



Making San Francisco Bay Better

March 9, 2009

Mr. James Sullivan
Department of the Navy
BRAC Program Management Office West
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SUBJECT: Second Revised Draft Feasibility Study for Site 27 at the Clipper Cove Skeet Range at the Naval Station on Treasure Island

Dear Mr. Sullivan:

Thank you for the opportunity to comment on the Second Revised Draft Feasibility Study for Site 27 at the Clipper Cove Skeet Range (Feasibility Study) at the Naval Station on Treasure Island in San Francisco, California. Site 27 is a portion of Clipper Cove that was formerly used as a naval skeet range from 1979 to 1989. As described in the document, clay targets were launched from the shoreline. Naval personnel fired lead shots at the targets, which subsequently landed in the Bay.

In 1993, the San Francisco Water Quality Control Board identified Site 27 as a site of potential environmental concern and issued a Board Order that outlined specific compliance requirements and tasks. As a result, the Navy conducted a sediment characterization study that determined the extent of the lead in the off shore sediments. The study showed that the lead shot is present no more than 750 feet from the shoreline. Past investigations have determined that highest concentrations of lead were generally found in core samples between 3-5 feet below the surface of the sediment.

The Feasibility Study was prepared as a requirement of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and presents the existing information about the site and develops and evaluates three remedial alternatives for lead shot in the sediments. The first alternative is the no action alternative, which would leave contaminants in place on site. The second alternative includes dredging the area from the shoreline to 75 feet off shore to a depth of 2.5 feet and then backfilling this area with clean material. The third alternative includes dredging the entire Site 27 area to a depth of 7 feet to remove most of the material with lead shot.

Although the Commission itself has not reviewed the Second Revised Draft Feasibility Study for Site 27 on Treasure Island the staff comments discussed below are based on the Commission's law, the McAteer-Petris Act, the Commission's *San Francisco Bay Plan* (Bay Plan), the Commission's federally-approved coastal management plan for the San Francisco Bay, and the amended federal Coastal Zone Management Act (CZMA).

BCDC Authority and Jurisdiction

The Commission's jurisdiction includes all tidal areas of the Bay up to the line of mean high tide (up to five feet above mean sea level or the upper edge of marsh vegetation in marshland), all areas formerly subject to tidal action that have been filled since September 17, 1965, and the shoreline band, which extends 100 feet inland from and parallel to the Bay shoreline. Site 27 is located only within the Commission's Bay jurisdiction and therefore needs a federal consistency determination.

Proposed Activities

For all proposed alternatives, subsection Section 3.2 should include a discussion of the consistency determination requirements and disposal options for each proposed action. On page 28, the discussion includes the option of beneficially reusing the dredged material at sites such as Montezuma Wetlands. This site seems to be appropriate for foundation material placement. However, you may want to have Dredged Material Management Office (DMMO) review the test results for disposal options. For your information, The DMMO website is www.spn.usace.army.mil/conops/dmmo.htm.

Alternative Two involves dredging a portion of Area 27 and backfilling with "clean material." On page 30 the backfill material is described as sand and rock armor. The back fill would be considered "Fill in the Bay" as described in the Bay Plan and should be analyzed for compliance with these policies. Backfilling the subtidal habitat with rock armoring may be difficult for the Commission to approve.

Alternative Three involves dredging the entire site to a depth of 7-feet MLLW. Though the Feasibility Study includes a significant amount of information and past scientific studies, there is not a discussion of the full extent of the lead contamination below -7-feet MLLW. Therefore it is possible that additional information would be required prior to authorizing work under Alternative Three.

In either case, if a marina is a potential future use under consideration, the Navy may want to do additional testing of the sediment to the potential design depth and over dredged depth allowance to prevent costs and clean up in the future.

Bay Plan Policies

In addition to the above listed issues, the following Bay Plan policies may apply to activities within your project area:

1. **Water Quality.** These policies address water quality issues related to dredging. Policy No. Three requires new projects be sited, designed, constructed and maintained to prevent or minimize the discharge of pollutants in the Bay by controlling pollutant sources at the project site, using appropriate construction materials, and applying best management practices. If activities related to the clean up at Site 27 have the potential to affect water quality in the region, or if water is discharged from the sites, you may be required to obtain a water quality certification or waste discharge requirements from the Regional Water Quality Control Board.
2. **Dredging.** The policies in this section discuss disposal of dredged material. This is applicable to your project because Alternative Two and Three include dredging within Site 27 and disposal of dredged material.

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3. Fill and Public Trust Policies The policies in this section discuss that fill can be authorized on land granted in trust by the Legislature to a public agency and the Commission finds that the filling and use proposed on the fill is consistent with the Public Trust Doctrine. In addition, the Commission will need to determine that the fill is the minimum necessary to complete the project, that the fill is for a water-oriented use, and that there is no upland alternative. These policies are applicable to the backfilling described in Alternative Two.

Existing BCDC Permit for Adjacent Site

The dredging history at Clipper Cove section on Page 3 of the Feasibility Study discusses past dredging activities at Treasure Island adjacent to Site 27 in Clipper Cove. It appears that maintenance dredging was authorized by BCDC Consistency Determination No. CN3-84. This information may be valuable to include in the Feasibility Study for future reference.

Thank you for providing staff with the opportunity to review the Second Revised Draft Feasibility Study for Site 27 at the Clipper Cover Skeet Range (Feasibility Study) on Treasure Island. We recognize the importance of this project and are more than happy to assist you with consistency determination requirements. Please feel free to contact me at (415) 352-3624 or email me at cbox@bcdc.ca.gov if you have any questions regarding this letter or the Commission's policies and permitting process.

Sincerely,



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