



Final MARE ISLAND NAVAL SHIPYARD Restoration Advisory Board (RAB) Meeting Minutes

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MARE ISLAND
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HELD THURSDAY, March 26, 2015

The Restoration Advisory Board (RAB) for former Mare Island Naval Shipyard (MINSY) held its regular meeting on Thursday, March 26th, 2015, at the Mare Island Conference Center, 375 G Street, Vallejo, California. The meeting started at 7:05 p.m. and adjourned at 9:25 p.m. These minutes contain a transcript of the discussions and presentations from the RAB Meeting.

RAB Community Members in Attendance:

- Myrna Hayes (Community Co-Chair)
- Chris Rasmussen (Community Member)
- Paula Tygielski (Community Member)

RAB Navy, Developers, Regulatory, and Other Agency Members in Attendance:

- Janet Lear (Navy Co-Chair)
- Allan Fone (Department of Toxic Substances Control)
- Dwight Gemar (Weston Solutions, Inc.)
- Erin Hanford (City of Vallejo)
- Patrick Hsieh (Department of Toxic Substances Control)
- Janet Naito (Department of Toxic Substances Control)
- Sheila Roebuck (Lennar Mare Island)
- Neal Siler (Lennar Mare Island)
- Elizabeth Wells (Regional Water Quality Control Board)
- Heather Wochnick (Navy)

Community Guests in Attendance:

- Pam Jespersen (Weston Solutions, Inc.)
- Larry Maggini (Weston Solutions, Inc.)
- Jim Porterfield (Community Member)

RAB Support from Sullivan-Weston Services JVA, LLC, in Attendance:

- Jessica W. Cooper (Assistant Project Manager)
- Wally Neville (Audio/Visual Support)
- Doris Bailey (Stenographer)

I. WELCOME AND INTRODUCTIONS (Myrna Hayes [Community Co-Chair] and Janet Lear [Navy Co-Chair])

CO-CHAIR LEAR: Welcome, everyone, to the Mare Island Restoration Advisory Board meeting.

We start the meeting with introductions. My name is Janet Lear, I'm the Navy Co-Chair.

CO-CHAIR HAYES: And I'm Myrna Hayes, the Community Co-Chair. And since we won't be meeting on April 14, just make an early announcement that this will be my 21st year and Paula's 21st year serving on the Mare Island Restoration Advisory Board.

MR. RASMUSSEN: My name is Chris Rasmussen. I am a resident of Mare Island.

MS. HANFORD: Hi, I'm Erin Hanford, and I'm from the city of Vallejo in the Economic Development Group.

MS. ROEBUCK: Sheila Roebuck with Lennar Mare Island.

MS. WELLS: Elizabeth Wells with the Water Board.

MR. HSIEH: Patrick Hsieh with DTSC.

MS. NAITO: And for Myrna that's Department of Toxic Substances Control. Janet Naito with the same.

MR. FONE: Alex Fone with the Department of Toxic Substances Control.

MS. WOCHNICK: I'm Heather Wochnik, Navy BRAC.

MR. PORTERFIELD: Jim Porterfield, ex-Mare Islander.

MS. JESPERSEN: Pam Jespersen, I'm with Weston.

MR. MAGGINI: Larry Maggini with Weston.

MR. GEMAR: Dwight Gemar with Weston.

II. PRESENTATION (Dwight Gemar [Weston Solutions, Inc.): *Proposed Plan/Draft Remedial Action Plan, Installation Restoration Site 05 (IR05), Dredge Pond 7S (DP7S), and Western Magazine Area (WMA)*

CO-CHAIR LEAR: So tonight our RAB meeting is also a proposed plan public meeting. And I will give DTSC an opportunity to say a few words before we begin that part of our presentation.

MS. NAITO: Okay. Thank you, everybody, for coming out.

We're here today to talk about a Proposed Plan/Draft Remedial Action Plan for Installation Restoration Site 05, Dredge Pond 7S, and the Western Magazine Area.

The proposed -- Dwight is going to give presentation on the Proposed Plan tonight, it should be short. Let's give him our undivided attention.

CO-CHAIR LEAR: And to follow up on that, there are copies of the Proposed Plan on the table. This would have been mailed out to quite an extensive mailing list at the beginning of our public review period which runs from March 18th through April 17th.

In the Proposed Plan there is information on who comments can be sent to -- either by fax, e-mail, or Postal Service -- as well as -- comments on the Proposed Plan can be provided tonight verbally. And all of the responses to all the comments/questions will be part of the responsiveness summary in the next document which is the Record of Decision.

At this point I'll turn it over to Dwight to give our presentation, and then we can talk about any comments or questions.

MR. GEMAR: Okay. Well, thanks, everyone, for being here for the public meeting for the Proposed Plan and Draft Remedial Action Plan for Installation Restoration Site 05, the Western Magazine Area, and Dredge Pond 7 South.

All right. I'm going to briefly lay out the agenda for tonight. First I'd like to go through the Comprehensive Environmental Response, Compensation, and Liability Act process which the Proposed Plan is part of.

And once we dispense with that we'll get into site location and history of these three sites.

And then go through the previous investigations and removal actions which have occurred over the last two decades and more.

And then also provide a brief summary of contaminants and hazards of concern that have been encountered during those investigations and removal actions. What happens -- let's see if I can make this happen. Hang on. Technical difficulties.

(Thereupon there was a discussion off the record.)

CO-CHAIR HAYES: The early Mare Island photo.

MS. NAITO: That was very early.

MR. GEMAR: Okay. Now we have buttons working.

So we're also going to talk about a summary of site risks.

And the -- and based on those remaining site risks, a review of the remedial action objective for these sites.

And then I'd like to briefly describe the remedial alternatives, the criteria that was used to evaluate those alternatives, a summary of what the Navy is proposing as the preferred alternative, and then our next steps and schedule.

All right. And I'm going to grab a handout myself so I don't have to keep looking at the screen. All right.

The step in the process that we're here to discuss tonight is the Proposed Plan. Again, this is a step in the CERCLA process. And as I mentioned, it provides an opportunity for the Navy to present their preferred alternative for the -- for the sites based on the current conditions. And then it gives an opportunity for the public to provide comments, either here at this meeting verbally or later in writing if you prefer.

And then the next step would be to respond to the public comments and -- in a form of a responsiveness summary that's then documented in the next step of the process, which is the Record of Decision.

Under the statutes in California, this step that we're discussing tonight (the Proposed Plan) also serves as the function for a Draft Remedial Action Plan for sites that are under state lead, which is the case here on Mare Island. So that's why this presentation is referred to as a Proposed Plan/Draft Remedial Action Plan.

So here's a brief flow sheet of the CERCLA process that's used for cleanup of sites such as the three sites we're discussing tonight.

The initial work is -- consists of inspections and interim removal actions. And as I mentioned, there's been over two decades of inspections and removal actions performed on these sites.

And that information is then prepared -- is then consolidated into a remedial investigation report which is used to evaluate the extent and nature of contamination and the associated risk.

That report has been completed, as well as a [sic] evaluation of remedial action alternatives to address those residual risks, which is the feasibility study.

The next step in the process is the Proposed Plan -- again, that's the step that we're at currently -- which will summarize for you the results of the remedial investigation and the Feasibility Study and explain the preferred alternative for the final site cleanup.

And that will be documented then in a record of decision / remedial action plan which will take into account the comments received either tonight or in writing from the public during the public comment period.

And we will then finalize the selected alternative for these three sites.

And then depending on that selected alternative, other activities may occur such as a remedial design or a remedial action step which could include land use controls and then also monitoring; and ultimately leading to a response complete for the sites, including any future deed restrictions.

So that's the process in terms of the CERCLA documentation. So I'd like to kind of get into the specifics of these three sites. Again, we're -- well, maybe hit one more light, that's not very bright on the screen.

CO-CHAIR HAYES: It's just not a very bright image.

MR. GEMAR: One more. Well, you'll have to be on your honor to stay awake for this particular slide anyway. We can probably flash the lights up later.

But this is the Western Magazine Area. This is on the southwestern portion of Mare Island, and it's bounded to the south by Installation Restoration Site 05 and Dredge Pond 7 South.

I'm going to point out a couple of areas on these maps because I'm going to mention them later on in the presentation.

In the northern part of the WMA -- here and here, represented by these two black dots -- there is a historical outfall -- and for the veterans on the RAB, of which we have many -- hey, Paula -- you recall that outfalls are where dredge sediments are pumped from Mare Island Strait to the dredge ponds on Mare Island. And we have found at outfall areas metal debris, including munitions and radiological items. So that's a useful piece of information to recall that there are two outfalls here and here.

Also, I'm going to be referring to a Horse Stable Area and that's in the central part of the WMA. And as the name implies, that was a former horse stable. And there's an existing barn in this area.

And then at the south end of the sites, Dredge Pond 7 South consists of a levee surrounding former tidal marsh area that was used for disposal of dredge sediments.

And there was a suspected outfall on the northeastern corner of this site.

And then over here is the IR-04 -- excuse me -- IR-05 site, which is bounded by Dike 12, which is this area here that forms the boundary with -- with the Carquinez Strait.

So I just wanted to point out a few site features because I'll be referring to some of these in the future in the rest of the presentation.

And I think we can probably get at least one set of lights back on. There we go.

So here's a brief summary of the site description and history of Installation Restoration Site 05. This is an area again that's at the very south end of Mare Island. It's bounded by the Carquinez Strait. It's about 35 acres. And this was generally created by some natural accretion of sediments behind Dike 12, but also fill from the hillsides at the south end of Mare Island. And then later during the restoration work some dredge spoils were also placed in this area.

This area was used for munitions storage and disposal from -- late forties through 1975.

In the northern part of the site, which you can see a little better on your handout, the -- there's evidence based on photographic history that a lot of munitions-related containers were placed or stored in the north part of the site. And again in your photograph, which you can see better in your handout, in this area you can see a lot of containers there.

The southern part of the site -- southeastern part -- was used for disposal of munitions, usually by burning or detonation. And you can actually see from this 1949 photo what appears to be burning of probably propellant or other munitions constituents in that area on a burn pit -- or a burn pad, I should say.

On the -- again better seen on your handout -- there is a pipeline that carries dredge sediment past or through IR-05 into the Dredge Pond 7 -- 7 South complex over in this area off the screen. And that -- however, there are no known outfalls within the IR-05 boundary.

Dredge Pond 7 South, as I mentioned is a -- is bounded by a levee. And again, it was used for disposal of dredged sediments up until the 1970s when the Dredge Pond 7 and the adjacent 7 South were divided with a levee, and then the discharge sediment into Dredge Pond 7 South was discontinued. So those used to be one large levee or one large dredge pond, and then they were subdivided and then Dredge Pond 7 South was no longer used.

