the Alameda RAB. And I visited your RAB about five-and-a-half years ago. So welcome. Okay, I just wanted to thank half of this room for their effort in promoting Mare Island this weekend through the 4th Annual Northern San Francisco Bay Flyway Festival hosted by the U.S. Fish and Wildlife Service on Mare Island.

And, again, it would take some time to thank every one of the folks who participated -- I particularly want to thank Roy F. Weston, who made a major contribution to underwrite the festival. And we hope that fellow Mare Island tenants and our Mare Island businesses, as well as the Vallejo community, will in the future take the opportunity to help fund that event in a major way. And I also want to thank John Cerini, City of Vallejo, for the tremendous work they did to provide the infrastructure, the underpinning to make that event successful. The numbers keep coming in today, but I can tell you quite confidently that around 2,800 people participated in that three-day festival. Around 2,400 came through the gate on Saturday alone. So thank you.

And in celebration of that wonderful event, Swarovski Optic gave me a hat, and that will be the pass-the-hat for the food tonight, and we encourage you to make whatever donation you can. The Navy doesn't pay for our food that we'll have at our break; we do. And that's kind of the spirit of what we've been doing here for the last five, almost six years, six years in April, is trying to partner with the Navy, for those of you who are new to the community, Dr. Sexter.

And I also want to note, for those of you new to this town, don't feel alone. Join us in living in the new western frontier, which is what I call this town. It has all the rub of the continental plate happening right here, so it's an exciting place to live. And we're pretty good by now, me being just a carpetbagger to this town, only living here 13 years -- we've become pretty sophisticated at figuring out how to help each other out, the barnstorming we need to do. I'm sure there's someone here who would be happy to have your students come over and watch cable TV with them. And I know fiberoptic goes over to the island because it goes about 14 feet from my house and it caused a major gas-line break when it went through, so I know it goes there.

Dr. Jay Sexton - It goes only to the telephone company.

Ms. Myrna Hayes - Well, we could get out and do some ditch digging. Anyhow, we don't want to make fun of you, but join the rest of us on the other side of the river who are living just about as primitively. We'll all work together to compete. Unless anybody has other comments at this period, let's take a ten-

minute break till ten after. And if you do have something else to bring up, we have another public comment period near the end of the evening. Thanks, Dennis, also, for being here.

(Recess 7:57 p.m. to 8:11 p.m.)

Co-chair Reports:

Ms. Hayes - I invite you back, and do I have a co-chair's report? Do you have anything to report?

Navy Co-chair

Mr. Faiq Aljabi - I don't have a co-chair report, but I have information on the BRAC. And I think the Navy Co-chair, Dick Logar, may no longer be attending the future RAB meetings or co-chairing the meetings. We are in the process of selecting another person. We did interviews, and hopefully within the next two to three weeks we'll have a person selected, and maybe the next RAB meeting, March - February? - I don't know if the meeting will be in this room or not. We're still looking for a location.

Ms. Kathleen Ellis - It's March.

Mr. Faiq Aljabi - March. Okay. Jumping ahead. So hopefully next meeting we'll have a Navy co-chair back. Thank you.

Community Co-chair

Ms. Myrna Hayes - I wanted to update folks on our concern about a lack of community representation at the Expanded Conversion Management Team meetings. The Navy, Tom Sabbadini, responded. He's the current base conversion manager for EFA, Engineering Field Activities West, in San Bruno. He responded on behalf of Captain Greg Buchanan, EFA-West, saying that he would not allow community representation at the ECMT meeting and was speaking on behalf of Captain Buchanan.

That was a response to Congressman George Miller, who did request that they explain why the community was not involved, and his response was that he already had three members of the RAB participating, being the U.S. EPA representative, Bonnie Arthur; Chip Gribble from California Department of Toxic Substances Control; and the base environmental coordinator, Dick Logar.

So he missed the point there, I think, that we were asking for community representation. So what it's going to take -- and we heard that the State was going to respond, but so far, unless I've missed it in my mail, I haven't gotten any response from the State. I don't know if you can tell us anything, Chip?

(Mr. Chip Gribble gestured.)

Ms. Myrna Hayes - No? So it demonstrates, Dr. Sexton, what we're up against here. We have the President, as you noted in your memo, offering the five-point plan for expeditious transfer of the bases into the hands of the community, but at the same time the U.S. EPA and the U.S. Department of Defense creating a system called the Restoration Advisory Board for those of us in the community to act as two-way vehicles for information flow about the cleanup, expressing our community's concern about the cleanup, and then taking the information we learn about the cleanup back out into the community.

Recently, June of '98, that process was diverted into private meetings where the community has no representation. So clearly our letters fall on deaf ears. We sent a letter specifically requesting representation -- I believe I wrote it finally -- we wrote all the versions of it in October, and we just get that glib answer from the Navy. We get no response from California Department of Toxic Substance Control, no response from the U.S. EPA, no response from our federal senators, and none from our state representatives.

