

**MARE ISLAND NAVAL SHIPYARD
RESTORATION ADVISORY BOARD (RAB) MEETING MINUTES
HELD THURSDAY, MARCH 25, 2004**

Mr. Jerry Dunaway, RAB co-chair called the March 25, 2004 meeting of the Mare Island Restoration Advisory Board (RAB) to order at 7:08 PM (1908 hours) with Seven (7) RAB members; Six (6) Regulatory Agency & Navy Representatives; Eleven (11) Community members and guests; and community relations' staff from CDM, Inc. including Doris M. Bailey, Court Reporter, in attendance.

RAB Members in attendance:

- Myrna Hayes (Co-Chair)
- Adam Chavez
- Kenn Browne
- Jerry Karr
- Diana Krevsky
- Paula Tygielski
- Jim O'Loughlin

Regulatory Agency & Navy Representatives in attendance:

- Jerry Dunaway (Co-chair)
- Gary Riley
- Justice Budu
- Carolyn d'Almeida
- Steve Farley
- David Godsey
- Chip Gribble
- Cris Jespersen

Community Members and Guests in attendance:

- Rick Olejniczak
- Michelle Hightower
- Sheila Robuck
- Peter Cerebelli
- Melissa Diamant
- Daniel Murphy
- Edwin Woo
- Terry Iwagoshi
- John Kaiser

RAB Support from CDM:

- Regina Clifford
- Doris M. Bailey, Court Reporter
- Wally Neville

The meeting was called to order at 7:08 PM (1908 hours)

I. WELCOME AND INTRODUCTIONS: (Myrna Hayes, Jerry Dunaway)

MS. HAYES: Hello, good evening. Welcome to the Mare Island Restoration Advisory Board for March 2004.

As is our custom at the beginning of our meeting, on behalf of the members of the Restoration Advisory Board, I'd like to invite you or welcome you to this evening's meeting, and introduce myself as Myrna Hayes, the community co-chair of the Restoration Advisory Board. I live here in Vallejo.

And have you go around and introduce yourselves as RAB members. And if members of the audience would like to introduce themselves, they're welcome to. And if you'd like to stay incognito, you're welcome to do that as well.

Attendees introduced themselves, as requested.

**II. PRESENTATION: Update on Proposed Early Transfer Parcels
(Jerry Dunaway, Naval Facilities Engineering Command)**

MS. HAYES: Okay. Thank you very much. Let's go directly to the presentation that Jerry's prepared on the early transfer parcels that have been being talked about for several months, maybe even, I don't know, a year.

And he -- they've been meeting, I think even today, and he wanted to give us a little more thorough update than what he has been doing in his co-chair's report.

Jerry.

Mr. Jerry Dunaway

Thank you, Myrna. I have a handout going around that looks like this. Hopefully there's enough for everyone in the audience also.

And we have made some progress, more in the way of just informing all the various stakeholders, but still to this point no solidified plans, schedules, or targets that we're looking at other than hopefully completing an early transfer once again here at Mare Island.

And so what I'll be doing tonight is doing an overview of, once again, what are the properties involved here in this early transfer, and what have we actually done over the last couple of months to reach out and touch the various stakeholders who will eventually play a role in this early transfer in a big way. And that's really all the new information for tonight.

So the parcels involved are really broken up in two categories. All of the parcels are the economic development conveyance parcels that are remaining to be transferred to the city of Vallejo.

We aren't talking specifically about any transfers to the States Lands Commission this time around, unlike the last time, although one piece does involve the state. And many of these involve the state, and I'll talk about that later.

But what we're talking about are transfers to the city of Vallejo, and their subsequent transfers to, again, Lennar or Weston.

And so the parcels here, as I've listed, are two areas for Weston, the reuse area one, that's the area north of the causeway.

And then the remainder of the regional park, that's the very southern tip. So they kind of have both of the extreme ends of Mare Island.

And then Lennar has three different areas, the DRMO site or parcel seventeen when you look at the bigger picture in that area.

Then there's the Marine Corps Firing Range.

And then finally reuse area ten towards the south end. And I have a map that shows this. And hopefully this is readable.

This is a map from last year when we were kind of figuring out exactly how we were going to transfer environmental cleanup responsibilities. So down in the legend you'll see a category of early transfer without ESCA, that's not really applicable anymore, this is a figure from a prior letter that we responded to the city with when that was a concept. But now it's not the case, we're trying to pursue ESCAs for all of these areas.

MS. HAYES: Don't use abbreviations; we have some new people here tonight.

MR. DUNAWAY: And an ESCA is an Environmental Services Cooperative Agreement that is the mechanism to transfer remaining cleanup responsibilities on pieces of property here.

So the first category of properties that Weston would be involved with -- there's two parcels up here. And I apologize for the fuzziness, but hopefully your copies are clearer.

Parcel two and parcel 15B are up in this area, and that's the remaining portions of the northern parcel that have not transferred to the city. The white areas there are already in the city's ownership.

Then at the southern end, it's the southern horseshoe looking shaped parcel at the very south shore with a bit of a sliver that goes up the western side of the golf course.

The portions for Lennar are scattered around the middle of the base, the DRMO site. The DRMO site is really just the top 20 percent of this site or this parcel up here in this corner. But this whole parcel is slated to go to the city through the economic development conveyance agreement. And so we're talking the entire parcel there.

The Marine Corps Firing Range here. And approximately, I'd say, two-thirds or three-fourths of this site is on the state's property, the State Lands Commission site of the property lines, and there would be some jockeying of the title to go from the Navy to eventually Lennar. And the state would be involved there.

And then the area ten are the two parcels five and six -- is that correct? -- For Lennar also.

The activities that occurred recently really were two different meetings. One in which we approached the State Lands Commission with this concept of a new early transfer. They were integral in really both early transfers the last time around, and I think they

were happy that was done, and then we came back to them and said we want to do it again.

We met with them back on December 11th, and presented the concept. And it really was just the first time to pitch the idea to them. We identified issues related to the settlement and exchange agreements. Virtually almost all of the parcels have something to do with that settlement and exchange agreement or otherwise be affected by the State Lands Commission, so they are an important stakeholder in this potential early transfer.

And we basically came to an agreement some form of an amendment would be necessary to allow these parcels to transfer. And we know that was critical in the last effort that required lots of time and coordination, and eventually the commission's decision at one of their commissioner's meetings. And that did take quite a bit of time to make happen.

Later into March, just earlier this month, we met with DTSC and all the way up to Ed Lowery, we got his attention, and presented this concept to him and his staff, which was really the first time for the senior managers at DTSC to hear it from the Navy and the city of Vallejo and their developer partners.

Again, we presented the concept of the early transfer, and we anticipate preliminary input in some form. What we discussed at the meeting was a lot of concern about the munitions sites, which are essentially down at the south end of the site. Most all those southern parcels for both Lennar and for Weston have a significant munitions cleanup program there.

And that was a, was an area of discussion, so I'm sure that will be an area that we'll focus on to make sure that that is taken care of properly if this early transfer were to take effect.

And lately, earlier today, we had a scoping meeting with Weston in which we sat down with Weston, looked at the data that we have for the areas that they are interested in, and described what our perceptions and anticipations are for a potential cleanup agreement. And that went fairly well.

One additional item for Weston's work here is we are also talking about parcel nine, which is on your map, but it's essentially the water area that surrounds the eastern and southern portions of Mare Island. The Navy still has a cleanup program there in which we are assessing essentially two media; one is munitions in the sediments, and then the second is the sediments themselves for chemical contamination.

We would approach that similar to how we're cleaning up the landfill where we would include the cleanup in the cleanup agreement, but the Navy would still own the property until the cleanup was done.

That property is slated to go back to the State Lands Commission from the Navy, so we don't anticipate the state wanting that prior to the cleanup being completed.

And that's really the amount of discussions we've had with the various folks involved with it. I think the important pieces there are the fact that we invited State Lands and DTSC into the concept so that we can start to discuss this and figure out is this possible, what will it take to get it done.

On the transfer of cleanup responsibility, we talked about this before and it's not new. Some of the issues revolving around the transfer of cleanup responsibilities is the potential difficulty in pricing some of the remaining work in the southern parcels, particularly the munitions work. We have done a lot of work out there, we've done a lot of cleanup, a lot of removals.

There's uncertainties about how much work is left from two perspectives: How much do you actually need to clean up? And what constitutes regulatory closure?

Being that munitions cleanup is fairly new and not really a refined science yet, there's some uncertainty there.

So how much of a price tag do you put on it? That's one area of potential difficulty. And that may mean that maybe the Navy might have to do some additional work before we can actually get to cleanup. And so that's something that we'll be talking about further.

The settlement and exchange agreement also comes into play. Some of these properties, although the Navy transfers directly to the city, the city has commitments with the state to immediately transfer to the state. Well, the state won't take any property that still needs cleanup, so there's a little bit of a problem there. We went past, went over this hurdle with the prior transfers, so we think there's a solution and we've done it before.

It's called the hot potato maneuver, if you will, where there's a temporary holding party during the cleanup period before it goes to the state. So that may be employed once again here.

The timing of the parcel conveyances is also an issue. The Navy certainly has a preference, we'd like to transfer it all at once, and that way not have any lingering issues.

For instance, we still have one piece of property left to transfer from the previous early transfer agreements that has to do with the western early transfer parcel. We'd like to avoid those kind of lagging transfers.

So we would like to transfer as much as possible, if not all of these parcels immediately after we have the approvals for this early transfer, if we get there.

But in the event some of these issues make it difficult to do that, we also realize that we may have to retain the cleanup responsibility until we can get to a point where we can negotiate a cleanup agreement. And that may then result in, if we can transfer the

property we can keep the cleanup and then negotiate an ESCA later down the road once we do some additional characterization work.

Alternatively, we've been discussing over the past couple of months the idea of a phased conveyance where we don't even transfer the property until some point in the future where we negotiate an ESCA.

So we have a couple of ways where we think we're going to go about the actual parcel conveyance, and it all has to do with the cleanup agreements here. So that is one big issue that revolves around several of these sites, particularly the southern parcels.

That's really the extent of what I have here tonight. We haven't solidified any plans, schedules, or documents at this point. We have made progress with Weston today in scoping, and we think that went very well. We have a meeting of the minds on how to get there; it's just a matter of now putting the pieces together to support an actual transfer.

The cleanup agreement is just really one component of several steps that need to happen before an early transfer can take effect.

So I can entertain questions at this point.

Either you guys didn't understand it, or I was very good.

Questions and Answers

MS. HAYES: Or we're tired of this topic, huh?

I have a couple of questions. When you mentioned in, from your results of your December meeting with State Lands Commission, you have a bullet that says, "Amendments may be necessary to allow the parcel to transfer."

Is that amendments to the settlement and exchange agreement? And, if so, what type of amendments would you be talking about?

And then the second question is what kind of read have you gotten from the state agencies concerning how the state budget is going to affect this proposed early transfer?

And I guess the third question that I might have is that we've seen a lot of challenge on the part of the agency, DTSC, to be able to keep up with even the current work that you have in the pipeline in terms of the landfill and the Western Magazine and all of Lennar's work. And so I'm not quite sure how, if you learned from them how this early transfer is going to actually be beneficial, or how they're going to be able to meet this demand.

