

**MARE ISLAND NAVAL SHIPYARD  
RESTORATION ADVISORY BOARD (RAB) MEETING MINUTES  
HELD THURSDAY, May 19, 2005**

The Restoration Advisory Board (RAB) for former Mare Island Naval Shipyard (MINSY) held its regular meeting on Thursday, May 19, 2005, at the J.F. K. Library, Joseph Room in Vallejo, California. The meeting started at 7:13 p.m. and adjourned at 9:09 p.m. These minutes are a transcript of the discussions and presentations from the RAB Meeting. The following persons were in attendance during this month's RAB meeting.

**RAB Members in attendance:**

- Myrna Hayes (Community Co-Chair)
- Michael Coffey (Community Member)
- Paula Tygielski (Community Member)
- Jim O'Loughlin (Community Member)
- Kenn Browne (Community Member)
- Carolyn d'Almeida (EPA)
- Jerry Dunaway (Navy Co-Chair)
- David Godsey (Navy)
- Dwight Gemar (Weston Solutions)
- Sheila Roebuck (Lennar Mare Island)
- Steve Farley (Lennar Mare Island)
- Gary Riley (RWQCB)

**Community Guests in attendance:**

- Dijj Christian
- Jim Robbins

**RAB Support from CDM:**

- Regina Clifford
- Doris M. Bailey (Stenographer)
- Wally Neville

**I. WELCOME AND INTRODUCTIONS**

CO-CHAIR DUNAWAY: Good evening. Welcome to our May RAB meeting. We have a presentation tonight on a topic that I know we've presented before and have talked about a lot in the last few months, so we wanted to put out there really what the current information is on this topic. And that is the mitigation work for the landfill containment project that Weston is working on, and the mitigation work as a result of that remedy or that cleanup project. But first, let's start with introductions. My name is Jerry Dunaway, I'm the BRAC environmental coordinator for Mare Island for the Navy. And I'll pass the microphone to Myrna.

(Attendees introduced themselves as requested.)

**II. PRESENTATION: *Investigation Area H1 (Landfill) Wetland Mitigation Plan Update* Presented by Mr. Jerry Dunaway, BRAC Program Management Office and Mr. Dwight Gemar, Weston Solutions, Inc.**

CO-CHAIR DUNAWAY: Thank you, everyone. We have the presentation ready to go, so I'm going to jump right into that. Shannon Bryant, our biologist in the BRAC office, was not able to make it tonight. So even though her name is on the agenda, I will be acting in her place. Dwight and I will be sharing the presentation role here. So moving right into it.

We had a little bit of trouble with the final presentation that you see on the handout in front of you. We couldn't get it to load up on the computer here, so we have an older version that's pretty close. But if you see differences between the stuff in your hand and what's on the screen, that's the reason. So again, we're talking about the wetland mitigations work for the landfill area at Mare Island. And this is just an update to tell you the latest and greatest.

As you know, we've reported over the past few months we've been working with the Fish and Wildlife Service on endangered species mitigation. There are a couple of other components to the mitigation work we have yet to really engage the regulatory agencies on, but that's because the endangered species work tends to take the longest, and we think that will sort of help us work through the other issues, the other mitigation work. This is the landfill area in green over here. And all of our work is basically going to be contained within there, both the creation work as well as the impacts obviously for the landfill. And so just a quick summary. The remedial objectives for what we need to do to deal with the contaminants out there and the landfill is to essentially contain the landfill and remove any chance of exposure pathways for both humans and for ecological risk.

The interim remedy is the slurry wall, and that's to hold the groundwater close to the landfill and prevent it from migrating away from the landfill. That was completed last year and is in operation right now. The final remedy was proposed in the draft feasibility study, and that was issued late last year, and that talks about the actual cap system over the landfill. As part of that work there are also some things outside the landfill, including wetland hot spot removal for wetlands that are not within the landfill, and soil cover for the upland areas also outside the landfill. So by doing that containment remedy we impact some wetlands that are in the landfill. And the impacts to natural resources are plainly put in two categories. Impacts to the endangered salt marsh harvest mouse. And that's a potential because we're still not certain it exists or it resides in some of these wetlands. But we assume it is, and we negotiated with the fish and wildlife services. And the second is the actual filling of wetlands. Since we're building a landfill cap, we have to fill it with soil.

And so with that, we have avoidance minimization and mitigation measures. And they are broken down into basically three types of actions. One is wetlands creation. And that's to replace the wetlands that we are covering. There's avoidance in the form of, if we do have to handle the mouse and relocate the mouse, we will do it at the best time during its breeding cycle, and that is to avoid the breeding cycle. And then the wetland monitoring for ensuring that what we create is, in fact, a functional wetland. And all this work is required by our cleanup regulations by the part of the work we call the ARARs or applicable or relevant and appropriate requirements. And what we do is we look at all the other regulations out there and see what does

our work mean to other regulations. And so we have, obviously, the Endangered Species Act. We have the State Endangered Species Act. We have the Clean Water Act, which regulates wetland building and impacts. And then the state equivalent is the Porter-Cologne Act. Each one of those basically contain requirements to follow through that we have to incorporate into our cleanup.

