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MARE ISLAND
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MARE ISLAND NAVAL SHIPYARD
RESTORATION ADVISORY BOARD (RAB) MEETING MINUTES
HELD THURSDAY, MAY 31, 2007

The Restoration Advisory Board (RAB) for former Mare Island Naval Shipyard (MINSY) held its regular meeting on Thursday, May 31, 2007, at the Mare Island Conference Center, 375 G Street, Mare Island, Vallejo, California. The meeting started at 7:04 p.m. and adjourned at 9:12 p.m. These minutes are a transcript of the discussions and presentations from the RAB Meeting. The following persons were in attendance.

RAB Community Members in attendance:

- Myrna Hayes (Community Co-Chair)
- Michael Coffey
- Wendell Quigley
- Jim O'Loughlin
- Kenn Browne

RAB Navy, Developers, Regulatory and Other Agency Members in attendance:

- Michael Bloom (Navy Co-Chair)
- David Godsey (Navy Lead RPM)
- Marie Dreyer (Navy)
- Patricia McFadden (Navy)
- Chip Gribble (DTSC)
- Brian Thompson (RWQCB)
- John Kaiser (RWQCB)
- Gil Hollingsworth (City of Vallejo)
- Cris Jesperson (Weston)
- Dwight Gemar (Weston)
- Neil Siler (Lennar)
- Steve Farley (CH2MHill/Lennar)
- Sheila Roebuck (Lennar)
- Paula Bolio (CH2MHill)
- Carolyn D'Almeida (USEPA)
- Carolyn Hunter (Tetra Tech)

Community Guests in attendance:

- Neil Morgan-Butcher
- Diji Christian
- Roger Jaeckel

RAB Support from CDM:

- David Lange (CDM)
- Doris Bailey (Stenographer)
- Wally Neville (audio visual support)

I. WELCOME AND INTRODUCTIONS

CO-CHAIR BLOOM: We'll go ahead and get started. Thank you, everybody, for coming to the May, 2007 Mare Island RAB meeting. We'll start with introductions. I'm Michael Bloom, and I'm the BRAC environmental coordinator from the Navy.

Attendees introduce themselves as requested.

II. NAVY PRESENTATION: *Land Use Controls Update.* Presentation by Mr. Michael Bloom, Navy, Mr. Neal Siler, Lennar Mare Island, and Mr. Dwight Gemar, Weston Solutions.

CO-CHAIR BLOOM: Thank you, everybody. We'll go ahead and get started with our first presentation. It's an update on the land use controls at Mare Island, and it's going to be a tag team with three people: Myself, I'll be going over the remaining Navy land and the anticipated land use controls there. Dwight Gemar will be going over -- from Weston will be going over the property that was in the western early transfer. And Neal Siler from Lennar will be going over the eastern early transfer parcels. So I'm going to turn it over to Neal to kick it off. And Myrna would like to make an opening comment.

CO-CHAIR HAYES: Un-agendized. However, I just want to briefly give you the background for the purpose of this presentation. And not to step on any toes, but I've soon the presentation already, and it's not quite what we had in mind yet, but it's maybe a good overview for some of you who haven't seen all the land use controls packaged at once. But this agenda item was prompted by Paula Tygielski's comment in September or October of this last year in which -- it was after a presentation on the Navy ordnance research ECC was doing, where they recommended, as part of the path forward for remediation of that site, long-term land use controls. And Paula raised the issue that I think has come up from time to time, but she says that, in her usually succinct way, it looks to me -- it sounds to me like the entire island is going to become one giant land use control. And I'm not sure that that's what the public expected when they expected that the cleanup of Mare Island was going to take place so many years ago. So for the last few months we've been attempting to get this issue on the agenda to really talk about it as an issue, rather than going through the details, yet again, about what a land use control and all of those things are. But more get to this root of the topic which is how is the public going to be informed, engaged. She mentioned the Touro University lease of property from Lennar for student housing, which had a land use restriction. And within a very short amount of time that land use control -- that restriction was not being honored, and it caused quite a problem at the time, got DTSC's staff very involved, the press involved. And it really demonstrated, as far as Paula was concerned, that if you couldn't keep a land use control sustained for a matter of months, or a year, how could you keep it sustained over the course of ten, twenty, or thirty years. So that's the context in which I hope your presentation will be made. And I hope that you'll be thinking about the way that you could be involved. And if that isn't what we end up with tonight, maybe we can come back to the table in some way and talk about that topic, because I do think that what she says has merit.

CO-CHAIR BLOOM: Thank you.

MR. SILER: Okay. Thank you, Myrna. Thank you, Michael. What we're going to talk about tonight is some of the land use covenants and institutional controls that are currently on Mare Island and are perceived for the future of Mare Island. And what I'm going to do to start off this presentation is talk about the land use covenants and other institutional controls in general. And what I'm going to do is break it down into a couple of different topics. I'm going to talk about land use controls and covenants in general; the factors that we consider when we go ahead and propose a land use control or covenant as a remedy for a site; and then I'm going to talk about the types of land use controls that are currently on the eastern early transfer parcel of Mare Island. Then I'm going to hand it over to Michael, and Michael is going to talk about the land use controls on the Navy property. And after that Dwight Gemar is going to talk about land use controls on the western early transfer parcel.

But before we do that what I'd like to do is show you a map to show you the land use controls that are currently on Lennar Mare Island's property and the Navy's property. This line right here comes around like this, goes around the former Farragut Village, the former Coral Sea Village, does not include the Marine Corps Firing Range, includes Touro University, comes down here by these docks along the waterfront, encompassing the dry docks, the weighs, all the way back down to G Street and back up. That's the Lennar Mare Island property that's known as the eastern early transfer parcel. And then the other areas that are outside of that -- which is this area up in here -- those are the Navy parcels that Michael is going to talk about, and also here on the southern island, the remaining Navy parcels just to orient ourselves. And then after that Dwight is going to talk about the Weston early transfer parcel and the parcels that Weston Solutions is involved with.

What I'd like to do is start back to some of the basics and just talk about what a land use covenant is and some of the other institutional controls that we perceive for Mare Island. A land use covenant is a written instrument that protects the public from residual contamination, and the exposures of the public to that residual contamination that's left in place during or after cleanup. Now, what it does is it describes the restrictions that are on the property because of that residual contamination being left in place, and what it really does is it binds the current property owner that's in place at the time the restrictions are left in place, and all subsequent property owners. And the only way to actually remove that is either to formally request the removal, do some additional cleanup to remove that residual contamination, and there's a lot of administrative steps that have to be gone through to go ahead and do that. Now, some other institutional controls that we're considering are deed notices. And a deed notice is really a document that talks about conditions at a property. It is a buyer awareness measure. It's intended to ensure that a prospective buyer is notified about a condition of the property, and the impact of those conditions at the property. And, again, it can run with the land so that it's a notice to all subsequent property owners as the property changes ownership down the line. And what's a little bit different about this is that there aren't really restrictions involved with this, it's a notice. And there's a special case that we may consider using one of these at Mare Island. Other institutional controls are things that the City or planning department uses like land use planning, zoning regulations, business licenses. All those types of things are considered to be institutional controls.

Now, the factors that we consider when we consider either having a land use covenant as a complete or partial remedy, you know, on the eastern early transfer parcel is the land use. We're looking at the land use. The next question we ask is, is this protective of human health and the environment? And who and what does this -- will this affect currently and potentially in the future? We also look at the development impact and the cost. And the last thing we do is we say does this really make sense? Is this something that we feel is going to be protective of human health and the environment, can it be administered in the future, and will it continue to be protective of human health and the environment into the future. Now, going to the types of environmental land use covenants that we held on Mare Island. And probably a lot of people don't know this, but there already is, on the eastern early transfer parcel, there's what's called the pre-decision covenant. And what that does is it restricts the land use to commercial industrial use so you can't have any sensitive uses on the property. But that's also the type of restrictions that we received on the properties that we're developing for commercial and industrial reuse. And if you go back to the map that I showed you -- and I'll show you in a little bit so we can take a look at that and go over that -- is that there is a large portion of the property that we have where there are no environmental restrictions on the property. And there's an eleven by seventeen map that was handed out that was up here -- if everybody didn't get it, you can take a look and see, that's the color in green. Now, as

we develop properties and we develop them for commercial industrial reuse, what we have is we have what we call a regional land use covenant. And it could be over the entire investigation area, or only a portion of the investigation area. When we get back to the map I'll point that out so you can take a look at that. In addition to that, we may have some site specific land use covenants in place. They could include some of the polychlorinated biphenyl sites that we have on Mare Island. They could be a commercial industrial use restriction. They could be a low occupancy restriction. They could be an encapsulation method. And there will be other things we're doing when we encapsulate the site. Or there could be just an encapsulation by transformer. Now, although we don't have these in place right now, going into the future there are some other ones that we can potentially foresee as putting in place. And those may be areas where we have a cap as a final remedy, and making sure that that cap remains in place and protective. There could be ones where we have some groundwater condition that we don't want to be altered, and there also could be some additional ones where we have some residual contamination that's left in place.

