



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
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MARE ISLAND
SSIC NO. 5090.3.A

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2 Mar 05

U.S. Fish and Wildlife Service
Coast Bay Delta Branch
Attn: Mr. James Browning
2800 Cottage Way, Rm W-2605
Sacramento, California 95825

SUBJECT: CERCLA RESPONSE ACTION AND REQUEST FOR INITIATION OF
FORMAL CONSULTATION FORMER MARE ISLAND NAVAL SHIPYARD
H1 LANDFILL, VALLEJO, SOLANO COUNTY, CALIFORNIA

Dear Mr. Browning:

This letter relates to prior interagency coordination meetings with the Department of the Navy (DoN) on October 14 and December 10, 2004 and the following documents forwarded to your attention on September 16, 2004:

- *Delineation of Clean Water Act Jurisdiction for the Investigation Area H-1 Remedial Action Project* dated July 2003
- *Wetland Mitigation and Monitoring Plan for the Investigation Area H-1 Remedial Action Project* dated October 2003
- *Biological Assessment for the Proposed Remedial Action for Mare Island Investigation Area H-1* dated December 2003
- *Detailed Planting Plan and Implementation Specifications for the Proposed Wetland Mitigation Areas Associated with the Mare Island Investigation Area H-1 Remedial Action Project* dated April 2004

These documents describe the potential impacts to both wetlands and the federally listed as endangered salt mouse harvest mouse (*Reithrodontomys raviventris*; SMHM) assumed present onsite, and the proposed mitigation activities associated with the anticipated final remedy of containment for the landfill located within Investigation Area (IA) H-1. The site is located at the former Mare Island Naval Shipyard (MINS) in Vallejo, California and is currently being investigated under the Installation Restoration Program (IRP) pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

This letter is provided in support of the DoN identification of substantive provisions of the Endangered Species Act (ESA) of 1973 as amended (16 U.S.C. 1536(a), 50 CFR

402) as a federal applicable or relevant and appropriate requirement (ARAR) pursuant to Section 121(d) of CERCLA as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). CERCLA's implementing regulations, the National Oil and Hazardous Substances Contingency Plan (NCP), define ARARs as substantive requirements and specifically exclude administrative (procedural) requirements (40 CFR 300.5 and NCP preamble discussion at 55 FR 8756 dated March 8, 1990). In addition, Section 121 (e) of CERCLA specifically exempts CERCLA remedial actions from procedural permit requirements for the activities proposed.

The DoN has asserted there are limitations on the applicability of the procedural requirements of the Endangered Species Act (ESA) in Sections 121(d) and 121(e) of CERCLA. However, the DoN has elected to voluntarily follow the consultation requirements of Section 7 of the ESA to ensure compliance with the substantive provisions of the Act, attain your agency expertise to address the SMHM, and achieve timely agency coordination. Therefore, the DoN requests initiation of formal consultation for the proposed project. The decision to voluntarily follow these requirements should not be construed as a waiver or release of the DoN rights and authorities under CERCLA and the NCP in any future proceeding.

Location

Mare Island peninsula is located in the northern portion of San Francisco Bay within the City of Vallejo, California. Mare Island is a flat peninsula approximately 3.5 miles long and 1.0 mile wide bounded by the Napa River and Mare Island Strait to the east, San Pablo Bay to the west, Carquinez Strait to the south, and Napa Marsh and other marshlands on the north. A series of sloughs, marshes, and low-lying islands separate Mare Island from San Pablo Bay to the west. The area encompasses 5,285 acres (ac), including 3,787 ac of wetlands, submerged land, and former dredged material disposal ponds. The DoN has transferred title to approximately 3983 ac of the former base to date. The IA H1 Remedial Action Project area occurs within the MINS on the central west portion of the island. Figures 1 and 2 in the *Wetland Mitigation and Monitoring Plan for the Investigation Area H1 Remedial Action Project* (Mitigation Plan) dated October 2003 illustrate the regional and project site locations, respectively. Figure 2 also depicts the boundaries of the Action Area for the project.

