

Memorandum

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MARE ISLAND
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Date: Draft

To: Janet Naito, Remedial Project Manager
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From: Tami Nakahara, Environmental Scientist
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Subject: Review of Draft Non-Time Critical Removal Action Work Plan Installation Restoration Site 17 and Building 503 Area, for the former Mare Island Naval Shipyard, Vallejo, California (Site # 201208)

The California Department of Fish and Game, Office of Spill Prevention and Response (DFG-OSPR) appreciates the opportunity to review the subject Draft Non-Time Critical Removal Action (NTCRA) Work Plan (WP) Installation Restoration Site 17 (IR17) and Building 503 (B503) Area received on September 1, 2009.

Background

The former Mare Island Naval Shipyard is in Solano County, about 30 miles northeast of San Francisco. IR17 and B503 are located in the northern portion of Mare Island, on the northeastern tip of Pond 5N. The site is approximately 26 acres and consists of buildings, above ground storage tank (ASTs) farms, and associated pipelines that comprise a former paint manufacturing facility. A non-tidal wetland, which provides potential habitat for the Federally and State endangered salt marsh harvest mouse and California Clapper Rail, and the State threatened California Black Rail, is located in the south-southwest portion of the site, south of a former tank farm. These species are also State Fully Protected Species. Other than collection for scientific research purposes for the recovery of the species, Fully Protected Species may not be "taken" or possessed at any time and DFG is not authorized to issue a permit for their "take", including trapping. The habitat of the upland area at the site is disturbed grassland with some paved areas.

At IR17, the former Southern Tank Farm, together with another set of former tank farms in the north, stored chemicals in (ASTs) that were used in the paint manufacturing process. There is also a former 4,000 gallon heating oil AST adjacent to B503. Reuse plans for this site include light industrial redevelopment, commercial parking structures, and surface parking lots, in addition to retaining some open space.

The DFG is the State's Trustee for fish and wildlife resources pursuant to Fish and Game Code section 711.7 and is also designated to act on behalf of the public as Trustee for natural resources pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act Section 107 (f)(2)(B). DFG-OSPR previously submitted comments on the IR17 and B503 Draft Final Sampling and Analysis Plan to the Department of Toxic Substances Control (DTSC) in an email on September 24, 2008 (Tsao and Nakahara, 2008a). DFG-OSPR provided comments and ARARs for the Draft Engineering Evaluation and Cost Analysis/Interim Remedial Action Plan (EE/CA/IRAP) in a memorandum dated December 5, 2008 (Tsao and Nakahara, 2008b) and responded to the Navy's Response to Comments on the Draft and Draft Final EE/CA/IRAP in emails on February 11, 2009 (Tsao and Nakahara 2009a) and May 4, 2009 (Tsao, 2009), respectively. Comments on the Draft Action Memorandum were provided in a memorandum dated June 5, 2009 (Tsao and Nakahara, 2009b). The comments that follow are provided as part of our role as a natural resource Trustee for the State of California.

Specific Comments

1. *Page 1-6, Section 1.1.1 History of Previous Removal Actions, Investigations, and Activities, Onshore Ecological Risk Assessment (ERA) (2002).* Please note in the text that that the United States Environmental Protection Agency, United States Fish and Wildlife Service, California Department of Toxic Substances Control, and California Department of Fish and Game have not accepted the conclusions of the "final" onshore ecological risk assessment report. Those agencies agreed that the underlying data could be brought forward into the subsequent site-specific assessments, but not the conclusions from the ecological risk assessment (ERA). DFG-OSPR does not support conclusions from the onshore ERA such as those provided in this document or in other documents (e.g., remedial investigation report for IR 17/B503).

DFG-OSPR disagrees with the Navy's statement that "The onshore ERA identified the seasonal wetland as the only viable habitat; therefore, no complete exposure pathways for ecological receptors exist in the upland portion of the IR17 and Building 503 Area." The upland portion contains salt marsh vegetation (e.g., pickleweed), non-native annual grasses, ruderal vegetation, and trees, which provide habitat for various wildlife such as amphibians, reptiles, birds, rodents, and other mammals. Please revise the document to include an accurate description of the natural resources and habitats present on site.