And as I mentioned in the photograph, there is a suspected outfall in the northeast corner of Dredge Pond 7 South.

CO-CHAIR HAYES: Dwight, could I ask questions now or wait?

MR. GEMAR: It's up to you.

CO-CHAIR HAYES: But also I'm just trying to follow the public meeting format. All right.

When you say suspected, you never found one? You looked for one? You didn't look for one?

MR. GEMAR: There was outfall type debris, you know, found in that area. Although if my memory serves me correctly, there was no outfall mass, per se, found.

CO-CHAIR HAYES: Okay.

MR. GEMAR: But there was certainly evidence of the type of debris that we'd find.

CO-CHAIR HAYES: Okay.

MR. GEMAR: And then the Western Magazine Area -- and this is, again, better seen on your photograph -- and this is one of my favorite pictures of the Western Magazine Area --

CO-CHAIR HAYES: I think mine too.

MR. GEMAR: -- that I think Mr. Larry Maggini took, which was taken on a cold winter morning: with frost on the ground, the sun coming up shining on the magazines, the fog burning off behind it in the Carquinez Strait – and it was a really cool photograph.

CO-CHAIR HAYES: Yep.

MR. GEMAR: The Western Magazine area is 105 -- or excuse me -- 106 acres: about 60 percent land, 40 percent wetlands.

They contain 21 former munitions storage magazines as you -- some of which you see here. Some of these are free-standing on piers like these are. Some were cut into the original hillside of Mare Island.

During subsequent investigation we determined that there were two historic outfall locations in the northern part of the WMA. During some of the early investigations that was not known, but it became known later through one of the investigations that I'll -- or removal actions -- that I'll describe later.

And also we, you know -- based on some historical photographic evidence -- it kind of led us to believe and then later confirm that there were two outfalls at the north end of the WMA.

And again, as I mentioned earlier, there is a former horse stable area that is in the center -- central location of the WMA.

So now we kind of transition to what's been investigated at the site or how those investigations have proceeded over the years. And as early as 1982 and 1987 there were some initial studies done, but the investigations really picked up steam in the 1980s.

For example, the storm drains – which was kind of a site-wide effort – were inspected and cleaned and sampled at IR-05 as well as throughout the shipyard.

In addition, there was some initial efforts at a remedial investigation report for this site. But based on its long history and known history as munitions storage and/or disposal areas -- of course ordnance-related assessments and investigations were conducted in the 90s.

As well as then later in the 90s some chemical sampling of the soil and sediment in these areas was performed to further, you know, define and try to delineate potential hazards associated with the past uses of these sites.

Also, in the late 90s/early-2000 time frame, there was, again, a push to investigate former or suspected underground storage locations of which a few were located in the IR Site 05 and Western Magazine Area.

And then following that there was additional groundwater sampling efforts, additional soil characterization efforts.

There was also a site inspection of the Horse Stable Area in 2003/4 timeframe.

There was further sampling of what were considered data gaps based on input from the regulators performed in 2007/2008 timeframe.

As well as a digital geophysical mapping survey, which is basically a metal detector type approach to investigate the subsurface for buried metal. That was performed in 2006.

And then later, after certain removal actions were taken – which I'll describe in a moment – the Remedial Investigation Report was prepared, which, again, describes the nature and extent of

contamination and summary of hazards -- residual hazards -- for human health and to ecological receptors.

And then finally a feasibility study was completed last year to evaluate remedial action objectives and potential response actions.

So a long history of investigations, again, dating back to the 80s. As an outshoot of those investigations there were a number of removal actions that were recommended and performed.

Initially it consisted of only emergency actions when some munitions items were encountered during utility work in the Western Magazine area – and that was again just emergency response – but it did alert folks to the presence of munitions buried in the Western Magazine Area.

And at about roughly the same timeframe a surface sweep of the Installation Restoration Site 05 was conducted: again, to determine whether a surface -- or near-surface -- munitions were present. And no surprise that they were, in fact, detected during that sweep based on, again, the history of the site. It was probably already a foregone conclusion.

And that, in turn, led to a Time-Critical Removal Action for munitions removal. And that resulted in the removal of -- as it's listed here -- over 300 munitions items. (And I'm kind of referring to MEC as munitions, but MEC stands for munitions and explosives of concern which can -- generally consists of -- discarded military munitions on Mare Island, but it also can refer to munitions constituents in the soil.)

There was also some chemical contamination related to battery disposal: that was removed as well as some other contaminated soil – and quite a bit of scrap metal – over twenty tons of scrap metal – removed during that effort.

And then moving on into the late 90s. There was also a similar munitions investigation called an intrusive investigation, but basically resulting in the removal of – as indicated here– over 170 items, again from the area that was later determined to be a historic outfall location in the northern part of the Western Magazine area.

And also some munitions items detected further south between Buildings 148 and 169.

And listed here also are a laundry list of other items that were removed during that effort.

And then following that, based on the revelation that outfalls at the dredge ponds contained not only metal debris but munitions and/or radiological items – which were the luminescent deck marker type items that were discarded and later found in the dredge ponds at the outfalls – a UXO or unexploded ordnance inspection was done of the -- all the dredge ponds on Mare Island. And again, that resulted in 122 items being recovered from the historical outfall location at Dredge Pond 7 South that I mentioned was in the northeast corner of that area.

And then, in addition, there was a radiological investigation of the dredge ponds primarily in the vicinity of the outfalls. That was an area -- and Dredge Pond 7 South was inspected, but no radiological items were recovered or encountered there.

However, at the time the outfall locations at the Western Magazine Area were not identified, and so there was no radiological inspection during this 2000 to 2001 effort. But those areas were later inspected as I'll mention in a moment.

Following the digital geophysical mapping survey in 2006, a removal action was then performed. And over 300 items from the Investigation Restoration Site 05, Dredge Pond 7 South area, and

over -- well, almost 800 items from the Western Magazine Area were recovered. And that was an extensive effort with -- on the neighborhood of 16,000 anomaly locations investigated.

And again, a large number of inert items were removed, as well as 34 radiological items from these two historical outfall locations where -- which at that point were known based on the photographic evidence that we had, and the geophysical survey which kind of collaborated the presence of those outfalls.

In addition, based on the previous investigation of the Horse Stable Area, it was found that green sand, which is abrasive blast material that -- again, many of you remember is waste product from the blasting of hulls of ships prior to being painted and whatnot which contain high levels of metals: typically nickel and zinc, I believe. But they often used that for bedding material and utilities and, amazingly enough, for the Horse Stable Area. Perhaps because it just was nice, sandy material, and they thought it was a good way to utilize that otherwise excess material.

But because of past -- or the previous sampling, we've known that material's known to contain elevated metals, so that was removed as well, because it was underneath the floorboards of this one building -- Building A-155 -- that that building was demolished so that the soil underneath could be removed containing the abrasive blast material.

And then another extensive soil removal activity occurred in Installation Restoration Site 05, again, based on the previous sampling that was completed in the mid-2000 timeframe. And that resulted in over 33,000 cubic yards of soil being removed. And as part of that effort and to help restore the southern part of the site, 4.7 acres of new wetlands were created.

So this next slide shows in the upper right photograph the removal of Building A-155 which is the Horse Stable Barn -- or Area, I should say.

And then on the lower right is the soil removal from Installation Restoration Site 05. You can see the bridge there behind the excavator.

CO-CHAIR HAYES: I just want to make a brief comment. I just had a visitor this Friday from Alaska -- a resident of Alaska now -- who kept her horse there. And she's very, very sad to hear that the barn was gone.

MR. GEMAR: Well, the barn is still there but the stables are gone.

CO-CHAIR HAYES: Well, the stables.

MR. GEMAR: Actually it's vice versa, the barn is gone, the stables are still there.

CO-CHAIR HAYES: The stables are still there. And I didn't have the heart to tell her about the environmental cleanup or the detail to say you were riding around in this stuff.

But apparently there is a Facebook page with over 300 members who are also former Mare Island riders and who had their horses there.

MR. GEMAR: Very cool.

CO-CHAIR HAYES: Employees of the Navy's children and families.

MR. GEMAR: And the areas shown in purple are the general areas of the soil, where soil removal occurred during that large Time-Critical Removal Action at those two sites.

So based on the long history of investigations at these sites, the chemicals of potential concern that were encountered -- either in the soil groundwater or surface water -- included this list as

shown here. In addition to metals in the soil, primarily there was some low levels of dioxins/furans from the burning that was performed at IR-05. And, not surprisingly, explosives were detected as well as several other type of organic compounds as listed here.

However, because of the extensive removal actions that have been performed since the 90s and on through into the 2010/11 time frame, the risks associated with these chemicals of concern have been removed as I'll kind of mention here in the next couple of slides.

So as part of the Remedial Investigation Report, the current conditions – after all of the removal actions had been performed – was [sic] evaluated for human health, and that was in the soil surface water and shallow groundwater.

And the evaluation indicated no unacceptable -- no unacceptable cancer or non-cancer risks from these chemicals based on the remaining site conditions for either the current or for future use, which is recreational users and construction workers. So that indicated that, you know, the past removal actions were effective at removing those previous hazards.

However, as again the veterans on this Restoration Advisory Board know, the technology is not sufficient for guaranteeing a hundred percent removal of all munitions items beneath the ground surface; and, therefore, a potential risk of encountering those type of items still would, you know, may exist. We believe it's extremely remote at this point based on the previous removal actions, but it can't be discounted or eliminated.

However, in addition to the human health risk results, the results for ecological risk to animals or birds was also performed during the remedial investigation. And, again, it was determined that the current site conditions are not a hazard to those receptors.

And finally, on groundwater, the Regional Water Quality Control Board did grant an exception to the groundwater policy because of the elevated [sic] -- elevated [sic] -- *elevated* -- easy for me to say -- salinity makes the water not potable and, therefore, not a viable source for drinking water.

And in addition to removal of the chemical specific hazards, as I mentioned, over 16,000 anomaly locations from the geophysical mapping and/or handheld magnetometer surveys were performed and excavated. And, you know, we believe that at this point there is a very low probability of coming into contact with munitions at this point.

Also, based on the extensive investigation at the historic dredge pond – dredge outfall locations at the Western Magazine Area – we do not believe that there are any further radiological items at that location (nor have any radiological items been recovered from Dredge Pond 7 South).

And, again, there was no outfall locations at IR-05. And so, again, don't expect any radiological items to be present there. And also based on the fact that all of the 16,000+ anomaly locations were also monitored for radiological levels, and no radiological items were found at any of those 16,000 locations.

So in regard to future site use: again, this is a picture that looks a lot better on your handouts that actually shows the newly created wetland area, which shows a very nice, healthy crop of pickleweed, which hopefully the salt marsh harvest mouse are enjoying as we speak.