So I think, if anybody's going to make a difference, it's going to be the City of Vallejo itself, the developers themselves, and the people at that table saying, "We're not going to go to this meeting unless the community has a representative observer," because many issues are being discussed there. We're being told no decisions are being made, but decisions are being made based on those discussions, and those topics are not being brought before the RAB.

And I've said this about 200 times, I think, but I'll continue to say that as long as discussions are going on outside of the RAB concerning the cleanup that affects the community, that the RAB should be hearing about and discussing -- it makes our process here a waste of our time and it makes this process somewhat of a farce. And I'll continue to go on record saying that.

And so you ask us to help you out, and we provide a forum for the community to express their concern, and your concerns are legitimate about the cleanup issues you have. And I imagine that many other lessees and potential business people have similar concerns. They might be able to be solved right here through this forum, but I'm telling you that this forum has become somewhat of a joke. And one of the things you can do to strengthen the role that we can play is to note whether this seems like it could be an important function or something that's outserved its purpose.

So there. That's enough of my concerns, but I just want to give you an update because I know many people on this RAB are concerned, and they work very hard to try to at least get an observer representation at that meeting or bring those meetings back here where they used to be, in the public eye. And just to clear up any confusion that just happened, our next meeting is the last Thursday of February -- is that February 27th? -- here. It's our March meeting that I believe is March 30th --

Mr. Adam Chavez - February 24.

Ms. Myrna Hayes - February 24. I'm sorry, February 24th. I think it's our March meeting -- that is, March 30th -- that has a yearly conflict with the library, and they have a two-week book sale that goes on in this room. So we'll probably just be moving over to the city council chambers?

Ms. Kathleen Ellis - We're going to try for that.

Ms. Myrna Hayes - We're working on that. And we will hold a meeting in March. We're just not sure of the location.

Dr. Jay Sexton - We would invite you to have it at Touro, if you'd like.

Ms. Myrna Hayes - Well, that can solve a lot of problems, if you can get us through the gate.

Mr. John Cerini - I can do that.

Ms. Myrna Hayes - I know you can do that. That might just make it simple, and it would be great to see another part of the island. Okay. Let's move along to the community outreach report.

Subcommittee Reports:

Community Outreach Focus Group

Ms. Diana Krevsky - I have just a few things to report. The survey that has been ongoing about the Mare Island -- surveying Mare Island workers about the environmental cleanup -- is just about finished.

(Ms. Myrna Hayes gestured to Ms. Diana Krevsky.)

Ms. Diana Krevsky - Oh, you have four more? Okay. I'll need those. We're cutting it off and evaluating and summarizing, and by the next RAB I should have a report, at least one copy to circulate. Although a small percentage of the returns have come in compared to what we distributed, we could think of it like an election exit poll. And so with that in mind, it might still be revealing.

The other thing is, we're going to have a community outreach focus group meeting tonight after this meeting. If anybody is interested, you're invited. We're going to meet at Nation's restaurant, the elegant place to eat, which is on Sonoma and Tennessee, and we'll probably meet anywhere between 9:15 and 9:30. And we're going to discuss the Navy's community relations plan from 1994. We're going to reevaluate it and come up with some suggestions.

The other thing is that the RAB was well represented at the Flyway Festival, and I think that is community outreach. I thought it was a very successful event, and my compliments to Myrna and all the volunteers. It's amazing how many people were there and helping out and attending and enjoying it. It was fun, and I think that it gets the community out over at Mare Island and not only interested in the wildlife and their natural habitats and the historical environment, but it will enhance their curiosity to know more about the cleanup. And that's a form of community outreach. So thanks.

Ms. Myrna Hayes - Jerry, do you have a report on the natural resources committee focus group?

Natural Resources

Mr. Jerry Karr - Well, most of the natural resource efforts of late were focused on the Flyway Festival, and earlier Myrna thanked half the people in this room for their participation. Well, representing that half of the people in this room, I want to thank Myrna. And she was on the clock, working for the Forest Service, and it probably works out to maybe one-third pay for the efforts that were invested. And that same tenacious bulldog that tries to keep this process going is what makes the Flyway Festival the success it is.

We had a tremendous turnout of people. We're reaching saturation at Building 505, so we will be looking for additional space at Mare Island as the festival grows in the future, if that's the direction it goes, because we couldn't hardly move. It was just wonderful to see that many people. And I kept looking over my shoulder for a fire marshal, because I knew we were out of luck if he showed up. But I just want to go on record thanking Myrna for her efforts, because I've been involved since day one in the festival, and, Myrna, thank you. (applause)

Ms. Myrna Hayes - Well, it's all team, that's all it is. And like I said before, we'd love to have the rest of you folks from Mare Island join us next year, because I want to tell you that 50 percent of the folks who attended were from Solano County, and the other 50 percent were from outside of Solano County or outside of the state. So if you're wishing to attract students to your university or tenants to your businesses, that's one vehicle for doing that. The technical focus group. Paula?