Background

MINS was listed for closure in 1993 as part of the Base Realignment and Closure (BRAC) process and operations ceased in 1996. IA H1 is a historical disposal area

where the Navy regularly disposed of solid wastes generated at MINS. Waste oil was routinely discharged into unlined oil sumps constructed in this area until the late 1960's. By the mid 1960's, levees were constructed to define the waste disposal area west of the oil sumps along Dump Road. This 30-acre disposal area, referred to as the "facility landfill," was used to dispose of the shipyards wastes until the landfill reached capacity in 1978 and a new landfill was established on top of the western half of the filled area. The new landfill (referred to as "the Resource Conservation and Recovery Act (RCRA) landfill" because it operated as a RCRA interim status hazardous waste facility) was authorized to receive limited hazardous wastes such as asbestos-containing materials, solvent-laden rags, paint sludge, and spent sandblast abrasives. The RCRA landfill operations ceased in 1989. Additionally, IA H1 contains a former industrial wastewater treatment plant, former sanitary sewage treatment plant, demolition debris disposal areas, lead battery disposal areas, and other miscellaneous disposal areas.

Project Description

The remedial action being pursued for the site consists of "hot spot" removal, consolidation, and vertical and horizontal containment. The remedial action for approximately 70 ac within IA H1 including the RCRA and facility landfills (landfill), industrial wastewater surface impoundments, and waste oil sumps is currently envisioned to include a horizontal geomembrane/geocomposite/soil cap within an existing vertical barrier (bentonite slurry wall) and groundwater collection trench. Excavation of contaminated soil outside the containment area is planned for several 'hot spots' including the former Dredge Pond 1, sanitary wastewater treatment plant, industrial wastewater pipeline, former demolition debris areas, and the lead battery disposal area. The excavated soil will be consolidated within the IA H1 containment area onsite prior to installation of the cap.

The proposed remedial activities (landfill cap and hot spot soil consolidation) will result in an estimated permanent loss of approximately 7.2 ac of potential jurisdictional waters of the U.S. based on a wetland delineation completed in July 2003. The original proposed wetland impact areas were shown on Figure 3 of the Mitigation Plan. The proposed wetland impacts have been reduced from 7.6 to 7.2 ac and locations modified slightly as shown on the revised Figure 3 of the Wetland Mitigation Plan (enclosure 1) and revised Figure 5 of the *Biological Assessment (BA) for the Proposed Remedial Action for Mare Island Investigation Area H-1* dated December 2003 (enclosure 2). The proposed impact areas are isolated wetlands that have been impacted by past disposal practices. The cap will permanently impact a 4.1 ac wetland area between the landfill and the waste oil sumps called Wetland X. The Wetland X area is reported to have received asbestos, munitions-related debris, and other debris. Two unnamed

wetland areas located west of the landfill that total 2.9 ac will also be capped since this area received landfill debris in the past. Two small unnamed wetland areas to the north of the landfill (0.2 ac) were contaminated by lead battery disposal activities and will be impacted by soil cleanup (excavation) and/or site grading remedial activities. The permanent impact areas and proposed mitigation are summarized in Table 1.

In addition to the permanent impacts, temporary impacts to approximately 1.1 ac of pickleweed-dominated wetlands northwest of the landfill may occur from planned remediation activities. Specifically, 0.5 ac of temporary impacts may occur in the summer/fall of 2005 if removal of an abandoned industrial wastewater pipeline, and any associated contaminated soil, is part of the final remedial action based on inspection of the pipeline. In addition, hot spot soil consolidation activities northwest of the landfill may result in an additional 0.60 ac of temporary impacts to potentially occupied SMHM habitat. All temporary impacts will be restored in place to pre-existing contours and planted with similar wetland vegetation.

Table 1. Permanent wetland impacts and proposed mitigation.

Wetland Area	Wetland Impacts			Proposed Mitigation (ac)
	Degraded Seasonal Wetland (ac)	Pickleweed SMHM Habitat (ac)	Seasonal Poned Area (ac)	
Wetland X east of landfill	2.5	1.3	0.3	1.5 ac seasonally poned area and 6.7 ac pickleweed Total = 8.2 ac
Unnamed wetland west of landfill	2.1	0.7	0.1	
Unnamed wetlands north of landfill	0.1	0.0	0.1	
Total	4.7	2.0	0.5	

Vegetation

The project area consists of an old fill surface over the historic marsh plane that has been disturbed due to prior and ongoing land use activities. There are small topographic depressions throughout that pond water and/or have patches of wetland vegetation.