These sites are planned -- the three sites that we're discussing tonight are planned for transfer to the California State Lands Commission and/or city of Vallejo for recreational and/or wetland use: basically open space.

And based on that future use and the current conditions of the site, post-remedial investigation, the Feasibility Study evaluated remedial action objectives, and at this point the primary objective is to control and protect humans from the low risk of potentially buried munitions.

So in order to accomplish that objective, basically two alternatives were evaluated in the Feasibility Study.

One is required under the CERCLA process, and that's Alternative 1, which is No Further Action (and that's used as a baseline to evaluate other alternatives). Because there are no residual risks to humans or ecological receptors for the chemicals at the site, the only known residual hazard is the potential for munitions.

And Alternative 2 is presented for controlling that low risk based through the use of land use controls, which can consist of either and/or engineering controls or institutional controls.

Again, Alternative 1 is the -- essentially the do-nothing alternative, which is required under CERCLA. And, as I mentioned, there would be no actions performed under Alternative 1.

Alternative 2 would consist of institutional controls for these three sites; this would include prohibiting sensitive uses such as those listed here, residences, hospitals, schools, and daycare facilities.

Also the institutional controls would restrict or would include a provision in the deeds to restrict soil disturbance without appropriate approvals.

And then again these institutional controls would be verified through annual inspections and through the five-year review process which is required under the CERCLA regulations.

And these restrictions would run with the land and be enforceable by the Department of Toxic Substances Control, which I did not abbreviate.

CO-CHAIR HAYES: Thank you.

MR. GEMAR: The two alternatives are evaluated by a series of these nine criteria. In the upper left there: these two criteria here are called threshold criteria, which means that they must be met.

And the no action would result obviously in a lower overall protection of human health and the environment than Alternative 2.

And Alternative 2 would be in compliance with applicable or relevant and appropriate requirements.

Moving onto the five balancing criteria: obviously, either no action or institutional controls are easily implemented and certainly at reasonable or no cost.

And then the two modifying criteria on the right-hand side of the screen relate to state acceptance from regulators -- and also community acceptance through a forums [sic] such as this public meeting and subsequent or current public review process.

So based on overall analysis of the existing site conditions and the remedial action objective, the Navy is proposing to prefer Alternative 2, consisting of institutional controls for these sites.

Again, these institutional controls would prohibit sensitive uses and also soil disturbance activities without Navy and DTSC approval with appropriate oversight by personnel trained to observe for and/or handle munitions if they are encountered.

And this certainly achieves a higher level of protectiveness than the no action alternative, and can be, you know, performed at a reasonable cost.

So the Navy is requesting public comment, either verbal comments tonight that are going to be recorded in the transcript, or if you prefer you can send written comments by letter or e-mail to one or all three of the individuals shown on this slide.

In terms of the next steps: the public comment period that is currently running will be finished on April 17th, and after that point the Navy will prepare a responsiveness summary to address public comments and review those with the regulators in order to determine the appropriate selected alternative, which will be documented, as well as the responsiveness summary in the Record of Decision Remedial Action Plan, which is the document that will come next.

And depending again on if Alternative 2 is the selected remedy, a land use control document would be prepared in order to determine and implement the institutional controls that are recommended, as well as -- and then require annual compliance monitoring in addition to the five-year reviews.

And so, lastly, this is an overall summary of the next path or the path forward. Again, the public comment period will run through April 17th.

We are obviously having our public meeting today.

And the Draft Record of Decision and Remedial Action Plan will be prepared in the summer of this year.

And the final version of that decision document will be prepared in -- by winter of this year.

And on the very last slide is a list of those evil acronyms that hopefully I didn't use or overuse too much, but it's provided for your use later on.

So at this point I'll turn it back over to Janet and be happy to accept verbal comments at this point.

CO-CHAIR LEAR: All right. So now is the opportunity for anyone to provide comments or ask questions about the Proposed Plan document. Do you have any comments?

Yes, Paula.

MS. TYGIELSKI: In the past I have been very hesitant to agree to institutional controls, but at this site, with the very low risk possibilities, I think institutional controls will be adequate.

MR. GEMAR: Okay. Thank you.

CO-CHAIR LEAR: Any other comments? Questions?

MR. RASMUSSEN: I have a question, if I may?

CO-CHAIR LEAR: Sure.

MR. RASMUSSEN: Dwight, what's the expected -- when these sites are transferred either to the State Lands Commission or to the city or a combination, however that's done, is there an expectation that there will be much, if any, human activity out there in those areas? Will this sort of be secured just because of the nature of the land and the intended use of it, or is it known yet?

MR. GEMAR: Well that, again, based on public comments, that would be evaluated. But currently there are no engineering controls other than signage that are being considered. And

also based on the Mare Island specific plan, Reuse Area Twelve, which includes this area, which is planned to be part of a, you know, the regional park complex. So yeah, I think the expectation is that there would be access to the public.

MR. RASMUSSEN: Okay.

CO-CHAIR HAYES: I'm just going to go through some comments I've written as you've spoken. I want to know in the areas between the magazines the Navy had an agreement with the U.S. Fish and Wildlife Service Endangered Species Unit for development of -- which they completed, I believe what the agreement was in 1987 -- the development of and protection of the salt marsh harvest mouse habitat in those waterways between the mags. And I believe there was a conservation easement associated with that.

Can you or Janet comment on the status of that agreement and how that will be -- will go forward as a conservation easement?

CO-CHAIR LEAR: The conservation areas are laid out during the property transfer process. There is an agreement. There is a certain amount of acreage set aside as conservation areas through the agreement you're talking about with the Fish and Wildlife Service.

But the specific details of that, as far as exactly where they are and how much they are, that's part of the agreement, but the actual creation of those areas takes place later in the process during the property transfer.

CO-CHAIR HAYES: Will that be identified as a component of the Finding of Suitability for Transfer? Where will it be in the process? Where will it be documented in the public process?

CO-CHAIR LEAR: I believe it's just documented in the deed, but I'm going to ask Heather if she remembers any more details. Is it called that in the FOST?

MS. WOCHNICK: We did in A-2.

CO-CHAIR LEAR: Okay.

CO-CHAIR HAYES: Okay. So we can expect that it will probably also -- you'll follow that similar [sic]?

CO-CHAIR LEAR: Yes.

CO-CHAIR HAYES: Okay. Good. Okay. Lucky you guys, page after page of no comments, huh? Okay.

On page 17, you indicate a summary of site risks -- accessible areas -- making the probability of coming into contact with MEC low.

While I'm going to agree with my fellow community member for the last 21 years next week, Paula Tygielski, that I generally am not real keen on land use controls, covenants, or whatever those are all called, for ensuring -- I'd rather see everything pristine and clean; but the fact is, that's not possible. And so we have gone along with various institutional -- for instance, at the landfill area. And that seems to be working pretty well.

One thing that I, in managing the Mare Island Shoreline Heritage Preserve for the last now-almost-eight-years, I can assure you that -- well, we believe that there -- as managers of that property, that there is an ongoing need for public education, and the Navy has supplied -- as contractors, have supplied, pretty simple but effective written material that we have distributed --

I've kind of lost track, but well over 2,000 informational handouts that we have handed out through our visitors center.

We have a -- we meet up with a lot of very eager amateur metal detectors. And they aren't always the swiftest people in the world, I mean, in terms of sophistication about what they might discover in a former ammunition depot.

I think that it's interesting to workers, and it also gets pretty labor -- you know, tedious when you're picking up absolutely tens of thousands -- hundreds of thousands -- of bits and pieces of scrap metal, some of which are, have been donated to our visitors center to show kind of some interesting things that got found along with munition-related items or components and some munition items.

So by -- by suggesting to people that they shouldn't metal-detect in [sic] former munition area, that sometimes can kind of backfire. And they think that it's going to be even more interesting than it might be to be searching for \$5 gold pieces or silver pieces in gold country.

So I -- while I understand your desire to and your belief that you can use institutional controls to manage this property, and while I do agree with you that there is a pretty low risk of exposure, I also am quite amazed at, you know, the people I meet and what they're up to, having been a manager of this adjacent property for the last going-on-eight-years.

So I would really encourage you to think about education in a more -- in the most robust way. I don't think that has to be cost-prohibitive or, you know, a great cost, but I know I've nattered and nagged and pled and cajoled and every other word in the dictionary related to that; I have asked in a very nice way -- in kind of a firm and maybe irritating way -- for a video, for action, for interviews, for something other than, "I hope to God you meet Myrna Hayes and she gives you a compelling reason, you know, not to go mess around." So I don't think it would be very costly.

It could be used -- using the Internet now it can be pretty simple, but I just -- I really would like to see -- this is going to be the first property -- significant piece of property brought into the recreational area regional park preserve that doesn't have any -- that does have deed restrictions. And not that we've had a lot of people digging, you know, they don't seem to do that, especially if you have some nice rattlesnake warning signs.

But similar to the trail where -- along the -- at the landfill where we urge people to stay on the trail, you know, to stay clear of ticks, that seems to be another, you know, sort of terribly terrifying thing to people. So I'd like to see us utilize all the tools we have.

MS. TYGIELSKI: Some signage would be a good idea. "Do not grow garden here."

CO-CHAIR HAYES: Yeah. Because we do envision a very robust use -- we have been working with the Navy and we're so proud of -- another few months now of negotiated [sic] with the Navy for public access to the -- to these locations. And we've been doing that for now-almost-twenty-years on a monthly basis -- first with the Sierra Club and the San Francisco Bay Flyway Festival -- and now through the Mare Island Heritage Trust. And I certainly would like to see that, you know, become even more robust, and I know that the community would as well.

So, I know I've gone on and on, but I hope I can make the point that we are going to need public education. And I will agree with you in the criteria under cost that I think it is reasonable and not too costly to be able to adequately make that education possible.

And that, you know -- one thing that we know -- Tierrasanta is the only reason why DTSC is as hypersensitive as they are to munition issues: that education over time is what is critical, not to drop the ball, or drop the bomb, that -- that that's when children were killed at Tierrasanta. That was a different situation: that was a maneuver range -- training range -- had only been surface cleared to two feet. This is a different set of circumstances.

But I would hope that if you need my help in helping you develop an effective land use control that can be effectively implemented and that can have a circle-back around -- not just for those five years, but for 25 years and 45 years -- I hope that you would, you know, work with me and others who throughout the nation are implementing these kinds of restrictions, and aligned with public recreation on most of those sites -- as many as -- I think the number's in the 1,600 different sites in the U.S. (I might be up or down on that) -- where public access is envisioned or is currently taking place on -- and primarily recreational uses, on former munition operation -- areas with munition operations.

So I just want to -- I think I just want to go on and on about that, please, but I'll try to stop as long as you think you got the picture.