Because the perception by the city of Vallejo, particularly the politicians is that somehow early transfer translates into faster cleanup, and faster reuse, and that hasn't necessarily been our experience.

I guess the good side of it is that you've been able to make the money available in the ESCAs through grants, which is a more assured funding tool, but I don't see, but you got -- there's other holes here, so I'm kind of curious.

And I also recall that it took the state agencies a tremendous amount of sort of side tracking from the mission of environmental cleanup to go do these early transfer documents that are rather laborious.

So I'm just thinking that, like I know Lennar is on a pretty tight timeframe, and I think Weston is on that, on the landfill. How that's going to shift or how this is imagined to possibly shift, you know, the state out of reviewing documents and suddenly back to those fiddley little meetings and work in preparation of the early transfer.

MR. DUNAWAY: Let me try and answer that in a kind of hodge-podge of responses here.

First, the idea of state budget or the state's focus on this, yes, the prior early transfers did involve a lot of document review for those documents that really didn't have any direct relationship to progressing the cleanup program. But at the same time we thought it was important because what we saw at the end of it is cleanup has been progressing faster than probably how it would have gone if the Navy were to retain cleanup.

So we think that we have some real experience that shows the cleanups do actually progress faster than if the Navy were to retain them. And I guess the downside is what's left with the Navy, that probably has been slowed down or the focus has been on the early transfer parcels and they've been making a lot of progress with that.

As far as state feedback, I know we're expecting something from DTSC by the 30th of this month, but we have no formal response or input yet from either of the agencies on how they'll address the state budget issue, resourcing and such. We don't know if they'll address that. We hope they'll address that.

And one of the ideas of doing this early transfer in one big package is to minimize that level of effort needed by the state, as well as all the other stakeholders, so that we don't have two different process, two different request packages.

That did take a lot of effort, probably necessary for the previous early transfers, but for this one we think we've got enough experience under our belt that we can package this in one bundle and have one Governor approval effort versus separate ones.

Oh, and yes, we have a different Governor so there may be a learning curve issue there, but hopefully one shot and we can get it all done.

The issue of the settlement and exchange agreement amendments: I'll start from the top of the base at the various parcels and describe where some of these issues are that involve the settlement and exchange agreement.

On parcel two and Mare Island Strait is some public trust and title trust parcels that the state is obligated to convey over to the state. And so I'm not sure the current exchange agreement has that addressed in it, so the state hasn't taken that action to look at it. It may have been addressed similar to the setback strip of the eastern early transfer parcel. But I believe Blake Stevenson said that would not be a significant change, but they are looking into it. That is one of 'em.

The DRMO yard, I believe, doesn't have any issues related to the settlement and exchange agreement, that one is fairly clean.

The Marine Corps Firing Range, I'm not sure if it's the settlement and exchange agreement, but similar to say Farragut Village that extended beyond the joint survey line onto the state's property, we would need to do something similar to that.

I believe what the state did there was they quit claimed their interest in that property and the Navy was allowed to transfer it directly to the city. I'm not exactly sure if that's what happened, but somehow the state has the interest, the reversionary interest in this part of the Marine Corps Firing Range. But the city eventually and Lennar will get that. That will become a recreational park, and I believe the idea is that the city would have ownership of it ultimately in the end.

Down in the southern parcels here, essentially these parcels that touch the water have some type of public trust or title trust parcel component to them, and these definitely are the tricky ones.

The last amendment that we did with the settlement and exchange agreement did not even touch these areas of the base. And that would, again, be necessary for that hot potato maneuver that I discussed earlier where someone would have or some entity other than the state and the city would have temporary ownership during the cleanup period. And so that would be probably the more significant amendment necessary to that exchange agreement.

Does that cover all those questions?

MS. HAYES: I think so.

MR. DUNAWAY: Okay. Any other questions?

MS. HAYES: Well, the really obvious one is will the, in a similar vein as the first two early transfers, is the Restoration Advisory Board and the forum of community oversight for these properties.

I think, depending on how long these properties take to clean up, you will probably still be holding title to or have cleanup going on on the landfill, so technically the Navy could still hold these meetings but by narrowing down the amount of land you'll actually own, and I guess the offshore as well, I would see that it would change the amount of investment that you would make in Restoration Advisory Board meetings.

And we've been able to hammer out a fairly eloquent solution, though it's fairly, it's also cumbersome that we're using right now, but that's because you've, you're still a rather significant landowner on Mare Island.

So what discussions have you all been having about how you're going to engage and involve the public and continue environmental oversight?

MR. CEREBELLI: Jerry, if you want, I can speak on Weston's behalf.

MR. DUNAWAY: Yeah, I've thought about that. We haven't talked about it between departments, but --

MS. HAYES: You haven't --

MR. DUNAWAY: Weston has talked about it, I've had my thoughts and discussions with --

MR. CEREBELLI: A couple of things too.

MR. DUNAWAY: But we haven't gotten there yet.

MR. CEREBELLI: On your first couple of questions too. One of the --

MS. HAYES: Do you want to identify yourself?

MR. CEREBELLI: Oh, Peter Ceribelli. Bare in mind when we did the first two transfers we paved a lot of new ground. So the agreements that were put in place, while they did take a long time to produce, we were covering a lot of new things.

And the fact that those agreements were in place and they took a lot of time initially to put together, I think with the transfers we're looking at now, we're looking at modifications to those agreements not re-preparing those agreements.

So I think the fact that we're not starting from scratch, that those vehicles are in place, will facilitate and should shorten the time cycle for getting through the second phase of these transfers.

With regard to this process, we certainly think there's a tremendous value that the community gets, and quite frankly that we get by the process, and so we have every intent of continuing to invest in this process, to continue to be an active participant in it.

We'll certainly support it for as long as we're out here doing environmental remediation on the island.

MS. HAYES: That all sounds great; I just want to know how.

MR. CERINI: Which means in whatever form needs to be taken, if it's monetarily or whatever. If the Navy steps aside and is no longer a significant landowner and we are, we'll make the necessary investments to make that happen.

MS. HAYES: I think this is the first time that, as I mentioned earlier, that Jerry, that anybody has actually put this, you know, where you've gotten to on these early transfers on the table on us.

But I would urge you not to put us at the bottom of the list, that's not a good idea. And so I'm happy that this topic has come up now. And I think the practice of and the purpose of the Restoration Advisory Boards, which are soon to become laws so I'll have to change my spiel, is that it's public involvement in the environmental cleanup decisions early and often.

MR. CEREBELLI: And I can speak --

MS. HAYES: And I like that notion, I think it works.

MR. CEREBELLI: After having participated directly in this process with you and your colleagues, I can certainly speak on behalf of the Weston group that we've gotten a lot of value from those exchanges. You all come up with some very good ideas, very constructive ideas that have enhanced our overall program, so we have every intent of continuing on with that. As long as we don't have to pay consulting fees, as long as it's just the investment in the RAB, it's fine.

MR. KARR: And we've gotten a lot of good Chinese food out of it.

MR. CEREBELLI: Absolutely, and we'll continue to honor that too.

MR. DUNAWAY: And I'll say the RAB helped make things happen too, so that's a very important piece.

But to help answer that question, Myrna, what will the Navy have left after this transfer if it does happen?

We still have the big piece; H1, the landfill, and we think we're going to be involved with that, with several more years to come through the closure and some amount of the O&M.

With that, we also have the Western Magazine area over here. IR05. We made virtually no progress in cleanup in those areas, so we're going to have some work left to do there.

Outside of those areas we still have the school, although we think we're close to done there, and going to be able to transfer that to the school district.

MS. HAYES: Now we don't want it though.

MR. DUNAWAY: With the school it's a different story, but we haven't heard from the school that they don't want the property, this transfer really is at no cost to them. So I understand it's a temporary closure unless they get their ducks in a row and they can reopen it.

And also a more significant piece is parcel 16, the Fish and Wildlife Service. We have a little bit of work left to do there and we haven't made a whole lot of progress there. We could focus on that that could be the next big focus for the Navy to make that happen and allow the service to take that property.

So we would have a, still a fairly significant presence here at Mare Island. And then, of course, the offshore, which we don't make much progress on a day-to-day basis, but it's still a significant chunk of land, albeit underwater, that we have some issues out there, and we'd still be here.

MS. HAYES: Well, it's becoming less and less under water every day. It will be interesting to see how the Drumm is going to get in there being a submarine.

I guess it's, I think it's, you have been through the environmental or the early transfer in the past, and that ought to go smoother and easier and better and all of that.

But it's worth talking about this whole RAB issue and community oversight also along with that package, because I think what we did develop here has been working, and working fairly well given the fact that there's so much going on it's a little bit hard to get our arms around all of it in a two hour meeting every month. But we also do have DTSC's new world order, at least at Mare Island, it doesn't appear to be a far-ranging policy decision, it seems possibly to be somewhat punitive because we are working so well together.

But regardless of that, there are some major changes that appear to have taken place without any dialogue or any communication from them, it's just all speculative. But it appears that they've made some major changes in agency policy. So that's going to encumber us, make it more difficult, not easier for us to be involved in the environmental cleanup process and communication about that.

So that's another big obstacle that it would be good to talk with you about since you have the ear of the higher-ups at that particular agency.

MR. DUNAWAY: That's a good point, Myrna, we --

That's a good point, Myrna, we should get some feedback on that component too from DTSC since some things appear to have changed over there. At the Navy we're not fully aware of what's going on either, so we should address that.

Gary, you had a question?

MR. RILEY: Question about the, in the south shore areas, both on land and then also in the offshore areas there's the munitions issue with a potential early transfer. And it certainly makes sense that there might be some more characterization work that the Navy undertakes to make it easier to negotiate an ESCA for the cleanup costs there.

Is there any precedent within DOD or I guess most likely the Navy to early transfer, to actually transfer the title in an early transfer for either on shore munitions areas where there's not a final remedy for the munitions yet, or in an offshore area?

MR. DUNAWAY: I can't think of a specific munitions site that went through early transfer other than the western early transfer parcel itself.

MR. RILEY: And we had a RAC, a remedy selected at that point.

MR. DUNAWAY: Yeah, although we still deferred to covenant. So it constitutes an early transfer by the form of deed that we submitted or used for the conveyance.

But I do know that Alameda, or Fisk Oakland was an early transfer of offshore submerged lands. And the concept of sediments transferring is not new for an early transfer. So that's, that's something I know. I'll look into that to see if we've done munitions elsewhere under an early transfer.

MR. RILEY: Thanks.

MR. DUNAWAY: Sure. Carolyn.

MS. D'ALMEIDA: Given that after the last transfers EPA was basically directed by the Navy not to work on any of the transfer properties, and we're going to be transferring basically the rest of the island at this point, I guess my question is, I see the writing on the wall, how long do you think it's going to be before our services will no longer be required, and when should Emily and I start looking for another assignment?

MR. DUNAWAY: Well I would say that the Navy didn't direct EPA to not work on the early transfer parcels, but it's by the fact that the Navy's money is for federal property that I believe your management decided that your focus should be on what the Navy still owns.

Consistent with that, we still have the work that remains with the Navy. I would say there's no need to plan for resume development, and I think we have lots of work left here.

MS. D'ALMEIDA: For how long?