Plant communities within the proposed project boundary include non-native grasslands (NNG), ruderal vegetation (RV), degraded seasonal wetlands, seasonal ponded areas, coastal salt marsh (SM), and coastal freshwater marsh (FWM). The BA includes detailed descriptions of NNG, RV, SM, and FWM habitats within the Action Area. Figure 6 from the BA (enclosure 3) has been revised to identify degraded seasonal wetland areas and seasonally ponded areas within the areas proposed to be impacted. The degraded seasonal wetland vegetation consists primarily of a mix of plants including alkali bulrush (*Scirpus robustus*), curly dock (*Rumex crispus*), Italian ryegrass (*Lolium multiflorum*), and epilobium (*Epilobium brachycarpum*).

Mitigation

The DoN proposes that the measures detailed in the Mitigation Plan, and the revisions described below based on informal verbal communication with the U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers, Regional Water Quality Control Board, and the California Department of Fish and Game (CDFG), be implemented for the creation of 8.2 ac of wetlands (1.5 ac of seasonally ponded area and 6.7 ac of pickleweed). The original draft of the Mitigation Plan indicated that the entire 8.2 ac of mitigation would be pickleweed habitat. The current proposal for the wetland creation areas provides a more balanced approach to replacing the functions/values of the impacted wetlands. Figure 4 from the Mitigation Plan shows the location of the proposed wetland creation areas which has not changed from the draft. The proposed 6.7 ac of created pickleweed habitat would be a greater than 3:1 compensation ratio for permanent impacts to 2.0 ac of pickleweed within the cap area. The proposed 1.5 ac of created seasonal ponded area would be a 3:1 mitigation ratio for permanent impacts to 0.5 ac of seasonally ponded areas.

To avoid/minimize impacts to SMHM, plans for trapping and relocation of SMHM from the proposed permanent impact areas to other suitable habitat (e.g., the coastal salt marsh west of the landfill) are being coordinated with the USFWS and CDFG. Vegetation removal from within the proposed impact areas will immediately follow the trapping/relocation program as an additional measure to minimize the potential for take of SMHM.

The DoN requests formal consultation be initiated upon receipt of this letter and completed prior to May 31, 2005. Informal consultation has been ongoing for more than a year. The DoN must begin the project by June 2005 to limit increased costs associated with time delay to meet our cleanup objectives at Mare Island and to coincide with timing to minimize impacts to the SMHM. If you have questions or need

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additional information provided pursuant to 50 CFR 402.14(f), please contact Shannon Bryant at (619) 532-0948.

Sincerely,



ALAN LEE
Base Closure Manager
By direction of the Director

Enclosures: 1. Wetland Mitigation Plan, Figure 3 (revised)
2. Biological Assessment, Figure 5 (revised)
3. Biological Assessment, Figure 6 (revised)