And then let's just go on to -- I'm just -- I think that you might have a little typo here. Does the Final ROD/RAP really take place in winter of 2015 which we just passed a couple days ago, or would it be this -- the winter of 2016?

MR. GEMAR: 2015/2016.

CO-CHAIR HAYES: Okay. A few days of winter in 2015?

MR. GEMAR: Yeah, right.

CO-CHAIR HAYES: And then at what point following that ROD/RAP does the FOST and the transfer itself usually take place? What kind of timeline do you usually look at?

MS. WOCHNICK: In this case we are still going to prepare the Land Use Control Remedial Design Document.

CO-CHAIR HAYES: Okay.

MS. WOCHNICK: So with reviews of the regulators: I don't know, hopefully another year-and-a-half.

CO-CHAIR HAYES: Following the ROD?

MS. WOCHNICK: Yeah.

CO-CHAIR HAYES: A year-and-a-half, all right. And let me see. Okay.

Well, then that gives us some time to finally -- to follow up with Chris' question -- this is just, you know, my experience -- it has -- it was certainly not in any kind of formal or official response, but these areas were and have been envisioned from the point of the reuse plan in '94 -- the development of the reuse plan, and then the development in the -- beyond that of two specific plans that I can think of, and they're probably looking at yet another update of a specific plan for Mare Island.

But in all of those documents the property that our hearing is about today has been envisioned as recreation and open space, as Dwight said.

And I guess I want to be clear also that the Mayor's Committee on the Regional Park Task Force, which submitted its final report to the city council and Mayor in December of 2007, envisioned the preserve – or the regional park which then became the Mare Island Shoreline Heritage Preserve – as being -- these parcels being brought into the preserve or into the regional park at that time in phases.

And you could read that document -- if you like I can get you the -- that full document that was submitted to the city and is -- should be on the Economic Development website -- department website, but it's also on our website.

So it envisioned these parcels coming into the preserve in a phased approach based on the parcel transfers. And those were -- those were our best guess at when those parcels were going to become available for transfer.

And then they do -- each parcel is -- does have some envisioning of what it would be used for. And what typically happens in the absence of master plans for properties -- recreational properties and natural resource-managed properties (not just in Vallejo but all over), when you don't have a complete master plan and you don't have every square inch of that property, you know, identified for what its ultimate use is going to be -- you usually have interim uses that are temporary and considered: you know, not permanent or not the ultimate use.

For example, you haven't seen any development of, you know, like state- or federal-funded trail systems in our preserve. We have some mowing that connects to some existing roadways -- some sort of informal -- but other than the paved road we have a policy -- I do as a preserve manager -- of "Do no harm before you do good."

So in the case of this property we wouldn't just envision -- you know, we would work with the city like we have -- but we wouldn't just envision that because it is still wedged in among two parcels that -- I mean, other parcels that aren't transferable -- we wouldn't envision just opening the gates one day and anybody and everybody getting to pop into the property (partly because of sensitive endangered species habitat, and partly because of these restrictions, and partly because of the land in the adjacent properties).

So I hope that isn't too vague and is specific enough that it lays out at least the way my understanding would be of how the property might come to be used. But, as Heather said, that's some ways off yet it sounds like: another maybe as much as two years.

CO-CHAIR LEAR: Any other comments? Question?

CO-CHAIR HAYES: So I should say in the meantime we'll continue to provide public access through the Navy license agreement to those properties on a monthly basis.

III. PRESENTATION (Heather Wochnick [Navy]): *Munitions Response Site Prioritization Protocol (MRSPP) for Open Burning/Open Detonation Range*

CO-CHAIR LEAR: Okay. So if there are no more public comments or questions on the Proposed Plan, I will turn it over to Heather Wochnick with the Navy.

She's going to give a presentation on the Munitions Response Site Prioritization Protocol or MRS PP, that's our way of saying that.

MS. NAITO: That sounds bad.

CO-CHAIR LEAR: I know, sorry. And this is on the open burning, open detonation range.

CO-CHAIR HAYES: Not bad, it's cute.

CO-CHAIR LEAR: Thank you.

CO-CHAIR HAYES: I have a space by me, I'll move my purse too so you can move around.

MS. WOCHNICK: Well, I'm very glad that Dwight went first because he broke the news that the DOD uses munitions, so that will make my job a little bit easier. So I'm here to tell you about the MRSPP, the Munitions Response Site Prioritization Protocol. The particular site that I'm going to go over after I talk to you about the protocol itself is the Open Burning/Open Detonation site on Mare Island.

So, luckily, Dwight also did a fantastic introduction for why you might not have heard about this protocol in the past. Mare Island was identified as having munitions very early on, I think we are ahead of the game, ahead of a lot of active sites and a lot of other closed sites.

We did our preliminary assessment of our ordnance sites in 1995. And then Dwight gave us a litany of history of all of the unexploded ordnance investigations -- Time-Critical Removal Actions that we've done along the way.

Sometime in the mid-2000's, the Navy and DOD decided, 'well, we actually need some guidance for some of the active sites that weren't as far along as Mare Island was.' So they provided some guidance. And Congress went ahead and directed the DOD to actually identify and prioritize munitions sites in 2005.

The actual policy came out in 2006. So the reason why you might not have heard about the actual protocol in the past is because we've already been doing all of this for so long, since 1995.

So the protocol itself provides a way for the DOD to identify what sites need funding now. It assigns relative priorities to different unexploded ordnance sites, munitions response sites, and identifies munitions constituents, which are the chemical constituents of munitions items if they're in high enough concentrations to pose an explosive hazard or additional health issues to humans or ecological receptors.

For an active base this protocol is a little bit more important than maybe for a BRAC base. For an active base there are so many munitions sites that they were trying to figure out a way of how to fund the cleanup for the active sites.

For a closed site like Mare Island we go along with what is the basic protocol for redevelopment. So unless there's an immediate human health or environmental issue -- threat to the environment -- for the BRAC office, we have gone along and prioritized based on what the redevelopment needs are, what the city needs are, what is the most important for moving forward with the city's plans.

So part of the protocol is to allow public input in the site priorities. And it seems a little late in the game obviously that we are introducing you to our newest and latest site, and we've pretty much prioritized every munitions site on Mare Island for funding, but it is part of the protocol and so we are presenting that.

The protocol applies to every single munitions site in the DOD inventory, even if cleanup has already been started. So back in 2006 someone had to go in and take all of the sites and all the data that we had to date for all of our munitions sites and go through all of these very laborious

tables. And I will go through some of them, an example of what the tables are. But they had to go in and code for every single site, and come up with a prioritization number for every site.

Every year during our budgeting season we also have the ability to come and update the prioritization. If we know more information, we've collected additional data, whether it's chemical, or we've done a Time-Critical Removal Action, we go and update the sites. Eventually our goal is to have "No longer be required" [sic]. That's when site cleanup is either complete or fully funded.

So in some of the western early transfer sites, they've already been fully funded, so some of them are no longer required. Or when institutional controls have been implemented. So I'll show you an example of some of our sites that have already met -- that no longer required.

So as I explained a little bit earlier, the protocol is risk-based. It considers how explosive an item is or if the munitions constituents pose a risk to human health or the environment. Those different risks help prioritize the funding for the sites and, and how if there's an immediate response action needed, that would show if you have a very high number score on your protocol.

So the MRSP includes three different modules. One is an explosive hazard module which actually talks about what sort of -- I kind of like this acronym so I might, you know, work it a little bit.

So the explosive hazard evaluation module talks about exactly what kinds of bombs, bullets you found at the site.

There's a Chemical Warfare Materiel [sic] Hazard Evaluation. And I will just point out that this E-L is not a misspelling, for some reason in the guidance that's how it's spelled, so it's not a typo. Luckily for Mare Island there were no chemical warfare materials used, so for all of our protocol sites this is a not required.

It also goes through a Health Hazard Evaluation Module where it -- and some of the questions that you look at are how close are residences, how many occupied buildings are near the area. And it will categorize based on occupation or hazard to your site what the priority would be.

So all of those mixed together in a magic black box, and it spits out a priority. And based on the priority, allegedly at least on the active bases, it puts you in line for a funding sequence.

Again, at BRAC that's not exactly how we fund our sites; we do it based on redevelopment or city needs or what is most easily funded at the time, based on what we have money for.

Okay. So for the Explosive Hazard Module there's a couple different factors that go in it:

The specific explosive hazard factor.

The accessibility factor. Again, I kind of indicated: accessibility? Population? Is there fencing? These are all questions.

I think the fencing question might be in the receptors. It talks about, 'are there residences nearby, is it -- do you have access to the site from the shore, is it fully fenced?'

These tables are very long. Originally the idea would be -- and I have an example, I have a few examples -- actually three if you guys want to really dig into this, because I know it's so exciting -- so I actually have an example of all of the tables that go into this.

And just for the health, or the explosive module itself, I think there's about nine tables. Yes, there are nine/ten tables that go into just prioritizing that one module.

So this whole package is quite thick. There's lots of questions to answer. And when it finally spits out its answer the DOD thinks that this is great. So -- but the idea is you put it out to the public and the public says, 'Oh, no, I really want the SSA done first because it's so exciting and I want it as my regional park.' So on an active base you might have a little bit more input on that. Here, maybe not so much.

CO-CHAIR HAYES: Yeah, I would confirm.

MS. WOCHNICK: Okay. So here is a breakdown a little bit more. It gives you a little bit more information about how the modules are set up and the types of -- the types of questions that are in here.

So for the Explosive Hazard Module itself there's obviously an explosive hazard where you talk about what kind of munition and what the source of the hazard was.

So, for instance, for the munitions type, you pick every single type of munition that was ever found at that base, and then you take the highest score, and that's what ends up spitting out as your score.

For the accessibility, this is another big part of what goes into the scoring where it talks about the location of the munitions: is it on the surface, is it buried, how accessible is it to a person, ease of access? Some of these questions are about fencing again, shoreline access.

Status of the property: is it transferred, is it not transferred, is it out of DOD hands? This is actually kind of a big deal in the scoring.

And then it talks about the receptor. It actually worries about bugs and bunnies here, so Myrna, don't worry about your mouse, he's counted for right in this little receptor guy.

CO-CHAIR HAYES: Okay.

MS. WOCHNICK: Again, the chemical warfare -- luckily we don't have to worry about that.

And then the Human Health Module: what you put in the human health is the actual chemicals of concern. So for Dwight's site -- on Installation Restoration Site 05 -- we actually went in, and every single chemical that he ever found and the concentrations go into this contaminant hazard, and you figure out if it's significant, moderate, minimal. At the end of the day, since he's done so much cleanup there, his site went from probably a moderate hazard to now it's minimal.