The other thing I mentioned was a deed notice. And right now we're working with the Water Board on this. But there are some areas where the cleanup levels, although they're protective of human health and the environment, they're probably above the odor nuisance threshold for certain chemicals, mainly TPH. And so what we're looking at is a deed notice, something that we can utilize in those areas. Now, some of the restrictions that you'd see on these land use covenants, and some of the conditions -- and I'll get to those in a little bit -- the main one is a sensitive use restriction. And what that says is that on the property that we're developing for commercial and industrial reuse, you could not have any residences, you cannot have any hospitals, no daycare centers, and no schools for persons under eighteen years of age. In addition, because on the eastern early transfer parcel there was a risk assessment that was done that did not take into account the uptake of the cultivation of plants, there's also one for no cultivation of plants for human consumption. In addition, there could be some other ones at some of the specific sites that I talked about, there could be some no cap disturbances, there could be some occupancy limitations at the low occupancy PCB sites, and there could be ones for no groundwater disturbance.

Now, some of the conditions that are applied to the land use covenant. We need to notify the regulators if there is a change in the ownership of a property, if -- and all subsequent property owners, the same thing; if there's a change in use of the property; or on the regional LUC's, if there is any off-site transportation of soil from that property to another portion, either a landfill or somewhere else in the State of California or anywhere else. We'd also need to notify new property owners of -- that the fact that there is a LUC on the property, and just what their obligations and responsibilities are going forward for their LUC's. The other thing that we have to do to make sure that these conditions remain protective of human health and the environment is to perform annual inspections. And we're looking for evidence of unauthorized excavations. We're looking anywhere where somebody is growing plants for human consumption. At the PCB sites where there are surfaces that need to be protected, we want to see if there's any deterioration, disturbance of those surfaces. Maybe if there's some access controls that need to be in place, proper signage. We look at all those different things. At the cap sites, again, we're going to look at the disturbance and/or deterioration of the cap surface. And at sites where groundwater flow could be affected, we want to make sure that there aren't any wells or structures that are put in place that would affect groundwater flow.

Now, that really completes what I wanted to say, my portion of the presentation. But I want to go ahead and take you back to this map before I turn it over to Michael. And our property, which

encompasses roughly 650 acres of Mare Island, the area that's in green, that has no environmental restrictions related to it as far as an area-wide land use covenant. And I want you to notice that that does include Touro University. So if the -- part of the island that's being leased to Touro University, they can have residential land use on those portions of the island.

CO-CHAIR HAYES: I think that was before your time what I'm talking about, so it's not actually relevant to what you're saying now.

MR. SILER: Okay. The rest of the properties, which are these areas that are in pink down here, those have a sensitive use restriction. And there's also a little area that's in this area right here which is mainly commercial industrial, but there's an area here where we don't have any environmental restrictions. See that area right there. There's also an area right to the north -- and you can't see that on the map up there, you can see it on the map that you have -- it's right north of our office at 690 Walnut Avenue, it's buildings 775, 657, and 739. That area has also been cleaned up to residential use restrictions. Not residential -- the applicable use could be residential properties, and it's most likely that some residential properties would be put in there in the future. So with that, I'd like to turn it over to Michael, and he can talk about some of the anticipated land use controls that he perceives on the Navy property. Michael.

MR. GRIBBLE: I have a question. I'm not sure how you want to handle this -- the questions as we go along or questions at the end of each person's segment of the presentation or wait until the end?

MR. SILER: Why don't we wait until the end because it won't take much longer. How's that?

CO-CHAIR BLOOM: Just remember your question. Okay. I don't know if it's best to turn the map on and you can turn to the slide and --

MR. SILER: I can change it for you if you want. Where do you want it? Here you go. You want this moved around or not?

CO-CHAIR BLOOM: Either way. I mean I was going to probably point, but if they can look at their slides it might be better. There are two slides that I'm going to talk about -- if you were following on the slides -- that talks about the property that the Navy currently owns. And what I've done is listed it by parcel investigation area, and some IR sites, the numbers and/or name of that, and the anticipated land use control, if any, associated with those parcels. I know there's a lot of parcels and investigation areas, and I'm still learning them myself. So I ask if I point to the wrong one and somebody knows, just correct me. So the first is parcel thirteen, which is actually the elementary school for which we just issued a FOST. And that will have basically an unrestricted use. There will be no land use controls for that. And I believe -- am I correct? Let's see.

MR. SILER: You want me to do it?

CO-CHAIR BLOOM: Yeah.

MR. SILER: It's right there.

CO-CHAIR BLOOM: Yeah.

MR. FARLEY: Michael, for everybody's benefit, this map is a really good map to show details that you're referring to up there. So the folks can also look at this because this has got a lot of really clear detail on it. It's a really good map.

CO-CHAIR BLOOM: Okay. And then in the A2 area, which is over in this area, that is anticipated to have the residential use restriction along with the site seventeen area or A1 area over in this area,

the same thing, residential use restriction. And we'll actually be talking about site seventeen probably at the next RAB meeting. The next one that's listed is parcel 16 which -- help me out here.

MR. SILER: Right there, you got it.

CO-CHAIR BLOOM: Great. In that area. That will have a residential use restriction, but it's open space as well so there will probably be some zoning land use and planning issues in that particular parcel 16 area. The H2 area which we've heard a lot about, the DRMO -- we've had many presentations there -- will have a residential use restriction. The F2 area which we talked about at the last RAB meeting -- this area here -- we're anticipating doing the time critical removal action. It will have a residential use restriction. That's IR-04. And the F1 area, along with the south shore area -- and the F1 area is also called the production manufacturing area or PMA -- those will have residential use restriction. But also because of the MEC -- and we've had presentations with the MEC there previously -- we will have no digging, and we'll also have signage and training as far as MEC munitions are concerned. If you turn the page to parcel ten, which wraps around this area here up to the hillsides, we'll also have residential use restriction, but it's designated open space as it touches the hillside regional park area. And then we have the Marine Corps Firing Range. It is open space, that's parcel one. And it will have a residential use restriction, basically the 4S outfall, and then the remaining parcel 19 will have an unrestricted use. And then the remaining is the offshore at Mare Island. Of course, there's no restriction on the offshore, but we'll have a restriction on dredging we anticipate, and MEC where it is needed. And those are all the remaining Navy parcels. I'll turn it over to Dwight to talk about the previously western early transfer.

MR. GEMAR: Okay. Thanks. Okay. This will be a refresher for a lot of folks, but Weston has environmental cleanup responsibilities for the area in the red and the yellow, which just about is the entire western half of the island. The area in the light shaded red is the 2,800 acres, give or take, that were transferred from the Navy to the State of California back in 2002 as part of the western early transfer parcel. And then there were three exception parcels known as H1, the Western Magazine area, and IR05 that technically are within the western parcel, but were exceptions to the transfer because, of course, these areas had not yet undergone sufficient environmental cleanup to transfer. And as part of the remedial action plan, which is the decision document that was approved by DTSC, there's some prohibited activities within the 2,800 acres that were transferred. And as -- similar to what Neal was referring to, there is no allowable use for either residences, schools, or hospitals in this area, and no disturbance of surface or subsurface soils. No alteration of groundwater conditions. And it has to be in a manner consistent with public trust uses.

These first three are related to the residual levels of contaminants. These are primarily driven by arsenic, which is a compound that's naturally found in the environment, but is found at elevated levels on Mare Island due to the history of a lot of the sediment that was washed down from the mountains during the Gold Rush era and was subsequently dredged and became part of Mare Island. So that residual level is high enough that it's, you know, results in a slightly elevated risk for uses such as residential, for example. Also, as many of you know, the dredge ponds had a history of munitions that were located in the outfall areas. And again, this was a result of the military personnel discarding unwanted munitions overboard into the Napa River, and then subsequently, during dredging operations, those sediment as well as smaller munition items were pumped through the dredge pipes to the dredge ponds, which are located in the western part of the island and, of course, deposited -- fell out, you know, basically by the pipes. And even though there were basically two phases of cleanup activities and removal for munitions and smaller

radiological items, the technology is such that you can never guarantee that a hundred percent of all munitions were removed; and, therefore, you know, that area still has a restriction in terms of, you know, unrestricted, obviously. So those are the two primary drivers for restrictions for the western early transfer is, one, you know, elevated residual arsenic, and then also the munitions. So these prohibited activities are verified by Weston on a quarterly basis, and we also do annual inspections. And as part of the remedy there was a plan and still is for a public access trail. And again, the reason for this is that DTSC felt that people living on the island or visiting the island would want to visit the western part of the island because of the views that you get from the levees or, you know, Wendell's back window, and so -- but they didn't want people just blazing their own trail because of the potential, although very slight, that someone could encounter a munition item. But there is a plan for a trail that would direct people along paths that they would hopefully respect as they visited this area.

