



Making San Francisco Bay Better

July 1, 2011

Ms. Remedios Sunga  
Department of Toxic Substances Control  
700 Heinz Avenue  
Berkeley, CA 94710

and

Mr. James Sullivan  
Department of the Navy  
BRAC Program Management Office West  
1455 Frazee Road, Suite 900  
San Diego, CA 92108-4310

SUBJECT: Comments on Initial Study and Draft Remedial Action Plan for Site 27 at the Clipper Cove Skeet Range at the Naval Station on Treasure Island

Dear Ms. Sunga and Mr. Sullivan:

On June 6, 2011, the San Francisco Bay Conservation and Development Commission (Commission) staff received the DTSC California Environmental Quality Act Initial Study (Initial Study) for the remediation project at Site 27/Former Clipper Cove Skeet Range and in June 2011, the Commission also received the U.S. Navy's Proposed Plan/Draft Remedial Action Plan for the Former Naval Station on Treasure Island Public Notice (Draft Action Plan) for the remediation of Site 27 at the Former Clipper Cove Skeet Range on Treasure Island, located in the City and County of San Francisco. 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 documents, clay targets were launched from the shoreline. Naval personnel fired lead shots at the targets, which subsequently landed in the Bay. The lead shot currently in Bay sediments have been identified as a contaminant source with potentially harmful effects on wildlife, particularly diving ducks. As proposed, the project includes dredging approximately 8,600 cubic yards (cy) from a portion of Site 27 from the shoreline to 75 feet off shore to a depth of 2.5 feet and then backfilling the area with sand and/or rock armoring, off-site disposal of sediment to an upland beneficial reuse site, institutional controls and sediment monitoring.

Although the Commission itself has not reviewed the Initial Study or Draft Action Plan, the staff comments discussed below are based on the McAteer-Petris Act, the Commission's *San Francisco Bay Plan* (Bay Plan), the Commission's federally-approved management plan for the San Francisco Bay, and the federal Coastal Zone Management Act (CZMA).

## Background

In August 2010, a Final Feasibility Study for Site 27 Clipper Cove Skeet Range (Feasibility Study) was issued as a requirement of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Feasibility Study developed and evaluated three remedial alternatives for lead shot in the sediments. The first alternative was the no action alternative, which would leave all contaminants in place on site. The second alternative, which is the preferred alternative, included dredging approximately 8,600 cubic yards of material from the shoreline to 75 feet off shore to a depth of minus 2.5 feet Mean Lower Low Water (MLLW) and backfilling the area with clean sand and rock armoring. The third alternative included dredging the entire Site 27 area, as shown in Figure 5 in the Draft Remediation Action Plan, to a depth of minus 7 feet MLLW to remove most of the sediment with lead shot.

The San Francisco Bay Conservation and Development Commission (BCDC) submitted comments on the Final Feasibility Report in a letter, dated March 11, 2011, that summarized the *San Francisco Bay Plan* policies that would be applicable to the proposed project. The March 2011 letter incorporated comments submitted to the Navy for the Draft Feasibility Study in a letter, dated March 9, 2009.

## Proposed Remediation

According to the Initial Study and Draft Action Plan, the preferred alternative is Alternative 2b, which includes focused dredging, backfilling with sand and rock armoring, institutional controls, and sediment monitoring within the Site 27 area, and disposal of the dredged sediment outside of the Commission's jurisdiction or at an appropriate authorized beneficial reuse site. Generally, the Initial Study includes more information regarding the details of the remediation project than the Draft Action Plan. The specific details related to dredging, backfilling, institutional controls and sediment monitoring should be incorporated into the Draft Action Plan.

**Focused Dredging.** The project includes dredging approximately 8,600 cy from an approximate 92,500-square-foot portion of Site 27 (focused dredging area), as shown on Figure 2 in the Initial Study and Figure 5 in the Draft Action Plan. The top 2.5-feet of material within the dredging area will be removed and disposed of at an authorized location. Montezuma Wetlands in Solano County is suggested in the Initial Study as a disposal option. The dredging would be accomplished using a clamshell bucket. The dredged area will be backfilled with "sand and rock armor." Please include these details in the Final Remedial Action Plan.

As stated in our March 2011 and March 2009 comment letters, the proposed backfill would be considered "fill in the Bay," as described in the McAteer-Petris Act, and should be analyzed for compliance with applicable Bay Plan policies. These letters are attached for your reference. Please refer to them for a more detailed discussion of this issue. In addition, the Commission staff also recommends that the remediation project use material that replicate the existing bottom type. The San Francisco Bay Subtidal Habitat Goals Report may provide appropriate restoration guidance that could be incorporated into planning for the area. To this end, our March 2011 letter requested additional information to properly analyze the project, including a description of the need to backfill the area with sand and rock, rather than just sand or Bay mud; the volumes of sand and/or rocks proposed in the project; and the final elevation to be filled. This information was not included in the Initial Study or the Draft Action Plan.

To maintain stability of the sediments in the vicinity, the Initial Study states that the side slopes of the dredging footprint will be cut at a 4:1 slope. This will assure that the sides do not slump and expose sediment with lead shots. Also, prior to placement of backfill material, the

plan states that confirmation samples are proposed in the area outside the southern perimeter of the dredged area. The samples will be used to analyze if acceptable levels of lead shot area present in the surrounding sediment. Please describe the next steps that will be taken if lead shot is found at high levels in the confirmation samples.