MR. DUNAWAY: I don't even know if this transfer will happen. So just like the idea of trying to restructure the RAB. First, we've got to see if this is even a doable concept first. And then as we make progress, hopefully this year, we can start to think about where all the pieces will fall out.

MS. HAYES: I think that's, Carolyn brings up a good point. And for Gary, I think maybe we could arrange for whatever munitions you transferred to just become artifacts of the bomb museum. If they're out there and you find them, then bring them over to our facility and we'll add them in.

But Carolyn brings up a very good point because DTSC relied very heavily on the expertise of the contractors provided by EPA for the ordnance, review of ordnance plan, removal plans, and they brought a tremendous resource. Not that DTSC doesn't have competent ordnance staff, but it was a real benefit to have the EPA's expert advice and resources there for them to tap into.

And that was the, was the beauty of having the multi agencies working on this project is that they did, were able to keep the, the cleanup moving along a little bit more rapidly than when we had this bifurcation of agency resources.

MR. DUNAWAY: I know I asked that question from DTSC, or of DTSC recently too. I guess the recent development at DTSC is that they were able to get contract support for munitions work, unlike two years ago where EPA was really the only agency that was able to contract, and Tom Hall was that valuable resource you mentioned.

Maybe in the course of developing how we proceed with this there is still that opportunity for EPA to participate in the cleanup, if there's a specialty that they may be better resourced at doing.

Chip, last question?

MR. GRIBBLE: I had a number of questions. I'd like to hear from the Navy and from Dwight and whoever is here from Lennar -- Steve.

I think it would be worthwhile to hear what anybody's thoughts are on the past two early transfers, the shortcomings of those, any ways on which to improve upon the past two early transfers that anybody has, or anybody that wants to chime in here.

Past shortcomings from the first two early transfers, and then any ideas that anyone has that would be ways to improve on the past, the last two early transfers.

MR. DUNAWAY: Are those all your questions?

MR. GRIBBLE: Yes.

MR. DUNAWAY: I know Sheila and Steve haven't engaged us in discussing the details, so I'm not sure if he can really, plus Sheila wasn't really involved in the last early transfer planning and execution, so I'm not sure if they can really make a point.

I don't know, Pete, if you want to say anything special at this time?

But I think where we're going is we're just developing ideas on how to quick start this.

If you have anything to add, Pete?

MR. CEREBELLI: Yeah, I mean that the process --

MS. HAYES: You gotta use the microphone, Pete, and identify yourself, please.

MR. CEREBELLI: Dwight Gemar. I think that certainly one benefit is the process, the revised process that we talked to both the Navy, State Lands, and now DTSC about to facilitate the actual conveyance is a major, I think improvement over where we were last time. I think the CDR process was far too complicated and complex.

I think that streamlined approach will offer a lot of added advantages and will hopefully get the process going on a much more streamlined process, much more short timeframe.

I also think just learning from the mistakes, not mistakes but the bumps, we learned along the road. We have agreements that are done, they worked well. Yeah, they took a long time to develop the first time around, but there's no sense in recreating the wheel.

At this point we have wheels that are done. If we can make the wheels a little bit better, a little bit faster, turn a little bit more easily, I think that's the only way to go. Certainly there's no reason to go back and start over again. And I don't think there's any intent on any of us to do that.

So to me it's take advantage of what we've got in place. We've learned a lot from the states, I think that we've got a very, very good process here. I've been involved in a number of these kind of transactions around the country, and it's not bad here, believe it or not.

And just again, learn from the mistakes. We've done a number of, a lot of good work so far, a lot of heavy planning with these, so that would be my recommendation.

MS. KREVSKEY: Well I'd like to ask Pete, when you say streamline, could you mention some examples of how you're meaning? Because when you say grease the wheels, but sometimes the wheels get clogged, and I think what Myrna was referring to was that no matter how fast and smooth the process gets, we still have regulatory oversight that kind of has to keep up with and was not able to because of state funding or whatever the problems.

MR. CEREBELLI: Certainly that's going to be an ongoing challenge, you know, for -- using a metaphor, we're trying to stuff a whole lot of material into a bag that isn't getting any bigger. So to the extent that we can augment and use our resources to augment DTSC's staff, I think that's one of the ways that we can try to get the process moving forward.

Just from a procedural perspective, what we've talked about is having multiple conveyances under one CER. It doesn't at all circumvent the decision-making process, it doesn't at all take away the authority that's vested with the state in terms of how they made those decisions, but it cuts down on the amount of paperwork that has to be done and the bureaucratic process, it makes it much more streamlined. So I think that's a way of making it go more, more smoothly.

But again, I think you're right. I think there continues to be a significant challenge in terms of the workload that the folks at DTSC has.

And I like to think if we can move 3,000 acres of property, we can solve the complex environmental issues that we have out there, I think that's a challenge we can certainly work together to solve. There's no question in my mind that we can do that, and we're set, certainly ready to step up to the challenge, and I think CH2M Lennar has stepped up as well.

But you're right, that seems to be, you know, where the funnel narrows, and we're going to have to try to work selectively.

I don't think we have, granted in certain areas; the southern shore might be the exception. But I think the other added advantage we have here is we have smaller areas, and the kinds of problems that we have are farther advanced, they're not nearly as complex, and I think, you know, from a study perspective from the amount of data we have available, we've got our arms around these things pretty well.

We had a three or four hour meeting with the Navy this morning. I think we got, I think we're in agreement almost across the board as to what the issues are. We still have to come up with some additional details for the Navy, but with very little disagreement as to what, you know, what was out there and what it's going to take to resolve it.

So a lot of these areas are further along and a little more mature as far as the study process.

So the southern shore might be a little different, a different animal to attack. But also, quite frankly, the state has, in other areas of California has, State Lands has looked at this hot potato issue and has taken a less tough approach to it, if you will. They've loosened their grips a little bit, they've been much more amenable to an interim titleholder.

And I think again, looking at that, bringing the private sector in to help facilitate some of this stuff will move it along a little faster.

MS. HAYES: Well not to accuse anybody of cherry picking, but I think you have saved the best for last. These are 3,000 acres, of homogenous property is a little bit different than those little specialty places that have some real challenges, otherwise you would have picked those up at the same time, wouldn't you?

Okay. Well, I get the last word. Jerry, do you have anything else you'd like to end your presentation with before we go either to a break or to the next presentation?

MR. DUNAWAY: There's just still a lot of work left to do here, we're just at the very beginning. And it's not been a year yet, but it's been, I think about nine, eight months since the initial request was made, so it's taking a little bit to jump-start this one.

Hopefully once we get going here we'll make a little bit better progress this year.

MS. HAYES: Thank you for that presentation. I think it was timely because we've been hearing that it's been moving along and we'd like to be players at the table.

We have a choice for our presenters. Would you like to present or would you like to take a break and --

MR. KELLY: I think -- well you can take a break, Myrna, while we set things up.

MS. HAYES: Okay, that'll work.

MR. KELLY: Because we've got roughly a 40 or 45-minute presentation.

MS. HAYES: Well make that one quick; we need plenty of time on that one. Okay then. We have bagels compliments of Weston, leftovers from them, and I have leftover cookies from the Daffodil High Tea.

MR. KARR: Any Chinese?

MS. HAYES: No Chinese food, we're completely out.

And an important announcement to you gentlemen, men in the room, which there are plenty of you. One more announcement that will be very important for you at break time.

Your restroom is out of commission downstairs, so go in the children's library downstairs and they've got a special restroom just for you.

(Thereupon there was a brief recess.)

III. PRESENTATION: Mare Island Cleanup Program and the Proposed Dredged Material Disposal Facility (Mr. Pat Kelly, Weston Solutions)

MS. HAYES: Our next presentation this evening is from Weston, and they have just been in the process of, the draft EIR EIS has just been circulated for public review by the city of Vallejo and the Army Corps of Engineers, the two lead agencies on the proposed dredge material disposal facilities environmental review.

And I've actually, because this opportunity came up to have this presentation this evening, I've actually requested of the two agencies that they consider extending the comment period, and both of the agencies have agreed to extend the comment period through April 12. So that will be very much appreciated.

And I think that you will be able to either add the comments in from tonight's meeting into the record, or give folks at least the opportunity who are here tonight to be able to follow up with a letter to make sure that their comments are included in that environmental review.

At this time I'd like to hand the microphone over to Pat Kelly, the project manager? I don't know, you'll give us your title on this project for Weston.

Good to see you, Pat.

Mr. Pat Kelly

Thanks, Myrna. I'd like to thank Jerry and Myrna for giving us the opportunity.

And as Myrna said, this is very timely because the last, literally the last year I haven't appeared before the RAB is because I've been working with the city and the Corps of Engineers to get out the draft environmental impact statement and EIR on this project so that we could circulate it around, get comments, work on those comments so that we end up with a good document and a good project. So this is actually very, very timely.

We had two public meetings. We had a public meeting on March 11th, last Thursday, or I'm sorry, the Thursday before last which was conducted by the Corps of Engineers here in the city of Vallejo on the NEPA side.

And then we had a meeting last Thursday, I'm sorry, last Monday the 15th, here in Vallejo. And we, it was a presentation and a workshop for the Vallejo Planning Commission, also to accept comments.

I'll give you a little bit of introduction, background of the project. Because there was, at both public meetings there was some concern about our operations in the southern region with piers 34, 35, pond seven, and the south shore area, so I've asked Rick Olejniczak, who is from Gahagan & Bryant and is our partner in this operation and is in charge of operations, to discuss not only that, but to give you kind of a perspective as to how we intend to operate.

And I might point out, Jerry kind of alluded to the Chinese food, but the product of this EIS EIR really, and I'll tell you, be frank, about 75 to 80 percent of it was worked out in those long two sessions or three sessions, Myrna, that we had with the RAB technical committee where we got over in Mare Island and literally we sat for four and five hours.

Diane, you were there.

Jerry was there.

We sat for four or five hours hashing out different issues, presenting those to Weston which we then attempted to solve. We went back to the RAB technical committee, showed them what we had done and got some more feedback, and kind of the results of that are now in this project and are reflected in the EIS EIR.

There are a number of areas of interest; I'll cover those after Rick's operation.

And then I've asked Ed Woo, Ed Woo is with Olivia Chen and Associates out of San Francisco, they are our geotechnical consultants. And I've asked them to do it because at our meeting last Monday, Lennar had one of their consultants, NGO I believe, answer a question from one of the commissioners. And one of the commissioners that NGO represented had given his comments on the design stability and seismic analysis that was in the EIS EIR. And after that the Commissioner had asked him, "Well, do you think that these levees will, are stable enough or will they fail?"

And the NGO representative said, "Basically they're going to fail."

And that is not true. A very unprofessional comment, I might point out. And so I've asked Ed Woo to come in and address both the stability and the seismic analysis.

After Ed's finished, then I'll just kind of wrap it up with a, kind of show you our tentative schedule that we have moving forward. And you're going to find it a very, very interesting night.

I might point out, commensurate, Myrna and Jerry, with your time schedule, but if you have questions, don't wait till the end. If you want to bring them up when they're fresh in your mind to me, to Rick, or to Ed, just pop them. And that's why we're here tonight.