Copy to: (w/encl)
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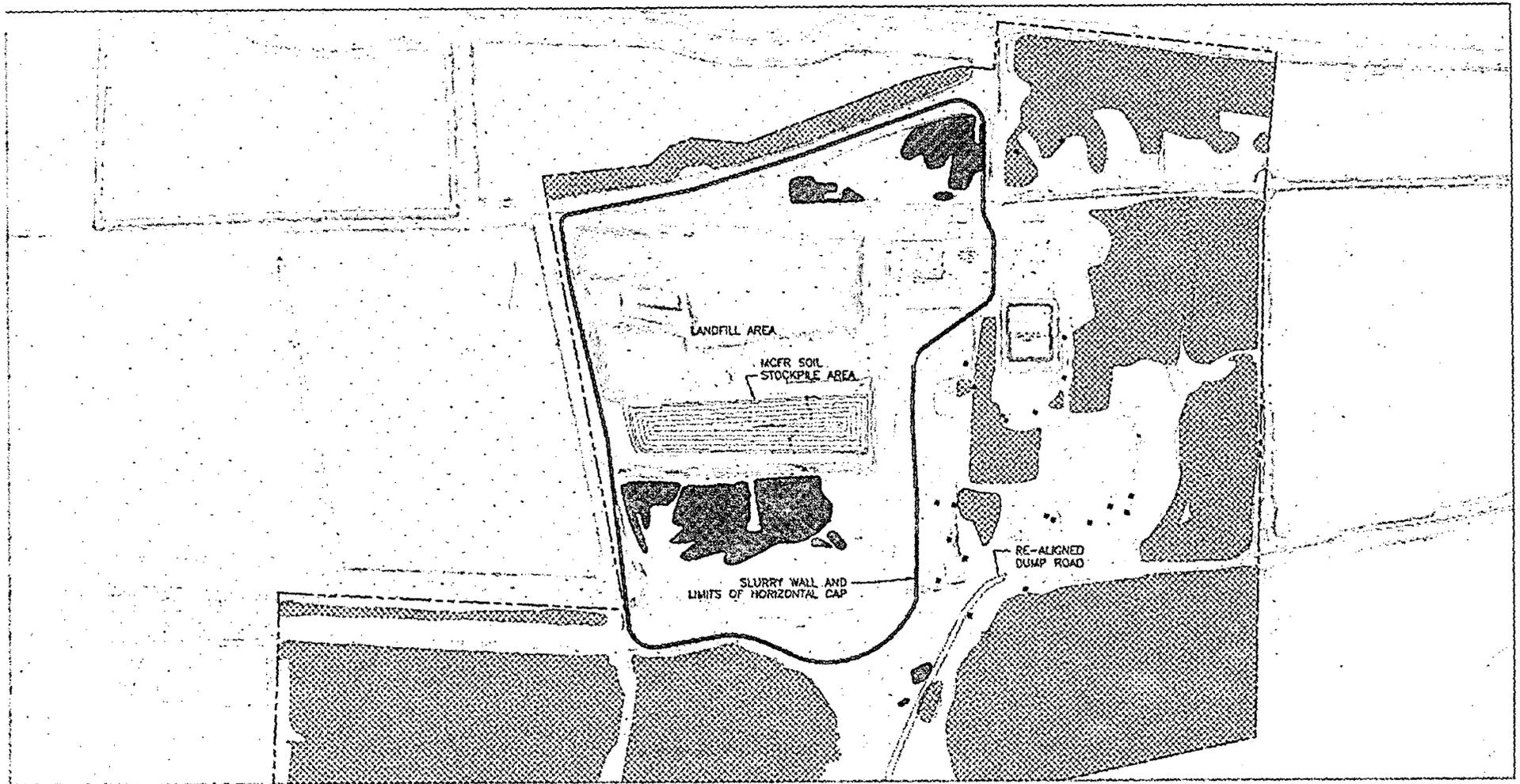
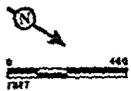