And again, these are some of the inspections that we do on a quarterly basis. We inspect the levees and the outfall areas for munitions. And the thought process here is that over time if there is erosion or other forces that would expose buried munitions and bring them to the surface, that we would want to, you know, on a regular basis inspect those levees. And in the five years or so that we've been doing it, we've found one item back in, I think it was 2003, on one of the levee tops that most likely was left behind during one of the sorting operations because it was located near one of the outfalls on top of the levee. But other than that, we have not found any munition items on the levees or exposed by the outfalls. We also have some no trespassing unauthorized access, some signage along the boundaries of the site, and we inspect those. And then also one of the remedies was behind the new homes that Lennar built, because of the steepness of the levee, that area was not able to be surveyed using geophysical equipment. And even though the likelihood of having munitions in that part of the levee was small, DTSC requested that we install a two foot thick layer of soil over that levee, and that was done, and it's also part of our inspection. And then once a year we sample the sediment in the dredge ponds. Again, just to make sure that there's no significant change one way or the other in terms of the contaminant concentrations. And then we also inspect the sediment on the outboard side of the weirs where the water in the past would drain from the dredge ponds out in the tidal marsh. Now, the exception parcels which were shown in yellow on my map, those are going to be similar to what is already in place for the western early transfer parcel. The one additional activity is that a fence will be placed around the 72 acres of H1 which is the former landfill area, and some of the immediately adjacent disposal areas. That's the area that is currently being installed with an engineered cap. So that will be off limits to the public. And then there will be the other typical restrictions. These have not yet been determined for the western -- excuse me -- the western magazine area, or IR05, because we're not quite to that point yet in the process. But most likely these type of restrictions will be applied because of -- the munitions history in those sites are also a reality. And again, you know, we anticipate that these requirements will be verified by periodic inspections of the control measures. And I'm not sure why we had this in here, but just a picture. So I think at this point we're going to turn it over for questions.

MR. GRIBBLE: I have marked up my handout and I have a lot of comments. And I don't know if -- I don't want to hijack the meeting, but I kind of feel like I would -- like I have a lot of things to say about the subject to add to what the other people have said. I could go ahead and speak a little bit or just let people talk and give their comments. I don't know what you want to do.

MR. O'LOUGHLIN: Well, I have a short comment.

MR. GEMAR: Okay.

MR. O'LOUGHLIN: I don't know if the golf course --

MR. GEMAR: The floor recognizes you.

MR. O'LOUGHLIN: I don't know if the golf course is included in this parcel, but I remember there was a lot of arsenic found on the golf course because they used rodenticides with arsenic in them to kill the gophers and stuff like that. And I still think that they should have put some deed restrictions on the golf course to keep it from being turned into residential use at some time in the future.

MR. SILER: I didn't include that in the slide because it's not our property, but there actually is a land use covenant that restricts those sensitive uses on the golf course.

MR. HOLLINGSWORTH: It's in the original nine holes, you know, just to encapsulate it for you. The deed restriction applies to the original nine holes.

CO-CHAIR HAYES: Could you use the microphone?

MR. HOLLINGSWORTH: Oh, yeah. The deed restriction for the golf course, which restricts the normal things, no schools, no elementary school, no schools, no hospitals, no child care centers, is on the original nine hole golf course, nothing past that part of the golf course. Before he goes onto his list –

CO-CHAIR HAYES: Could you use the microphone, please?

MR. HOLLINGSWORTH: Oh, shoot.

CO-CHAIR HAYES: You'll get me later, I know.

MR. HOLLINGSWORTH: Neal, I had never heard of a deed notice before. But the instrument for controlling a land use covenant, which is a deed, and then a deed notice is what's -- what's the particulars of those?

MR. SILER: Well, let's go back to the slide and I'll show you. Like I said, this hasn't been worked out yet. It depends on who you go to as to what a deed notice is. If you look at the New Jersey Department of Environmental Protection, they use land use covenant and deed notice refer to the same thing, so the same as restrictive covenant. Now, in my mind what the deed notice is -- and this is kind of a special case that we've discussed with the Water Board, we're not quite there, but as a potential it could come up in the future -- is if we clean up to levels that are protective of human health and the environment, that they would have some sort of a nuisance condition left behind. And what it comes down to is that the -- like for commercial industrial properties, when you're looking from three to ten feet -- and Brian, please feel free to add to this after I talk about it -- is that the cleanup levels, okay, are something like -- depends on what it is, but it's around -- depending on how far away from the bay or from the strait, it could be as high as 41,072 milligrams per kilogram. That would be considered protective of human health and the environment. Now, if you look at the odor nuisance levels, I think that for gasoline it's something like 500; for diesel it's a thousand; and I think for motor oil it's 2,500 milligrams per kilogram. So, as you can see, what we're leaving in place, if somebody were to dig that up and bring it to the surface, there's a potential issue with odor or nuisance or somebody saying, "Boy, that really smells bad". So what we're doing is we are we notifying somebody that there could be this issue with the property, and here are the impacts of that condition on the property, and there may be some additional things you have to do when you dig that up.

MR. HOLLINGSWORTH: Okay. So in my mind what you just said is that a deed notice is when you're just informing the people, but a deed restriction -- a land use covenant is when you -- thou shalt not do something?

MR. SILER: That's correct. Go ahead, Brian.

MR. THOMPSON: So the difference that we're considering is whether there would need to be restrictions placed on the condition or not. And what we've been talking with Lennar about is for these odor nuisance concerns, that the Water Board would typically look at shallow soil between zero and ten feet below ground surface where someone may be digging deep to install utilities. We look at that soil differently than we would look at soil that's greater than ten feet. So someone could potentially dig the shallow soil within ten feet and expose it during fairly routine development work. And what we've been talking about with Lennar is in these conditions there aren't human health and environmental drivers in its existing state, and it would be looking at if someone removes this, to make sure that they're notified where these conditions are and that they're aware of existing state and federal laws for dealing with polluted soil. And so that would be all under the deed notice, as you correctly put it, that would be notifying the property owner of existing state laws and where the condition is. And this is still being worked-out, we need to make sure everyone is okay with it. But there may not be a need to put a restriction on it.

MS. D'AlMEIDA: On the subject of odor nuisance issues, I haven't been to any of the Lennar meetings, so I'm not up on what's going on with that parcel. But I am concerned about the ten to the minus one risk at the degreaser plant down there. Is there going to be deed notices to prevent exposure from that area? Has there been any indoor air monitoring in any of the buildings that are connected with the storm drain line to see that they're safe for occupancy before they're leased?

MR. SILER: And Carolyn, I may be wrong, but I think what you're talking about is the sanitary sewer line. It's the storm sewer line that runs south of building 742; is that correct? Is that what you're talking about?

MS. D'AlMEIDA: Yes. The concern has to do with the vapor intrusion pathway. And what we've found at sites like MEW and other sites where we have groundwater vapor intrusion pathways, it's not something that's very easily predicted. You can have high concentrations in one area and sample buildings around it and they're okay; but find a really major problem in a building that's far away from it, and it's because it's connected to the utility lines.

MR. SILER: And that is a Navy retained condition. So Michael or Dave, I'm not up on all the things that you're doing down in that area, so I'm not sure I'm the best person to respond to that.

CO-CHAIR BLOOM: We have the expanded site inspection, ESI, that I believe was drafted or draft final that went out, or we're still continuing to do work on that.

MS. D'AlMEIDA: Are any of the buildings being investigated for indoor air?

CO-CHAIR BLOOM: Not currently.

MS. D'AlMEIDA: That's Lennar's property?

MR. SILER: There -- when we -- when we got comments back on the IA-C2 RAP, because that's in investigation area C-2, we have had questions raised about indoor air concerns, and especially inside of building 742 which is next to that. So that's being addressed. I can't tell you exactly where we are in that process, but it's something that we are addressing.

MS. D'AlMEIDA: Are you planning to expand that to other buildings that might be next to the storm drain line?

MR. SILER: I believe what you're talking about is the IR19 area. We are working through that with DTSC to iron out those issues at this time. And I can't tell you exactly where they are right now, and Steve may be able to give you some idea, I'm not really sure. But we are working on those issues.

MS. D'AlMEIDA: Okay. Hopefully nobody's getting exposed. Okay. I had one other comment relating to institutional controls and how you enforce them. You can have deed restrictions recorded in a deed, how often do you read the deed to your own house? I mean you can go many, many years and people forget about these things. I want to share with you a situation that is arising on my Air Force site right now where we had a situation where there was a former skeet range with lead contaminated soil where the Air Force built housing on top of it, and then they transferred it over to Arizona State University for student housing. And the only thing Air Force was willing to do was put in a six inch cap of clean soil over the property. And the capped area was supposed to have land use restrictions on it that there would be no children living in those homes. Does this sound familiar to anybody? There were supposed to be signs on every single one of the houses. We had an O&M plan, operations and maintenance plan where they were supposed to have annual inspections of the cap, annual inspections of the sites to make sure everything was going on. I mean, there was supposed to be a system in place to ensure that the restrictions would be followed. And I just got a complaint from someone today saying that there is a family with children living in one of the houses that are on the cap. And, well, it sounds like the leasing office didn't know, and leased it out. I mean -- and that was a real simple example of how you can have failure, even when you've got a plan in place.