The, kind of the scope is shown here. This really hasn't changed in the last three or four years that we've been working on the project. It's basically to provide a regional dredge disposal facility in the greater San Francisco area to accept both clean material, clean dredge material and also material classified as unsuitable for aquatic disposal. That is unsuitable material that is not allowed by EPA or the Regional Water Quality Control Board to go into the Bay bottom or to go out in the ocean.

This is not hazardous waste by any means. This is sediments that are slightly contaminated that just cannot go on the bottom floor because they would be injurious to the microorganisms that reside there.

It supports the San Francisco Bay long-term management strategy. Now it's been a while since I explained that to you, but that's really important because there are some evolutionary changes occurring in LTMS.

What is this whole LTMS about? Carolyn knows and, let's see, Gary probably knows because they're active, and Myrna's involved with it.

For years, years, people who had a requirement to dredge material in the greater San Francisco area habitually placed their material at about three or four sites within the Bay, the most prevalent of which was the site at Alcatraz. The theory of Alcatraz being, is that you place the dredge material there, you have fairly high currents, and then that current then takes the material out through the Golden Gate, distributes it out in the Pacific Ocean on an ebb tide.

Back in about 1983, and '84, '85 timeframe, the Corps did a survey and found that at Alcatraz there was a buildup of material, it was not moving out, and it was, it created a problem. It was also a problem for, not only environmental problem, but also a, perhaps, potential navigation hazard.

Then all the resource agencies, state, local, and federal, got together, and beginning in the mid-eighties begin to work out a long-term strategy to place dredge material.

After many, many years, seventeen, eighteen years, finally in the year about 2002, I believe, they came out with a long-term strategy goal which says, or would like to have a goal of, that by the year 2010, 40 percent of the material is allowed out in the ocean, 40 percent of the material upland, to go upland, and 20 percent in the Bay.

Now, to understand that strategy -- by the way, we are in the year 2004, so we're only talking six years from now. Right now, when they implemented the strategy around 2000, 2001 or began to do it, 90 percent of the material was going into the Bay. Remember, they got to get to 20. Right now it's about 80 percent.

So there's a long, there's a drive right now within the region to put a lot of material upland. And so you, there is some sites that are being created upland. You have the Montezuma site, which is just north of us, you have the Hamilton site, which will be operational in probably 2007 and 2008, and you have the Mare Island site.

So all of these sites, including this site here, fills in very nicely for what the resource agencies want for a long term strategy. In addition to that, it provides income to the city of Vallejo through host fees that will be charged for every yard of material that comes into Mare Island dredge ponds.

How much is that? Well, it's quite significant. If, we have done various market and we've done, we've run a market analysis now every year for the last three years. And the latest market analysis shows that there's quite a bit of material that has the capability to go upland.

I estimate, we estimate that for the next three years that income to the city could be one to three million. And for the next fifteen to twenty years or so at the end of the project, it could be anywhere from fifteen to twenty million.

Well, where does that money go? I did make an error at the Monday planning commission where I had stated that that money is to go into the infrastructure for Mare Island. Turns out I was about 25 percent right.

The real answer is it is to go into the public trust properties of Mare Island. But also a certain percentage of that, since a certain percentage of Mare Island is in public trust, and Jerry discussed part of that already, some of that also can go into the infrastructure.

Now that's very important because this is money that can do a number of things. Some of it can go into the infrastructure, like roads and sewers and everything else, in proportion to that which is public trust.

But this whole regional park, reuse area number twelve, we're going to talk a lot about that, Rick's going to give a lot of presentation related down here and I'm going to discuss a little bit more.

But this is public trust lands. This whole area that starts from here where you're going to have the large promenade that comes all the way down here, which is a Lennar responsibility. That can be developed through public trust money coming from the dredge ponds. So it has a lot of positive impact for what we want to do in the future here in Vallejo and Mare Island.

Where do we stand right now? We, as Jerry alluded to, we completed the early transfer of the western parcel which included the dredge ponds. And, of course, that was more than the dredge ponds, that was about 2,000 acres or so that included all of the wetlands and all of the submerged lands west of the dredge ponds. It was a beautiful transfer.

We received approval from the city of Vallejo for Weston to manage and develop the dredge ponds. That sublease was signed with the city of Vallejo also back at 2002, but that is contingent upon Weston completing their CEQA and also getting all of their operating permits.

We're presently completing the NEPA CEQA environmental process, that's one of the reasons why I'm here tonight. And concurrently securing all of our various operating permits from section ten and others from the Corps of Engineers, for the Regional Water Quality Control Board, our water discharge requirements, our construction permits from the city, and all of those.

All right. I'll be followed by Rick, and Rick is going to discuss the operational side of it.

MR. GRIBBLE: Pat, I had one comment. Is this on? Hello?

MR. KELLY: No, that's after you.

MR. GRIBBLE: Hello.

MR. KELLY: Here you go.

MR. GRIBBLE: Hello.

MS. HAYES: Chip has a question.

MR. KELLY: Oh, I'm sorry.

MR. GRIBBLE: Hello. When you were pointing to the map, you pointed to the south end of the island and said that was public trust lands. And I want to point out that that isn't public trust land that is Navy property.

And the only reason I make that comment now, is that the EIR EIS has treated a lot of the property in the subject area as having already been transferred when, in fact, it is still Navy property.

MR. KELLY: You're absolutely correct, absolutely correct. But I was just telling you that what we're going to be doing, and you'll see this later on, where the money could go to. And the money can only go to those uses, which are related to the public trust lands or the infrastructure proportionate to that, which is public trust.

What I'm going to get into that I haven't got into is the transfers of ownership, and that's coming up in another slide. But you're correct.

Mr. Rick Olejniczak

Okay. Thanks, Pat. My name, again, is Rick Olejniczak. And when I talked with Pat earlier this week he said, "Rick, can you prepare a presentation?"

I said, "Fine." And I said, "How long?"

And he said, "About twenty minutes."

And then I saw him today and he said, "You know, the whole Mare Island presentation is twenty minutes." So I have a lot of slides and I'm going to go through 'em pretty quickly. If you want to stop me, if you have any questions, please do.

Just briefly I'm going to give an overview of the site description and an overview of the operations.

And there seems to be a lot of interest in the south side of the park here or the south side of the island where there's going to be a park. And there's some details we're going to work out. Sorry about that.

As a review, there's seven ponds on the islands that we're thinking of using for disposal of dredge material.

There's the six ponds -- let's go to the next slide here.

There's the six ponds here. And you can see there's a discharge pipe. We're going to place material hydraulically in those six ponds, and discharge the water out into the San Pablo Bay.

The hydraulic unloader is going to be here with a pipeline that's going to go across the Bay, and then hook up into a landside dredge pipe that conveys the dredge material and the slurry to the dredge ponds.

And just briefly, I'll get into this in detail a little later, but there's the pier 35 here, and pier 34 is where we're going to do mechanical unloading, and then we're going to load the material into trucks and truck the material over to pond seven.

Now this is kind of a blowup of that, of that slide I just showed you and the area of interest where the park is going to go.

And I first want to talk about hydraulic off-loading, and here's where the unloader is going to be. It's going to be in about 30 feet of water. And the reason why it has to be in about 30 feet of water is because we're going to have a fish screen on the intake of the water, in order so that we don't have any entrainment of endangered species; it has to be in 30 feet of water.

The dredging contractor is going to bring in this piece of equipment and have a pipeline that's going to come along the shoreline here, the floating pipeline. And after they place the material they'll take that piece of equipment away.

The pipeline that Weston is going to install will be there at the beginning of the project when we go through the duration of the disposal activities.

MR. KARR: Rick.

MR. OLEJNICZAK: Yes.

MR. KARR: Thank you, Myrna. That suction is for the water to fluidize?

MR. OLEJNICZAK: Yes, I'm going to show you some good pictures in a minute that's going to explain that.

Okay. Just sort of in review as an overview. The hydraulic placement of materials for large projects, these are large projects that have a lot of material, and the cost to mobilize this piece of equipment can be spread over a lot of cubic yards. And it's, a hydraulic unloader is the best way to move large volumes of material.

Now, one of the beautiful things about this site is that we have these six ponds here that can hydraulically be able to take an inflow for a large project.

Okay, Jerry, getting back to your question. What I'm going to do now is go through a series of slides, pictures, and I'll go through these pretty quickly, and it will give you an idea of what this is going to look like.

This is a little dark here, but this photograph is based off of a 40 foot deepening project over at the Port of Oakland. And there's a hydraulic unloader here in the middle of San Leandro Bay. And there's a pipeline that extended from this unloader across the Bay bottom, up on land, and three miles later discharged into the Galbraith disposal site.

This is a picture that shows the hydraulic unloader here. Here's a scow filled with dredge material. And here's a snorkel that basically sucks the material out of the scow and mixes it with water and pushes it through the pipeline.

This is another shot that shows the water being added down through here mixed with the dredge material and up through the snorkel. And I want to add that in this process of the slurry, about 80 percent is water and 20 percent is dredge material.

Here's another shot. This shot shows, this is a, it looks like a white rope, but it's really a high pressure water line coming out of a nozzle here that will break up the material and add water so that it can mix with the dredge material, come up this pipe here and up and over and then out the back.

That's basically what the whole process is. And this is the Galbraith golf course, this is the end of the pipe, and the material is coming out and those are working the material.

Typically at these sites the heavy gray material falls right out the end of the discharge pipe, and the fine grain material will just flow out throughout the dredge pond.

This shows placement in the Sonoma Baylands. The slides are hard to see here.

But here's a dredge pipe with material coming out of it.

And here's a hydraulic unloader.

This was a creation of about a 320-acre wetland site here on San Pablo Bay.

Here's another shot, same thing. This particular slide is going to, is really exemplary of what the Mare Island dredge ponds are going to look like, where there's pipelines going

along the levees, the pipe's going to come down, materials coming out of the pipe and into the ponds.

As I mentioned, the water that goes into the scow, it's about, it's about, the slurry is about 80 percent water and 20 percent material. So we have all that water that comes into the ponds and we have to get rid of the water somehow. And the more water we can get rid of, the better it is because it buys us capacity of ponds.

So how we're going to get rid of the water is we're going to resurrect the 30 inch RCP sewage treatment outfall pipe that the Navy used to use, and it discharges in the San Pablo Bay. We're going to put a new liner on it, put an extension on it. It should work fine.

Here's a picture of it. There's, we're going to take off, there's some vertical pilings off, we're going to take these pilings off and put an extension, about another hundred feet or so.

And then here's the pipe here. This is at low tide and it's out in the mud flats.

I'd now like to shift focus to the mechanical placement of material into pond seven. For mechanical placement, material will be off-loaded either at pier 34 or pier 35, put into trucks, and trucked to pond seven.

And I want to call your attention to the last bullet there, the best management practices. What we mean by that is that we're going to have cable barriers on either of the piers or the areas where we're going to be stockpiling material, we do stockpile material at the pier locations.

We're going to have stakes along the truck route, along the roads so that that will tell the truckers where they can go and where they can't go.

We're going to have a water truck coming behind the trucks to keep the dust down.

We'll have sweepers picking up anything that falls out the front end loaders and so on.

MS. KREVSKY: Rick.

MR. OLEJNICZAK: Yes.