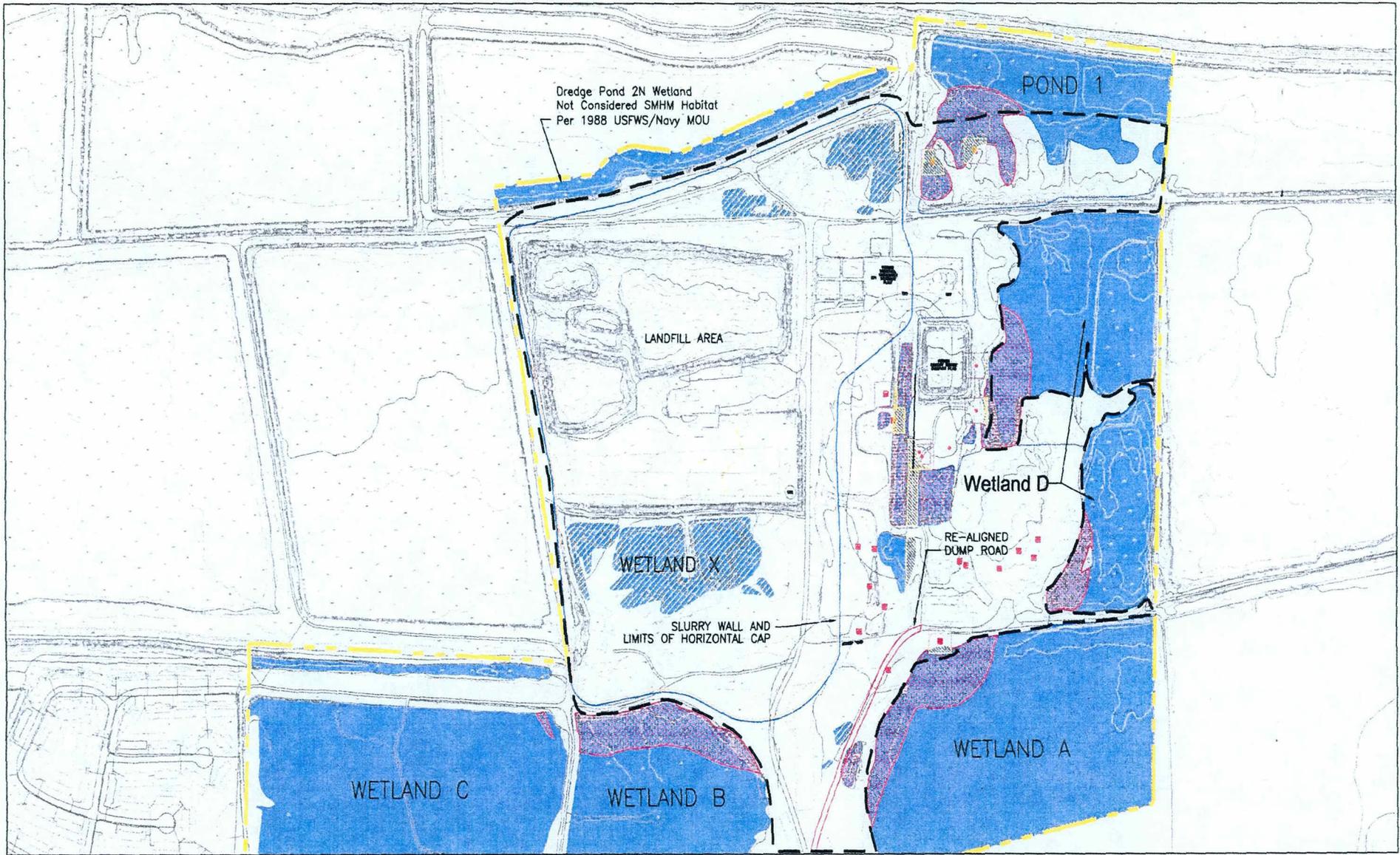
FIGURE 3

- INVESTIGATION AREA H-1 ACTION AREA BOUNDARY
- HOT SPOT SOIL EXCAVATION LOCATIONS
- ▨ POTENTIAL JURISDICTIONAL WETLANDS
- IMPACTS TO POTENTIAL JURISDICTIONAL WETLANDS

Remediation Impacts to Corps Jurisdiction

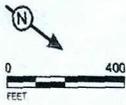
Revised Mitig Plan





- - - - - INVESTIGATION AREA H-1 ACTION AREA BOUNDARY
 PROJECT BOUNDARY

- HOT SPOT SOIL EXCAVATION LOCATIONS
- PERMANENT IMPACTS TO POTENTIAL SMHM HABITAT/ JURISDICTIONAL WETLANDS
- TEMPORARY IMPACTS TO POTENTIAL SMHM HABITAT/ JURISDICTIONAL WETLANDS
- TEMPORARY CONSTRUCTION-RELATED EFFECTS TO POTENTIAL SMHM HABITAT/ JURISDICTIONAL WETLANDS (EFFECTS FROM NOISE, LIGHT, VIBRATIONS, ETC. MEASURED 200 FEET FROM PROPOSED CONSTRUCTION ACTIVITIES)
- SMHM HABITAT MITIGATION AREAS
- POTENTIAL JURISDICTIONAL WETLANDS
- LIMITS OF SEASONALLY RESTRICTED WORK AREAS



Note:
 Areas within the project area but outside the containment area may receive soil cover as part of the final remedy.