Technical

Ms. Paula Tygielski - On December 4th, there was ARC training, and Ken's going to explain that.

Mr. Ken Kloc - On December 4th, we finally had our ARC View training, and it was an eight-hour session. It was excellent. I learned quite a bit, and have forgotten a lot since then, but if anyone else would want to describe anything from that session, why don't you pipe up now, or otherwise I'll just continue on.

Q. Ms. Diana Krevsky - It's really a question. I wonder if the RAB library files are updated along with the Navy's files, or Tetra Tech, if they're current, because I don't know if we're working with old information.

A. Ms. Myrna Hayes - I think Mike Bartunek said that we have the same information that was loaded up that day. I think it's October of 1999. It's fairly current information. For those of you who don't know what that training was, we requested, from the Navy through a TAPP grant, a computer loaded with ARC View. And we now have the Navy's database accessible to us, and we'll share it for a price.

And the Navy paid for an eight-hour course for us to be trained in how to use that database, and it's helpful if you want to see some of the environmental-remediation work that needs to be done and what the status is of some of the other work on the base. Graphically, it was very meaningful.

Mr. Ken Kloc - Right. So we're hoping that in the future we'll be able to use the ARC View database and offer a lot of helpful comments related to remedial investigation and cleanup efforts on the base. Another issue is that we still have two other sessions scheduled, and those will be evening sessions, so that we can brush up on our skills, and we should probably be making arrangements for some time in February and March. I spoke with Mike Bartunek about a month ago regarding the contract, and he said it would be possible to extend that contract date as long as the other Mike, who taught us, doesn't have any problems with extending that date; and so far I understand that our teacher does not have any problems with that.

So what we should do right now is send around a paper and have a little matrix of times when people can make it. So this would be weekday evenings, somewhere between 7:00 and 9:00 p.m. So we'll have to schedule two of those days, two of those evenings, in February and possibly March. Okay.

The last thing that I wanted to speak about regarding the technical focus group is that I would like to start developing several TAPP grants for technical review of the remedial-investigation-feasibility-study documents that are going to be coming out in the near future, and I'm thinking of maybe writing two or three TAPP grants in the next six months or so. And I wanted to know whether people would voice support for that or whether they think that we should be writing TAPP grants for things other than technical review. So that's a question to the folks.

Q. Mr. Adam Chavez - You're saying that you're going use it for technical reviews or --- ?

Q. Mr. Adam Chavez - -- or one of the other focus groups, you mean?

A. Mr. Ken Kloc - Well, I don't know if people have reviewed the nature of the TAPP grants, but there's a total of \$50,000 available for us to use for education related to making technical comments or being able to give better community input to the overall cleanup process. And so what I'm asking is, do the community members feel it's a good idea to go ahead and spend a good chunk of money to do some technical review in the next year or so?

A. Mr. Chip Gribble - Yes.

Mr. Ken Kloc - Okay. I'll take the silence to mean --

Ms. Myrna Hayes - Well, maybe we'd better do a hand raising.

Mr. Ken Kloc - Okay.

Ms. Myrna Hayes - If you agree that the best use of the TAPP funds would be for Ken to draft or for you to get together and work on a draft of a proposal that would focus on technical assistance or education related to being able to better review the documentation from a technical angle, raise your hand and say yes. Okay.

Mr. Ken Kloc - Okay, great. So what I'm going to be doing then in the next month or so is developing a few TAPP grants, and then I'll circulate the drafts for folks to have a close look to see if they support them. And they'll pretty much be the standard kind of hiring consultants to review and give us independent technical commentary and presentations on various aspects of the base cleanup.

Q. Ms. Myrna Hayes - Another thing that was useful, at least to me -- and this was several years ago; I don't know how many of us are still around -- was that someone had some funds for UC Davis to give us a workshop or two on eco-risk assessment, and I believe -- did we have human- health-risk assessment, or was it just eco? Can you recall?

A. Mr. Chip Gribble - Just eco.

C. Ms. Myrna Hayes - Just eco. So it might also be that that consultant would offer that type of workshop where we would become more skilled at being able to review those particular documents. And I think, before you go to the trouble of writing the entire grant application -- because I know that's labor intensive -- how about just writing an outline of two or three of your ideas that are running through your head and see what folks think, before we go to that extra effort.

A. Mr. Ken Kloc - Okay.

Ms. Myrna Hayes - Anything else from the technical focus group? Okay. Cynthia, transition and reuse. You met this evening?