MS. KREVSKY: While you're discussing that, can you mention how, is this a seasonal occurrence when you're off-loading and dry out piles and the trucking, the extent of it?

MR. OLEJNICZAK: It's not seasonal so much as we would like to be open for business whenever the dredgers want to bring the material to us. However, the dredging in different locations is driven by seasonal restrictions, environmental restrictions.

We, for the trucking -- well, let me show you here.

For the trucking, along this route from either pier 35 or pier 34 there are no seasonal restrictions, there's no environmental restrictions. There's no endangered species, although there's a plan, masons *olyoffsis that is over in this area, but we won't be going near that, so there's really -- I think there was also, I think there was an osprey nest here, but the osprey has left and now they're --

MR. JESPERSEN: They're still there.

MR. OLEJNICZAK: Still there? Okay, we have to address that. I know that they -- I had heard that they had left and there was another, some other birds that went in there, so --

MS. HAYES: More came.

MR. OLEJNICZAK: More came?

MS. KREVSKY: Another question?

MR. OLEJNICZAK: Yes.

MS. KREVSKY: Is this trucking activity related only to pond seven, or is it going to be a continuous activity for all the rest of the ponds?

MR. OLEJNICZAK: For our preferred alternative in the EIR EIS it's only for pond seven.

What we're planning on doing for these, for these six ponds here is placing material hydraulically. That's the most efficient way to do it.

See, one of the things, one of the nice things about this entire site is that it offers the six ponds for large projects, but it also offers this little pond here, which is really too small to place hydraulically, hydraulically place material into.

But it allows for little projects, you know, marinas, fifteen, 20,000 cubic yards, and they don't have the money to mobilize a hydraulic unloader, but they can mobilize a little crane to come in and unload the scows and put it into trucks.

And that's one of the nice things about this site and why it fits so well into the LTMS that Pat was talking about is because we can accommodate both the large and the small projects.

MR. KARR: So the unloading equipment, the hydraulic unit as well as the clam shell or whatever is a function of the dredging contractor and not you?

MR. OLEJNICZAK: Correct.

MR. KARR: Okay.

MR. OLEJNICZAK: Yes. And then for a lot of reasons, that's the best thing to do.

MR. KARR: And so the project size will determine whether you use the truck alternative or the hydraulic?

MR. OLEJNICZAK: Correct.

MR. GRIBBLE: Rick, I have a question or a comment. You said that in the south end there where you'd be off-loading that there are no environmental restrictions. Actually, there are a lot of environmental restrictions, but they weren't --

MR. OLEJNICZAK: Seasonal, seasonal restrictions is what I was referring to.

MR. GRIBBLE: Environmental restrictions because of the contamination that is known, the contamination that is not known, the characterization that we know about, the characterization that has not been completed, and the remediation that involves all of that. But it was not addressed in the report, and hopefully you guys know a little bit about that at this point.

We have ordnance issues down there, chemical contamination, and that area has not been remediated. But one of the problems with the EIR EIS is that there was no reference to that theory of concern.

MR. OLEJNICZAK: Okay. Thank you.

MS. HAYES: I have a quick question about the hydraulic loader and the temporary piping. That particular area between pier 35 and IR05 is a known excellent habitat for feeding and resting of waterfowl.

So do you have, will those likely be, those projects likely not interfere with or be at the same time that we have our over wintering waterfowl?

MR. OLEJNICZAK: We would like to have the pipeline come along the shoreline here and leave this open. This is a sketch; it shows it going through the center. But generally speaking, we would like to have it come along the shoreline here. And I can't say whether that will affect the birds or not.

MS. HAYES: So these large hydraulic projects could happen during the wintertime when they are present?

MR. OLEJNICZAK: (Nodded head.)

MS. HAYES: Well, that's an issue you'll need to address in the EIR.

MR. OLEJNICZAK: Okay.

MS. KREVSKY: Sorry, I do have another.

MR. OLEJNICZAK: Sure.

MS. KREVSKY: I think what's bothering me is this, these lay down areas of what Chip mentioned, also in pond seven you indicate if they're smaller disposals it sounds like there will be a lot more activity rather than larger single drop-offs, or whatever you call it. And I wondered how long would it take to fill up pond seven?

MR. OLEJNICZAK: You know, as Pat mentioned, our market studies, we've been doing market studies. And it shows, I guess, an average or a maximum year is about 80,000 yards in a year. And we estimate that the production will be about 3,000 yards a day.

So it will be about thirty days out of the year is when we're thinking about doing this operation, you know, from either one.

We're, our plans, we're hopeful that the material could be placed right into trucks and trucked directly into pond seven. And I'm going to show you some pictures in a minute of a project that happened on the Napa River that's a good example of that.

However, we have a, we have included the possibility that we won't be able to put it right into the trucks, and we would keep a drying facility here until the material dried some to where we then could put it into trucks and bring it up to this pond. We estimate that will be another 30 to 45 days if we do that, so we're talking about 60, 70 days out of the year at most.

MS. KREVSKY: For how many years?

MR. OLEJNICZAK: I, well --

MR. KELLY: Whatever the market --

MS. KREVSKY: The reason I keep asking this is because of the proposed regional park. And right down there at pier 34 is the historic landmark district and the ammo area. And so there's potential conflict unless there's some kind of consideration for scheduling or -- it's going to be a while before that's cleaned up, and it will be a later phase of the park, but that's why I'm wondering about the schedule.

MR. KELLY: Yeah, well that's going to be driven a lot by market conditions.

But let me just point out a couple of things. The historic production area is right in here. By the way, that's low on the priority of the city and others because of lack of money. That's what I heard today.

MS. HAYES: Don't go there.

MR. KELLY: But I'm talking about in here. But just remember, again, that's a public trust area, that is a public trust area, so then you could use the host fee revenues from the city to go into there.

But we're not going to be up in there, Diana; we're going to be down here, pier 34. Right there we may have a little drying area if required.

MS. KREVSKEY: Well, if you look at the other map, see the little cluster of buildings.

MS. HAYES: Remember, right there.

MR. KELLY: That's our drying area, this side.

MR. OLEJNICZAK: We won't, we won't go down that far.

MR. KELLY: We're not in here.

MR. OLEJNICZAK: And even here we're not that far, we're talking about right here, just this area right in here, and maybe a little bit of this area here. It's about three acres is what we're thinking about.

MS. KREVSKEY: How much?

MR. OLEJNICZAK: Three acres.

MR. KELLY: We won't be going anywhere near those buildings.

MR. OLEJNICZAK: And what we want to do -- after Rick finishes then you'll see a lot of things. Basically I've asked Cris Jespersen, our general manager, to get with, to get Rick with Jerry and Myrna, and I believe there's a parks gentleman on the task force -- I forget his name, Myrna, you told me that.

MS. HAYES: Jerry or Tony.

MR. OLEJNICZAK: What was that?

MS. HAYES: Tony.

MR. KELLY: Yeah. And we would get together and take our operations along with what you kind of envision in the park and see if we can work something out.

Probably what will happen is that it will be probably a while before the regional park gets developed. And so what I would probably like to do is to use pier 34 until such time as the park is developed, and then we'll probably, then we'll probably shift over to pier 35, because pier 35 will take major renovations, major, major renovations.

And, but by that time the whole facility will be operational, and we'll probably have accumulated enough capital by then to go ahead and shift over to pier 35. Because pier 35 is pretty much away from a lot of the traffic, where you want to put the RVs, the artist areas and, which are great ideas.

So we're trying to work out a compatibility -- future compatibility between our operation, which is, I might point out, compatible with the public trust uses, and what the public, I'm sorry, what the mayors task force wants to do with the regional park.

MS. HAYES: I would just interject right here that the city of Vallejo can blow smoke, anybody's skirts can be flying around when they're talking to you. But the truth of the matter is, this town has just a tiny bit of heartburn over the city of Vallejo giving away park land.

And they have a history of doing that at River Park where we use that for dredge material disposal for our own marinas for the last 30, 40 years since we received it as a public benefit conveyance from the National Park Service from the Navy.

And we put an end to that in -- the last time that was, the city tried that in '91 was the last time we allowed permitted dredge material disposal to go in our park. Then we had nine months of little disagreement with Bechtel and Shell over use of, industrial use of this proposed park.

So when the city of Vallejo just cavalierly says, "Well, we don't have any money for the park, so don't you worry." I think what you're hearing is a little undertone, a little rumbling of, it's a little bit of rioting that could happen.

So I'm not trying to be threatening, but I think really truly it's, that's why it's a good thing that you're here this evening, because I think there are legitimate concerns and there are train wrecks that we're really truly trying to avoid.

And one of the things that I mentioned last night to our task force on the park is that there is very little actual land. It may look like its 172 acres or that may be what the survey says, but because of the steepness of the hills and the narrowness of the shoreline, it limits the actual public use of that property. So I think it's important that you get together again with the community early and often on this project.

And one of the things that I would just ask you is whether you, if there's any possibility of doing any of that draining, rather than on land if you can do that on barges offshore and not use that land on shore. That's just an idea; you don't have to have an answer tonight.

And then the last thing I want to note is that the vertical piping, I mean the vertical piers that are at the very end of the outfall pipe, if you remove those you've removed the possibility down the road or made it a lot more difficult to consider using that as a potential boardwalk at some point.

So I think some of us ought to have some discussion about what alternatives you have besides taking out that existing structure, because it's a lot easier to rebuild a boardwalk on an existing pier than it is to have the pier gone and then try to rebuild it there again if there should become money available to do something like that.

MR. OLEJNICZAK: Let me address the piles at the end of the pipeline just quickly. It turns out that the invert of that pipe is lower than the mud line by nine-tenths of a foot, because there's been accretion of material over the years since it's been built.

So what we intended on doing was taking those out, putting another, dredging twenty cubic yards, putting a pipe into the end of that, bringing that pipe up and over, and sit on the mud flap so that we can drain the water out. So that's why we're thinking about taking those out.

We might not have to take them all out I mean we may be able to do that and keep some of the piles there now that we know that that's, you know, that that's an issue. So --

I have a series of slides now, they are photographs that show material being brought from a scow into trucks and taken to a disposal site. And this is a dredging project up on the Napa River for the Cargill salt ponds, and it just happened within the last six months.

And the reason why I included these slides into this presentation is because I think it's a really good example of, you'll see basically what we're proposing in piers 34 and 35.

And when I also picked these slides or what I, when I witnessed the project I was, I was encouraged to see that, in fact, we may not need these drying ponds, these three acres cells that we're speaking of. And I would really be happy if we did not use those three-acre ponds.

So anyway, this is an articulated dump truck, it's a twenty cubic yard truck, it would be brought to the site on a lowboy.

This shows a scow up on the Napa River. And there's a tug and a scow, and this is a long reach hydraulic excavator that's excavating material out of the scow, it's going to swing it around and put it into a truck here that's waiting on a barge.

This is another shot that shows, it's from another angle but it shows the truck sitting on this barge getting filled.

And actually this next slide is actually a better view. Here's the scow. Here's the hydraulic excavator, it's about to dump its load into this truck. Now the truck is going to drive off of the barge there, it's going to go into the disposal site and right behind it is a water truck. And we keep this area wet so that we don't get a lot of dust in the air. That was one of the best management practices that I had mentioned earlier.

