



Making San Francisco Bay Better

February 23, 2009

Mr. Michael Bloom
Department of the Navy
BRAC Program Management Office West
1455 Frazee Road, Suite 900
San Diego, CA 92108-4310

SUBJECT: Draft Conceptual Site Model for the Installation Restoration Site 05 and Western Magazine Area at Mare Island; BCDC Consistency Determination No. CN 10-97

Dear Mr. Bloom:

Thank you for the opportunity to comment on the Draft Conceptual Site Model for the Installation Restoration Site 05 (Site 05) and Western Magazine Area at the Former Mare Island Naval Shipyard in Vallejo, California. The conceptual site model (model) incorporated all relevant information on contamination with mutations and explosives, of concern, including site descriptions, environmental conditions, primary and secondary contaminant sources, current conditions, potential receptors, and possible contaminant exposure pathways. The Commission's staff understands that the model summarizes the contaminants at the site and suggests that there may be additional remediation in the future. In this letter, I included information on the Commission's jurisdiction, land ownership, and the Commission's policies that may be applicable to future remediation and other activities that occur at Site 05 and/or the Western Magazine Area. Depending on who owns the property, you are required to obtain a consistency determination or a permit from BCDC for **any federal or non-federal activity**, including permits, transfers of property and clean up activities, that occur within Site 05 and the Western Magazine Area because they are within the Coastal Zone Management Area and the Commission's jurisdiction.

Although the Commission itself has not reviewed the Conceptual Site Model for the Installation Restoration Site 05 and Western Magazine Area (Conceptual Model) at the former Mare Island Naval Shipyard, the staff comments discussed below are based on the Commission's law, the McAteer-Petris Act, the Commission's *San Francisco Bay Plan* (Bay Plan), the Commission's federally-approved coastal management plan for the San Francisco Bay, and the federal Coastal Zone Management Act (CZMA).

Jurisdiction

The Commission's jurisdiction includes all tidal areas of the Bay up to the line of mean high tide (up to five feet above mean sea level or the upper edge of marsh vegetation in marshland), all areas formerly subject to tidal action that have been filled since September 17, 1965, and the shoreline band, which extends 100 feet inland from and parallel to the Bay shoreline.

Site 05 and the Western Magazine Area at Mare Island are located within the Commission's jurisdiction. Portions of Site 05 are may be within the Commission's Bay and shoreline band and portions of the Western Magazine Area may be within the shoreline band jurisdiction. The Commission's Bay Plan Map No. 2 defines portions of the Western Magazine Area as Waterfront Park and Water-related Industry priority use areas. Furthermore, the Bay Plan Map No. 2 states that "the Mare Island dredged material disposal ponds, which are located in historic baylands, should be retained in water-related industry priority use for dredged material disposal and used as a regional disposal and re-handling area for dredged material except for the three nethermost ponds." This policy applies to Dredge Pond 7 South, which is located within Site 05, and, thus, should be taken into consideration in any proposed remediation or development. The Bay Plan Map No. 2 goes on to state that a "waterfront park should be created at the south shore of Mare Island that is consistent with local base reuse plan and Chapter 588 of the Statutes of 2004."

BCDC Consistency Determination No. CN 10-97, in which the Commission concurred with the local reuse plan for Mare Island, does not cover Site 05 and the Western Magazine Area. Therefore, the owner of the property, the U.S. Navy would be required to obtain a consistency determination for activities at Site 05 and the Western Magazine Area at Mare Island, including proposed remediation efforts, development and any land ownership changes.

Land Ownership

According to the Final EIS/EIR for the Disposal and Reuse of Mare Island Naval Shipyard, Figure 5-1 indicates that Site 05 and the Western Magazine Area are designated as State Reversionary Land.

The reuse plan indicates that the land will be transferred to the State of California once the remediation efforts are complete. It is unclear by the conceptual site model when the lands will be transferred to the State Lands Commission. As already discussed, any land ownership changes require authorization by the Commission through a consistency determination or permit.

Bay Plan Policies

In addition to the above listed issues, the following Bay Plan policies may apply to activities within your project area:

1. **Water Quality.** These policies address water quality and require Bay water pollution to be prevented to the greatest extent feasible. Policy No. Three requires new projects be sited, designed, constructed and maintained to prevent or minimize the discharge of pollutants in the Bay by controlling pollutant sources at the project site, using appropriate construction materials, and applying best management practices. If activities at Site 05 and the Western Magazine Area have the potential to affect water quality in the region, or if water is discharged from the sites, you may be required to obtain a water quality certification from the Regional Water Quality Control Board.

2. **Tidal Marshes and Tidal Flats.** The policies in this section require that tidal marshes and tidal flats be conserved to the fullest possible extent. The Bay Plan Map No. 2 indicates that Site 05 and the Western Magazine Area are abutting tidal marsh. Policy Two requires that any proposed project be thoroughly evaluated to determine the effect of the project on tidal marshes and tidal flats, and designed to minimize, and, if feasible, avoid any harmful effects.

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3. **Dredging.** The policies in this section discuss disposal of the dredged material. This is applicable to your project because Site 05 includes an existing dredge disposal pond (Dredge Pond 7 South). As discussed above, the dredged material disposal ponds should be preserved as disposal ponds into the future.

4. **Public Access.** These policies discuss public access requirements for projects throughout the Bay. As stated in the Conceptual Site Model, recreational users around Mare Island are potential receptors of contaminants from both Site 05 and the Western Magazine Area. Any public access use in these areas should meet the requirements of the Bay Plan policies on public access.

Thank you for providing staff with the opportunity to review the Draft Conceptual Site Model for Site 05 and Western Magazine Area at Mare Island. We recognize the importance of this project and are more than happy to assist you with permitting requirements. Please feel free to contact me at (415) 352-3624 or email me at cbox@bcd.c.ca.gov if you have any questions regarding this letter or the Commission's policies and permitting process.

Sincerely,



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