CO-CHAIR HAYES: Right.

MS. D'AlMEIDA: So you have to be able to -- you have to plan for these kinds of contingencies, and you have to ensure that this kind of thing doesn't happen. How do you police it? I mean, you have to figure the cost of that into your remedy as well.

CO-CHAIR HAYES: Uh-huh. Uh-huh.

MS. D'AlMEIDA: And who's going to be policing it, who's going to be carrying those costs?

CO-CHAIR HAYES: Were you going to speak then?

MR. GRIBBLE: Sure. Probably everybody's got a lot to say on this subject, and kind of as you were talking it struck me I could go on for a long time on this too. One of the things that has always puzzled me is why the subject hasn't received more attention from everybody in this room. When we do a RAP or a ROD, why the presentations don't call that out very explicitly what's being proposed for use restrictions and why the community isn't questioning that. And, quite frankly, the community hasn't questioned that at all that I can recall in any public participation meeting, public meeting in the last several years that we've been proposing and accepting use restrictions. So that's one suggestion I have that --

CO-CHAIR HAYES: Be careful about that statement.

MR. GRIBBLE: -- in the future the presentations should call those out specifically -- specifically call for questions on those particular items of the RAP. And when Carolyn was talking about the degreaser plant versus Dwight talking about the landfill of 500 years or more, and Caroline's

talking about the other end of the spectrum of weeks, days, current use. It's an interim use, and her question really is there's supposed to be use restrictions out there now to prevent unhealthy exposures to human population, and the question is, is that really under control? With what we learned at this degreaser plant and the indoor air risks, are the appropriate buildings in that area no longer being occupied or being used in a way that's consistent with what we now know about the risks from the possible indoor air from that contamination? And I think the answer is, as far as I know it's I don't know. But, then again, I don't work on that site so I can't -- it's probably not appropriate for me to give the answer to that one. And I was talking to some people in -- actually last week Arcadis was at our office doing a file review. And an interesting thing came up for the -- and can we get the map back up?

So, DTSC has not always been consistent and constant in our perspective of what -- what calls for a deed restriction and what shouldn't call for a deed restriction. As an example, when we did the RAP, which is a no further action RAP for this area up here, and it was a no further action RAP, at that time a PCB site that was indoors, that was not leaking to the environment, that was not about to leak to the environment was not considered a CERCLA issue; and, therefore, we didn't do any deed restrictions for those kind of PCB sites. But as Neal will be quick to point out, today we're doing deed restrictions for those. Those are big issues, and they're all getting addressed on the Lennar parcels. But in this parcel right here, the A1 clean parcels in one of these buildings here --

MR. SILER: Are you talking about our property or the city's property?

MR. GRIBBLE: Oh, it's up here.

MR. SILER: Really, it's right here? 751?

MR. GRIBBLE: No, no. No.

MR. SILER: No?

MR. GRIBBLE: It's on the property that was transferred unrestricted use. The one that's along Cedar Avenue that collapsed in the middle, I think it's maybe there. Is that about right?

MR. HOLLINGSWORTH: That's it.

MR. FARLEY: Where the building roof collapsed.

CO-CHAIR HAYES: 571 or something?

MR. HOLLINGSWORTH: 751.

MR. GRIBBLE: I think that's the one, I'm not sure. But there's a PCB site in there, a transformer pad, I think it was encapsulated, we didn't do a deed restriction because it was wholly contained in the building. And Arcadis kind of pointed that out or came across that when they were doing the file review and reminded me of that one. And that was -- what? -- five years ago?
And here's another story we were talking in the office last week about these things. And some of the sites that we worked on, some of the agencies worked on twenty years ago, they were thinking these were the types of contaminants of concern that we wanted to look for, and that was -- that's what was analyzed for, and that's what was addressed in the cleanup -- the remediation for that site. But today the suite of things that we would be looking for would be much broader than that, and so we were kind of left scratching our heads. Some of these sites that were addressed twenty, you know, back in the beginning of this whole business, how thoroughly were they investigated, at least by today's perspective? Which is to say, you know, let's go run the clock forward a generation,

thirty years from now, and how are people going to look at what we did today in terms of the completeness? Maybe there are other chemicals that we don't even know the names of right now and we haven't been analyzing for. So what we consider clean today, I think, may not necessarily be considered clean in the future. We do have this five year review process, and I think that's supposed to address that somehow. But I don't think we have enough cycles of that experience to have a whole lot of, at least a whole lot of personal experience with that one.

So -- and then just in terms of institutional memory, I remember some of the stuff because I've been here for fifteen years, and it -- maybe there's a value in having a test once a year. Gil gets an A because he remembered the deed restriction for the nine hole original golf course; and, Neal, you get a B because you remembered the golf course, but it wasn't the entire golf course. And so this stuff is on paper in the county recorder's office, but is that really good enough? And I think what really matters is that people, and multiple people remember the details of this, and how do you make that happen? So it kind of brings into question the whole issue of deed restrictions, and even is this a good thing? And then I'll say, "Well, I think everybody in this room thinks deed restrictions are necessary. " Even though we don't -- may not like all the ones that have been done here, because the alternative, quite frankly, we would have to take a lot of acreage on Mare Island and fence it off, and nobody could ever go there again because that's the best we could ever do, like for the ordnance issues. We wouldn't be able to have a lot of these limited uses for these properties because we don't have the ability to do a hundred percent cleanup for all these areas. So we have to accept deed restrictions if we want to use those properties in some fashion. So we've got to accept that. The whole question, I think, really is down to degree and, you know, it's a balance between too much and too little. I'm going to flip through here and try to make a few more comments and try not to take up much more time. Neal, can you go back to your slides?

MR. SILER: Which one do you want?

MR. GRIBBLE: How about this one here, institutional controls?

MR. SILER: Sure. Right there.

MR. GRIBBLE: This first one, a land use covenant to protect the public. It's not just human population which is really what is meant by the public, but it's also ecological receptors. It's also to protect resources such as the groundwater. We don't want those resources degraded any further, and that's -- those are really important. Not just protecting the public -- ultimately all that comes to protecting the public -- but it's -- we have to remember that we're doing this also to protect ecological receptors as well as resources. Now, this would be a -- this last one here would be a good one to put on that test that we would do once a year. Who has the ability to remove these use restrictions or modify this land use covenant? And you probably would have a variety of answers, a range of answers in this room, and I'm not even sure if I have the correct one. I know what I think it's supposed to be, and I think it's supposed to be it can only be modified under the direction of -- by direction of DTSC. DTSC is the only one that has the authority to modify these land use covenants. But I wouldn't be surprised if somebody sometime managed to do something other than that. And that, actually, if there wasn't a mistake somewhere and it actually didn't quite work out that way. Can you go to the next slide?

MR. SILER: Next slide, sure.

MR. GRIBBLE: Does it make sense? I really think that what -- if I understand the community here, and what I think should be happening is, this should be the question everytime you present a draft

RAP ROD, does the institutional control component of that draft RAP ROD, does it make sense? And when we had that earlier slide which showed the Lennar property, but the entire Lennar property, a large percentage of it has a -- all this purple has a deed restriction on it. I'm not saying this is an intentionally misleading slide, but I think it is misleading. And I wouldn't say it was intentional, but I would say it's misleading. That would kind of suggest that there's one deed restriction for all of that, when, in fact, I'm guessing now -- Neal, because I don't work so closely on the Lennar property -- there are probably dozens of specific land use covenants that are recorded for the Lennar property; is that correct?

MR. SILER: Let me tell you what's recorded right now. The pre-decision covenant that's recorded right now for all the parcels that have not received no further action certification. So anywhere we don't have that, there's the pre-decision covenant that restricts sensitive uses on those properties. As we close the investigation areas, each investigation area may have a restrictive covenant over the entire investigation area, a portion of the investigation area, or specific sites in the investigation area. Currently the only investigation area that has a land use covenant associated with it, or land use covenants associated with it, is investigation area D1. 2. And let me show you what that area is. It's right down below right here. It's this area right here.

CO-CHAIR HAYES: You could just say what it is, we probably know what it is.

MR. SILER: It's Alden Park, and it's this area to the north Alden Park.

CO-CHAIR HAYES: Captain Row.

MR. SILER: It's not Captain Row.

CO-CHAIR HAYES: No?

