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21 August 1996

MEMORANDUM

From: Chairman, Transition Steering Committee (TSC)

To: Distribution

Subj: TSC MEETING MINUTES FOR 21 AUGUST 1996

Encl: (1) City of Long Beach, Department of Community Development ltr dtd 20 August 1996
(2) DoD Base Reuse Implementation Manual
(3) John William Cohn ltr dtd 20 August 1996
(4) CNO Washington DC (N44) msg dtg 191624Z AUG 96

1. The Transition Steering Committee (TSC) meeting convened at 1337. Attendees were:

NAME	CODE
John Pfeiffer, Chairman	LBNSY 100B/1100
Steve Hall	LBNSY 440
Hildagrace Burbage	AFGE
Del Davis	City of Long Beach (LRA)
Darrell Neft	IFTPE
Louis Rodriguez	IFTPE
CDR Joel Steadley, Recorder	LBNSY 100B1

2. Action Items from the previous meeting

a. **Code 150** provide a list to FEMTC, IFTPE, JTPA and this committee, as applicable, of all employees who have retired, been placed through PPP (including VSIP), and who otherwise have achieved eligibility for JTPA benefits, further identifying those employees who have accepted PPP/VSIP placements but who have not yet been separated for the Shipyard's rolls.

Response: The requested information was provided by Jack Gordon. He noted that the JTPA eligibility is determined by JTPA and that this information is not held in HRO's files. He has provided a different listing to Peggy Sanders of JTPA to assist in purging her eligibility files. Darrel Neft noted that there were 1102 personnel on the lists.

b. **Code 100B9/1120** provide a briefing on the disaster preparedness division.

Response: The briefing was delayed to the next TSC meeting which is slated for 04 September 1996.

3. Topics discussed:

a. **Personnel Issues.**

Jack Gordon provided a PPP update

Accepted	Declined	Pending
722 (Includes 121 VSIP)	65	11

Jack Gordon provided an update on the VERA authority extension. DoD has stated that they expect to receive authorization from OPM by the end of this week. They in turn will need to authorize the Navy to extend VERA. He stated that the extension could be received by the Shpyard as early as 26 August. Louis Rodriguez asked if this covered all services. Jack confirmed that it did.

The Transition Center move will take place in two phases: (1) 13 - 15 September with the movement of personnel involved in PCS/EDD/Retirement; (2) personnel involved in PPP, will occur on 20 - 22 September. Louis Rodriguez asked if this would include the Homeowners Assistance Program (HAP). Jack Gordon confirmed that it would. He stated that the shipyard has 6 personnel trained to do appraisals for HAP and money to pay for their services. Additionally, they take up very little space. Darrel Neft asked about the re-location services. Jack Gordon said the services would be provided by a DoD contractor but his location was to be determined. John Pfeiffer stated that space allocation was looking at the third floor.

b. **Contracts Issues.** No issues.

c. **Finance Issues.** No issues.

d. **Facility Closure Issues.**

Steve Hall gave an update of the closure. WCD's are still being written with a projected completion date of 30 August 1996. A change in the process instructions will result in all the WCD's being re-written. The status of closure is:

Ex-Naval Station	Shipyards
14	13

The ex-Naval Station numbers were unchanged from the previous report. Three more buildings are in progress. Work will be done between September and December 1996. Even after cessation of operations on 30 September there will be a need to move people and clean buildings.

The shipyard has met with the Port of Long Beach to determine what utilities services they desire to be left on in closed buildings. To date, the sewage requirements have been discussed. On 28 August a meeting will be held in Room 525A to discuss all the utilities.

Louis Rodriguez asked if the interest generated in the ex-Naval Station by the recent exposure from television and the press will stop the conversion of the facility to a container terminal. Vice speculating, John Pfeiffer recommended that the interested parties refer to the Mayor of Long Beach's recent comments in the Press-Telegram newspaper.

e. **Environmental Issues.** No issues.

f. **Records Disposal Issues.** John Pfeiffer observed that the representatives from the Federal records depository in Laguna Niguel were onboard. Steve Hall stated that they were interested in the photographic documentation of the history of the base but that these items could not be turned over to them at this point due to environmental compliance requirements.

g. **Equipment Disposal Issues.** Steve Hall said that a decision had been made to leave oil in all the machinery. The shipyard will continue to test for PCB's.

h. **Inventory Issues.** No issues.

i. **LRA Issues.** Del Davis discussed the letter requesting property from the former Naval Station for homeless assistance conveyance. See enclosure (1). John Pfeiffer recommended that section 4.4.5 of the DoD Base Reuse Implementation Manual be reviewed. See enclosure (2).