FIGURE 5

Proposed Remedial Action Impacts and Mitigation Areas

Revised Biological Assessment

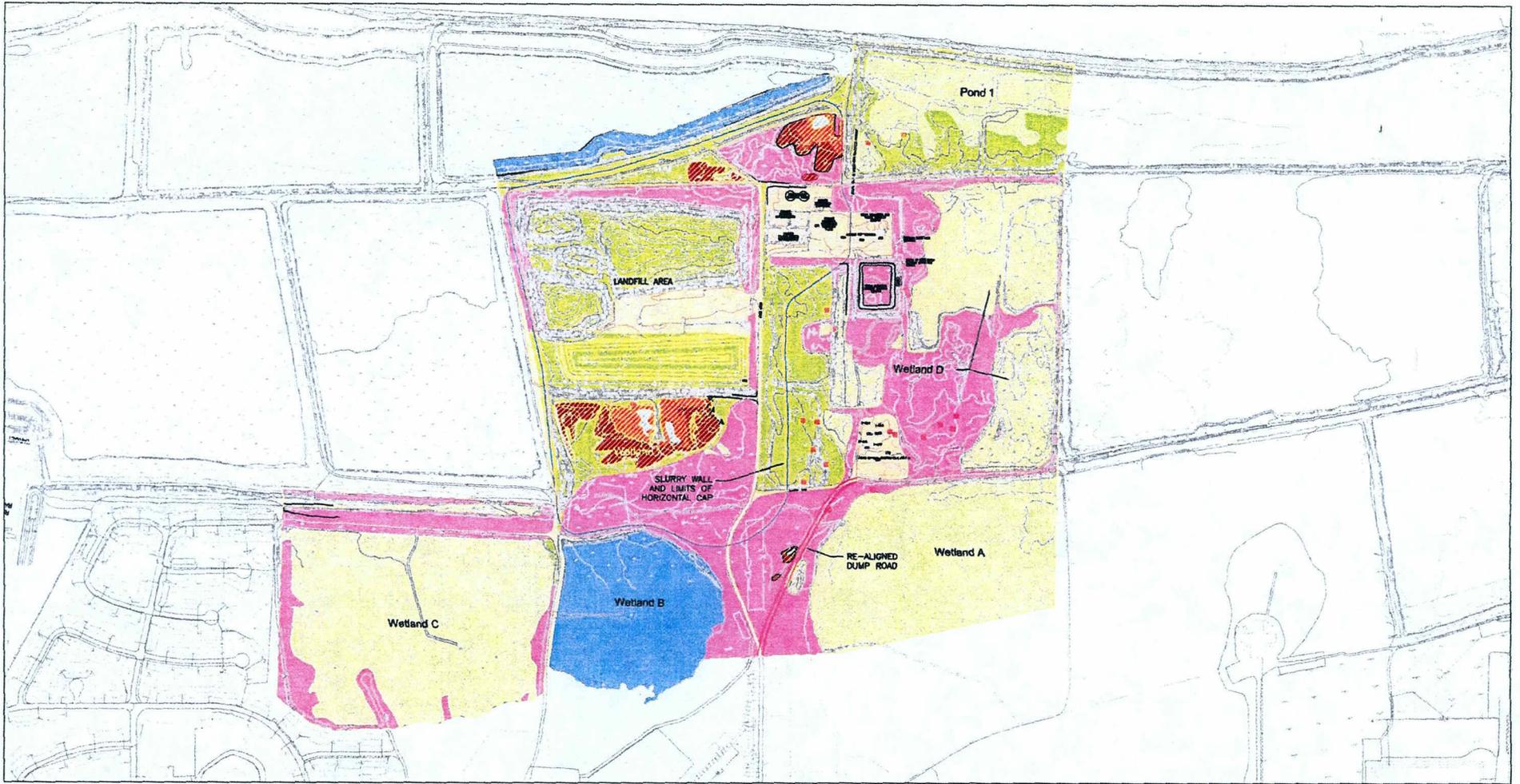
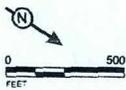


FIGURE 6



- | | | |
|--------------------------|---------------------------|------------------------------------|
| NORTH COASTAL SALT MARSH | COASTAL FRESHWATER MARSH | PICKLEWEED/SMHM HABITAT |
| RUDERAL VEGETATION | NON-NATIVE GRASSLAND | SEASONALLY PONDED AREAS |
| DEVELOPED AREAS | DEGRADED SEASONAL WETLAND | HOT SPOT SOIL EXCAVATION LOCATIONS |

INVESTIGATION AREA H-1 ACTION AREA BOUNDARY

Vegetation Map

Revised Biological Assessment