MR. SILER: No, Captain Row is an unrestricted land use. So it's these commercial buildings in here. And, in addition to that, there are some site specific land use covenants. There are ten additional site specific land use covenants that are on this property, and there's also three that are -- let me tell you where they are: Investigation area D1. 2. There is H-73, there's the PCB site H-73 which is on the Touro property. At H-72 there's one. There's also one at building 1322, which is right down here, which is the library. And what those are is, H-73 is a low occupancy site. H-72 and 1322 are encapsulation by transformer sites. Those transformers are active. There's also three others that are in this strip right back here along Oak Avenue which is behind the great white. What those are is the old substations that we have to keep in place. There's actually building 671, and there's a small site called key 17-A right down here, and then building 781 which is right at the boundary right here that, since those need to remain in place so we can close out to develop the remainder of the property, those are there. As we put in electrical substations we're going to remediate those sites. We're going to apply to have those land use covenants taken off those sites and go from that portion.

MR. GRIBBLE: So just in the Navy's presentation, Michael, your listing of the land use covenants and -- actually, can we go onto the next slide?

MR. SILER: The one with the -- oh, that one right there?

MR. GRIBBLE: There you go. So this is -- I would suggest that some day somebody might -- in my position is going to have a full-time job in just keeping up with the annual reporting for all of these deed restrictions, and trying to ensure that everything is staying within the limits of the use restrictions. I anticipate it could be that much work. And if you ask me right now how many

RAPS we've done for -- on Mare Island property, I couldn't tell you. And I think it would be an effort for me to scramble quickly and try to assemble a set of those documents. I mean we do -- we do make a significant effort to keep good files but, quite honestly, government files are not what they should be. And that suggests that, wow, some of this stuff could easily get lost over time. And, of course, I have to say that that would not happen with DTSC, but you can judge for yourself the likelihood of that. This is -- this is Michael's accounting of the effort to try to come up with a comprehensive list. And, yet, there's some things missing here still. I'm just trying to point out, you know, this is not -- this is -- there is a lot of potential here for things to be overlooked, for things to be -- fall between the cracks, and it's going to take a significant effort to keep that from happening or to catch those things. The incident with the -- that was mentioned earlier about the Touro housing once upon a time where they leased property from the Navy several years ago, and within a few weeks there were families moving in on that street, lots of families, that was prohibited under that lease agreement; that was caught by me because at the time I was coming out here several times a week. And it took as long as it did for me to catch it because I was on vacation for a while. And I was familiar with it because I'd just been dealing with it in recent weeks prior to that with the Navy. So, you know, run the clock forward five or ten or thirty years, and I'm not sure how any of that could or all of that could be remembered and kept track of so quickly. But there are a couple sites here that I think some of them came up. The golf course is -- has a deed restriction, I think we already mentioned that. The remainder of the hill, investigation area E had no restrictions on it. This one here, parcel thirteen, this is the school site, it says unrestricted use. There's another category here that's better than unrestricted use. This is a school site. DTSC has standards -- special standards for school properties. And that site, as I understand it, passes muster for those special standards so that it's super unrestricted for school sites. So we should put --

CO-CHAIR BLOOM: I'll remember that.

CO-CHAIR HAYES: A plus.

MR. GRIBBLE: -- some kind of plus there or something. I think, you know, a table keeping track of these things would be, might be something we should -- might consider. And having another column, another two columns; one is actual with the recorded information, and the other is anticipated. Because a lot of these are not actually in place yet, put in place, but they are anticipated. And maybe that's something we can track ourselves, maybe other people might want to keep track of that also. I think that's about all I have. I hope I didn't take up too much time.

CO-CHAIR HAYES: Thank you for everyone who spoke and asked questions. Who else on the RAB didn't have a chance to make a comment? Wendell.

MR. QUIGLEY: Yeah. Yeah. My question is with the Navy and Weston, what is -- being that there's no contract with the city, who's authorizing the movement of soil from one area to another, such as to the H1 dump site? That was just to be capped, and we know that there's other contaminated soil being added to it. Who's authorized this?

CO-CHAIR HAYES: Could we hold that question? I'm not sure that that's germane to land use controls, but would you mind bringing it back up like --

MR. QUIGLEY: Sure.

CO-CHAIR HAYES: -- it's not on the agenda, so at the first public comment period. Do you have anything that you wanted to speak to on this presentation?

MR. QUIGLEY: Yeah, two. Two other items. One is on who is the city responsible for governing all of the restrictions that are going to be proposed or that have been proposed on all of these areas on the island? Is the city in charge of making sure that this is being taken care of?

MR. HOLLINGSWORTH: No.

CO-CHAIR HAYES: No. As Chip mentioned, DTSC has the regulatory oversight over ensuring that all of these land use covenants are complied with ultimately. But the landowner, as you heard from Lennar's -- or from Neal's presentation, has the responsibility to ensure that those are enforced. But they are, in fact, a part of the land, the deed.

MR. GRIBBLE: I think that's a little backward.

CO-CHAIR HAYES: Backward?

MR. GRIBBLE: The property owner has the responsibility to ensure that the deed restrictions are followed. DTSC has a regulatory role and an ability to enforce those deed restrictions being adhered to.

CO-CHAIR HAYES: I think that's what I said. Oh, well, I could be backwards and you could correct me and that's all right. Okay. So does that answer your question? So the city doesn't directly enforce this. Except to the extent that the city is a landowner, then it has the responsibility to ensure that its staff or those who it subleases to follow the land use covenant.

MR. HOLLINGSWORTH: A prime example of that would be a road.

MR. QUIGLEY: Okay.

MR. HOLLINGSWORTH: You know, we have to dig up roads every now and then -- not like Lennar, they do it every day -- I'm just kidding. But before, like if we had to go in on a road that we owned, we would have to look to see what the land use covenants were because we had to decide what to do with whatever we take out of that hole.

MR. QUIGLEY: All right.

CO-CHAIR HAYES: And what level of exposure the --

MR. HOLLINGSWORTH: All the workers, yeah.

CO-CHAIR HAYES: -- the worker might be exposed to. What type of contaminants underground they might be exposed to.

MR. QUIGLEY: Okay. That's great. The last thing is, on the other nine acres of the golf course, we know that they have restrictions on the first nine, what's to stop someone thirty years from now from developing the other nine of the eighteen?

MR. HOLLINGSWORTH: As in putting in houses on the --

MR. QUIGLEY: Yeah.

MR. HOLLINGSWORTH: Well, that -- we've debated that one at -- that work also. And I'm not sure that -- how that would work today. But if it's not today, I would anticipate at some point in the future there would be a review process where you can't -- you would have difficulty in taking agricultural fields, for example, and turning those into residential properties without some type of -- some type of analysis and report, evaluation of that property. Because typically agricultural fields

have a lot of residual or pesticides in place without being necessarily consistent with an unrestricted use in terms of our risk analysis.

CO-CHAIR HAYES: On the last nine holes, not eight necessarily acres, is there a restriction of any type, environmental restriction?

MR. GRIBBLE: For the first nine holes?

CO-CHAIR HAYES: No, for the last nine.

MR. GRIBBLE: For the original nine --

CO-CHAIR HAYES: For the last nine. He asked about the last nine so let's stay with the topic.

MR. GRIBBLE: Just for context --

CO-CHAIR HAYES: No.

MR. GRIBBLE: -- the Navy had a golf course here, and historically that was a nine hole course. After the Navy closed the shipyard, a developer came in and expanded that nine hole course acreage-wise and hole-wise, and turned it into an eighteen hole course. The deed restriction was, as Jim pointed out, is for -- largely for arsenic. And that they used to control gophers and things on the golf course. And rationally speaking -- reasonably speaking they didn't use that out beyond the golf course, so we had no basis to apply deed restrictions for the open fields that were adjacent to that original course. So there is no deed restriction on that property which later became the additional nine holes. So as far as that goes, there is no limitation on somebody to turn those -- any of those holes with some effort, any of that golf course into residential property. Just because there's a deed restriction, by the way, on the original nine, doesn't mean that that couldn't become residential some day if somebody sampled it, provided enough information and cleaned it up or whatever so that we could remove the deed restrictions.

CO-CHAIR HAYES: Right. Right. Yeah. Well --

MR. HOLLINGSWORTH: But I think it's reasonable to think that at some point in the future if you go out to the new nine holes, you might find contamination or pesticide, pesticides out there that might be inconsistent with residential use.

CO-CHAIR HAYES: Okay. So other questions? Does that answer all that you have, Wendell, on that topic?

MR. QUIGLEY: (Witness nodded head.)