And this particular location the truck is dumping its load right against the levee. And in this particular disposal site they've ringed the levee, working towards the center of the levee and then back towards the off loader. And it was a very efficient way to dump material into the disposal pond.

This shot was taken about a month later. And you can see that there's a lot more material into the pond, but still it's dumping its load. There was another dozer working on-site that was spreading the material.

This particular shot shows the levee, containment levee on the right-hand side, and the dredge material on the left-hand side, and there's about one to two feet, three feet of free board there.

And finally, this is the last site, it shows the dredge material there in the pond, and there's the Razo's Bridge up there off to the right that's a landmark.

And actually that's my last slide. If there's any other questions?

Questions and Answers

MR. KARR: In this set of pictures the barge was as a temporary pier, is that its function?

MR. OLEJNICZAK: Correct.

MR. KARR: And I have a question of water quality monitoring of your effluent after the -- if the materials are unsuitable for in Bay disposal and our upland type spoils, they've been tested by the project and determined what their content is, how do you propose to monitor the water quality to see that those same materials of concern are not drained in the water as you release 'em back to the Bay?

MR. OLEJNICZAK: Actually for -- well, you're talking about for mechanical placement of material or the --

MR. KARR: No, on your slurry.

MR. OLEJNICZAK: Slurry, okay.

MR. KARR: You gotta get rid of that water, and you're talking about the 30 inch back to the Bay, what are your goals to ensure that you measure your water quality?

MR. OLEJNICZAK: The contaminants, generally speaking, are bound to the fine grain material. And how that is monitored is by the amount of total suspended solids in the effluent. I haven't, the Regional Water Quality Control Board will provide wastewater discharge requirements for this project.

MR. KARR: You're all over this, right?

MR. OLEJNICZAK: Oh, yeah. He can answer probably better than I can since that's not my area of expertise.

But in the projects I've worked on we have, we have clarified the water to such a point through its continual testing of the turbidity. If turbidity is below a certain level, than the assumption is made that the mass contaminant loading is going to be well within the wastewater discharge requirements.

One of the nice things about this site with all six ponds is that we get a good chance to clarify the effluent by discharging the effluent from one pond to another. So by the time it finally gets to our outfall pipe, it's clear.

So that's, that's our plan for that. You can probably add a lot more to that in terms of wastewater discharge requirements.

MR. RILEY: Yeah, I was going to say that that's correct, my understanding of the proposal thus far is that when we get the full application from Weston, is that in dredge material the contaminants are almost always metals, PCB's, PH's, and things that bind really tightly to the sediment particles themselves, they don't like to dissolve into the water.

So as the water runs through the different configuration ponds, the sediment settles out, turbidity drops, the water becomes clearer, and at the point of discharge they'll be responsible for meeting effluent limitations in the discharge water that are calculated by ensuring that all that water discharging will not impact the water quality or the sediment quality for the habitat in San Pablo Bay. So it's to be protective of that.

The specifics of the monitoring program would be proposed in the application that we'll get, probably sometime this summer is my understanding. And our dredging staff will review that to make sure that the limits are appropriate and those actually do go into the permit. And they're monitored to some extent in the same way that any other discharge into the Bay is to make sure there's a not a condition of pollution going on.

And there will also be monitoring around the ponds themselves to ensure that the groundwater quality isn't being impacted, that nothing is, in effect, leaking out of the ponds into the groundwater, to make sure that there's no degradation of groundwater quality there as well.

So that's the general water quality protection approach. And I don't know if that answers your question?

MR. KARR: Thank you.

MS. HAYES: In the interest of time I want to remind us, and also in the interest of the purpose of our RAB, I want to remind all of us that even though this is a meeting that we specifically, was requested to be held here, and there have been two other public

meetings already, we really brought this one to the RAB because of the nexus between the proposed project and the environmental cleanup that's yet to be done.

So I even have veered greatly off of that mission, but I wanted to try to keep our questions as much as possible to that nexus and also the presentations.

MR. KELLY: Okay. Thanks, Myrna. I'll come back and I'll discuss with Jerry -- we also have to test before we release the effluent out of two end where we capture it, as Jerry said, we have to test it to make sure it meets the WDR.

I'm just going to run down quickly some of the items of interest that came out as a result of our public meeting in other places. I'll just run through 'em quickly.

Noise. You saw that one piece of equipment, which basically is the equivalent of a D7 or D8 dozer that will be spreading the material or will be cutting ditches to drain the materials.

So we have basically one D7, which typically is in the vicinity of 60 to 70 db where the dozer is working. But when you're out in the dredge ponds they're huge, they're humongous. They're 350 acres.

By the time that comes all the way back -- remember, noise goes down as one over R squared, one over the distance away from the source of the noise.

So we, the city's criteria for industrial use, which is what that area is out there, is 80 db, so we fall pretty easily within that.

Odor. All I can say is dredge material is not sewage sludge, which has a lot of organics, and where you get odor from, is basically organics.

Jerry alluded to a system where in the San Francisco Bay if a client wants to dredge he has to go before a board called the Dredge Material Management Office, which is the Regional Water Quality Control Board, EPA, State Lands Commission, and the Corps, and he has to take sediments and chemical testing data and present that to the board. So we'll have a pretty good idea of what is coming in from that testing.

If you saw all the mixing that takes place, whether it's mechanical or hydraulic, there is mixing upon mixing upon mixing. And basically during all of that mixing if there are any odors they'll pretty much be dissipated.

If, for whatever reason, and we will see it if the barge comes in, if there is a distinct odor, before it ever gets anywhere near the residential or the industrial area to the middle or to the north, we'll apply an odor neutralizer. And we do that in a project that we have down in Miami. So odor should not be an issue.

We discussed traffic. I just want to point out, for those of you who are reviewing the draft EIS EIR, you'll see in section three, which is the analysis, you'll see a traffic plan

that involves trafficking material from pier 34 right up the main area through the residential area over to the ponds.

That you have to read carefully, and we'll get Jones and Stokes to clarify that, that was an analysis on one of the alternatives where you didn't have pond seven and you had to truck all this material up, which we will not be doing.

If we do any trucking, for whatever reason, the trucking then will take place through the back roads, through the Magazine area, and then up into the ponds.

Visual. Visual is an issue to the Lennar Company and their, Lennar, Mare Island and their development. We have had a series of meetings, seven or eight meetings between Lennar and us, and there's a Lennar representative right there.

We had an agreement back in 2001 that was negotiated by the city, and that's, that agreement resulted in the elevations that we are now using in the EIS EIR which is 29 feet.

Lennar's housing developments right here, and these will be called the eastern levees, these will be 29 feet, they were reduced from 34. These are 31 feet. These are 31 feet; they're reduced from 34.

I might point out that one of the first projects that we'll do, and this was discussed when we had those meetings back in 2001 with Lennar, is that that levee will be one of the first things we've built, so that when Lennar markets their housing, they will show those people who are applying for the housing that the dredge ponds are going to be there.

The public trail. Public trails are really a great asset. It's not part of the dredge pond's project, but it's really part of the consent agreement requirements and we have to include that, I think we did include that.

But basically we have a trail that starts out at building 505, which is the headquarters of the U.S. Fish and Wildlife Service, and it kind of winds its way down all the way to the end to us, and then it comes back. And they had a loop in the Fish and Wildlife. And we just found out -- and Myrna, you were already aware of this.

We just found out that the Sacramento Endangered Species Specialist does not like that loop coming back and wants them to come back on the same place.

How many have ever been out on the edge of the dredge ponds? Just raise your hands. How many have been out there? It's fantastic. If you're down and you're depressed, go see Dwight, get permission, and go out there and look. It is unbelievable.

MR. GEMAR: I hang my shingle out, just come and see me.

MR. KELLY: It's fantastic. The views of the wildlife, you see things that you just, there are red foxes, all sorts of birds, wild fowl, I mean it's gorgeous, the view of Mt. Tam and the marine headlands is just precious.

The acceptance criteria, basically the acceptance criteria, what we did was two things:

On the acceptance criteria, basically we took the criteria of the chemical analysis of what's already in the ponds, matched that to Regional Water Quality Control Board's wetland foundation material, and we basically melded the two together.

Of the 16 elements that are considered in the acceptance criteria, I think twelve of them really; origins go back to the dredge ponds.

We took, we also took and the way we also arrived at those in addition to coordinating with EPA and the Board, was we took the WDRs that Gary was talking about, and the Corps of Engineers has a fairly sophisticated program that they've used for the last twenty years, that you can take those WDRs, and you can scale back contaminants of concern all the way back to when it comes in.

It turns out that that criteria is a lot higher than our acceptance criteria. So we kept it very low, and a lot of the RAB technical, those three or four meetings we had with the RAB technical committee also helped us arrive at the acceptance criteria.

Mitigation. This is kind of a win-win for both parties. Do we have some lands to mitigate? Yes. Why? When we raise the levees we can't raise 'em on the outside because that's where the wetlands are. So we raise them from the middle of the berm or whatever it may be, and we bring it into the pond. When you bring 'em into the pond you then take some of that surface area away -- and these are, by the way, either wetlands or they're waters of the United States. So they are governed under the 404 permit with the Corps.

It turns out when we go to the maximum levees that were agreed to between Weston and the city and Lennar, we have about 16 acres we have to mitigate when you put all the levees on.

What we've worked out in the last couple of years is that, mainly with the U.S. Fish and Wildlife, they have an area that's about twenty acres just south of pond 2S. It's an upland area. They want to remove that upland area so that this now becomes productive wetlands for the pickle weed, which is the salt marsh harvest mouse's main habitat.

So we're going to clean up about twenty acres here. And we're also going to come up into ponds one, three, and -- I'm sorry, one, 3W, 3E. The Fish and Wildlife wants to knock off some of those existing levees in there and make those a lot more productive. They don't have the money to do it, and this will be part of our mitigation plan. So it's kind of a win-win for both parties.

The levee bracing activities I've already pretty much discussed. It turns out, and Ed will go into it very quickly, I've got the time hitting me over the head from Myrna.

But the initial levees we will raise in one phase. The southern and western levees we'll raise in either one, two, or three phases, as we need them as material comes in.

Ed will discuss briefly the seismicity, and I believe we discussed the regional park.

Ed?

Mr. Ed Woo

Okay. Again, my name is Ed Woo, and I'd like to just give you folks an overview of the geotechnical evaluation that we performed. And in particular, just focus on addressing some of the comments and questions that have been raised related to geotechnical aspects of the project.

And after that I'm going to briefly go over some of the future geotechnical related actions that we plan to take.

Before I get into that, I just want to make a quick note that we recognize that most, a lot of these questions and comments have not fully been addressed in the draft EIS EIR, and that we will be incorporating more detail into that to address those issues.

As part of this project we performed a comprehensive geotechnical evaluation, which included field exploration, and lab testing for all seven dredge ponds that are part of this project.

We performed a suite of engineering analyses, which included static and seismic levee stability.

And based on our analysis we established parameters to safely raise these levees.

This briefly runs down the key elements, which we addressed in our analysis.

We looked at the stability of the existing levee system.

We looked at the stability of the final proposed levee system at the maximum levee heights.

And we developed a staged construction plan in order to build out these levees to these final elevations.