4. Additional topics.

- a. John Pfeiffer discussed the potential problem raised by enclosure (3).
- b. John Pfeiffer announced the 1996 OSD/Navy BRAC community conference. Enclosure (4) is germane.

4. The meeting was adjourned at 1411. **The next TSC meeting is scheduled for 04 September 1996 at 1330 in the MIC.**



J. R. PFEIFFER

Distribution:

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160

TSC members



CITY OF LONG BEACH

DEPARTMENT OF COMMUNITY DEVELOPMENT

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August 20, 1996

Captain John Pickering, USN
Commander Long Beach Naval Shipyard
300 Shipjack Road
Long Beach, CA 90822-5099

Dear Captain Pickering::

On December 5, 1995, the Long Beach City Council, as Local Redevelopment Authority for Naval properties identified for closure by the 1991 Base Closure and Realignment Commission, approved the reuse plan for the balance of the former Long Beach Naval Station. A key component of the plan was the proposed distribution of all Naval Station personal property among thirty-nine agencies, who had submitted expressions of interest in reuse of personal property for homeless benefit.

On March 11, 1996, the Department of Housing and Urban Development approved the Long Beach Reuse Plan. On May 17, 1996, the General Counsel of the Office of the Secretary of Defense confirmed that personal property could be conveyed using a homeless assistance conveyance.

Accordingly, the City of Long Beach formally requests transfer of surplus personal property from the former Naval Station under a homeless assistance conveyance. City Staff will coordinate with appropriate Navy personnel to arrange screening and distribution of the property to the various agencies. At the conclusion of the distribution process, City staff will provide you with a consolidated list of agencies; an inventory of personal property assigned to each agency; and a signed Memorandum of Agreement with each agency, which indemnifies the Navy and the City, defines the use of the property and prohibits sale of the property for two year.

Your assistance in this matter is appreciated.

Sincerely,

Gerald R. Miller
Economic Development Bureau Manager

GRM:BJP:dkb

A.C.P.LTR

DoD Base Reuse Implementation Manual

assistance purposes will be transferred by the Military Department at no cost in compliance with the approved application (which includes the redevelopment plan)—either to the LRA or directly to the homeless assistance provider.

4.4.6 Economic development conveyances

GENERAL INFORMATION

- Under an Economic Development Conveyance (EDC), the Military Department can convey land and buildings to the LRA for consideration at or below fair market value, at no cost, or for other consideration that may be subject to recoupment. Such conveyances can be made when the Military Department determines that the installation, or significant portions of it, cannot be conveyed under other authorities to rapidly create new jobs. Personal property may be transferred as part of an EDC of the real property (see also Chapter 7 of this Manual).
- Personal property may also be transferred without real property under a separate EDC, referred to in this Manual as a "Personal Property EDC," if (1) the transfer is necessary for the effective implementation of the redevelopment plan for the installation, and (2) cannot be transferred under other authorities. However, by completing an application in which the personal property is identified using inventory information already provided to the LRA by the Military Department (e.g., inventory summaries), Personal Property EDCs are relatively straightforward to execute.
- Personal Property EDCs can be made only to the LRA.
- Personal Property EDCs are not subject to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. §§ 483–484), which governs property disposal.

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qualifying related personal property to the Federal sponsoring agency for transfer to the sponsored applicant.

Approved public benefit conveyances. These include PBCs for non-Federal correctional facilities, historic monuments, and power transmission lines. The terms and conditions attached to the reuse are determined by the Military Department . The Military Department transfers the qualifying personal property directly to the approved PBC recipient.