Ms. Marquez - Yeah, we did.

Transition and Reuse

Ms. Cynthia Marquez - I'm Cynthia Marquez, and chair for transition and reuse. We held our second meeting tonight before the RAB meeting, and we are still thinking about what our role is as a committee. And as of now, we said that our role is to be used as related to the cleanup. And we thought that we would start with giving information to the board about the schedules for cleanup, schedules for reuse, and the second one is do a synopsis of the Economic Development Conveyance, the EDC, and present this to the board. John said it's about five volumes of that, and --

Q. Ms. Myrna Hayes - You're going to do this; right?

A. Mr. John Cerini - Correct.

Ms. Cynthia Marquez - And we'll bring people from Legacy. John's going to talk to them to come here. Yes. With regards to the EDC, we'll probably have a presenter, Craig Widdam.

Ms. Marquez - And we would also be having an orientation tour at Mare Island. And the original plan was to have an orientation tour, just one tour, but to suggest that we hold tours every six months so that we will update on what's happening out there. And we would like to have a general tour of the whole island, and then go into several places where we want to have more focus or where we want to focus our attention -- IR 8 and IR 17 were suggested areas -- so that we can get a feel of it. And I would suggest that one of the places we visit is Touro University and see what's happening there.

Q. And there's a question -- Adam said let's throw this to the body -- what do you expect from us? What other things would you expect from us, aside from the ones that I mentioned already? And I think, in the light of what Dr. Jay Sexton from Touro said, I think at the next meeting -- which will be, again, an hour before the RAB meeting -- we would have to rethink the goals of the committee in the light of what he had just said. Because I feel bad about the whole thing, because it's like what you said, we would like all the information up front and not after the fact. I think that has been a feeling of many of the RAB members. Thank you.

Q. Ms. Myrna Hayes - Anybody else on the reuse committee or who met tonight have anything to add to what Cynthia reported?

C. Mr. Adam Chavez - This is just a comment. It seems like the outreach committee and the reuse committee are talking about the same goals. It seems like we all need an update on what's going on out there, so I guess that would be a copy of the outreach to go along with what the reuse committee's doing also.

C. Ms. Diana Krevsky - I think, in regard to tours, an orientation, I think we're going to discuss that, too, as a form of community outreach. So you're welcome to attend.

C. Mr. John Cerini - Just one comment I wanted to make. One thing I think we would definitely focus on is, any presentations would naturally go through you, and we would insure that it was afforded to the group as opposed to just us. So those were some things we talked about.

Ms. Myrna Hayes - Six years ago, almost, when we started thinking about what the RAB purpose was and what this particular RAB's purpose was, we stole the idea from Alameda of calling the subgroups or subcommittees focus groups, and so thank you. And it's six years, and one of the things I continue to remind folks of is that those subcommittees or focus groups should have representation from the RAB members, but they are also an invitation to the public to participate. You do not have to be a RAB member to come to those meetings. And because they are volunteer, we are all volunteer, they are above and beyond the attendance at the RAB meeting. So no RAB member is required to attend.

So if you think that we have some sort of funny hours, you know, at Nation's after the RAB meeting, remember that we're just doing this from our heart and that some of us have been at it for a while, but we still feel tremendous concern and love for the base and want it to be a viable part of this community and we want to feel good about the environmental cleanup that's taken place there.

I do feel like there has been a disconnect in the last few months, maybe even a year, with the Navy concerning transfers, leases. I know the City and the Navy and the developers have been very involved with the economic-development conveyance and getting that moving through the process, and I was more than a little surprised to find the finding of suitability for transfer for the golf course documents in my mail, and then immediately seeing a big ad in the Benicia paper for -- probably in all of the papers, and I truly must have just missed something. I probably didn't read those documents that were coming up carefully enough, but I know it was a surprise for me.

And, again, I just want to really encourage those who are in this decision-making loop to pick up the phone -- we've got E-mails now -- to shoot over an E-mail if you think it's something your fellow RAB members would want to know about. This town is a little bit backward in terms of its communication network, and I know I've had a lot of phone calls about what was happening on the hill, from the Vallejo side, the golf course expansion, because it's extremely dramatic. It looks like they're ripping out half of the hill, reconfiguring it, and I think there's a lot of concern.

So to the extent that you can -- those of you who are involved in this process on a daily basis and you take it for granted that we know what's going on -- get information to us so that we don't look like idiots when the press calls us up or when our neighbor calls us, then we're going to be better serving the community and -- and we're going to feel better about this volunteer job that we do.