So because it's an evolving prioritization, as you go out and clean up the site and annually update this, your score will change.

This is an example of Table 1. This is actually probably one of the most important tables that you can find because it talks about what the classification of your munition is: is it sensitive? Is it high explosive? Is it pyrotechnic, propellant? (We have a lot of that.) Practice rounds, riot controls, small arms? (We have a lot of that.) Or no evidence of munitions? And so, the no evidence of munitions -- I know you can't see -- is a zero.

Unfortunately, most of ours are in the 20 to 15 range for our sites. We didn't have any -- as Dwight said, luckily we don't have any actual unexploded items: most of ours are DMM -- help me out, Dwight.

MR. GEMAR: Yep, DMM.

MS. WOCHNICK: DMM – discarded military munitions.

So let's talk about our new site itself and how it fits into the protocol. So you normally start your protocol after you have a preliminary assessment or a site inspection. You need some sort of data to be able to characterize your site. What was found? Where is it located? What sort of site and fencing? Do you have any chemicals of concern there? The more data you have the better the scoring can be rated.

So Mare Island's newest winner is Unexploded Ordnance Site (UXO) 14: it's the open burning/open detonation range. Luckily for us, this was given a munitions site priority score of five. So just to let you know what a score of five is, it's one of the lower priorities: there's no immediate threat to human health or the environment. A score of one would be bad, but you would only get that if you had a chemical warfare site. Luckily, we don't have any of those. So most of our sites are either a three, four, or five (or a “no longer required”).

Okay. So you can see this figure a little bit better in your handout. And again, thank you -- wow, it's dark in here -- so thank you, Dwight, for introducing this. This is IR-05, Dredge Pond 7 South, Western Magazine Area, and my nice little open burning/open detonation range is right here in the middle of Dredge Pond 7. So this is still active. This dredge pond has been transferred. And then all these surrounding areas were the subject of tonight's fabulous talk. Thank you.

CO-CHAIR HAYES: You're so excited.

MS. WOCHNICK: I don't get to talk much. Okay. So this site -- I'm unsure why it was actually not an official site because it was originally identified in our Federal Facility Site Remediation Agreement. As you guys know, this is the agreement that the Navy set up with the Department of Toxic Substances Control to make sure that we did our job and clean up all of our sites. It's a little 2.15-acre parcel adjacent to Installation Restoration 05, Dredge Pond 7S, and right in the middle of Dredge Pond 7.

Currently we have a document that lets us use this disposal range for our active remediation sites. So I think Dwight probably has shown you some videos of us blowing stuff up and some figures and some photos. Well, that was all done at our open burning/open detonation range. So we have proper CERCLA documentation that lets us use this, and this is actually going to be the last site that we clean up on Mare Island just because we're still using it to make sure that all of our other munitions sites are clean, and we -- we have a place to dispose of, do the open burn/open detonation at this range.

So this is the exciting table I was telling you about. So based on the explosive hazard rating itself, it had a priority of five, which pretty much drove the score on this particular table.

The chemical warfare says, “no known or suspected chemical warfare hazards.”

The health and safety rating -- because we don't have any actual chemical data at this site, this exact module can't be filled out. So right now it has a priority of five. Again, based on our CERCLA needs for this site, it's going to be the last.

So I'm going to click over this slide real fast and go to the ugly acronyms slide in case I really messed things up. So there's a couple slides (around 13 and 14) if you are looking up things.

And I just wanted to let you know that I had mentioned that all of our UXO sites have had this prioritization protocol performed. Just to let you know, we don't actually have a UXO Site 1 (I don't know why).

UXO 9 is actually the dredge ponds that have already been transferred. Thank you, Dwight.

MR. GEMAR: Yeah.

MS. WOCHNICK: And so it is not on this list. And if you guys get really excited, you can go through all the rest of the tables.

So what I did want to point out though is the sites that Dwight was describing tonight, because it's fully funded, doesn't apply for the protocol. So its prioritization is no longer required because it was an early transfer, early funded site. So it's been removed.

This is the Dredge Pond 3E. Not a bad hazard evaluation, but it will be upcoming.

Marine Corps Firing Range, you've also seen a Proposed Plan over the last few months, probably longer than I remember. It also has a "no longer required" because all of the remediation activities are already complete. And it's going to have its institutional controls. And we are at the Finding of Suitability to Transfer for that site. So it is also no longer required.

So if you guys get really bored during Sheila's presentation, feel free to go through the rest of those. And if you get really, really, really bored or you have insomnia, feel free to take this nice little package and see all the exciting questions that one could answer while doing this.

Okay. Are there any questions?

CO-CHAIR HAYES: Thank you, MRSPP.

MS. WOCHNICK: Wow, you guys are going to let me off easy, I like it.

CO-CHAIR HAYES: Yep. We'll invite you back too, you're funny.

MS. NAITO: I think she just came up with that acronym so we wouldn't actually ask questions.

IV. PRESENTATION (Sheila Roebuck [Lennar Mare Island]): *Land Use Covenants, Lennar Mare Island's Experience to Date, Lessons from the Past Applied to the Future*

CO-CHAIR LEAR: And now Sheila is going to give a presentation, and we aren't going to get bored and not ask questions because we --

CO-CHAIR HAYES: Can't be rude.

CO-CHAIR LEAR: -- can't be rude, and we want to learn all these lessons applied from the past applied to the future for the land use covenants. Okay.

MS. ROEBUCK: All right. So this presentation is regarding land use covenants. And no one really likes land use covenants, we'd all like everything to be cleaned up to unrestricted use. Unfortunately, that's not always possible because there is not an unlimited amount of money and time to clean everything up. So our goal is to provide a safe and usable property. So land use covenants become a part of that equation.

So what I'm going to talk about include land use covenants on the Eastern Early Transfer Parcel. I'm not going to talk about them with the Navy's terminology or what the city is doing, I'm just talking about what we have experienced on the Eastern Early Transfer Parcel; the types of LUC's

and how they're used; how we operate and maintain them once they're in place; how we let people know that they exist when we sell a property or we lease it so that they can be aware and comply with the requirements.

And then just a little bit about what we've learned. Some of the things that we expected when we began this process are a little different in practice. And so as we go forward in the future we just think some of that information will be helpful.

A little bit of history. When the Eastern Early Transfer Parcel went through the early transfer, the entire area had what we called a pre-decision land use covenant, which meant that there was a requirement throughout the entire area for no sensitive uses. And Dwight talked about those before, and we'll see it again here, but that's no hospitals, no schools for children under 18, no daycare centers, and no residences.

Prior to the early transfer –really when land use covenants were put in place – it was kind of the honor system. There wasn't specific oversight requirements that were imposed by regulators, but over time more structure has come into it. And the reason for that was because in certain areas throughout the country sometimes the land use covenants weren't maintained and so they became less effective over time. So I think the regulators are trying to ensure effectiveness with the oversight.

Again, when we can't achieve full remediation to unrestricted standards, the land use covenants allow for the controls that we need to assure protection of human health and the environment.

There are two kinds – at least in our parlance – of land use covenants: institutional controls (which are controls on use; as I said the sensitive uses; and I have a couple of other examples); [and] the engineering controls are really physical, physical controls. So again, the institutional controls, the four that I mentioned previously, others would be, for PCB sites, low occupancy. So someone can't be there for -- in an area where the land use covenant exists -- more than 6.7 hours a week. So there's not too much exposure.

Some areas we have institutional controls that say that there should be no groundwater use. In practice groundwater hasn't been used on Mare Island for 150 years, so this just emphasizes that.

There are also areas in the commercial parts of the Island where the land use controls say you can't grow vegetables or fruit for human consumption.

The engineering controls – the kinds that we use on the Eastern Early Transfer Parcel – are really caps. And sometimes that's a soil cap like we have on the Crane Test Area, which is a three-foot soil cap that prevents exposure to the contaminants below. Sometimes it's an encapsulated surface, which would be like an epoxy coating on a floor that would be two colors. So if there's wear and you see the second color below, you know you need to maintain or upgrade that encapsulant.

Sometimes active transformers are in place, and because of the way the electrical systems work on Mare Island, they have to remain in place. And so they serve to prevent exposure to PCBs that may exist below.

As I mentioned, the -- one of the components of land use covenants is that they do require regular monitoring and maintenance. Those responsibilities are -- rest with the property owner.

As I said, the regulators do provide oversight. And all of the LUC's that we enter into we enter into with the Department of Toxic Substances Control. The PCB-specific LUC's also include U.S. Environmental Protection Agency as a third party beneficiary.

As Dwight mentioned, all of the land use covenants require annual monitoring and five-year reviews.

The engineering controls require that, but they also require that we look at them in response to specific events, like a high rainfall event where we're concerned there may be erosion of a soil cap for example (we have to inspect them to make sure that's not a concern in response to seismic events). For example, when the earthquake occurred last year we had to go out and inspect the caps to make sure there weren't cracks or other ways for exposure to occur.

MS. TYGIELSKI: Make sure the transformers don't get knocked off into the PCB puddles underneath?

MS. ROEBUCK: Right. The operation and maintenance responsibilities are described in operation and maintenance plans. And for Lennar Mare Island, we have many land use covenants throughout the property: about 20 of them have been recorded already, but we expect more.

And so we wanted to find a way to be as efficient as possible with that planning process, and so what we did was we developed an operation and maintenance plan that covers the entire Eastern Early Transfer Parcel. And those restrictions that are common to all LUC's are covered in that document that won't change.

So, for example – no hospitals, no sensitive uses, the requirements for annual reviews – all of those things are common to all LUC's and they are in the EETP-wide plan that was approved in 2011. But we didn't want to have to republish that document every time we had an engineering control that required specific maintenance: for example, to make sure there aren't cracks in a cap.

And so what we do is whenever we have a [sic] engineering control land use covenant that is approved – and we've just had the first one of those in the last couple of months with the Crane Test Area – what we'll do is the engineering control-specific requirements will be placed into an appendix that would be appended to that EETP-wide O&M plan. So all of those requirements would then be there in one document.

Another requirement of the property owner is that we provide financial assurance. And what that means is we have to assure that the property can be properly maintained over time, and that DTSC's costs for overseeing that program are paid.

And there are -- in the DTSC's accepted ways to do that, there are five. And they're listed here: a bond, a trust, letter of credit, corporate guarantee, or insurance.

LMI is using a bond. And what we have is a bond in place for the Crane Test Area where we've established that engineering control. There's also a standby trust. If the bond was ever called and all that money had to be paid out, it would go into a standby -- into a trust (it's a standby trust now, but it would be active then), so that that money is segregated and kept just for that site, so it doesn't go into a larger fund where it might be -- get lost.