2. *Page 1-10, Section 1.1.4 Sensitive Ecosystems.* The Navy states, "the

adjacent wetland areas are potential habitat for the endangered Salt Marsh Harvest Mouse (SMHM).” Please note, the excavation area in the southwest corner of the project site where the Southern Tank Farm was previously located, contains salt marsh vegetation (e.g., pickleweed), grasses, and ruderal vegetation which provide cover and potential habitat for the salt marsh harvest mouse (SMHM). This area is contiguous with the adjacent non-tidal salt marsh therefore, there is potential for SMHM to also be present in the excavation area. Thus the excavation area should be treated the same as the non-tidal salt marsh. Appropriate avoidance and minimization measures should be implemented to prevent impacts to the SMHM such as hand removing vegetation within 50 feet of the edge of pickleweed, the use of a biological monitor during all work within habitat and potential habitat, and the biological monitor checking the silt fence periodically throughout each work day as discussed in the conference call between the Navy, DFG-OSPR, and the U.S. Fish and Wildlife Service (USFWS) on July 31, 2009.

3. *Page 3-1, Section 3.1 Excavation Approach.* The Navy states, “vegetation in the excavation footprint will be cut.” Per the conference call with USFWS on July 31, 2009, vegetation within 50 feet of the edge of pickleweed shall be removed by hand using non-mechanized cutting tools. Please revise the text accordingly.
4. *Pages 4-6 to 4-8, Section 4.5 Environmental Protection.*
 - a. The Navy states the SMHM is “a Federal- and State-Listed Endangered Species.” Please also note that the SMHM is a State Fully Protected Species.
 - b. The Navy states, “To avoid and minimize potential effects to the SMHM or any federally-listed species the following measures will be implemented during the NTCRA.” Please note the California Clapper Rail is also a State-listed endangered species, the California Black Rail is not Federally-listed but is a State-listed threatened species, and both are State Fully Protected Species. Therefore, please revise the text to state “To avoid and minimize potential effects to the SMHM or any federally- or state-listed species, the following measures will be implemented during the NTCRA.”
 - c. In addition to those avoidance and minimization measures listed in the Work Plan, other appropriate measures should be implemented for the protection of the SMHM, California Clapper Rail, and California Black Rail. Please refer to the Biological Opinion for Installation Restoration Site 05 and the Paint Waste Area (Proposed Conservation Measures 3, 6, 8, and 12, and Terms and Conditions 3 and 4) (USFWS, 2009). Also, please refer to the DFG-OSPR email dated February 11, 2009 (Tsao and Nakahara, 2009a), and Specific Comment # 2 above, for

additional appropriate avoidance and minimization measures that should be implemented.

5. *Appendix C Environmental Protection Plan, Page 1-7, Section 1.6.2 Training.* In this section, the Navy describes the types of training that will be provided to WESTON employees and all subcontractors working at the site. Please include a statement that training will include a Biological Resource Education Program provided by a qualified biologist.
6. *Appendix C Environmental Protection Plan, Page 2-1, Section 2 Land Resources.* The Navy states WESTON will conduct a pre-construction survey to document the condition of existing vegetation and land resources to be preserved within the authorized work and staging areas. The pre-construction surveys should also document wildlife species and habitats of concern observed within these areas, that may be impacted by project activities and will need implementation of appropriate avoidance and minimization measures.
7. *Appendix C Environmental Protection Plan, Page 2-1, Section 2.1 Historical Resources.* The Navy states that no historical, archaeological, or cultural resources have been identified within the work area. However, if such resources are identified, the Navy states, "WESTON and all contractors working under WESTON will record, report, and preserve the finds." A qualified archaeologist should be used to properly record, report, and preserve the finds.
8. *Appendix C Environmental Protection Plan, Page 2-1, Section 2.2 Existing Vegetation.* Please describe how disturbed areas will be backfilled and restored after excavation activities are completed. The site should be graded to match existing elevations so as not to alter the existing hydrology.
9. *Appendix C Environmental Protection Plan, Pages 2-1 to 2-3, Section 2.3 Fish and Wildlife/Threatened, Endangered, and Sensitive Species.*
 - a. The Navy states, "The SMHM is fully protected and listed as endangered under the federal Endangered Species Act." Please revise this statement to clarify that the SMHM is fully protected by the State and is also listed as endangered under the State Endangered Species Act.
 - b. The scientific name for pickleweed has been recently changed from *Salicornia virginica* to *Sarcocornia pacifica*. Please correct this in the text.
 - c. The Navy states, "The SMHM is known to be highly cover dependent, i.e., it will not frequent areas devoid of cover from raptors and other

predators.” Therefore, areas adjacent to salt marsh that provide cover for the SMHM, such as vegetation (ruderal, grasslands, shrubs, etc.), stockpiled materials (excavated debris, cut vegetation, supplies, etc.), and parked vehicles and equipment, can potentially contain SMHM. As a result, these areas need to be treated the same as pickleweed-dominated areas and appropriate avoidance and minimization measures need to be implemented for the protection of the SMHM.