- C. Mr. Faiq Aljabi - Yeah, actually I found out about this document myself today, and I promise you that this will be corrected in the future and we'll be working together. This thing will not happen again. I mean you will be the first people to know, and in the future we'll give you tables, schedules when the documents will be ready for your review, for public review, before they go out. So we'll be working hard on this, and with your help, we'll get there.
- C. Ms. Myrna Hayes - Thank you very much. I know that you've been in a big transition, closing an entire operation at the base, and then now the whole Bay Area, moving operations to San Diego. So, again, I'm not going to beat anybody up too much, but I appreciate your effort. John, City report.

City Report

Mr. John Cerini - I don't have a lot to report. The only thing I can report is that the Roosevelt Terrace transfer, which is the first transfer of property, is progressing. There are some things, since this is the first one, that they're sorting out, but it's still progressing. That's really the only thing I have to report.

Q. Ms. Myrna Hayes - Do you have anything on the golf course?

A. Mr. John Cerini - The golf course was a project that did get reviewed. It got reviewed by the historical group, and DTSC was involved in all the reviews, but that's progressing also. I think the weather created a few problems for them this last week, but it is progressing.

Mr. Chip Gribble - Myrna?

Ms. Myrna Hayes - Yeah, Chip.

Mr. Chip Gribble - John was just asking me if we reviewed that. Actually, we didn't review their development plans. That's not our business. What we did review is the FOSL and the lease-restriction-revision form, or the lease restrictions related to that FOSL, the lease agreement with the golf course developer, to see if we had any environmental reservations related to his expanding his golf course; and

we didn't. So this was way before the golf course-redevelopment program began. We concluded that we didn't have any problem with his redevelopment plan based on our environmental concerns, and that was it. We lifted some of the lease restrictions to allow him to do whatever he needed to do to develop his golf course. That was it from our role.

Q. Ms. Myrna Hayes - And so you'll make comments on the transfer document, or not?

A. Mr. Chip Gribble - Oh, yes, we'll make comments on the transfer document. I'll talk about that.

Ms. Myrna Hayes - All right. So I'm seguing into the regulators' report, so Bonnie and Chip, if you'd like to come up here and dual with the microphone here for a bit.

Regulatory Agency

Mr. Chip Gribble - First let me talk about the ECMT meeting. The ECMT meeting is the Expanded Conversion Management Team meeting, which is a monthly meeting held the first Wednesday of the month with the city, the developers, the Navy, and the regulatory agencies. And, I know, Faiq, this agreement is not your doing, but the offering that the Navy had made was that they would provide the RAB meeting minutes in lieu of allowing the public to attend that meeting. So we would ordinarily expect to have copies of those meeting minutes distributed at this RAB meeting.

However, I'd add to that, I've said repeatedly at this RAB meeting that the meeting minutes that the Navy has put out for that meeting have not been meeting minutes that I think were accurate, and so I've never stood by those meeting minutes. However, the last submeeting minutes seemed to be an improvement over the past meeting minutes.

I also said at this meeting, because of those poor meeting minutes, that I wouldn't carry the Navy's water here and talk about that for them, that I would leave that to the Navy, make it their responsibility to communicate with this RAB what happens at that meeting. So a comment on the letter that the Navy had written in response to the RAB's letter: I didn't know that I was representing the community, but seeing as how, according to the Navy, I represent the community at the RAB meeting, I'm wondering who's representing DTSC. Maybe I should write a letter saying DTSC needs to be represented.

One document that we have under review is the Investigation Area E technical memorandum. Area E is basically the hill, the southern part of Mare Island. That document discusses the environmental issues that we have for Area E, and that document should lead us to a RAP or a ROD, the decision document for that hill. I would encourage people to look at that. It discusses one residual problem with pesticides at the golf course for normally applied pesticides, which is what you'd expect at a golf course, and it proposes a need of restriction for the golf course so that it wouldn't be used for residential development unless something else took place. And we would agree with that. I believe that the developer has no problem with that type of a restriction, since I don't think he plans to do anything but use it for a golf course.

It's a good document for the technical focus group and anyone else who's interested in that area because, as I said, we're headed toward a transfer for that area. And there's another document that you have mentioned. There was a FOST, a Finding of Suitability for Transfer, for Area E, and Faiq said he had just seen the start of that last week, and that document was a total surprise to us.

Unless the Navy wants to preempt this, we will initiate the dispute-resolution process over that

document. This is the first time we've ever received a FOST or a FOSL, any of these brief-type documents, where the Navy hasn't submitted them to us informally prior to issuing it to the public.

In the past, the Navy's always given those to us informally; we've given them comments back informally. We've gone back and forth until basically they've addressed our concerns, and then at that point the Navy submits those comments or releases them for public comment or public review. In the case of this Area E, we told the Navy that their idea of doing a transfer of this property without the remedial action plan or ROD for the hill, for Area E, is a process that we couldn't go with.