As I mentioned, DTSC and U.S. EPA have to review and approve the plans and agreements, the LUC's that we have. DTSC has a group that looks at the cost estimates for financial assurance and has to approve those estimates as well as the financial assurance mechanism that we propose.

And then the other component that is important is that the planning and permitting agencies -- as someone buys a property, if they want to, you know, dig a swimming pool or, you know, do some other work -- actually digging a swimming pool is not a really good example unless it's in a commercial area where they wouldn't be allowed to dig -- but all of the requirements associated with the land use covenants would -- they run with the deed. So anytime someone wants to do work on a certain parcel and they need a permit to do that, those requirements would come up in the planning process and the county or city people that would be reviewing them.

CO-CHAIR HAYES: I just have to -- I have some notes I've been making for other questions, but at this point this is one that has always stuck in my craw because I don't know what your magic is here, but I know that there was a lot of resistance to a very simple form -- format that would have made this information broadly accessible to the public through a web portal to staff. I want to know how staff, how this is triggered right now with staff at permitting. How does staff know that these parcels, as they come up, that they need to go and circle around and make sure that it -- that the plan conforms with the LUC?

MS. ROEBUCK: I will say that as far as I know -- and that is something that would happen with the city -- and at the time that we began to talk about that (probably 2005 or -6), the city did commission Tetra Tech to come up with a description of a database program that they could use internally to track the land use covenants and how those requirements would be associated with a given parcel. I am not sure how -- what happened with that, honestly.

And to date it has not come up because the only parcels that we have sold have either been residential with no land use covenants or were sold early on in the process before things got as formal as they are now. Or in the case of Touro where there are a couple of land use covenants, that is also -- and I think that it comes up in a future slide -- but we as the property owner at property sale or lease have an obligation to make those requirements known to the purchaser or the lessee. So we let them know.

And the city, in their permitting process, you know, whenever you ask for a permit, all of the requirements associated with that parcel are reviewed by the planner. I mean that's been my experience when, for example, I built a house with my husband. When we wanted to do that, every easement associated with that parcel came up. And anything that was of concern had to be explained.

And I expect the same thing will happen with the planners at the city of Vallejo, but I -- I would ask you to ask them specifically because it's not something that LMI controls.

The next slide just shows the locations of the recorded LUC's. And I just wanted you to see sort of spatially where they are. And they are limited to the investigation areas, not including Investigation Area C-1 and C-2 that don't yet have any of those land use covenants recorded. The other investigation areas, with the exception of the residential areas, have some LUC's.

One type is, you know, the sensitive use restriction in a commercial area would cover an entire investigation area that just says basically it's a commercial area, you can't have schools, hospitals, residences, daycare centers.

CO-CHAIR HAYES: How is that handled -- DTSC, this question would be for you -- when commercial operation proposes a daycare center in its own program, in its own facility? You must have that come up a lot. I can't believe that that hasn't even been envisioned here.

MS. NAITO: It has come up, but very infrequently. Most businesses do not have an on-site daycare center. When it does come up we evaluate the situation on a case-by-case basis as is required by the land use covenant. They have to show that the use is safe; if it is safe, we agree to the variance.

CO-CHAIR HAYES: Okay.

MS. ROEBUCK: Annual inspections for the land use covenants that have been recorded began in 2007. The first land use covenants were recorded for Investigation Area D1.2 in 2006. That area has had one five-year review which occurred in 2011. The next one will occur in 2016.

And as I mentioned, we have twenty recorded LUC's on property that LMI owns on Mare Island.

Now, the next few slides just show a couple of areas where we've just had the annual inspection done, the report hasn't even gone to DTSC yet. But with each one there is a standard form that we fill out that describes the restrictions. And our inspector goes to each of site and makes sure that all of those requirements are evaluated. And part of that is taking some photographs so you can see. And so I just was going to go through those.

This is Building 605. It has a land use covenant that includes encapsulation of the floor in two areas: one was a former telephone switching room and the other was a heating and ventilating room that had a transformer. And both of those rooms have been encapsulated with epoxy paint and have required signage, as you can see here.

The other one, as I've mentioned, was the crane test area. That area has a three-foot thick soil cap to prevent exposure to the materials below it. And this is an example where when we began this process we had thought all of that contaminated material below could be excavated and removed, but what we found is it was much more extensive than was originally thought at the time the property was transferred, and it would have cost, you know, several tens of millions of dollars to remove it. And so not all of it could be removed, it just wasn't financially feasible to do that. So this cap has been placed on the property. And the future use of this area, per the specific plan, was for a commercial property likely with a, you know, an office building or an industrial building of some kind.

And a couple of things that we look for are, as I mentioned a couple of times in response to rain events or seismic events, erosion issues. And all these two photographs show is there's a mat that is put down to reduce the potential for erosion on the edges of the cap. And you can see that the vegetation is growing pretty healthy there. We seeded that area after the cap was put in place to promote that growth and to reduce the potential for erosion.

As I mentioned, anytime a property is transferred the new owner has to be informed of all of the LUC-related obligations and operation and maintenance. They have to accept those. They have to, you know, physically sign documentation that say that, that says that they are taking over those obligations. And they have to, in the case of engineering controls, work with DTSC to make sure that the financial assurance requirements are met.

So what have we learned? We -- when we began this process with the early transfer, as I said, it was sort of on the honor system, and we didn't expect that we would have significant expense and time associated with establishing land use covenants. And they are, therefore, more extensive and time intensive than we had planned.

But what we've also found is that because we found efficient ways to monitor the land use covenants that are put in place, that that -- those costs can be minimized compared to what we had expected. So if we use established protocols and forms and experienced inspectors, that ends up being less intense than we had expected.

We've also found when we've transferred property that once we explain to the purchaser, and especially commercial properties that we've transferred to date have been with people that understood and were willing to accept those land use covenant-related obligations.

And as a result, we think that in the commercial areas they seem to be working pretty well. By and large we're talking about sensitive use restrictions where there are more significant requirements like caps, for example, that people that are using those properties have to be informed and we have to monitor their work, at least annually if not more. So -- but it seems to be working given that we do those things.

CO-CHAIR HAYES: That was for leases?

MS. ROEBUCK: Both leases and purchases.

CO-CHAIR HAYES: So you continue to oversight purchased properties?

MS. ROEBUCK: No, we don't. If I implied that, I misspoke.

CO-CHAIR HAYES: All right.

MS. ROEBUCK: Draft land use covenants; it takes time to prepare them, and sometimes if it takes a long time to get through the process of having them recorded, things change. Templates from the DTSC can change, you know. For example, the parcel number changed on the Eastern Early Transfer Parcel, so all of the legal descriptions had to change in response to that. So things change, but the drafts are really important because it's the time where all the obligations get written down and everybody has to agree. And so they're very important to do early on. So it's a little bit of a push-pull whether you want to do it early and potentially take the risk of things changing or wait. And for us, we have chosen to try to do them early.

And as I mentioned earlier, we think that if we are efficient we can decrease our costs in overseeing the land use covenants.

The financial assurance that we provide has been a very big challenge for us. And we have not yet transferred a piece of property where that's been required of a new owner, so we don't have experience to share with you on that.

But for us, one of the challenges was trying to establish something that would work for all of the land use covenants that we thought we'd have to provide financial assurance for. So it took us a while but we've done that now, and so we think we'll be more efficient going forward. So --

CO-CHAIR HAYES: Would this financial assurance that you're providing in an overall package be -- and maybe DTSC has to answer this question since you haven't had this case come up yet -- but it sounds like it's a pretty challenging package to put together. I mean, is this something where an individual buyer finds it pretty straightforward to come up with a financial assurance that meets DTSC's requirements for an individual parcel or multiple parcels? Or is this a deal stopper? And does the city of Vallejo, for example, need to somehow help with the -- or the current landowner, as the master developer, help more robustly develop an incentive program or something?

MS. NAITO: Those are certainly options. DTSC's financial assurance requirements have been out there. We have many people who have managed to meet those financial assurance requirements. There are waivers for local governments and for some small businesses as well.

CO-CHAIR HAYES: Then who takes that burden, that responsibility in those waiver programs? Who --

MS. NAITO: That just means that we're waiving --

CO-CHAIR HAYES: The fees?

MS. NAITO: No, we're waiving the requirement for somebody to set aside the money today. That doesn't mean they get a waiver -- that doesn't mean they don't have to do the work or fund the work, you know, as it comes up, it just means that they don't have to set aside thirty years of financial assurance up-front.

MS. ROEBUCK: And what we also find is that the monitoring of sensitive use controls through annual inspections saying -- 'yeah, really, there isn't a hospital here or, you know, we haven't built a home, no one's living here' -- the costs to do that, especially with these forms that we've established, are pretty low.

And so the bigger costs come in where there's an engineering control and you have to ask yourself, okay, you know, every two years, every 15 years are we going to have to do some significant maintenance?

And so I think for the vast majority of the land use covenants that we will have, the costs will be relatively low. It's for those engineering controls. And a big example would be Building 680 which has a big concrete floor, it's a huge building. So that would be something where there would be significant costs and a much bigger financial assurance package.

CO-CHAIR HAYES: And to the extent that you were only the RP for a time -- the responsible party for a time (and the responsible party ultimately is, reverts back to the Navy) -- then how do you put together those financial assurances over those long-term projects like an engineering control -- covenant -- control for a covenant?

MS. ROEBUCK: Can you ask that again? I'm not exactly sure I understand your question.

CO-CHAIR HAYES: Well, it's my understanding that Lennar Mare Island/The City of Vallejo are responsible parties for the environmental cleanup in the Eastern Early Transfer Parcel for a period of time or for a cost. And that you've already renegotiated, apparently, or negotiated additional costs added that cleanup site.

So when you're envisioning, as you just said, these possibly more expensive maintenance costs, are those yours or are they the Navy's --

MS. ROEBUCK: We expect --

CO-CHAIR HAYES: -- if it's 20 years from now?

MS. ROEBUCK: For Lennar Mare Island, when we transfer property we have every expectation that the purchaser will take on the obligations. So they will take over the obligations for maintenance and the obligations for financial assurance. If they can't do that, they can't buy the property. They could lease it, but they couldn't buy it. Because for us, part of the sale is to transfer those requirements.

The Navy remains responsible for the remedies if no one else is around to comply with the obligations. But that I -- and the Navy can speak to this better than I can -- but my understanding is that's why they've tracked them too because they want to be comfortable that they are appropriate for the areas where they're being applied, and that the regular monitoring shows that they're continuing to be effective.