**Monitoring.** After backfilling is complete, post-construction monitoring is proposed within the year after project completion and every five years after for up to 30 years to ensure that the remedial action objectives were met. As described in the Initial Study, monitoring will include bathymetric surveys of the area to determine if the backfill material is intact or if further sedimentation has occurred. It may be more appropriate to monitor annually for the first five years to ensure that the remediation measures are effective. If the sediment does move in the region, it would be important to see if lead shot within the sediment is exposed. Commission staff requests periodic sampling be included in the monitoring if surveys show significant sediment movement and would like to review the sampling plan once it is developed.

#### **Proposed Institutional Controls**

Based on the Initial Study, the project appears to have at least the following proposed Institutional Controls (IC): (1) a deed notice will be recorded to notify the public and future landowners of the existence of the contamination; (2) monitoring and reporting will be completed to assure the effectiveness of dredging; (3) a Remedial Action Work Plan (RAWP) will specify the roles and responsibilities for implementing, monitoring and enforcing the ICs; (4) Five-year reviews and reporting will ensure the continued effectiveness of the remediation; (5) restrictions on vessel speed; and controls on dredging within the focused dredging area; (6) long-term monitoring of the backfill to understand sediment disturbance and re-suspension in the area; (7) MOU developed between the Navy and DTSC that will describe the land use controls for the site; (8) as part of any sediment dredging or fill, the property would comply with Section 404 of the Clean Water Act; and (9) appropriate regulatory agencies, be contacted and notified of the existence of lead shot in the vicinity.

The ICs should be described and described in more detail in the Final Remedial Action Plan. Specifically, as described in the Initial Study, the monitoring efforts are unclear and confusing. Please clearly describe the monitoring efforts that assure effectiveness of the remediation project. Specifically, please describe any sediment sampling and bathymetry surveys that will be completed as part of the monitoring efforts. Again, the Commission suggests that monitoring occur more frequently in the first five years to better understand the local sediment dynamics.

#### **Initial Study Comments**

Below are comments specific to the Initial Study conducted for the remediation project. Many of these comments should be incorporated into the Final Remedial Action Plan for the project.

**Biological Resources.** Section 4 of the Initial Study describes the potential short-term impacts on biological resources in the project area from dredging and backfilling. This section goes on to state in Section 4(e) and Section 4(f) that the project has "no impact" and "less than significant impact" on biological resources because the project implementation will be consistent with the McAteer-Petris Act and the San Francisco Bay Plan. These sections appear to contradict each other. Please clarify the apparent contraction. To reduce impacts to the ecosystem, Commission staff recommends using only sand for backfilling material rather than a mixture of sand and rock armoring.

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Section 4(a) and Section 4(b) state that implementation of the project would require concurrence from BCDC and federal and state regulatory agencies. As part of the concurrence request, please include an analysis of the need for rock armoring to secure the sandy material in place.

In order to reduce the potential impacts of the project on migratory fish, the Commission's policies on dredging require that consultations with the resource agencies be completed and the results provided to the Commission. Further the Commission's policies on fish, other aquatic organisms and wild seek to avoid or minimize impacts to listed and native species. As part of your planning for this project, you may want to consider proposing to do the in-water work during the environmental work windows established for maintenance dredging projects through the LTMS programmatic biological opinions. Please consult with NOAA fisheries and the U.S. Fish and Wildlife Service to assure protection of endangered or threatened species.

Lastly, because all of San Francisco Bay is Essential Fish Habitat, consultation with NOAA fisheries regarding the Magnuson Steven's Fisheries Management Act may be required. NOAA Fisheries has recently completed a programmatic Essential Fish Habitat Consultation for the LTMS program for maintenance dredging projects. There may be recommendations in that consultation that may be applicable to your proposed project.

#### **Draft Remedial Action Plan Comments**

The Draft Remedial Action Plan is very limited and lacks a lot of important details. The Final Remedial Action Plan should include the details related to the proposed dredging, backfilling, monitoring and institutional controls described in the Initial Study. Furthermore, all relevant regulatory agencies should be notified of the proposed project and have the opportunity to comment on the proposed remediation and monitoring. In addition to the U.S. Army Corps of Engineers and the Commission, the Regional Water Quality Control Board, the EPA, U.S. Fish and Wildlife Service, NOAA Fisheries, CA Fish and Game and local planning agencies should be incorporated into the planning process.

Thank you for providing staff with the opportunity to review the Initial Study and Draft Remedial Action Plan for Site 27 on Treasure Island. We recognize the importance of this project and are more than happy to assist you. Commission staff is aware that it is the Navy's position that the CERCLA process exempts federal agencies from Commission review under the federal consistency provisions of the Coastal Zone Management Act (CZMA) because the proposed project is designed to be consistent with the applicable and relevant and appropriate requirements. However, the Commission staff respectfully reserves the right to raise the requirement to review the project under the Commission's CZMA federal consistency authority in the future.

Please feel free to contact me at (415) 352-3624 or email me at [cbox@bcdc.ca.gov](mailto:cbox@bcdc.ca.gov) or Brenda Goeden at (415) 352-3623 or [brendag@bcdc.ca.gov](mailto:brendag@bcdc.ca.gov) if you have any questions regarding this letter or the Commission's policies and permitting process.

Sincerely,



CAROLYNN BOX  
Coastal Program Analyst

Inc.