CO-CHAIR HAYES: Okay. Then let's try to wrap this topic up. However, I think that there is sufficient enough, as you can tell, complexity and questioning of what's next. Chip tells us that we never made a comment on any RAP or record of decision regarding this topic, and yet, we've been bringing it up over and over and over again. I talked to Paula -- she wasn't able to be here today -- but she said to me, "You know what, I joined this Restoration Advisory Board fifteen years ago. " And I said, "Oh, but we just had our 13th anniversary. " She said, "Fifteen years ago when the base was announced for closure, I was a chemistry teacher at Benicia High, and my first thought was, 'I have to get on that Board because I want to ensure that that property is -- that the public is protected, that the environment is protected into perpetuity, that there is a mechanism to protect public health. '" And she said, "I don't feel any different today, and I feel that things are not going right. " And she said, "As far as I'm concerned, until we get this topic addressed in an effective and meaningful way that feels good to me, I'm going to start saying no more land use controls --

covenants, no more of these controls, and leaving contaminants in place. " She said -- I said, "Yeah, it is kind of disappointing to feel that after we met in a focus group, we were all at the table, every possible player, the Navy sent a big staff, Lennar had a lot of people there, every one of the RAB members I think was there, community RAB members, a big contingency from DTSC, EPA was represented, that was two years ago next month or next July -- and we are nowhere. We are nowhere. " You might have lots of little plans you've put together, all of you, and you might be talking to the regional board about this and that, but in terms of what the public knows, how the public gains access about what's happening today, can you give me a copy of your report to DTSC on the last several quarters of your control, land use control -- covenant review? Can you? Is it easily accessible on our mareisland.org website? Is it understandable to the public? Does the public understand? Does the city council member? Could you go to city council next Tuesday night and go to the podium and ask the city council if they know what a land use covenant is, and if they know if any are on Mare Island, and what impact that has to your development of the island? And Chip says, you know, well we could have just put up a big chain link fence around the whole place and you wouldn't be able to do anything on it. Well, who knows -- and he says there's these -- Caroline's got one extreme and the landfill's another extreme. Says who? And if these things are important enough to put in deeds and run with the land, aren't they important enough for the people to know? If it was land that was -- that the American public contaminated through the Navy's use, they're the responsible party in perpetuity.

And the American public is paying for the environment cleanup. Doesn't the American public deserve a way to learn what happened historically on their parcel or the parcel they're interested in for any reason? And what happened to the entire environmental cleanup on this site? Don't we deserve that? Or is this something totally arcane, a legal issue, a topic that we sort of listened to yet again tonight. And, you know, Myrna gets hot and bothered about -- Paula gets hot and bothered about. She says, "I'm not disappointed, Myrna, I'm angry. I'm ready to write letters to the editor, I'm ready to make this a hot button issue. " Because she doesn't see any fundamental shift in the RP's, the responsible parties' commitment to getting this information available through a Web portal, through the hiring of a responsible independent party like the Guardian Trust which we've heard nothing more about. Something's not quite right. Do we need to come to another community focus group meeting and sit down with all those players at the table again? We don't want to take more time here, but we never want to take more time here. And no one wants to hear Myrna rant. But where do you come up with the solution that works, that feels right to this community? That can be replicated throughout, you know -- it's already being done in other parts of America. Why is it when Michael and I go to Salt Lake City to the RAB and Marine Corps, Navy co-chairs conference two summers ago --

CO-CHAIR BLOOM: Three.

CO-CHAIR HAYES: Three. Why did we, for the second time, hear Evan Newer from Arcadis talk to us about a very creative solution he has where when he does an environmental cleanup on a property, it has a Web-based access to every -- to all the deed information, all the historic environmental cleanup information for the parcel, for the parcel next door, for the parcel next to that, for the entire project site? Why is it that he tells us that a real estate broker or a real estate agent, a potential buyer, a potential seller can get that information just like that? Why is it that Guardian Trust tells us that -- in their presentation here -- that they are willing and able and capable of providing that type of information, and here we are two years later, after our initial talk about this in a long four hour conversation, and we're still saying what are you doing? Where is that? And

we're still being told, "Hey, you didn't even care about land use controls. You didn't even make any comments about them". Well, we're going on the record, at least I am, and Paula in absentia, we do care tremendously about land use controls on these properties, it's just that nothing seems to happen in terms of the community understanding, being informed, having access to this information. So you hear a rant every now and then, you see a presentation every now and then, but I don't feel like we've made any progress on the topic. So let's come back to this topic. I recommend a focus group meeting again, because I don't think that we can spend, you know, many more RAB meetings on this topic. That's my recommendation. Sheila.

MR. ROEBUCK: Can you hear me? No. Can you hear it now? Okay. Just to give a little context for the land use covenant discussion, especially as it relates to the residential use, there are no covenants anywhere on the residential portions of Mare Island, with the exception of the electrical substations that Neal mentioned that are going to be removed and replaced in the course of development. And that's something that has been really important to Lennar that we have none of those so that there's no concern by the residents. The other thing is that in the lion's share of the acreage of the property, what you're talking about with a covenant is a commercial industrial use restriction. And everybody knew from the reuse plan from years ago, even into the nineties, that, you know, a portion of Mare Island was going to be commercial, as it always had been in order to generate jobs. And so for those restrictions it doesn't change achieving the highest and best use for the property, it just describes the restrictions that wouldn't be done anyway which are the schools, hospitals, residences, and daycare centers. So not to say there aren't other restrictions and, you know, when we're talking about things like inherent controls and caps, yes, we need to be very clear about what those are and, you know, the RAP process, and the public participation process is the vehicle for the public to begin to know it. And Myrna, what you're talking about is an enhancement for the future with respect to a Web-based program. And so far we haven't gotten there, but we certainly do attempt to let the public know what we're going to be doing through the public participation process. So it may not be all that you want, but there is a process that we're adhering to.

CO-CHAIR HAYES: I'm not saying you're law breakers. I'm going to say that -- and let's not go on on this topic, we could argue about it all day. But Lennar received property, the State of California received property, there's yet going to be another early transfer, other people will receive property directly on behalf of the Navy for environmental cleanup of various types; some of it will be land use covenanted, it will have restrictions of various types. You don't need to tell us that, you know, we do know that. But I think that the public deserves -- so Wendell's land was cleaned up. He ought to feel very good about that, I agree. And I think we worked really hard to ensure that Wendell's property and his neighbor's property, we worked together to make sure that that property could have no restrictions on it. But he also deserves to know historically that his property wasn't clean. He -- there's a possibility that his property had green sand on it or had lead on it. He has a right to know that, in my opinion. And I think in some other people's opinion. There's value in institutional memory, as we just heard said tonight a lot. There's a value in knowing the context of your clean parcel within the context of a larger area that, for various reasons, has different levels of clean. How does the public learn about a commercial industrial restriction that's a different kind of clean than a house clean? Or how do they learn that a school cleans different from a house clean? Or a super clean school is different from a house? How do they learn that -- what the landfill is in relation to the houses at the south end of the island? You know. It's a much more organic, I think, issue than the letter of the law, and that's what I just said, you know. Michael says that the whole south end of the island that's remaining owned by the Navy is going to all have restrictions for no

digging. But, in fact, I hope that the houses, which the Navy did have a separate parcel number for, are going to be able to be transferred without a MEC and a no dig restriction. We don't know that, but we're sure hoping that that's the case. So how does a community learn about these decisions, and how do they get comfortable with the environmental cleanup? As you call it regional -- it's not regional to us, it's just Mare Island. But how do they learn about the history, the place, the, you know, the space they occupy? How do they get comfortable about all of this? That's all we're really saying. And I don't think the Web is the only answer. I don't think public participation programs at decision documents are the only answer. I think there has to be some kind of a more organic way to accomplish this. Any other comments on this topic? Because we do have another presenter tonight, I imagine she'd like to get home to her children. And we'd like to get home at some point too. So is there -- are there any other comments?

MR. O'LOUGHLIN: One short comment. I remember going to an EPA sponsored conference in Berkeley, and a representative from the city of Oakland said the best thing to do is to get a big computer database and keep it in the database so it pops up from time to time that there are restrictions there.

CO-CHAIR HAYES: Yeah. Yeah. Okay. So with that then we'll close this topic and come to Patricia McFadden from the Navy. And I don't remember what the topic title is, but I'll read it here, and you can look at it as well. She's going to give a summary of the offshore munitions and explosives of concern, remedial investigation report. And then following that we will have a public comment period. And, Wendell, that's when your question should come back to us, either that one or the very last public comment period.

NAVY PRESENTATION: ***Summary of Offshore Munitions and Explosives of Concern Remedial Investigation Report*** **by Ms. Patricia McFadden, Navy.**

MS. McFADDEN: And I'll keep it quick, short and sweet. I'm at least short, so -- but I'm just here to give you kind of a heads up quick update on the -- multi-task here -- draft remedial investigation report on phases one and two of the offshore -- the southern offshore sites, the PMA and the south shore area, and that was issued on May 7th, 2007. It's out there for comment, so please take a look at it. It's a nice, friendly sized document, lots of pictures. And this is just for the shoreline areas. I wanted to clarify that it is just the near shore areas, the areas exposed at low tide. We still have some work to do for the deeper areas. So I'm just going to go through a really brief overview of it, and then just go through the summary -- the recommendations.