CO-CHAIR HAYES: Well, you know, I mean maybe you've already talked about this in all your quiet meetings together, but I've never had this topic brought up that I'm aware of publicly, and I think that this is somewhat of a time bomb, I mean a ticking something or other because if people at city hall and Congress and at DOD, wherever else it is that you have these conversations, the Restoration Advisory Board, aren't talking about how you would approach that, and you're just simply going to talk the -- a new landowner into, 'Here's a great deal you can't pass it up, and here's something you gotta do forever, and if you renege on it, well, then maybe you shouldn't buy it, maybe there's somebody better.' This doesn't sound like a very scientific business, it sounds a lot like capitalism to me. And it doesn't sound like accountability that we expect our governments to have and to assure us of.

So I'm just saying, as they say now, I'm just saying that maybe this conversation ought to be being had in Erin's department -- and maybe it is, but it's the first time that I recall that it's ever been put on the table here at the Restoration Advisory Board.

So I'm not -- I'm not being disrespectful I hope -- I hope that you see that while I tend to think that these retrospective presentations are a little bit wearisome [sic] because I think that there's such an urgency for the RAB members to have a voice in the future cleanup, and we've had these conversations on the phone, this particular topic has suddenly caught my interest, because I would hate to think that people were being discouraged to buy land, or that you were continuing to sit on land as a master developer, which isn't very good business practice, I don't think, because of some type of a long-term blossoming burgeoning potential cost that, and/or that they would be duped into buying a parcel that they didn't have any legal remedy to come back to the governments and the original responsible party for.

MS. ROEBUCK: Well, I guess I want to leave you with the impression that I have that this is actually working pretty well. Transferring property that is going to have significant financial assurance costs -- for example, something like Building 680 -- this is not going to be a "mom-and-pop" operation, this is going to be a sophisticated big company with the infrastructure to handle this and the financial ability to do it. If they don't, they shouldn't have that property.

And if there's a smaller company that wants, you know, a smaller building, like a Building 605 that has an epoxy coating, that's a much less expensive proposition, and the monitoring itself is not a huge expensive problem.

So I think that it actually is working pretty well. And clearly as we go forward we will learn more. But I -- I wanted to talk to you about this because it is a component of the remedies, and we were concerned about it at the beginning, and we don't want to have land use covenants even today where they're not needed, because it is an encumbrance.

But when they exist and are properly managed, and notifications are made, and the property transfer agreements are executed appropriately, including the disclosures and the financial assurance, then it can really work. So it's a necessary and not, you know, not something any of

us would want if we didn't have to have it, but given that we have to have it, I think it can work and I think it is working.

CO-CHAIR LEAR: Have you seen any problems? Have you encountered any problems transferring the property in these situations?

MS. ROEBUCK: We haven't. It certainly generates discussion at the time of property transfer. In monitoring we have found that there have been engineering controls that have had to be fixed.

For example, in Building 605 someone painted the floor another color, and they painted it a color that was similar to the color that was supposed to be underneath. And so we had to come back and paint it again so that we had that dual color protection.

But those things have happened, we have noticed them, and we have responded to them, and so I think that's a good thing.

CO-CHAIR HAYES: But that's just -- that's a lease, that's a leased property?

MS. ROEBUCK: It's not even used yet, it's vacant right now. But LMI is using it. There is --

CO-CHAIR HAYES: You said there wasn't any large purchases yet. And I guess I still -- I resent the idea that having sat here for 21 years, and having the U.S. Navy on the hook, what our understanding is for, in perpetuity for environmental cleanup issues; that you would now sit here and say well, if a company doesn't have deep enough pockets and isn't, you know a corporate giant enough to take on a piece of property and take on the risk and the financial risk, then they have no business being at the table. That's B.S., in my opinion.

MS. ROEBUCK: But Myrna --

CO-CHAIR HAYES: I think the agency that made the mess -- that's the way the law reads as far as I know. And if you want to show me something different that's based on a new form of capitalism that the rich companies can take the properties because they can afford the risk, the liability, the financial, then there's something going on here.

I mean, yeah, Google could pick up every building at Moffett Field because Google is Google and they don't even have to tell the communities that this property is in what they're going to do with the property because they got a 99-year lease agreement with the federal government in a quiet deal. But it's unlikely, I guess, I think that Google is going to come here and play.

And so I still think that that puts our community at an economic disadvantage if we have to depend on courting someone who can, in perpetuity, or who is considered by whoever they're negotiating with as the landowner a suitable, you know, deep pocket enough organization.

And I'm not singling LMI out. I'm looking at my regulators, I'm looking at my master developer/owner agency, I'm looking at the Navy, the original responsible party.

And if this topic is -- is not -- that we can't finish this topic up tonight, then I want to agendaize it and I want to see, you know, what real other issues are going on in other parts of the country and other parts of the Bay Area with this agency, throughout the state, what is actually happening? Because this is sort of a radical idea that you would have the responsibility long-term passed on, at least it is to me.

MS. ROEBUCK: Myrna, the long-term responsibility in the final analysis remains with the Navy, absolutely.

But what we are trying to have in place is a system that it doesn't have to revert to the Navy because it's properly managed and maintained by the property user.

And so, for example, a building like 680, it's now leased by Blue Homes, they build their product there. And they pay an expensive lease. It's a five acre building, you couldn't lease that as a small company. So the fact that they're big doesn't make them evil, I mean they provide jobs for people in the community --

CO-CHAIR HAYES: I didn't imply that they were evil, okay, that is not fair to say. This is on the record, and I want to be clear, I didn't say big companies are evil, and I don't use that word or imply that.

MS. ROEBUCK: Well, I apologize.

CO-CHAIR HAYES: I implied -- I specifically meant to say that I don't believe Blue Homes is a big company, by the way; they aren't, as far as I know, in terms of whatever big means.

I'm talking about why should a business have to come to Vallejo, and have to come to Mare Island with yet another additional burden to try to make us competitive when it really isn't their responsibility? It wasn't.

And if you took it on, LMI, City of Vallejo, as the Eastern Early Transfer Parcel, and you thought, your plan was all along that by doing that you would be able to pass the buck onto your end user, I am not happy about that. Because we supported the Eastern Early Transfer Parcel because DTSC lobbied us heavily to say that 'it was gonna be good, it was gonna be good for cleanup, and it was gonna work for this community.' I'm just saying.

MS. ROEBUCK: Yeah, the fact that it was early transferred isn't why the land use covenants are in place. I mean, clearly institutional controls are being used on property that the Navy intends to close. So it's a necessary component of some site closures.

CO-CHAIR HAYES: Please don't patronize me.

MS. ROEBUCK: I don't mean to.

CO-CHAIR HAYES: I think I know what land use covenants are for by now.

MS. ROEBUCK: But I don't think that we're trying to pass the buck, I think that we're using land use covenants where we have to.

Yes, Paula.

MS. TYGIELSKI: Okay. I'm going to bring up history from a lot of years ago now. How did the land use control with Touro fall apart? And it fell apart quickly.

MS. ROEBUCK: I don't know exactly what you're saying "fell apart." I don't --

MS. TYGIELSKI: Touro wanted to use some of the buildings on Mare Island as student housing. And they were said, yeah, that would work as student, and they were given a land use control. Student housing but nobody under 18.

CO-CHAIR HAYES: No babies. No babies.

MS. TYGIELSKI: And they ended up with married student housing and lots of very small children.

MS. ROEBUCK: Initially with Touro, that educational civic use, there was a misunderstanding in the agreements about whether that was going to be a commercial cleanup or an unrestricted cleanup.

We worked through that, and that area is unrestricted. So if they wanted to have homes there, they could, there's no restriction against that.

There are some land use covenants on Touro. For example, there's a transformer room that's locked that people can't go into unless they're doing maintenance.

But as to the vast majority of the acreage owned by Touro, that's unrestricted use. If they wanted to have homes there, they could.

CO-CHAIR HAYES: Paula's not talking about the Touro property, she's talking about land -- homes --

MS. TYGIELSKI: Other housing that is nearby.

CO-CHAIR HAYES: Other housing that was nearby on another part of the island.

MS. TYGIELSKI: There was other housing nearby, and they asked if they could use it for student housing and they were told yes, but here's a use control.

MS. ROEBUCK: And I'm not familiar with that, I don't have the history.

MR. GEMAR: I think Paula is referring to the quarters there on Azuar. I forget -- Larry, what are those --

MS. ROEBUCK: The Q quarters? Oh, those are unrestricted. There are people that are leasing those now.

CO-CHAIR HAYES: No, sorry, we can go on all night, Paula's got a point, and it happened, and we can call Chip Gribble on the phone if you want, but it happened. It was --

MS. TYGIELSKI: They were told student housing is okay but no student under the age of 18.

CO-CHAIR HAYES: What Paula's saying is it fell apart.

MS. TYGIELSKI: Instead it became married student housing, and the married students had lots of little kids, even babies.

MS. ROEBUCK: And that's not -- that's not how that's closed today. I'm not sure what happened there. I don't dispute what you're saying. I'm just saying today when we close an area that allows residential there are no restrictions.

MS. NAITO: Hey, Paula, that's also probably why we now require annual reports.

MS. ROEBUCK: So that concludes my presentation. Does anyone else have any questions?

CO-CHAIR LEAR: Okay. So we have a public comment period if there's any other comments? No?

(NO RESPONSE.)

CO-CHAIR LEAR: Okay. So it sounds like we want to continue this discussion at a -- at a later RAB meeting. All right.

So we'll take a ten minute break or less cause we're running late.

MS. TYGIELSKI: It's already 9:12.

MS. NAITO: Why don't we just grab a snack and come back.

CO-CHAIR LEAR: Okay. Run, grab a snack.

MS. WOCHNICK: And come back.

CO-CHAIR LEAR: And come back.

(Thereupon there was discussion off the record.)

V. ADMINISTRATIVE BUSINESS (Myrna Hayes [Community Co-Chair] and Janet Lear [Navy Co-Chair])

CO-CHAIR LEAR: So while everyone is getting their snacks, I just wanted to remind everyone on the meeting minutes, if you have any comments or changes, please get those to myself or Myrna. And that just took five minutes off the rest of our agenda, so yay.

VI. FOCUS GROUP REPORTS

CO-CHAIR LEAR: I also just wanted to go through, we're going to do focus group reports next, but we do not have a community group report or a natural resources group report. So when we get back to the table we'll start with technical.

Do you have anything to say?

MS. TYGIELSKI: No.

CO-CHAIR LEAR: So Paula has indicated there will be no technical report tonight either. So when we start back up we will be at the city report.

(Thereupon there was a brief recess.)

CO-CHAIR LEAR: All right. So we are actually at the city report. Erin, if you have anything you wanted to share with the RAB?.

a) City Update (Erin Hanford [City of Vallejo])

MS. HANFORD: I'm here to take questions. I don't really have any updates from the north Mare Island situation. I know the city's just working out which direction we want to go in with which developer. So as soon as I -- you'll probably know before me even. But if anyone has any questions, please --

MR. RASMUSSEN: Is there something you can share with us about the causeway? I heard there's something going on with the causeway.

