



Making San Francisco Bay Better

March 11, 2011

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

SUBJECT: Draft Proposed Plan/Draft Remedial Action Plan for Site 27 at the Clipper Cove Skeet Range at the Naval Station on Treasure Island

Dear Mr. Sullivan:

Thank you for the opportunity to comment on the Draft Proposed Plan/Draft Remedial Action Plan for Site 27 at the Clipper Cove Skeet Range (Draft Remedial Action Plan) at the Naval Station on Treasure Island in San Francisco, California. Site 27 is a portion of Clipper Cove that was formerly used as a naval skeet range from 1979 to 1989. As described in the document, clay targets were launched from the shoreline. Naval personnel fired lead shots at the targets, which subsequently landed in the Bay. The lead shot currently in Bay sediments have been identified as a contaminant source with potentially harmful effects on wildlife, particularly diving ducks.

Background

In August 2010, a Final Feasibility Study for Site 27 Clipper Cove Skeet Range (Feasibility Study) was issued in August 2010 as a requirement of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The Feasibility Study developed and evaluated three remedial alternatives for lead shot in the sediments. The first alternative is the no action alternative, which would leave all contaminants in place on site. The second alternative includes dredging the area from the shoreline to 75 feet off shore to a depth of minus 2.5 feet Mean Lower Low Water (MLLW) and then backfilling this area with clean material. The third alternative includes dredging the entire Site 27 area, as shown in Figure 5 in the Draft Remediation Action Plan, to a depth of minus 7 feet MLLW to remove most of the material with lead shot.

The San Francisco Bay Conservation and Development Commission (BCDC) submitted comments, dated March 9, 2009 that summarized the *San Francisco Bay Plan* policies that would be applicable to the proposed project. Although the Commission itself has not reviewed the Draft Proposed Plan/Draft Remedial Action Plan for Site 27 on Treasure Island, 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 amended federal Coastal Zone Management Act (CZMA).

Proposed Preferred Alternative

According to the Draft Remedial Action Plan, the preferred alternative is Alternative 2b, which includes focused dredging and backfilling, placement of sediment as a protective cap, institutional controls, and sediment monitoring within the Site 27 area, and disposal of the

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dredged sediment outside of the Commission's jurisdiction or at an authorized upland location. Section 7.0 in the Draft Remedial Action Plan states that Alternative 2b would be implemented by removing contaminated sediments where there is a current complete exposure pathway to wildlife and backfilling the area to prevent exposure to diving ducks. The steps to remediate this area are described on Page 33 of the Final Feasibility Study as: (1) removal of at least the top 2.5 feet of sediment from within the designated area; and (2) capping the remaining lead shot in the area with at least 2 feet of sediment. Further, Section 7.0 in the Draft Remedial Action Plan states that restrictions on vessel speed, controls on dredging within the boundary of Site 27, and long-term monitoring of the backfill would be required to reduce the likelihood of activities that might disturb sediment and re-suspend buried lead shot at the site. Section 7.0 also states that the remedial design will also take into account the relevant hydrodynamic conditions and would consider proposed, current and historical uses of the marina, including maintenance dredging.

Commission Laws and Policies

Applicable San Francisco Bay Plan policies are described in the BCDC letter, dated March 9, 2009. As the letter notes, the proposed backfill would be considered "fill in the Bay," as described in the McAteer-Petris Act, and should be analyzed for compliance with applicable Bay Plan policies. According to the McAteer-Petris Act "fill in the Bay" can only be authorized if there is no feasible upland alternative, is the minimum amount necessary to achieve the project, and the public benefits clearly exceed the public detriments.

The March 9, 2009 letter also described the applicable Bay Plan policies. Specifically, the Commission recommends that the backfill only be placed to the current elevation. This will assure that there is no excess fill associated with the project. In addition, the Commission also recommends that the project attempt to replicate the existing bottom type in the vicinity. The recommendations within the San Francisco Bay Subtidal Habitat Goals Report may be appropriate to incorporate into future planning for the area. In order to properly analyze the project, please describe the needs for backfilling with sand and rock if either of these two aggregates would be used; the volumes of sand and/or rocks; and the final elevation to be filled. Also, please provide an analysis of the project with removal of sediment to minus 7 feet MLLW without backfill or with limited backfill. The dredging method and disposal location should also be fully described.

As discussed during a conference call on January 12, 2010, the Commission Staff is concerned that based on the available scientific information collected for the project, the proposed project depth will leave significant lead shot in the Bay. The data collected only analyzes the lead shot to a depth of minus 7 feet MLLW and does not delineate or describe the lead shot contamination below 7-feet MLLW. Furthermore, the Feasibility Study indicated that the highest concentration of lead shot was below the surface between 3.5 feet and 5 feet; however, the proposed project only includes removal of the top 2.5 feet of sediment. The Commission supports removal as much of this material as possible.

In addition, the Commission's laws and policies on Subtidal Areas and Fish, Other Aquatic Organisms and Wildlife require that the habitats needed to conserve or increase an endangered or threatened plant, fish, or other aquatic organism or wildlife species be protected. Specifically, environmental work windows for maintenance dredging have been established by programmatic biological opinions, issued by the NOAA Fisheries and the California Fish and Wildlife Service. While the programmatic biological opinions are for maintenance dredging projects authorized, similar environmental windows may be applicable to your proposed

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project. Please work with NOAA fisheries and the California Fish and Wildlife Service to understand how your proposed project should move forward to assure protection of endangered or threatened species.

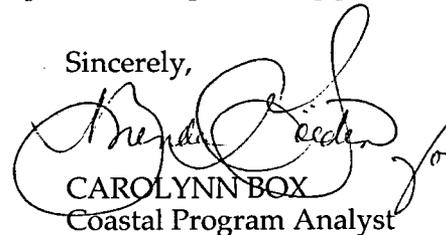
Furthermore, as stated in the Department of Fish and Game (DFG) comment letter, dated June 25, 2009, the longfin smelt (*Spirinchus thaleichthys*) was recently declared a threatened species under the California Endangered Species Act. As a result, if the project would take longfin smelt, a take permit would be required from DFG.

Lastly, if eelgrass or other protected habitats are found to be present at the site or in the vicinity, an Essential Fish Habitat consultation with NOAA fisheries may be required. NOAA Fisheries is in the process of finalizing a Programmatic Essential Fish Habitat Consultation for the LTMS program, including only maintenance dredging, and developing conservation recommendations that may be applicable to your proposed project to help mitigate any potential impacts to protected habitat.

Thank you for providing staff with the opportunity to review the Draft Proposed Plan/Draft Remedial Action Plan for Site 27 on Treasure Island. We recognize the importance of this project and are more than happy to assist you. Commission staff is aware that it is the Navy's position that the CERCLA process exempts federal agencies from Commission review under the federal consistency provisions of the Coastal Zone Management Act (CZMA) because the proposed project is designed to be consistent with the applicable and relevant and appropriate requirements. However, the Commission staff respectfully reserves the right to raise the requirement to review the project under the Commission's CZMA federal consistency authority in the future.

Please feel free to contact me at (415) 352-3624 or email me at cbox@bcdca.gov if you have any questions regarding this letter or the Commission's policies and permitting process.

Sincerely,



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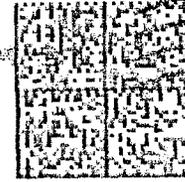
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