Phase one, since we have it in the title, phase one and phase two. Phase one was the survey. We did that in the summer of 2005. Had some technical difficulties which lead to not having all the information in the deep water areas. Phase two was when we worked with the regulatory agencies and we presented here to try and decide what to do with all the data that we had, and try and answer some of the questions that we had. And that was the intrusive investigation of a sampling of the anomalies. So we chose to go to the most accessible and the most likely areas that MEC would be, and that was those shoreline areas because of the land uses, because of some of the piers, because of some past information. We did a fifteen percent kind of random selection in those areas. We did a hundred percent in these fifteen foot wide transects to try and get some idea of distribution within those areas. We looked at all of the anomalies that were really large to try and see if we could find any disposal pits. And we also expanded sampling if we found a munition or explosive of concern, MEC. We stepped out and we looked in the adjacent area to make sure there wasn't other item. So I'm just going to flash some figures. These are a little bit different than the ones in

the report because they show better and they print better for you guys, the ones have a satellite image on them in the report. This is IR-04, the northern -- north of the PMA area. And this is also known as the sandblast grit site. It has other -- there's a remedial action plan for the green sand here. But the dark blue dots represent all of the anomalies that were selected. The light blue dots were also selected, but they were the large mass anomalies. And this doesn't have it, but wherever we found a MEC item it would be a red triangle. And wherever we found a munition related debris item, a casing or a part of the munition would have been a yellow item, but we didn't find anything here, so that was good. We didn't actually -- it was included because it was adjacent to the production manufacturing area, but it was never really part of it. So we're recommending this for no further action for munitions only.

This is the north part of the PMA. And this again shows you that these are all the anomalies we picked. These are the transects that I talked about. We placed them near piers if we -- if there was a pier there, but we also just spaced them throughout to just get a sampling. Here you see we found a few MEC debris item. This, for those who are familiar, is kind of -- it's an area that kind of floods. It's a grassy, nice green grassy area behind these storage buildings. Now, this one we looked at the RI report, it actually goes into the history and the uses of the site. And because we really didn't find anything significant out here, we're also proposing that for no further action for munitions. So contrary to that area, as you can see, is -- this is building 266. This is the southern part of the PMA. Just down here is the historic part for those to just kind of place yourselves there. And here you can see we had a lot of -- we actually put some transects along the shoreline because there were some structures there. We also put these -- these go out this way because they were parallel on either side of some pier structures that still remained, and you could see that we found a lot of stuff out here. So this one we're obviously making the recommendation that we need to go out there and take care of what's going on out here and do some additional study. So then we go to the south shore area. I'm swooping all the way around. This is IR-05, this is dike twelve here. The reason you see only kind of a limited number of anomalies is because not a lot of this area is exposed at low tide. So these are the sample locations, and we're recommending further action over here. We found a lot of munitions related debris. But we don't think -- we think this area is really clean, we didn't find anything except for one little item there, so that's our recommendation there.

South shore area B is between dike fourteen and pier 35. I kind of truncated it so you could see it a little better. Again, I think it's kind of an obvious case here, lots of munitions related debris. We found several munitions item. We found a couple of caches, you know, where several items were found. And, of course, this is kind of a nice little beach area, and it's part of the park. No brainer, you know, we're going to take some action out here, you know, clear the shoreline. This is the south shore area again, area C. This is pier 34, and this, again, is dike fourteen here. We found some items here, and then we found a lot of debris items. Interestingly enough, there's kind of a gap here where we didn't find some debris, but it just -- because of the adjacency to dike fourteen and just the amount of stuff we found, we're also recommending that we clear that shoreline as well. Just a real quick summary, throwing some numbers at it. We ended up sampling 31 percent of the anomalies, just the way it worked out with the transects and random sampling. We did look at all of the large anomalies that were in the shoreline area. 49 MEC items were found. These were not UXO, but they were discarded military munitions. That panned out to about 12 percent of the anomalies. And then we took out a lot of metal debris, as you'd anticipate, that, you know, there was just a lot of pipes, rebar, wire, various things. The majority of the munitions and explosives of concern were found behind building A-266 in that PMA south area, as well as in that area near dike fourteen in the south shore area, mostly in that middle section. The investigation really, I think,

provided some great information about the density and the distribution of the MEC along that shoreline. And it actually paralleled pretty well to what we had found on the land as well, which was interesting to see. We weren't sure if it would be similar or different, but it was actually pretty well correlated. And then we also did some additional work to document site history and building history. And that's all in the document here so I won't go into it. I've already kind of gone through these, so this is just to remind you, IR-04, we don't -- we're recommending no further action. It's outlined in much more detail in the report. PMA north we think no further action -- oh, my God, controls. Do you guys care about controls?

CO-CHAIR HAYES: Chip does not.

MS. McFADDEN: I say that, but I really honestly think inevitably, at a minimum, you want to have an education. I mean that's what I think of as one type of control, an education process where you tell people what this was used for in the past, you know, what was found there. And, you know, it's both of interest from a historical standpoint, but also from a safety standpoint. And you tell people, "Go ahead, hike, picnic. But if you see something of concern, here's what you do. Do not touch it, do not kick it," you know. And we want to make sure that it's safe for that. And, you know, those controls go into the remedy and get coordinated with everybody and, you know, put out there. So ordnance awareness is the one that I think of when I say that because it's an obvious one. But it could be lots of other things, specific signs, you know. Fences could be a control that's used if need be. You know, various things. So then the south shore area pretty much was all action, with some areas that we think are less important. So just the next steps. The document is out there. By all means, if you would like a copy or CD, I can get that to you. Comments are due July 9th. And, of course, a draft final will be coming out after we respond to comments. After that this next year we'll go into the feasibility study, we'll look at the options for remedial action and review the alternatives and select the best alternatives with the regulators and the RAB and the community. And then I just wanted to highlight that we need to continue to assess the deeper water areas because we're really -- we're limited from a technology standpoint, and we're really trying to look at what our options will be. So that -- while these reports, this report really deals with the shoreline and the near shore, we still have work to do for the further out waters and the areas around the piers. So, questions?

MS. D'AlMEIDA: Yes. When is the FUDS program going to begin the surveys at River Park?

MS. McFADDEN: Carolyn is talking about the item that was found along Wilson Avenue north of the causeway but on the Vallejo side. And I have not talked with the Army Corps folks about that since we, you know, gathered the info for you guys, and so I haven't heard.

MS. D'ALMEIDA: You don't know if there are any plans to do anything?

MS. McFADDEN: From what I understood when I talked with them, their first step is to kind of do an overview of the site history, and then kind of to recommend action or no action, and I don't know where that is.

CO-CHAIR HAYES: Well GVRD, in preparation of their planning document for that facility, and also for going out for some funding, got a letter from the Sacramento district confirming that there was nothing -- no ordnance or no issues on that site. So I would think that the first thing that the Army would have to do would have to be to address that, their own letter. Because they did no site review at all, they just wrote a letter for the fun of it.

MS. McFADDEN: And I personally e-mailed the article and the map and a couple things to the Army Corps, so they can't say they don't have any information.

MR. GRIBBLE: When did GVRD get this letter? Just recently or years ago?

CO-CHAIR HAYES: Years ago. Rosemary --

MS. McFADDEN: Years ago. And nobody knew it was there, but they know now for sure.

CO-CHAIR HAYES: We did know it was there. Whatever.

MS. McFADDEN: Any other questions? Well, thank you, please comment on it. And by all means, let's take a break.

CO-CHAIR BLOOM: Just a minute. First public comment period, and then we'll take a break.

IV. PUBLIC COMMENT PERIOD

CO-CHAIR HAYES: Wendell, You want to bring that question up again?

MR. QUIGLEY: Yeah. This will be -- this will go back to the question to the Navy and to Weston on who's authorizing the movement of contaminated soil from other areas of the island to the H1 area, especially being that the land, if they have nothing going on with the city, no contract with the city to move this on city property, and how is the Navy and Weston moving this from one spot to another? I didn't know there was an agreement to enlarge the dump.

CO-CHAIR BLOOM: Is this stuff being moved currently you're talking about?

MR. QUIGLEY: Yes, it's been being moved.

CO-CHAIR HAYES: Dwight.

CO-CHAIR BLOOM: Dwight.

MR. GEMAR: Well, I think you might have two questions; one is the soil that we're moving now is soil that's within investigation area H1, and it's being anything that's outside of our containment area that's going to be capped is being moved inside the containment area. And that was approved last August by the remedial action plan which is signed by the Navy and DTSC. So those are the two entities. And we actually are doing that work under a contract with the city. We have a Mare Island remediation agreement with the city, and we're doing these environmental actions on behalf of the city for the Navy. So there actually is a contractual relationship between Weston and the city. But then, in addition to consolidating soil within H1 -- and we're not actually enlarging the dump, we're making it taller, but we actually need to make it taller in order to provide the grades for runoff of rain. So that the actual size of the containment area is 72 acres, and that's not going to change. So we're moving contaminated soil from outside. So we're actually, you know, really collapsing the area that would hopefully, you know, be off-limits to the public. Right now investigation area H1 is 230 acres, and so we're trying to basically only restrict the public access to 72 acres of the 230. So that's what we're doing is we're consolidating this soil from outside these areas, and we're moving it inside the 72 acre area that we know is already impacted, and it's going to be impacted, and it's going to be capped. But we're trying to clean up these other areas outside that area and move it inside this area that's going to be off limits. So the 72 acres is not expanding. So -- but then we're also -- there is a proposal that we'll be discussing -- well, we discussed last month?

