

DEPARTMENT OF FISH AND GAME

116 NINTH STREET
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SACRAMENTO, CA 94244-2090

CERCLA/NRDA UNIT

February 7, 1994

Mr. Marcelo G. Pascua, Jr.
Head, Installation Restoration Section
Base Closure Team
Department of Navy
Western Division
Naval Facility Engineering Command
900 Commodore Drive
San Bruno, California 94066-2402

5090
SerT4A2GM/L4115
27 January 1994

Dear Mr. Pascua:

Base Realignment and Closure (BRAC) Cleanup Plan
for Naval Air Station (NAS) Alameda, California

With reference to your request for comments on the subject document and the program to expedite the environmental cleanup at Naval Air Station Alameda, I am submitting this letter in conformance with your abbreviated time schedule (four working days) for review and comment. Please understand that a more complete review and response will be forthcoming in order of priority of document receipt. Since the stated objectives of the base closure environmental restoration program at NAS Alameda include: a) protection of...the environment (including fish, wildlife, and their habitats); b) compliance with existing statutes and regulations; c) conducting all Installation Restoration Program (IRP) activities consistent with Section 120 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as amended by the Superfund Amendments and Reauthorization Act (SARA); d) establishing priorities for environmental restoration and restoration-related compliance activities; e) identification and mapping of environmental condition of installation property, with remedial investigation efforts; and f) developing, screening, and selecting remedial alternatives that reduce risks in a manner consistent with statutory requirements, I recommend that your staff closely coordinate these reviews and decisions with my staff. As you know, the California Department of Fish and Game (DFG) is the State natural resource trustee for fish, wildlife, and their habitats, by designation of the Governor of California, and delegation by the Secretary of the Resources Agency (Enclosures). By such designation, Department of Navy and DFG of are co-trustees for Federal and State fish, wildlife resources for the

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facility. Since we wish to work cooperatively with your agency to assess risks to and to survey, assess, and restore any injured fish, wildlife species, and their habitats resulting from releases of hazardous materials on the facility, it is highly desirable for Department of Defense to include DFG in decisions regarding, and selections of, remedial investigations and restoration alternatives so that we can jointly assure that our trust resources are fully protected and that restoration of any injured resources occurs.

Under the discussion of Natural Resources (Part 3.3), the document implies that the Department of Defense is the "sole" trustee for natural resources on Federal land. The uninformed reader of this document may concluded that there is one trustee for all natural resources. In order to correctly state the natural trustee relationships on the facility, the report should be edited and state that the DFG is a natural resource trustee for all "State fish, wildlife species, and their habitats" as defined under the California Fish and Game Code.

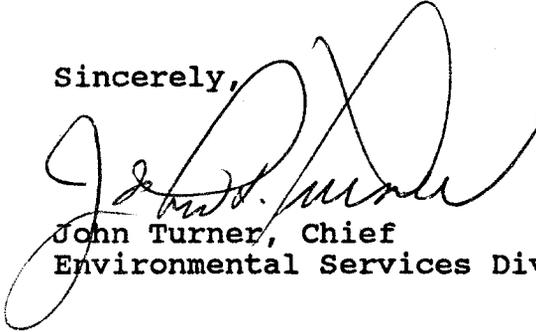
The document refers to the Department of Defense and State natural resource trustee responsibilities to conduct an "natural resource damage assessment" and suggests that potentially responsible parties (PRPs) can be allowed to conduct the assessment with trustee oversight. I recommend that if the Department of Defense is considering this approach at the facility that there needs to be a complete evaluation of the proposed process and concurrence of that action among the natural resource trustees. Since the Department of Defense is acting both in the role of PRP and natural resource trustee, I believe strict guidance and agreement must be reached prior to initiating this process to avoid any potential or actual conflict of interests.

I am concerned that the document confuses the issue of remedial investigation/feasibility study (RI/FS) activities and natural resource damage assessment activities (page 3-25). While information from fish and wildlife resources at risk may be identified through the RI/FS process, it has been our experience, as trustees for fish, wildlife, and their habitat at other CERCLA sites, that this information is inadequate to evaluate injuries and damages to our co-shared trust resources.

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Should you have any questions regarding this letter, please contact Dr. Michael Martin, Staff Toxicologist, CERCLA NRDA Section, California Department of Fish and Game, 20 Lower Ragsdale Drive, Suite 100, Monterey, California 93940, telephone (408) 649-7178.

