

DEPARTMENT OF FISH AND GAME

1416 NINTH STREET
P.O. BOX 944209
SACRAMENTO, CA 94244-2090
(916) 653-4875

M60050.001310
MCAS EL TORO
SSIC # 5090.3



May 11, 1995

Mr. Juan Manuel Jimenez
Office of Military Facilities
Department of Toxic Substances Control
245 West Broadway, Suite 425
Long Beach, California 90802

Dear Mr. Jimenez:

APPLICABLE OR RELEVANT AND APPROPRIATE REQUIREMENTS (ARARs)
FOR MARINE CORPS AIR STATION EL TORO (MCASET)

This is in response to your letter of March 14, 1995 requesting potential state ARARs for the subject site. The Department of Fish and Game appreciates your request for providing State laws and regulations to guide the planned Remedial Investigation and Feasibility Study (RI/FS) and environmental cleanup at the subject site.

As the lead state agency for toxic cleanup, you are making an inquiry to the Department for purposes of coordination and definition of appropriate State cleanup requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as a portion of the RI/FS process. This letter will also serve to advise you of the Department's interest in coordinating any natural resource issues as one of the designated State natural resource trustees, which may be necessary should the release(s) of any hazardous materials at the subject site affect State natural resources, pursuant to CERCLA.

In our judgment, the following State laws and statutes apply to any RI/FS actions at the subject site for the protection of fish and wildlife resources and their habitats, in relation to potential releases of chemicals to the environment:

- Designation of the Department of Fish and Game as trustee for State fish and wildlife resources: Fish and Game Code § 711.7;
- Possession permits for scientific purposes, etc.: Fish and Game Code § 1002;
- Requirements for releasing substances deleterious to fish and wildlife: Fish and Game Code § 5650 (a) (b), (f); 5651; and 12016;
- Illegal take of birds and mammals: Fish and Game Code § 3003;

Mr. Juan Manuel Jimenez
May 11, 1995
Page Two

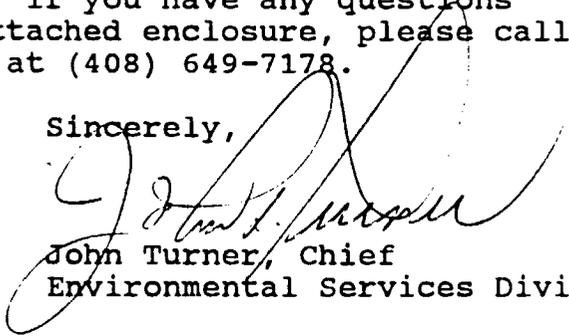
- Relevant policies for the general protection and conservation of fish and wildlife resources: Fish and Game Code § 1600; 1700; 1750; 1801; and 2014; Water Code § 1243;
- Requirements for endangered or rare species: Fish and Game Code § 1900 et seq.; 2050 et seq. to 2068; 2070; 2080; 2090 et seq. to 2096;

Other Laws and Treaties:

- Federal Endangered Species Act of 1973;
- California Endangered Species Act (Fish and Game Code § 2050; 2065).

I have enclosed copies of these laws and regulations for your information. Although these fish and game laws and regulations have not been, at this time, evaluated for site-specific consideration, we can provide you with such interpretation at a later date. If you have any questions regarding this letter and the attached enclosure, please call me at (916) 653-7560 or Dr. Martin at (408) 649-7178.

Sincerely,



John Turner, Chief
Environmental Services Division

Enclosure

cc: Department of Fish and Game

Dr. Michael Martin (w/o enclosure)
Monterey, California

Mr. Joe Milton
Sacramento, California (w/o enclosure)

Regional Water Quality Control Board (w/o enclosure)
Santa Ana Region
2010 Iowa Avenue, Suite 100
Riverside, CA 92507-2409