Among some of the other key elements we looked at include the future settlements that would be expected from these levees.

And finally, we established a monitoring and testing program that would be implemented during the, during and after the construction of these levees.

Rather than go into detail about the specifics on the investigation, I just want to spend a few minutes to go over some of the selected questions and comments that have been raised.

The first one has to do with the factor of safety that was used for the static analysis. And you can see here the factors of safety we used.

What we got these from were, they are guidelines published by the Corps of Engineers in an engineering manual called the "Design and Construction of Levees." It's a nationally recognized and used document for these types of systems.

Having said that, a comment was raised that a higher factor of safety may be appropriate for the eastern levees adjacent to the proposed residential areas. And I'd like to point out in response to that that even though these were the minimum factors of safety used, the actual factors of safety of those levees are at least 1.5 which was the number that they made in their comment.

With respect to seismic stability, we checked for key critical conditions, both during construction and at the final build-out.

For our analysis we used a maximum credible earthquake to evaluate the long term or final conditions, and we used a lower earthquake level to evaluate the periods during construction in recognition of the fact that the levees will be exposed to those conditions for a shorter period of time.

Now, I'd like to point out that an exception, again, was made for the eastern levees because a comment was made about the adequacy of a lower design level earthquake, again adjacent to these areas.

And in response to that we analyzed those levees to the maximum credible earthquake for all cases, both during construction and for the final build-out.

And then there was, with respect to seismic stability, there was also another comment concerning what factor of safety we used for the seismic analysis.

And I'd like to point out that rather than a factor of safety-based analysis, we used what's called a deformation-based approach.

And the advantage of this approach is that, unlike the factor of safety approach, you can actually develop and calculate estimates of levee deformation as a result of an earthquake. And because levee deformation really is the key parameter in which to assess the serviceability and the performance of a levee, this approach provides more information that's more indicative of seismic stability of a levee.

In general, after our analysis we were able to conclude that the deformation would be such that they'd be limited to levels that would not result in loss of freeboard or threaten life safety.

And maybe just in the interest of time, there were also some issues related to settlement. Those were fully looked at as part of our evaluation. And future settlement was incorporated into our design and in establishing our final levee heights. And those are fully discussed in our geotechnical report.

With respect to soil erosion, again, that's another issue that was addressed, and we will be vegetating the slopes, including surface drainage elements to capture and minimize the impact of soil erosion and water runoff.

And then there were also some questions raised about seepage and piping, both through the levees and underneath the levees.

And I'd like to point out that these are levees constructed of bay mud overlying native bay mud. And these soils are known to be of a very low permeability. And therefore, based on our evaluation, we concluded that any seepage and piping through and under these levees would be minimal.

And finally, just a note about some of the future actions we plan to take. During construction -- well, before construction we planned on implementing a geotechnical instrumentation program. And what we'll do is we'll monitor things such as settlement, slope movements, and strength gain in the levees and the underlying soils.

And that checks will be put into place, and we'll perform monitoring so that additional levee raising and filling in of the ponds will not proceed unless we achieve adequate strengths and factors of safety throughout the whole process. And if necessary, we'll modify and revise our program to achieve these target values.

And finally, with respect to DSOD review. DSOD stands for the Division of Safety of Dams; it's a division within the Department of Water Resources of the State of California that is responsible for reviewing all dams and damn related structures. And their main objective is to ensure life safety.

And based on DSOD's guidelines, this levee system falls within their definition of what's considered a dam, so therefore we'll be, we're in the process now of putting together a package and approaching DSOD to present the project to them for their review. And they go through quite a rigorous technical review of the project, and basically this project will require DSOD approval before it proceeds.

That sums up my portion of it. Any questions?

MR. BROWNE: I have a question here. On the temporary storage of dry ponds, are those considered dredge ponds down at the south end of the island? Right here.

MR. WOO: That hasn't been part of this study, no.

MR. BROWNE: But will they be built up as levees?

MR. KELLY: No. No.

MR. OLEJNICZAK: Real barriers.

MR. WOO: The purpose of laying these out is to dry out the soil. And in order to dry out the soil they have to be laid out very thin, very thick, like maybe a foot thick.

MR. KELLY: Okay. Thanks, Ed. I just want to emphasize again, because of this comment by Lennar's consultant, that there's no way that we are going to let a levee that's not designed properly and that doesn't count for stability and seismic analysis, and that was the whole point of that presentation. I mean it's important to us, it's probably more important to us than Lennar.

I'm just going to wrap things up to kind of, and it's in your brochure. The schedule, basically we're in the EIS EIR comment period. That was extended until April 12th, I believe, Myrna. And then we'll incorporate all the comments.

Right after the April 12th we'll sit down with the city and their consultant, Jones and Stokes. We'll work out a lot of the issues.

And by the way, this is a, this is a good process, I might point out, because when you get comments, things that you thought were self-explanatory or whatever are not. And that's this whole process.

And when you said earlier without this, this actually public review process we would not have the proper address of the issues or the writing of the proper address of the issues, so we're looking forward to that. We'll complete that somewhere in the early fall.

We're also looking to have our operating permits, right, Gary, Regional Water Quality District permits.

And then, if we get all of that done, then we'll look at doing the project modifications as raising the eastern levees, taking out the WEIR's, doing all those things. And somewhere at the tail end of this year, beginning of next year then we'll look to be operational.

Myrna, that's it. Thanks.

IV: ADMINISTRATIVE BUSINESS: (February Meeting Minutes Approved)
(Myrna Hayes, Jerry Dunaway)

Mr. Jerry Dunaway

Thank you, Pat. Let's go directly to and see how fast -- are you willing to stay until 9:30? These are tortuous meetings, but they're packed full with good information for us.

Let's just go to administrative business quickly. I'd like to have a motion to approve the February meeting minutes.

MR. KARR: So moved.

MS. HAYES: Is that what we're supposed to do or do we ask for changes? I think unless there's any changes, we'll accept the meeting minutes for February.

All agreed? Yes. All right.

The May RAB meeting, we need to change the date due to a conflict with the holiday, so usually we have the RAB meeting on the last Thursday of the month but we're asking you to consider changing it to May 20th. Because most of us won't be here if you do try to come on the last Thursday.

Community focus group meeting in April, we're now looking at April 14 for that focus group meeting that was supposed to take place with the Department of Toxic Substances Control present, the PPS, Public Participation Department.

What does April 14 look like for those present here in the room who would like to be present at that meeting?

Ms. Myrna Hayes

Wednesday. Well, let's try to get together on that and get a date, that keeps on moving out and out and out and we need to get that issue removed solved.

The next item is that the nominating committee of the Restoration Advisory Board, that is now Gary Riley taking Chip Gribble's place as the regulator representative due to changes that we don't know anything about but we do know that he's not on our committee anymore. And Jerry, representing the Navy. And then two of us community members -- bye, Rick. Thanks -- Diana and myself are recommending that Mr. Justice Budu be considered by the community members of the RAB for membership to the RAB. And Justice is here this evening.

And what community members are left, I think there's enough of us to take a vote to accept the nomination of Justice to the committee.

All in favor?

(AYES.)

MS. HAYES: Any opposed?

(NO RESPONSE.)

MS. HAYES: Well, we've made a place at the table for you, Justice so, for the last fifteen minutes. Welcome to the Mare Island Restoration Advisory Board.

(APPLAUSE.)

MR. BUDU: Thank you.

V. FOCUS GROUP REPORTS

MS. HAYES: Okay. The focus group reports. If you want to start out in order as they're listed.

(a) Community - Diana Krevsky

Diana, the community outreach focus group.

MS. KREVSKY: No report.

(b) Natural Resources - Jerry Karr

MS. HAYES: Okay. Natural resources, Jerry.

MR. KARR: Pass.

(c) Technical - Paula Tygielski

MS. HAYES: Technical, Paula.

MS. TYGIELSKI: I'll pass too.

(d) City Report (Ray Leftwhich)

MS. HAYES: I like it. Ray Leftwhich is absent, and I don't see anyone else here from the city to take his place.

(e) Lennar Update (Jill Benson)

MS. HAYES: Lennar. An update from Lennar, and Jill Benson is listed, but I don't see Jill here tonight, so I imagine it's Steve Farley taking her place.

Mr. Steve Farley

This will only take about a half-hour.

MS. HAYES: Okay, a half-hour, you got it. Of course we'll be gone in fifteen, but keep talking.

MR. FARLEY: This will take even less time. Tell you what, why don't we do that?

There's some handouts that we're going to be passing around. You know, we presented this before; I'm not going to go through all the details here. I'd like to highlight two things for you.

One is the documents in review. I'd like to highlight that the closure report for the soil removal action and the groundwater monitoring report were submitted to the agencies, and we received closure on the site from DTSC. And we're working with Gary and the regional board for -- thank you -- for closure from the regional board as well.

And then the other thing is is that there's going to be a public comment period for the IA D1 RAP that will occur starting in April. The details of when the public meeting will occur have yet to be resolved, but that public comment period will start in April.

Any questions? That's pretty fast. Thanks.

MS. HAYES: And an issue around that public comment or that public meeting that has yet to be resolved is, again, the mystery of DTSC's new world order at our particular RAB here at Mare Island.

We understand that they may be considering some changes in how public meetings get announced or get scheduled, and whether or not they will continue to be being held for these decision document meetings at our Restoration Advisory Board, which has been our practice. And by the graciousness of the RAB members we've been having those members at our RAB.

But again, there's been no communication directly to the Restoration Advisory Board co-chair, so we're not sure what the agency is thinking of, but hopefully they will pick up the phone or sit down to their computer at some point on that issue.

(f) Weston Update (Cris Jespersen)

MS. HAYES: A Weston update, other than what's been presented this evening. Chris.

Mr. Cris Jespersen

Since we've taken more than our fair share of time, I will keep this extremely brief. I handed out our little circular here with what we accomplished in the last month. A number of the items on there have already been discussed this evening.

Let me toss out two things of interest. One is the final demolition of the industrial wastewater treatment plant and pipeline. You can see the before and after photos there of what was left after the treatment pits that were below ground that have all been broken up now and backfilled.

And then secondly, if you've been out on Mare Island this week, some of you might have been noticing an increased level of truck traffic. We began importing some clean fill material that we'll eventually use as backfill material. And estimated areas or as sub terrain material for the cap later on. We had an opportunity to pick up some nice material at a good price so we're taking advantage of it. And that's what, about three weeks work?

MR. GEMAR: Yeah.

MR. JESPERSEN: So the next three weeks there will be a lot of trucks working. So thank you.

(g) Regulatory Update (Chip Gribble/Emily Roth/Gary Riley)

MS. HAYES: Regulatory agency update. Last, but certainly not least, we have three regulators here this evening, you choose who goes first.

Hear no evil.

Mr. Chip Gribble

Well, I guess since Henry is not here tonight, Henry Chui is the project manager for DTSC for the Lennar stuff, he's not here but a couple things on that.

As Steve said, next month, approximately next month you're going to, Lennar is going to be coming out with a RAP for D1, and apparently there's another RAP for H2 being planned for the subsequent month of May.

There's some remaining issues on those areas or the D1 area, which they're still working out, which are the IR14 site, some lead based paint issues, and some PCB site issues.