4.4.5 Homeless assistance conveyances

Personal property may be transferred to an LRA or to a homeless assistance provider for homeless assistance purposes if a reuse plan is submitted to and approved by the Secretary of Housing and Urban Development (HUD) under the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (see also Chapter 3 of this Manual).

After providing the LRA with the personal property inventory, the installation commander or designate should recommend to the LRA that the following strategy be used for identifying and transferring personal property intended for use by homeless assistance providers:

- Coordinate with the proposed provider(s) to identify any personal property to be conveyed.
- Incorporate the agreed-to disposition of any identified personal property in any binding contract(s) negotiated between the LRA and any selected homeless provider(s).
- Include identification and intended use of the personal property in the homeless assistance portion(s) of the adopted redevelopment plan.
- After HUD approves the LRA's redevelopment plan (see Chapter 3), the personal property identified (in the redevelopment plan) for homeless

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August 20, 1996

CERTIFIED U.S. MAIL

William J. Perry
Secretary of the Defense
United States Department of Defense
The Pentagon
Washington, D.C. 20301

John H. Dalton
Secretary of the Navy
United States Department of the Navy
Ballston Towers #1
800 North Quincy Street
Arlington, VA 22203

Re: My Client: California Earth Corps, Inc.
Subject Notice of Intent to Sue for Violation of Base Realignment and Closures Act (10 USCS 2687 et seq.) - Long Beach Naval Base

Gentlemen:

We write to inform you that California Earth Corps, Inc. ("CEC") believes that the United States Department of Defense and United States Department of the Navy are violating among other provisions, the Base Realignment and Closures Act [10 USCS 2687, et seq.] ("BRAC"), insofar as they have failed to comply with the environmental assessment, restoration and remediation requirements of the law relating to the realignment and closure of the Long Beach Naval Base. CEC believes that the Departments of Defense and Navy, respectively, have failed to comply with express provisions of BRAC law, and in particular with the requirements of the National Environmental Policy Act [42 USCS 4321 et seq.] ("NEPA") and Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 USCS 9601 et seq.] ("CERCLA").

Specifically, the Departments of Defense and Navy have failed to prepare a legally adequate and comprehensive Remedial Investigation and Feasibility Study ("RI/FS"), as defined and required by the law. CERCLA establishes specific guidelines and methodology for conducting and completing the RI/FS. The currently proposed RI/FS fails to follow the precise protocols described by CERCLA *inter alia* 1) the design of the data collection program is improper and inadequate; 2) there are deficiencies in the manner in which data was collected; and 3) the date utilized to form the RI/FS conclusions are unreliability and incompetence. Additionally, the

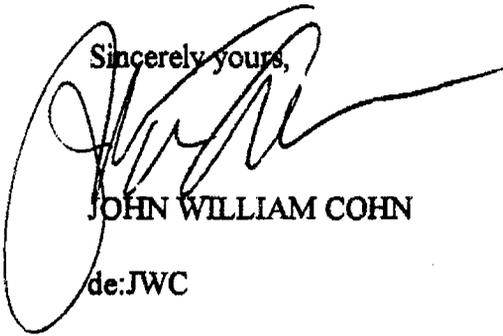
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contractors utilized to collect and analyze the critical data compiled during the RI/FS process were not properly screened or qualified to the conduct the scientific tasks they were required to perform. Consequently, the RI/FS is unreliable, incompetent, and out of compliance with the strict requirements of CERCLA and BRAC. Therefore, based in these violations of the law, we believe that we are required to serve you with this Notice of Intent to Sue.

Please be informed that we intend to file suit within sixty (60) days from the date of this letter. This lawsuit will, at minimum, seek declaratory relief, a permanent injunction enjoining further title transfer and commercial development of any property located within the confines of the Long Beach Naval Base, civil penalties and damages.

If you wish to contact us before we file a complaint, please do so as quickly as possible.

Sincerely yours,



JOHN WILLIAM COHN

de:JWC

cc: Carol Browner, Administrator
United States Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

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Regional Administrator, Region 9
United States Environmental
75 Hawthorne Street
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Alan Lee,
Base Environmental Coordinator
Southwest Division
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