MS. HANFORD: There's -- you know, and I printed it out and I left it on the printer. But if you want me to bring it to the next meeting, or I can give you my card and I'll email it to you.

But there is a causeway project going on, they're just working on this side of the bridge doing some repairs. And I don't want to misspeak on the deadlines in terms of how long the project is, but it's definitely happening very soon. It's not going to be a terribly long project, but if anybody wants it I can e-mail that information.

CO-CHAIR LEAR: It's in proposal phase right now; isn't that correct?

MS. HANFORD: I might be confusing it with the, there's also the painting of the bridge and there's that project. So again, I think the best thing would be for me to just --

MR. RASMUSSEN: There's a contract let, and what I think I heard was that it was, and I don't remember if they even said exactly when, but the construction will actually begin early this summer --

MS. HANFORD: Yeah, I'm almost sure you're correct on that.

MR. RASMUSSEN: -- for the causeway.

CO-CHAIR HAYES: I think probably the biggest issue that could even, I guess, impact our environmental cleanup fieldwork would be, I know that I haven't learned whether you're going to be closing the causeway for that work or one lane-ing it; that was the two choices that I recall, so I --

MS. HANFORD: I don't know that but I can find that out.

MR. RASMUSSEN: The last thing I remember about it at the presentations was that it was going to be necessary to close it entirely for some period of time when they were driving piles.

MS. HANFORD: Which would make the most sense, but --

MR. RASMUSSEN: Other than that they might be able to --

CO-CHAIR LEAR: I did speak to some engineering company about whether they need to assume geotechnical work in the sediment that is owned by the Navy. So there is some discussion with them. So they will, if they're driving piles or if they're driving piles and doing any work in the Navy property, they need to come to the Navy for a license to do so.

MS. HANFORD: Okay.

CO-CHAIR LEAR: So I didn't -- it was a geotechnical firm, they were just going to do borings to get that kind of information, the technical information.

MS. HANFORD: Are you sure that wasn't having to do with the line --

CO-CHAIR LEAR: Oh, you're right, yeah, yeah, it was.

MS. HANFORD: That was the project entirely, and that is in the RFP stage.

CO-CHAIR LEAR: Okay. Yeah, that's right.

MS. HANFORD: That's not the causeway project.

CO-CHAIR LEAR: But any -- as long as they're outside the Navy property, but if they're on Navy property they have to come through the Navy.

MS. HANFORD: That's the flood, the other district --

CO-CHAIR HAYES: Sanitation and Flood Control District.

MS. HANFORD: Right.

b) Lennar Update (Neal Siler [Lennar Mare Island])

CO-CHAIR LEAR: Okay. So Lennar update then.

MS. ROEBUCK: Well, I think that most of the -- most of the people here are used to seeing this, and Neal normally goes through it. I guess the things that I would -- the main thing I'd point out is that there is going to be some upcoming fieldwork, most of that I think is going to begin in May. So there will be some fieldwork and, then in the summer. All of that is in Investigation Areas C-1 and C-2, and those are also investigation areas where we're trying to complete the remedial action plan documentation so that we can move that to closure.

The investigation areas that are shown in green -- B.2-2 and H-2 -- we hope are going to get to closure this year, so we're working on those documents.

c) Weston Update (Pam Jespersen [Weston Solutions, Inc.]

CO-CHAIR LEAR: Okay. Weston update.

MR. GEMAR: I have a very short update which is a good thing because now you can clearly see IR-05, and pretty soon you'll be able to see Dredge Pond 7, so that's my plan.

But we talked about the Proposed Plan draft remedial action plan obviously tonight. And as soon as the public comment period is over we'll be working with the Navy on the response to comments, and then the remedial, or the Record of Decision and Final Remedial Action Plan.

And then a couple other things that are circling. I'm not sure if the annual report for the WETP was actually, we got an okay on that or -- or if we will be getting an okay on that? I guess, I don't know, I kind of lost track of that one.

MS. NAITO: You'll be getting an okay.

MR. GEMAR: But anyway, it's at DTSC for review. And then also the Area H-1 Annual Remedy Status Report was submitted on March 1st for review.

Other than that, you know, obviously we continue to watch the grass grow and collect a little bit of groundwater and leachate. And completed our semiannual sampling, groundwater sampling event in March. So we'll be good to go until the probably September time frame, and then we'll go out there and do another sampling round.

That's it.

d) Regulatory Agency Update (Carolyn d'Almeida [Environmental Protection Agency], Janet Naito [Department of Toxic Substances Control], and Elizabeth Wells [Regional Water Quality Control Board])

CO-CHAIR LEAR: Very good. Regulatory update.

MS. WELLS: Well, once again Dwight provides a nice segue into the regulatory update, thank you, Dwight.

I wanted to say something about an order that started with the Water Board in 1987. In the 70s and other parts of the 80s the Water Board went sort of hog wild in writing orders to the Navy asking them to do things, and so we --

CO-CHAIR HAYES: Well intended.

MS. WELLS: So we've been successful in rescinding some of those orders because the Navy completed the work that was done or things have been superseded, sites or other orders have superseded them or that kind of thing.

But there's this one order from 1987 that we've been working on for a while, and it covers eighteen sites out at Mare Island, including the H-1 landfill. And it requires everything from writing reports to destroying wells to probably what kind of clothing you're supposed to wear when you're doing the inspections.

So what we're doing is we're actually working on rescinding that order, and it's in the review phase, internal review phase. And the basis for the rescission is that we have other documents -- well, first of all, the majority of the sites were closed. And for the sites that are open, we have other documents under which the Navy or Lennar are required to do the environmental cleanup.

So, for instance, the Federal Facility Site Remediation Agreement that Heather mentioned, and then there's a consent agreement between the agency and DTSC, the Department of Toxic Substances Control, and Lennar. And then we have an order from 2002.

So we have this order that's been sitting around for a really long time that is not applicable anymore. And the reason it's important to all of you is that there's going to be a thirty day public comment period. So what we will do is we will mail it out to the RAB members, e-mail it, or we can hard mail it if you'd like that instead, and you'll have thirty days to review it and comment on it, and then it will go before our Board. We'll respond to any comments that we get, and then it will go before our Board, hopefully uncontested.

That's all I have. Any questions?

MS. NAITO: Okay. For the Department of Toxic Substances Control, as I reported out last month, or last RAB meeting, Restoration Advisory Board meeting, I took a promotion so now that -- I'm the Branch Chief in the Berkeley Cleanup Operations Branch, which is why I've brought Patrick and Allan here today to introduce to sort of see how the Restoration Advisory Board works and to also introduce you all to them.

Patrick Hsieh will be taking over as project manager for the Mare Island Naval Shipyard portion of Mare Island.

And Allan Fone will be taking over the Lennar Mare Island portion.

I'm sorry, Patrick also has the Western Early Transfer Parcel.

So these are going to be the new faces you're going to be seeing at the Restoration Advisory Board; please make them welcome, don't scare them. And in most cases you will only see one or the other, there may be a few times when it's appropriate for both of them to attend.

That's all the news I have.

CO-CHAIR HAYES: Well, we'll miss you, but congratulations.

MS. NAITO: Thank you.

MS. WOCHNICK: We'll miss your snacks.

MS. NAITO: Yeah, you're just going to miss our snacks.

CO-CHAIR HAYES: And welcome, gentlemen.

VII. CO-CHAIR REPORTS (Myrna Hayes [Community Co-Chair] and Janet Lear [Navy Co-Chair])

CO-CHAIR LEAR: So we're at Co-Chairs' report. Do you want to go first?

CO-CHAIR HAYES: You can go first.

CO-CHAIR LEAR: Okay. So we have our Navy monthly progress report, you can pick it up at the table.

We did not have any fieldwork in March, but there were a few documents that we sent out.

There was a field investigation completion report for Solid Waste Management Unit 78.

We sent out a Non-Time-Critical Removal Action report for Building 742, Former Degreasing Plant.

And then the Proposed Plan Remedial Action Plan for Site 17 also went out to regulatory review.

And, let's see. We did receive comments from the agencies on two documents.

And no further action from the Water Board on petroleum fuel releases at the Defense Reutilization Marketing Office.

And that's all I have to report. So Myrna, it's over to you.

CO-CHAIR HAYES: I just want to let the public know that the preserve, the Mare Island Shoreline Heritage Preserve beginning tomorrow morning at 10:00 o'clock will be open daily, daily for the next two weeks through Sunday April 11. That's for the, following the Vallejo spring break which is two weeks. So we're normally just open Friday, Saturday, Sunday, so that's a big ramp-up, but I've committed to it for the last few years.

April 11 is our next, that Saturday, April 11 is our next historic south shore hike with a Navy escort under Navy agreement with the Mare Island Heritage Trust at 10:00 a.m., leaving from the Visitors Center and returning by noon. And you'll have an opportunity to see osprey on their nests and great blue heron, and for the first time ever recorded on Mare Island, a great egret on its nest. Pretty cool.

And April 11, that Saturday also marks the seventh year of our opening the preserve to regular public access, so we have a weekend of activities planned to celebrate that. It will actually be the eighth year this year of public access to the preserve beginning in February and August of 2007 with 150th at the ammunition depot celebrations.

April 14 again marks the 21st year of the -- since the establishment of the first meeting of the Mare Island Naval Shipyard Restoration Advisory Board. And that would be Paula and I have served that entire time, and I have served as the co-chair since May of that year.

And San Francisco Bay Osprey Days is coming up June 26th through 28th, our third annual event headquartered at the Mare Island Shoreline Heritage Preserve. And will again be in cooperation with the Golden Gate Raptor Observatory, Golden Gate Audubon Society, U.S. Navy, and the Napa-Solano Audubon Society. So look forward to that, three days of osprey. You'll be getting sick of osprey and fish tacos.

So again, thank you to everyone who helped make the San Francisco Bay Flyway Festival such a great event this year again.

CO-CHAIR LEAR: All right. So we are wrapped up for the evening. Thanks, everyone, for coming, and drive safe.

We'll see you May 28th.

(Thereupon the proceedings ended at 9:34 p.m.)

LIST OF HANDOUTS:

- Presentation Handout – Proposed Plan/Draft Remedial Action Plan, Installation Restoration Site 05 (IR05), Dredge Pond 7S (DP7S), and Western Magazine Area (WMA)
- Presentation Handout – Munitions Response Site Prioritization Protocol (MRSPP) for Open Burning/Open Detonation Range
- Presentation Handout – Land Use Covenants, Lennar Mare Island's Experience to Date Lessons from the Past Applied to the Future
- Weston Solutions Mare Island RAB Update
- Navy Monthly Progress Report, Former Mare Island Naval Shipyard, March 26, 2015