For the stuff that I'm working on, we did approve the slurry wall extraction trench interim RAP for H1. We haven't distributed the final copies yet because we're waiting also on the Navy to put out the final, their final copies so that we can put out our final copies. But signatures have been obtained, and so it's just simply a matter of distributing the final documents.

Also for the, what has been historically been called the OBOD removal action work plan which is really, that really is not a correct title to that project, it's really an ordnance storage and disposal removal action work plan that we also had a public meeting on in December. That has been approved, and I understand that the Navy is starting to move toward processing the ordnance that, the waste ordnance that they have in storage.

As far as the, going back to the Weston slurry wall and extraction trench, they won't be able to start that project in earnest yet because we're still trying to work out a final remedial design document. However, we're getting close on that.

And in the meanwhile, we have told them that they can go ahead with preparatory work. And you will see some earthmoving work beginning, or it's probably already begun.

The soil storage that Dwight mentioned has been approved for stockpiling only, but not for any particular use because we don't have a final RAP for that area.

But it's fair to say that Weston is anticipating that that material would likely be used as a foundation material, as Chris mentioned.

That's about it. I'll stop there.

MS. HAYES: Just had a comment from the public the other day about that area that we haven't heard anymore about from your RCRA department about whether you're going to require the landfill portion to be, of H1 to be fenced, but we've got a great idea for it, a dog park.

MR. GRIBBLE: You're going to fence in the dogs? I think that's probably not, some people might object to that. But we can consider that if that's what your preference is.

MS. HAYES: Yeah, if you have to have a fence, that's a good thing for dogs, for dog parks.

Okay. Carolyn, it looks like you're taking the stage next.

Ms. Carolyn D'almeida

Okay. Well we've been working as usual on PCB letters, and we've been having meetings just about every week with the attorneys to discuss land use covenants, enforceable agreements that will run with the property in order to resolve some of the issues that we have with properties where land use is going to be restricted and contamination is going to remain.

And we made quite a bit of progress on those, and I think we're going to be resolving those, a lot of those issues soon.

Let's see, what else are we working on? I was pleased to hear the RAB meeting, not the RAB meeting, at the RPM meeting that the Navy has agreed to address our longstanding comment on area F1, ordnance manufacturing area, where basically we commented that investigation, field investigations in that area were limited to maybe a dozen buildings, and 39 buildings were basically screened out back in 1995 during a preliminary assessment, basically considered to be no further action.

And we commented that, well, maybe we need to do more than just literature review here, but actually go out and look at some of those buildings.

At the RPM meeting the Navy has agreed to go back and revisit some of those buildings. So we're real pleased to hear that.

And I understand you're going to start perchlorate sampling later this week, I just got that e-mail out there.

And let me think what else is going on. At the beginning of the month we had a meeting with DTSC toxicologists and our toxicologist on the offshore ecological risk assessment, and we're making progress there. The Navy has agreed to go out and collect additional data in order to address some of the concerns that were raised.

And I think that's pretty much it for our update.

MS. KREVSKY: Carolyn, you mentioned about having progress with the land use covenants and enforceable agreements, and I wondered if at some point you could come back to the RAB and have a short description of what types of enforcement techniques you've come up with to give us an idea of what is working?

MS. D'ALMEIDA: Well maybe Dan can talk about it.

MS. KREVSKY: I don't mean tonight. I don't mean tonight.

MR. MURPHY: I was just telling her I was wondering if you were going to try that.

MS. KREVSKY: Well yeah, I'm not meaning right now so, yeah.

MS. D'ALMEIDA: We're just working on hammering out language right now.

MR. RILEY: Not to go into too much detail, but probably one thing of interest to the RAB is you heard, well Henry speaking through Chip say that the D1 RAP and the H2 RAP will be coming out for public comment over the next two months. And in both of those RAPS --

MS. HAYES: This part of it.

Mr. Gary Riley

Yeah, H2 is the little parcel north of D1, and the D1 is the large potential resues area.

In both of those cases there will be underground storage tanks and fuel oil pipeline sites that are still undergoing remediation or characterization or investigation leading to closure. But those are proceeding outside of the remedial action plan.

The RAP describes the non-petroleum hazardous substance cleanups, and so we'll have some work ongoing on the petroleum sites. And the intent is to have those closed at the end of the RAP process where the sites will be certified by DTSC for reuse.

So those sites will not be specifically addressed in the RAP, they can be summarized and they're certainly proceeding on their own path where the Water Board is reviewing and closing those sites as we go along.

So just a process to understand, and I'm sure CH2M HILL will be happy to, you know, describe those sites if the RAB is interested in knowing what parts, what sites are falling outside of the RAP process in those.

That's it.

VI: CO-CHAIRS' REPORT: (Myrna Hayes, Jerry Dunaway)

Mr. Jerry Dunaway

Thank you, Myrna. I have a handout that will be very brief. You might have noticed in the first presentation earlier that we got this new format, a new NAVFAC, if you will. We're going through an identity revamping, and this presentation format is actually standardized through our corporation now, or our command, so you'll see a change in my co-chair report format.

Real quickly through the BCT report, I'll be mentioning some of the things that some of the other members already mentioned.

We had our March 10th RPM meeting and discussed a few projects, some of which Carolyn mentioned. Our next meeting is April 8th at the caretaker's site office.

We have two action memoranda for new removal actions that have been signed by DTSC as Chip mentioned, that's the ordnance storage and treatment facility, I believe that's the formal title of it, and also the area H1 groundwater containment trench. DTSC had signed both of those.

Right now I've got my management reviewing prior to my signature of those before we can actually execute those projects.

And I list headquarters review. That is fairly significant. We had a recent policy adopted or mandated across our command for pump and treat systems. And there's a

lot of focus on pump and treat systems because of issues related to the effectiveness and long-term operational costs.

The groundwater containment trench is a form of pump and treat. And although I don't see that this will be a major problem, it will need to go through our headquarters review. And we think that will happen fairly quickly. I'm sure by the end of the month they'll be back with an answer.

And they're all familiar with our cleanup agreement we have with Weston, and that will make the issue that much easier to approve.

The last item I wanted to report is on the site management plan. This is something that we really have been working on, and not very effectively, throughout the whole fiscal year of 2004, which started in October.

And this site management plan, I might have said it before, but for some of the new members, this is our primary tool to guide all the cleanup projects, and it's required by the FFSRA, the Federal Facility Site Remediation Agreement. We have not completed one for this fiscal year, we're trying to, and quite frankly I don't see it happening.

We're about ready to beginning drafting the FY '05 site management plan, and I'm just raising this point. I don't want to see us fall into that loop that I believe occurred for about four years between '98 and 2002 where we basically did not have a schedule in place. And what I think that resulted in is we didn't have any new projects planned for cleanup as a result of not having a schedule.

What we had developed in 2002 was the result of a new FFSRA that we signed. We did have an FY rescheduled that worked for us, and that resulted in the Marine Corps Firing Range cleanup, the two removal actions that we had planned here for signature this month.

And we just want to make sure that we try and do a better job with FY '05 so that we can have a tool for managing our cleanup program. That new schedule will be submitted by June 15th.

The last item I wanted to touch on was a summary of where we're at with the Marine Corps Firing Range. Back in January at that RAB meeting we summarized our approach, which changed a little bit because of weather conditions, and because of some of the difficulties we were having with the technology we were using to screen out bullets in the soil.

We decided to do a pre-screening sampling effort during this winter season. And that's what I describe here.

We were, we had just completed our field effort for that and have preliminary results. And at the same time we're evaluating treatment alternatives on how to deal with the soil.

So we have a problem with the soil once we get it out of the ground, how to get the bullets separated from the soil.

We're continuing with that evaluation, but what we decided to do was this pre-screening effort. And we had basically three areas we were looking at, low risk, high risk, and then the actual impact berms where the firing targets were located.

At the low risk locations we had 336 locations where we took about two samples at each location, about 740 samples total. And as we predicted, they were low risk, only about two percent of those samples were above the target cleanup goal, lead being our indicator, contaminant of concern. And that cleanup goal is 200 parts per million.

47 high-risk locations also came back surprisingly low; only about 16 percent of those were above the cleanup goal. However, in those areas we do have bullet fragments in there, so we still have that goal and the need to get the bullets out of the ground, out of the soil.

The third area were the impact berms. And what we had proposed was to physically cut through those with a backhoe so that we can profile them and take samples inside. The concern there was that the historic berm built on top of, or historic berms that were built over the new berm material.

Surprisingly, out of all the samples we took, 11 trenches, three samples per trench, none of them came back above the target cleanup goal. Again we need to look at, well, are there bullets in there? And so we're still further assessing that condition of the soil.

So we'll have more information come April that will describe the actual handling of the soil now. We know basically what we need to excavate, now we just need to figure out how to deal with that soil. And so more will come after the month of March.

And that's it for my report. Any questions? Thank you.

Ms. Myrna Hayes

And I think it was the Restoration Advisory Board that asked you to sample in those berms. We like to once in a while think that we make a difference. But that was good information to get back.

My co-chair's report will be very brief. I did attend the regional RAB caucus that was held by Arkology on the 18th of March. And there were representatives from Treasure Island RAB, Alameda, Hunters Point, Fort Ord and ourselves.

And we compared notes, and we'll be in the process of preparing a letter jointly to the new Cal EPA secretary who is apparently very interested in public involvement and has come up through the public involvement and advocacy world.

And of course, we were particularly interested in hearing about this new policy or new enforcement of a policy or something by the public participation specialist division. And we certainly didn't have any, find any kind of trend, and it does lead us to believe that Mare Island's possibly being singled out, and so we may want to do some additional investigation there and try to figure out why radical changes have been made again by that agency. I've brought that up a number of times, but I think they are significant and worth pursuing.

So we'll eventually be writing a letter and requesting to meet with the EPA's, or Cal EPA's new secretary, and introduce him to and remind him of what role Restoration Advisory Boards play in California in assisting with environmental cleanup leading to reuse.

So on that note, anybody have anything else to share? Do it now, otherwise.

MR. BUDU: Yes.

MS. HAYES: Ah, Justice, I presume.

MR. BUDU: I would just like to thank you, the Board, for accepting my application.

MS. HAYES: And welcome back next month.

MR. BUDU: Yes.

MS. HAYES: Meeting adjourned.

(Thereupon the foregoing was concluded at 9:38 p.m.)

CDM Transmittal

CDM.

9444 Farnham Street, Suite 210
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(858) 268-3383
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To: Diane Silva
Organization/Address: Navy SWDIV
1220 Pacific Hwy., Bldg 129
San Diego, CA 92132
Phone: (619) 532-3676

From: Regina Clifford
Date: July 12, 2004

Re: Mare Island Information Repository – Final Minutes for the March, April, and May RAB Meetings

Job #:

Via: Mail: Overnight: Fedex 2-day Courier:

Enclosed please find:

For your information

X

For your review

For your signature

Approved

Approved as noted

Returned to you for correction

● **Message:**

Diane,

Enclosed please find two copies each of the final RAB meeting minutes from the March, April, and May RAB Meetings at Mare Island Naval Shipyard for the administration record/information repository. Please note that our address has changed. Please call me with any questions

Thank you,

Regina Clifford
Project Manager

Signed 