

MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

April 21, 2003

Mr. Lawrence Lansdale, BRAC Environmental Coordinator
Southwest Division
Naval Facilities Engineering Command
1230 Columbia Street, Suite 1100
San Diego, CA 92101-8517

RE: Comments on the Draft Record of Decision, Site 25 (Eastern Diked Marsh)

Dear Mr. Lansdale:

On behalf of the District, I would like to express support for the Navy's recently released Draft of the Record of Decision for the Eastern Diked Marsh, which comprises the southern area of Site 25 at the former Moffett Airfield. The level of contamination in this portion of Site 25 clearly requires remedial action sooner rather than later. The District understands that the cleanup levels proposed for the Eastern Diked Marsh will be consistent with the less sensitive seasonal pond standards. The District also understands that cleanup efforts for the remainder of Site 25, namely the District's Stevens Creek Shoreline Nature Study Area and NASA's storm water retention basin, are to be delayed until NASA officially clarifies their proposed use of the storm water basin in light of their recent commitment to study the feasibility of a system that allows for both tidal marsh restoration and storm water management.

We take this opportunity to voice our concerns, and make clear our expectations, regarding remediation of NASA's storm water retention basin and the District's baylands Preserve. First, we expect the Navy to acknowledge that the appropriate reasonably anticipated future use of our property is tidal restoration. This future use is consistent with the tidal marsh and salt pond restoration goals for the Site 25 area contained in the *Baylands Ecosystem Habitat Goals Report* prepared by the U.S. EPA and the San Francisco RWQCB.¹ We stress the importance of recognizing this reasonably foreseeable *future* use and not basing decisions on its current use. Since there has been a hydrological connection between the Eastern Diked Marsh and Site 25, and the proposed remediation does not indicate otherwise, the level of remediation proposed is of direct relevance to the anticipated future use of the District's Preserve. Several recent events support our vision of future tidal restoration:

Transfer of Ownership of Cargill Salt Ponds to the Public

On March 6, 2003, Governor Davis, Senator Feinstein, and Secretary of the Interior Norton announced the transfer of ownership of the former Cargill salt ponds located immediately adjacent to Site 25 into public ownership. Efforts are already underway to reduce salinity levels in the ponds as the first step toward restoration of the salt ponds. These events, coupled with the District's planned tidal restoration of Steven's Creek Shoreline Nature Study Area, highlight the potential for, and desirability of, tidal restoration of the entire NASA's storm water retention basin.

Strong Public Support for More Stringent Cleanup Levels

As you are aware, there is overwhelming public support for cleanup to more stringent remedial action objectives (RAOs) with backing from local communities, public agencies and environmental organizations, and by both Senator Barbara Boxer and Congresswoman Anna Eshoo. This support is closely tied to the undisputed fact that less stringent levels of remediation would create significant

¹ Goals Project. 1999. Baylands Ecosystem Habitat Goals. A report of habitat recommendation prepared by the San Francisco Bay Area Wetlands Ecosystem Goals Project. U.S. Environmental Protection Agency, San Francisco, CA/S.F. Bay Regional Water Quality Control Board, Oakland, CA.

endangered California least tern and other target species identified in the *Baylands Ecosystem Habitat Goals Report*. The RAOs should emphasize bioaccumulation scenarios related specifically to PCBs.

NASA's Study of a Joint Tidal-Storm Water Management System

NASA's commitment to study integration of tidal restoration with the storm water management system demonstrates acknowledgement of the strong opposition to a lower level of cleanup. A storm water management system, unconstrained and open to tidal flow, may also provide greater storm water capacity and therefore address NASA's potential need for increased storm water capacity associated with the planned redevelopment of NASA Ames. This development will significantly reduce the amount of existing permeable surfaces thereby increasing runoff amounts and contributing to the need for a larger capacity storm water management system.

Fiscal Responsibility in the use of Public Funds

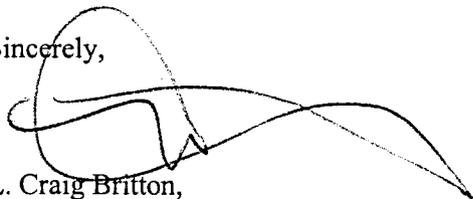
Further, the District is concerned about fiscally responsible use of public funds. NASA has stated that they support cleaning the storm water basin to lower levels appropriate for seasonal ponds yet, once tidal restoration does occur, they would expect the Navy to return to conduct a higher level of cleanup. This two-tier cleanup approach makes little sense because it necessarily entails higher cleanup and administrative costs that would be avoided if remediation were done to the levels appropriate for tidal restoration from the start. The environmental cost of the cleanup itself would also be duplicated as a result of the remediation project occurring twice in the same area.

Potential Recontamination

Lastly, the District is also concerned about the potential for the re-contamination of District lands if two levels of remediation are pursued for the larger seasonal pond. As you know, the large seasonal pond is divided in ownership between the District and NASA, yet there exists no physical boundary between the two. In essence, the properties are hydrologically connected and water and sediments freely migrate between the properties. The District is very concerned about the short-term potential for dispersal of contaminated sediments during severe storm events where the turbulence can result in movement of contaminants. If this occurs, cleanup to levels consistent with future tidal restoration will be for naught and the restoration plans of this property will be compromised. The proposed remediation plan does not include an evaluation of a dynamic tidal potential sediment load tidal channeling, depth of channel erosion and exposure to deeper sediment levels that might occur in a restored tidal wetland.

Understandably, the District can only support the highest level of cleanup for the entire storm water basin. We ask that you consider our concerns when addressing the remediation of the storm water basin. If these concerns are not considered, the District would like a detailed explanation of the rationale for such decision. Thank you for your consideration of our comments regarding this important project.

Sincerely,



L. Craig Britton,
General Manager

LCB:ar:dms

cc: MROSD Board of Directors

Mr. Scott Gromko, Remedial Project Manager

Ms. Sandy Olligues, NASA Environmental Coordinator

Ms. Adriana Constantinescu, Regional Water Quality Control Board

Ms. Lida Tan, U.S. Environmental Protection Agency Region IX