That was not consistent with our procedures that we had an agreement with the Navy that we would do a RAP/ROD for Area E and then do a FOST. The Navy's schedule, even though we haven't agreed to it, calls for a RAP/ROD for Area E and then a FOST. The Navy's issuance of this FOST is inconsistent with their own proposed schedule, and it is inconsistent with the way we've operated in the past, and it's a violation of the process we've always followed with the Navy in terms of the FFS survey and submittal of documents for our review prior to issuing them for public comment.

So from several different perspectives, or bases, we will be issuing a dispute letter related to this FOST. We strongly disagree, and I would hope that the Navy would see the folly and back away from that as quickly as possible. I'll move on. Area A-1, one of the roadblocks we have for investigation of Area A-1, which is most of the area north of the causeway -- we have been maintaining that we need to see a remedial action plan -- that's a decision document -- prior to transfer for that area, and the Navy has said no. And we've been talking further with them, and we think we've got some sort of compromise where the Navy is willing to do the work, but then DTSC would issue the documents.

The concern there is that I don't spend a lot of time preparing documents that otherwise the Navy would prepare, and the Navy's concerned about precedence of some sort. So I think we have it worked out which will allow us to move forward with that and keep to our schedule, which calls for a transfer of that or a FOST for investigation of Area 1 by the middle of this year.

The community relations plan -- Diana mentioned that I wrote a letter back in November or December saying the community relations plan was significantly outdated and needed to be revised, and we got a response from the Navy saying they're willing to do that. And typically that process begins with interviews where the Navy and the regulatory agency representatives conduct interviews with people from the public or community representatives and get their input into the entire program. I suggested to the Navy that we skip that step in this case because we've done that in the past and the Navy has done several interview rounds subsequent to that on various programs, and even Diana was talking about an interview program that the outreach focus group has been doing. And my interest in that was to save us some effort and time, and I certainly don't have the time to spend on that.

And I think I have a good sense of what the community is looking for in terms of fixing the community relations plan. My idea was just to submit a list of things to remedy that document and move forward. The Navy does want to do community interviews, and I guess we'll be moving in that direction and conducting some interviews with members of the public at some point in the future in the effort to revise that community relations plan.

The Regional Water Quality Control Board -- another issue that we have had is the Regional Water Quality Control Board has also been understaffed, and they've been beaten up significantly over the last

year about their resource shortcoming. And I can tell you they've hired a person. They now have two part-time people for the water board assigned to Mare Island. So I am hopeful that from that end, particularly the UST program, the underground storage tank program, will begin to move forward; we'll see some improvement there.

We have another document under review, which is the investigation of Area A-2, remedial investigation report. I think Bonnie is going to talk more about that. I'll be issuing a letter rejecting that document on the basis that it's incomplete. The way this is supposed to work is that there are several feeder documents to be completed prior to issuance of a remedial investigation report.

The PCB program reports should be completed. The UST program site should be reviewed and completed with respect to surplus-type contaminants as opposed to hydrocarbon contaminants. Those two programs have not completed their reviews of the sites within that area, so therefore, that document is incomplete.

There's another problem with the document which Bonnie brought to my attention, that the Navy has redefined the boundaries of the Investigation Area 2. And this also comes as a surprise, and I say that with emphasis. That's not a minor change. The Navy went ahead and did this without telling us, much less consulting with us, about such a significant change, and that's very disturbing. So that's also unsatisfactory and another reason for us to be rejecting that document as incomplete and premature. I'll give Bonnie some time.

Ms. Bonnie Arthur - I'll be very brief. Just to elaborate a little on the Investigation Area A-2, remedial investigation report, Chip was talking about UST and PCB overlap and those issues. In terms of the technical basis, the sampling, we approved more sampling to be conducted there last year, and I am pretty satisfied with the level of soil and groundwater sampling that's been done at that site.

One of the issues I raised in my comments is this question that I just I asked Dennis Kelly about, is, we have reuse zones -- areas for the whole island -- but we don't really go out into the strait. And so this particular site is right in through here, and a definition in the documents is that it's extending out into the strait. So the question I had was, do we need to consider potential recreational receptor and their potential exposure to sediments? We do extensive studies on the ecological potential impacts of the contaminants and the sediments, but we haven't looked at potential recreational focus out there. The only thing that comes to mind is maybe a fisherperson with waders on. I think most people I see out there are in small boats, but occasionally they must get stuck and have to get out of their boat. That's just a thought.

So that was one of the technical issues I raised in our comments that went out this week on that report. I look forward to trying to come to a solution on that, because that'll affect quite a few of the areas up and down the strait. I also wanted to mention, I've been trying to keep folks apprised of the remedial investigation reports coming in. We're slated to have another eight come in this year, so a few of those have slipped. Some of that's due partly to the transition to San Diego from the Navy RPMs, but there might be other reasons too. So I don't have any new dates. I'm assuming that we'll get a couple next month, but I'll at least let Ken know when I get more information.

