

Perry, Charles L CIV NAVFAC SW, BRAC

From: Remedios Sunga [rsunga@dtsc.ca.gov]
Sent: Friday, March 27, 2009 12:39 PM
To: Perry, Charles L CIV NAVFAC SW, BRAC
Cc: Ryan Miya; Michael.Tymoff@sfgov.org
Subject: TI Site 28 - Tidelands Trust Exchange

Charles,

After the 3/6/09 conference call with Michael Tymoff from the City of San Francisco and reviewing the documents that Michael sent via e-mail on 3/5 and 3/6/09, DTSC concurs that institutional controls or a land use covenant is not necessary, and based on current available information, a no further action ROD is the appropriate path forward for Site 28. This concurrence is based on our understanding that Site 28 will be exchanged with Tidelands Trust properties at Treasure Island. After approval of the exchange, Site 28 will be restricted to only public trust uses (i.e., commerce, navigation and fisheries) pursuant to Section 11 of AB 699 (Treasure Island Conversion Act of 1997). The lands placed into the Trust will also be subject to the land use restrictions in perpetuity regardless of who holds title. In case that the ROD is finalized and the exchange is cancelled, the ROD shall be reopened so that the appropriate remedial action is selected (such as institutional controls) to ensure that Site 28 is not used for sensitive land uses because the soil has been impacted with lead at concentrations exceeding unrestricted use levels (up to 1,120 mg/kg). Please make sure the Draft ROD for Site 28 contains descriptions of and references to the public trust uses that the property will become subject to at the time of transfer.

If you have any questions, please do not hesitate to contact me. Medi

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