



Linda S. Adams
Secretary for
Environmental Protection



Department of Toxic Substances Control

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MARE ISLAND
SSIC NO. 5090.3.A



Arnold Schwarzenegger
Governor

April 13, 2010

Michael Bloom
Department of the Navy
BRAC Program Management Office West
1455 Frazee Road, Suite 900
San Diego, California 92108-4310

Dear Mr. Bloom:

Department of Toxic Substances Control (DTSC) staff have completed their review of the *Draft Final Action Memorandum, Building 742 Former Degreasing Plant Investigation within Area C2 at the former Mare Island Naval Shipyard, Vallejo, California* dated March 8, 2010. Our comments are outlined below for your consideration.

1. Page 19, Section 5.1.5.2, National Historic Preservation Act (NHPA) of 1966. The revised language contradicts language in the Final Engineering Evaluation/Cost Analysis/Interim Removal Action Work Plan (EE/CA/IRAW). Therefore, the Action Memorandum should be revised to note this as a change and explain why the change was necessary. Based upon this information, DTSC must then determine what impact this has on our California Environmental Quality Act Notice of Exemption (NOE) as the NOE was based upon the information provided in the EE/CA/IRAW.
2. Page 20, Federal Migratory Bird Treaty Act of 1972. Please replace the last three sentences with the following sentence: "Therefore, although Building 742 FDP is not an area historically associated with migratory birds, Section 703 of the Act is considered a relevant and appropriate ARAR for the removal action due to the use of this area for foraging and roosting by migratory birds." Please also revise the text similarly in the Comments column within Table A.3, Page 1 of 2, Migratory Bird Treaty Act of 1972 (16 U.S.C. §§ 703-712), Migratory bird area, and add that the Navy will implement the steps necessary to comply with this Act.

SENSITIVE RECORD

PORTIONS OF THIS RECORD ARE CONSIDERED SENSITIVE
AND ARE NOT AVAILABLE FOR PUBLIC VIEWING

ADDRESS OF PRIVATE CITIZEN

FOR ADDITIONAL INFORMATION, CONTACT:

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If you have any questions, please contact me at (510) 540-3833 or jnaito@dtsc.ca.gov.

Sincerely,



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