Briefly, to elaborate on what Chip was saying with this FOST coming out, it's unusual that we also didn't know that the public comment period was starting until we opened our reports too. And so I

made a phone call to Tom Sabbadini at the Navy last week and said, "You've got to give us all a heads-up that are out there and fielding questions," like what Myrna said, "that are from the public," that the public comment started, and we didn't even know that.

Also, another problem with that document going out for public comment is that one of the documents referenced in that report didn't come out until this week. I just got it today, in my office, and one tonight. So I also told Tom Sabbadini that the public comment period should officially start once all the documents are in and everybody has had a chance to go look at those supporting documents when they're reviewing the FOST. So I made a phone call about both of those, and I hope to see the Navy extending the public comment period to when the supporting documents are out for public review.

And briefly, we're still in meetings on the dredge pond, the early-transfer issue, and we have a follow-up meeting in a few weeks to discuss that, and so we'll probably keep you guys apprised of that at the RAB meetings. Any questions?

Q. Mr. Ken Barden - Ken Barden, community member of Vallejo. Address this question to Chip. You mentioned that the Navy redefined the boundaries. What was the rationale, or why did they feel a need to do this, or do you know?

A. Mr. Chip Gribble - I don't believe the report said so, but I believe what the thinking is that this has been, and in my view still is, Investigation Area 2, if you can follow underneath my fingers here, and for this part of Investigation Area 2, which is behind this building along the waterfront, I believe they figure they have no environmental issues, therefore, they don't need to talk about it in the report. I believe they just want to do a FOST and dispense with the property.

And in my perspective, without a proper decision document where we have stated -- publicly and on record -- that we have no environmental issues, we agreed formally on record we have no environmental issues, they're not giving us that opportunity. At some point, this acreage needs what the process calls for us to say in a formal way either through an NFA letter, a no-further-action letter, or through a remedial action plan -- these are State terms -- that we have no environmental concerns with that property; we're done with it from an environmental perspective.

The next step then is a FOST. The Navy is going to just issue a FOST, and that's it, without any discussion or documentation saying or demonstrating that that property has no environmental issues. Any other questions? Ken?

Q. Mr. Ken Kloc - I was wondering what's the logic behind submitting the FOST for Area E before it's time? I mean, can anybody answer that? What's going on?

A. Mr. Chip Gribble - I'm at a loss. It seems to me that that's the smart thing to do, but this is my opinion. Obviously the people at the Navy -- or perhaps Faiq --

A. Mr. Faiq Aljabi - Yeah, I'll tell you, I don't want to be in defensive position. I'm not aware of these processes that happened. And we have a new team in place, and all these issues will be revisited and the process will be changed. I can promise you that will happen. Why this happened, why the documents went out and why U.S. mail, why the FOST was done before other studies, like I said, I don't want to be in defensive position. We didn't have control at that time. But things will change and we'll be working together to have new schedules, like I mentioned earlier, new schedules, new tables, and follow the right procedure. Thank you.

C. Mr. Chip Gribble - Thanks. Look forward to that, Faiq. Thank you.

Ms. Myrna Hayes - Just before I forget, I want to submit the minute changes for the December 2nd meeting from Rob Schonholtz. Well, that was a rousing session there. Obviously there's been a disconnect, but I really appreciate your assurance, Faiq, that things are gonna change. It was a very big project. I don't think any of us can imagine what it would be to close up shop here and move everything to San Diego; though that does remind me that I've just circled Larry Douchand, the base conversion manager -- apparently Larry's phone number at the bottom of this. I say apparently because Tom Sabbadini-- his name still seems to be coming up, and I thought he was the base conversion manager and that Larry was taking his place. So I'm a little confused.

But I am concerned that, if we wanted to contact the Navy or we had someone who calls us and wanted to contact the Navy from the community, that we would have to make a call clear to San Diego, and I'm not going to call San Diego unless you give me a phone card. So I can't expect anybody else in my community to do that either, and I'm not going to ask them to. So I understand that you had a storefront that you were creating here in the Bay Area. As soon as you could give us a local phone number -- Dick Logar had a Mare Island phone number, and so did several of the other folks who were decision-makers with the Navy. They had a local number.

Q. So could we work on that?

A. Mr. Faiq Aljabi - Right. These issues will be resolved. And that storefront is still in the development stage, and we'll have people here. We'll give you phone numbers. If you want to call me in San Diego, I'll give you my phone number. It's area code 619/532-0989, and you can call me during this transition until we have all the right people in place. We'll have the BEC in place. We'll have a person here at that storefront. We are still hiring a lead RPM, environmental RPM, and we just need time. Maybe one month, month and a half, all this picture will be finalized, and we'll have a list of phone numbers, people to call and contact here and San Diego. So we'll work on these issues.