CO-CHAIR HAYES: Uh-huh.

MR. GEMAR: That's a time critical removal action, and that would involve moving some soil from other sites on Mare Island to H1 before we cap or finish capping the landfill. And so, again, the thought process there, Wendell, is we're trying to remove contamination from multiple sites on Mare Island, and consolidate it within the same 72 acre footprint. And, again, we need to add soil above the 72 acres in order to get the grades to where it will be like a roof where the rain will hit the cap and it will run off the site. And so we actually need to add soil in order to do that. So the proposal is to kind of kill, you know -- pardon the phrase -- you kill two birds with one stone. But you remove contaminated soil from some of these other sites, and that will improve those sites so that hopefully they'll be no longer contaminated. And then we're going to use that soil beneficially to build grades within the containment area. So, again, ultimately the 72 acres is not going to change. So I don't know if that answered your question, but the activity that we're doing now is approved by both the Navy and DTSC, and it's under a contract with -- between Weston and the City.

MR. GRIBBLE: Can you also talk about the imported clean? The imported clean fill?

MR. GEMAR: For backfilling which?

MR. GRIBBLE: Are you bringing in any imported clean fill into H1?

MR. GEMAR: Well, we're relocating soil that's been approved for backfill, using it as a two foot veneer, if you will, over these areas that we're currently cleaning up. I'm not sure if that was the question, Gil -- I mean, sorry, not Gil, Chip. Looking at Gil but -- and it's after 9:00 o'clock and --

MR. GRIBBLE: Well, okay. Weston has been approved by DTSC and the Navy to bring imported clean fill into H1 also from certain specific specified areas for the cap -- final cap material. And the areas of that, I think there are some of the dredge ponds that have been approved -- in the latest act dredge ponds have been approved for bringing some of that material into H1 as cover material. There was a stockpile of soil at the north end of Mare Island between Cedar and is it Railroad that came from Hiddenbrook, I think?

MR. GEMAR: Right.

MR. GRIBBLE: I think Lennar brought that onto Mare Island originally, and I assume they didn't want it anymore, so we went through another review with that. Weston and the Navy, and we agreed that that also is appropriate to bring to Mare Island -- to H1 for additional material at H1. Not that it was contaminated, but for fill purposes. So that's another category, if you will, of material that Weston has approved to move, and I assume there isn't anything else.

MR. GEMAR: So did that answer your question, Wendell, or no?

MR. QUIGLEY: Yes.

MR. GEMAR: Okay. Thanks.

CO-CHAIR BLOOM: Any other public comment? All right. Let's take a short break.

V. ADMINISTRATIVE BUSINESS (Myrna Hayes and Michael Bloom)

CO-CHAIR BLOOM: All right. Here we go. We're going to get started with the -- actually the administrative business and announcements. But before I do that I'm going to open this up to the RAB since the RAB members -- since it's almost ten after nine. We're going to go through the administrative business and the announcements. As far as the focus group reports, we can -- and the co-chair's report, we can stay another fifteen, thirty minutes, or you can -- we have them there

for everybody to read. Other than Carolyn -- I didn't talk to you -- I talked to Brian and Chip and they were fine. Is there anything you want to report on?

MS. D'AlMEIDA: Which report?

CO-CHAIR BLOOM: For your regulatory report?

MS. D'AlMEIDA: Oh, no.

CO-CHAIR BLOOM: So if nobody is in objection we can end after this administrative business and announcements unless you folks want to stay? So after that -- so the first one is just if you have any comments on the last meeting minutes, please give them to myself or Myrna. And they're actually not the March 29th, it would have been April 26th, last month's. And I'm going to turn over to Myrna for the next item.

VI. FOCUS GROUP REPORTS

a) Community

CO-CHAIR HAYES: Yeah. The only other business that we have that we agendaized and we really need to take care of tonight -- and where is Wendell? You're not holding Wendell hostage in there? Well --

CO-CHAIR BLOOM: There he is.

CO-CHAIR HAYES: There he is, all right. On -- the reason that I'm looking for Wendell is because we have an election agendaized for the community focus group chair. Wendell has put his name forward, and I don't know if there are any other community members --

MR. COFFEY: Two of us.

CO-CHAIR HAYES: -- who would like to also put their name forward at this time? If not, I'm not sure that three community members counts as a vote, but --

MR. COFFEY: How many are left?

CO-CHAIR HAYES: But let's go ahead and vote to consider nomination or -- of the community co-chair.

MR. COFFEY: Yeah, let's do that. Are you stepping down?

CO-CHAIR HAYES: I strike that. Wooh. You want to see my real slip? Community focus group chair.

CO-CHAIR BLOOM: Must be after 9:00.

CO-CHAIR HAYES: And I would entertain a motion to accept Wendell's -- or no, I would like to hear a nomination and a second.

MR. COFFEY: So moved.

MR. BROWNE: I'll second.

CO-CHAIR HAYES: -- to accept --

MR. COFFEY: Wendell.

CO-CHAIR HAYES: -- Wendell as the focus group chair for the community outreach. So I guess three of us here will vote.

MR. COFFEY: Yes.

MR. BROWNE: Yes.

CO-CHAIR HAYES: (Hand raised). All right. Wendell, welcome as the community focus group chair.

MR. QUIGLEY: And what does that mean?

CO-CHAIR HAYES: What does that mean?

MR. FARLEY: That means you have a report in about ten seconds. (LAUGHTER).

MR. QUIGLEY: Okay.

CO-CHAIR BLOOM: But not tonight.

CO-CHAIR HAYES: Not tonight. Okay. All right. That's as far as I'm going to go with administrative business. Thank you and welcome. And thank you for taking on that job. And you will certainly work with me and other members of the community or members of the RAB to communicate to the public back from the public to this body regarding environmental cleanup issues that the RAB considers.

CO-CHAIR BLOOM: Thank you. With that, as I said, everybody can pick up their reports -- the technical group reports and the city's report, Lennar's report, the Navy's report, and Weston's report -- on the desk, back on the desk as you leave. With that, the second public comment period. Anymore? And if not? No? We'll adjourn. See you next month.

b) Natural Resources (Jerry Karr)

A written report was available as a handout but no presentation was given.

c) Technical (Paula Tygielski)

Nothing to report.

d) City Report (Gil Hollingsworth)

Nothing to report.

e) Lennar Update (Steve Farley)

A written report was available as a handout but no presentation was given.

f) Weston Update (Cris Jespersen)

A written report was available as a handout but no presentation was given.

g) Regulatory Agency Update (Brian Thompson/John Kaiser)

Nothing to report.

VII. CO-CHAIR REPORTS

The Navy provided written handouts but no presentation was given. Co-Chair Hayes had nothing to report.

LIST OF HANDOUTS:

The following handouts were provided during the RAB meeting:

- Presentation Handout – Land Use Covenants/Controls on Mare Island – Navy/Weston/Lennar
- Presentation Handout – MINS Offshore Remedial Investigation – Navy
- CH2MHill/Lennar Mare Island Deliverables Schedule May 2007
- Mare Island RAB Update May 2007 – Weston Solutions
- Navy Monthly Progress Report Former Mare Island Naval Shipyard May 2007

(Thereupon the foregoing was concluded at 9:12 p.m.)

CDM Transmittal

CDM.

9444 Farnham St. Suite 210
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To:	Diane Silva	**From:**	David Lange
Organization/ Address:	Navy SWDIV 1220 Pacific Hwy., Bldg 129 San Diego, CA 92132 Phone: (619) 532-3676	**Date:**	August 1, 2007

Re: Mare Island Information Repository – Final Minutes for the RAB Meetings November 2006 – June 2007

Job #:

Via: *Mail:* *Overnight:* Fedex 2-day *Courier:*

Enclosed please find:

For your information	X	**Approved**	
For your review		**Approved as noted**	
For your signature		**Returned to you for correction**	

- **Message:**

Diane,

Enclosed please find two copies of the Final RAB meeting minutes from the November 2006 through June 2007 RAB meetings at Mare Island Naval Shipyard for the administration record/information repository. If you would like anything placed in the information repository, please forward it to the attention of Peggy Bloisa in our Walnut Creek Office. Please replace the current contact name of Darlene McCray with Peggy Bloisa. Please call me with any questions

Thank you,

David Lange
Project Manager

Signed