Sincerely,



John Turner, Chief
Environmental Services Division

Enclosures

cc: Mr. Joe Milton
Department of Fish and Game
Sacramento, California

Mr. James Nusrala
Regional Water Quality Control Board
Oakland, California

Ms. Alydda Mangelsdorf
U.S. Environmental Protection Agency
San Francisco, California

Mr. Jim Haas
U.S. Fish and Wildlife Service
Sacramento, California

Ms. Denise Klimas
National Oceanic and Atmospheric Administration
San Francisco, California

Mr. Tom Lamphar
Department of Toxic Substances Control
Berkeley, California

Dr. Michael Martin
Department of Fish and Game
Monterey, California

The Resources Agency



of California

Pete Wilson
Governor

Douglas P. Wheeler
Secretary

AP
BC
S
Bl
wd R.A.
File
wd ESD
cc'd OSFR

California Conservation Corps • Department of Boating & Waterways • Department of Conservation
Department of Fish & Game • Department of Forestry & Fire Protection • Department of Parks & Recreation • Department of Water Resources

November 9, 1993

Boyd Gibbons, Director
Department of Fish and Game
1415 9th Street, 12th Floor
Sacramento, CA 95814

Dear Boyd:

Attached herewith is the formal delegation of authority as Natural Resource Trustee from the Secretary for Resources to the Director of the Department of Fish and Game. The delegation is for the natural resources within the Department's purview, and pertains to three federal statutes and certain cooperative agreements.

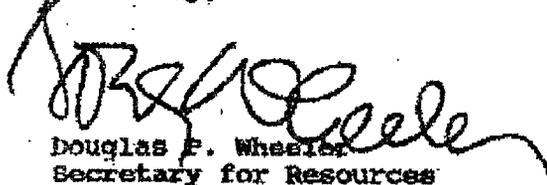
This delegation should expedite the process by which the Department is formally designated trustee by a federal agency.

Please inform me and will Shafroth if you plan to sub-delegate any or all of your trustee authority.

Please also provide me with a quarterly summary of all instances when the Department is chosen as a trustee, including a description of the incident and the estimated value of damages to natural resources within the Department's purview.

Thank you for your help.

Sincerely,


Douglas P. Wheeler
Secretary for Resources

The Resources Building Sacramento, CA 95814 (916) 553-9622 FAX (916) 688-6102

California Coastal Commission • California Tule Conservancy • Colorado River Board of California
Energy Resources Conservation & Development Commission • San Francisco Bay Conservation & Development Commission
State Coastal Conservancy • State Lands Commission • State Reclamation Board

DESIGNATION OF NATURAL RESOURCE TRUSTEES

Pursuant to section 107(F)(2)(B) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), as amended in the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. § 9706(F)(2)(B) and section 1006(b)(3) of the Oil Pollution Act of 1990 ("OPA"), 33 U.S.C. § 2706(b)(3), I hereby designate the Secretary of the California Resources Agency as California's natural resource trustee for natural resources within its purview and the Secretary of the California Environmental Protection Agency as California's natural resource trustee for natural resources within its purview. I further designate the Secretary of the California Resources Agency, for natural resources within its purview, and the Secretary of the California Environmental Protection Agency, for natural resources within its purview, to enter into cooperative agreements with the United States Secretary of Commerce pursuant to section 312 of the Marine Protection, Research and Sanctuary Act of 1988, 16 U.S.C. § 1443(c)(4).

As each Secretary determines to be appropriate, consistent with applicable federal and state law, the Secretaries may delegate natural resource trustee responsibility to appropriate agencies and local governmental entities of the State of California. In cases where the Secretaries designate more than one agency and/or local governmental entity to be natural resource trustees, the Secretaries shall determine which of those trustees shall serve as the lead administrative trustee.

DATED: Aug. 23, 1993

Pete Wilson
 Pete Wilson
 Governor, State of California

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DELEGATION OF AUTHORITY AS NATURAL RESOURCE TRUSTEE

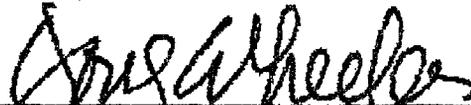
Pursuant to Governor Pete Wilson's August 23, 1993, designation of the Secretary for Resources as a Natural Resource Trustee, I hereby delegate to the Director of the Department of Fish and Game the authority to act as the trustee for the natural resources within the purview of that Department for purposes of:

1) Section 107(f)(2)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended in the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. § 9706(f)(2)(D), and

2) Section 1006(b)(3) of the Oil Pollution Act of 1990 ("OPA"), 33 U.S.C. § 2706(b)(3).

I further delegate to the Director of the Department of Fish and Game, for resources within that Department's purview, the authority to enter into cooperative agreements with the United States Secretary of Commerce pursuant to section 312 of the Marine Protection, Research and Sanctuary Act of 1988, 16 U.S.C. § 1443(c)(4).

11-12-93
Date


Douglas F. Wheeler
Secretary for Resources