C. Ms. Lisa Fasano - Faiq, if I could just add to that. Again, I'm with the public affairs and community relations for the Navy and now taking on the whole Bay Area, and I'm located here locally at Alameda. And although I don't have a Mare Island number, I do have a 510 number, and I can give that to you, and you can always make contact through me, also. And, again, my name is Lisa Fasano, and my number is area code 510/749-5951. And I'll make more contact information available in the minutes submitted later.

C. Ms. Myrna Hayes - My point is that, as a community co-chair, I bear a lot of expense for day-to-day functioning of that role, and I know that other people who ask me for information about the Navy, I am not going to give them a San Diego phone number. I appreciate you giving us the phone number, but I need to have listed by the next agenda a local phone number that people can contact, a decision-maker for the Navy.

Q. Ms. Diana Krevsky - How about calling collect?

Q. Ms. Myrna Hayes - Yeah, can we call collect?

A. Mr. Faiq Aljabi - I am not aware of this, and the policy is not to receive collect calls. It's beyond my control. It's the Navy policy.

C. Ms. Myrna Hayes - Well, that's understandable, but it is also our policy that we can't run up our own bills serving you. We're your advisors, and U.N. advisors, as I have been known to say before, are very important people, and so we're just like them. We're very important people to the U.S. Navy, and so you need to make a way for us to contact you locally or give us money to pay our phone bills to contact you. So I'm sure you can help with that.

Okay. This is a public comment period for anyone on the RAB to bring up an issue not on the agenda,

or one for the community to say anything you want. Doesn't matter if it's on the agenda; doesn't matter if it's even related to cleanup. So here's your time.

Dr. Jay Sexter - As I told you when we started out, I was prepared for an hour, but I won't take that whole hour because I know in five minutes everyone has to be at that next meeting. I just want to remind you of one thing and give you my own personal comment. The Navy does not consider asbestos part of their obligation. The Navy does not consider lead-based paint their obligation. The City of Vallejo, the State of California, the county, has a different requirement for cleanup than the Navy. And when I first came here, people advised me not to come to this group --

Ms. Myrna Hayes - People did, huh?

Dr. Jay Sexter - People. Some of the leading people in this community. And they said don't come to this group because they're a discussion society and they're not really an action group; if you want something done, go to the action group. I want you to know that I started here because you are the group that should be able to do the action that's important for the people in this community, and I just hope that you are more than a discussion group and that you are actually a group that can force action, whether it's the simple task of having the Navy have a local telephone number so you can speak to them when they move away and don't leave their telephone number -- you know what that's saying -- or when they do an action to the State of California or to their representatives which is inappropriate. You know what that's saying. And we'll help you act, but I implore this group to be more than a discussion group, more than a debating society, and more than an information group. You can be what you decide you are. And I thank you for your time.

Ms. Myrna Hayes - And thank you for being here, because there's no point in us being here unless people like you come here and tell us what your needs are. Chip?

Mr. Chip Gribble - I just want to tell you one story which should give people an indication of how effective this group can be. Several years ago we had a site at Mare Island -- we still have a site, it's still a site for other contaminants -- but the DMRO scrap yard had radiological contamination, and at the time the shipyard was closing, after \$130 million on this radiological investigation cleanup, the Navy said, "We're out of time and we're out of money, and we're not going to do this one; we're going to leave that for another day or for somebody else."

And although I reminded the Navy they had made a commitment to resolve all radiological issues before they went away, they weren't responsive to that initially. But this group did insert themselves into that discussion, which led to a three-star admiral sending out a Navy captain to personally oversee this issue to its final conclusion. And the estimate of that cleanup dropped from \$50 million as a justification for not cleaning it up to the final cost around \$2 million. But it was completely resolved, completely cleaned up. There is no excess radiological contamination at that site, and that's how it was resolved, largely because this group inserted themselves into the discussion.

Ms. Myrna Hayes - It's true, and we are proud of that. And there are those people who tell you that we aren't effective, and I have a hunch about who those people are and I have a hunch about who you were told to go talk to who could be effective, but I don't think there's any place for pitting one group against another. This is a Navy Department of Defense and U.S. EPA-chartered organization. The Navy supports this organization to a tremendous level with the support staff you see here, and those of us

who volunteer, whether we're regulators -- who are often here I think on their own time -- Navy representatives, members of the community, we all do this because we take it seriously. Now, if other people don't take us seriously, that's okay, but we're here to get work done.

So, again, bring any issue that's important to you to us, and to the extent that we can help, we will work together to make changes. And on that note, we are 20 minutes behind. We were like 45 or 50 minutes last month, and we don't like to do that. So I'm going to adjourn the meeting. I'll see you February 24th in the same place, and thank you for being here.

(The meeting was adjourned at 9:18 p.m.)