- d. In addition to those avoidance and minimization measures listed in the Work Plan, other appropriate measures need to be implemented for the protection of the SMHM and other sensitive species. Please see Specific Comment # 4.

10. *Appendix C Environmental Protection Plan, Page 2-3, Section 2.6 Mobilization and Demobilization.* The Navy states, “As part of mobilization, existing vegetation within the work area will be mowed.” Per the conference call with USFWS on July 31, 2009, vegetation within 50 feet of the edge of pickleweed shall be removed by hand using non-mechanized cutting tools. Please revise the text and include this avoidance measure.

We appreciate the opportunity to comment on the subject document. If you have any questions regarding this review or require further details, please contact Tami Nakahara (916-324-8452, tnakahar@ospr.dfg.ca.gov).

Reviewer: Carolyn Rech, Staff Environmental Scientist

References

- Tsao, C.L. 2009. Email to Chip Gribble, Remedial Project Manager, Department of Toxic Substances Control and Janet Lear, Navy Remedial Project Manager. RE: Navy’s responses to DFG-OSPR comments on the Draft Final Engineering Evaluation and Cost Analysis/Interim Remedial Action Plan (EE/CA/IRAP): Installation Restoration Site 17 (IR 17) and Building 503 (B503) Area, for the former Mare Island Naval Shipyard, Vallejo, California (SITE # 201208). May 4, 2009. California Department of Fish and Game, Sacramento, CA.
- Tsao, C.L. and T. Nakahara. 2008a. Email to Chip Gribble, Remedial Project Manager, Department of Toxic Substances Control. RE: Draft Final Sampling and Analysis Plan (Field Sampling Plan/Quality Assurance Project Plan) for Additional Soil, Groundwater, and Soil Gas Sampling Investigation at Installation Restoration Site 17 and Building 503 Area, former Mare Island Naval Shipyard, Vallejo, California. September 24, 2008. California Department of Fish and Game, Sacramento, CA.

Tsao, C.L. and T. Nakahara. 2008b. Memorandum to Chip Gribble, Remedial Project Manager, Department of Toxic Substances Control. RE: Draft Engineering Evaluation and Cost Analysis/Interim Remedial Action Plan (EE/CA/IRAP): Installation Restoration Site 17 (IR 17) and Building 503 (B503) Area, for the former Mare Island Naval Shipyard, Vallejo, California (SITE # 201208). December 5, 2008. California Department of Fish and Game, Sacramento, CA.

Tsao, C.L. and T. Nakahara. 2009a. Email to Chip Gribble, Remedial Project Manager, Department of Toxic Substances Control and Janet Lear, Navy Remedial Project Manager. RE: Navy's responses to DFG-OSPR comments on the Draft Engineering Evaluation and Cost Analysis/Interim Remedial Action Plan (EE/CA/IRAP): Installation Restoration Site 17 (IR 17) and Building 503 (B503) Area, for the former Mare Island Naval Shipyard, Vallejo, California (SITE # 201208). February 11, 2009. California Department of Fish and Game, Sacramento, CA.

Tsao, C.L. and T. Nakahara. 2009b. Memorandum to Janet Naito, Remedial Project Manager, Department of Toxic Substances Control. RE: Draft Action Memorandum for a Non-Time Critical Removal Action at the Installation Restoration Site 17 and Building 503 Area, for the former Mare Island Naval Shipyard, Vallejo, California (SITE # 201208). June 5, 2009. California Department of Fish and Game, Sacramento, CA.

USFWS. 2009. Endangered Species Consultation for the Proposed Installation Restoration Site 05 and the Paint Waste Area at the Former Mare Island Naval Shipyard, Vallejo, Solano County, California (Biological Opinion). June 23, 2009. USFWS, Sacramento, CA. Reference Number: 81420-2008-F-1844.

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