The national contingency plan kind of under the brass bar here is our cleanup regulations that say that's what we have to do, we have to look at all the other regulations and make sure that our cleanup plan properly addresses and incorporates those other requirements. So here's a picture of the site. And the landfill cover system is going to be in the green area here. H1 also extends out this way and out over here, so those are where some of the other non-landfill cleanup actions will be performed. These other hatched areas are existing wetlands, we have some hot spot removals to do there. And some of the upland areas, the levee roads, and other wetland areas will be capped with two foot soil covers.

The wetlands that will be impacted are shown in red here, and green, I guess, along with a little bit of blue where we have seasonal ponding. So we've been talking about wetland X for quite a while. That's essentially just to the east of the landfill. And then there's another smaller what we call the unnamed landfill just to the west of -- or an unnamed wetland just west of the landfill.

MR. RILEY: Jerry,

CO-CHAIR DUNAWAY: Question?

MR. RILEY: So you'd be proposing the trapping and vegetation removal and fencing if that's still required for both wetland X and also the unnamed wetland?

CO-CHAIR DUNAWAY: Yeah, for the unnamed wetland we also are, I'm not sure about the trapping, we're going to get into it later here, but I know we're looking at vegetation removal for both of them.

MR. GEMAR: The trapping we're just looking at doing wetland X --

CO-CHAIR HAYES: You have to use the microphone.

MR. GEMAR: Okay. Is this on?

CO-CHAIR HAYES: You're on.

MR. GEMAR: Yeah. The trapping would be done in wetland X, with vegetation removal thereafter to make sure that no mice would want to return. And then in the lower left corner, in that unnamed wetland, because of its proximity to some pickleweed habitat on the other side of the levee road, basically to the left, the Fish and Game Service is looking at what they call passive relocation, which is just hand removal of the vegetation, and let the mouse relocate itself across the levee road into the more desirable habitat.

CO-CHAIR DUNAWAY: I think the bigger picture will show that, but this unnamed wetland sits adjacent to existing wetlands. So if we slowly take vegetation out by hand, we think the

mouse will kind of scurry along to the other wetlands. Wetlands X, however, is isolated, so we don't have that same opportunity, or the mouse does not have the same opportunity to try and find a new location if we were to slowly remove the vegetation, so the trapping is more critical there.

This is just a time series set of aerial photos. And you can see the development of wetland X. Starting in '54 it was really still part of the mud flats, San Pablo Bay shoreline. And as the fill-in occurred the landfill was constructed, you see the wetlands starting to form in the 1970s, it's fairly well developed, and the landfill is in operation. And these are pictures showing the wetland X area and some test pits to show what's just under the surface, steel cable from ships, cases or shipping containers for munitions here, and obviously some dirty looking groundwater there. And that's because of the adjacent oil sumps that dispose of quite a bit of soil in that area.

And I'll talk through this one and then bring Dwight up to talk about the actual mechanics of what we're proposing to do out there. This is just a description of the salt marsh harvest mouse. It is a federally endangered and federally listed endangered species. Under state law it's a federally protected species. It's a small animal, weighs about ten grams, and is about three inches long. And the pickleweed is its habitat of preference. Previous trapping studies over 5,000 trap nights captured over 4,000 of these, so we know it exists here on Mare Island in large quantity. However, none of those studies or trapping events were in wetland X. Later, in 1997, the wetland X area was trapped with 3,000 trap nights capturing only six animals, so a fairly small percentage there.

MR. GEMAR: I might mention that the trap night means --

CO-CHAIR HAYES: You better --

CO-CHAIR DUNAWAY: Why don't you come on up here since I'm going to hand the mike off to you anyway.

MR. GEMAR: Let me make this point. The trap nights is the number of traps set times the number of nights those traps were set. So, for example, if you had a hundred traps for two nights, that would be 200 trap nights.

CO-CHAIR HAYES: And I'd also add that one other little factoid that's not on here that's used in field work to distinguish the salt marsh harvest mouse from a house mouse is that the salt marsh harvest mouse has a tail about one-third longer than a house mouse.

MR. GEMAR: Yes.

CO-CHAIR HAYES: It's a very long tail compared to other critters.

MR. GEMAR: Also another fact about the salt marsh harvest mouse. I'm told it's very mellow. It won't really try to scurry away, when you pick it up it just kind of goes limp, and it just kind of hangs out. So, in fact, the guy that does this trapping for a living, Howard Shellhammer, said that these traps normally have some cotton in the traps to serve as nesting material. And he said that a house mouse or a common mouse will tend to scurry or try to scurry out of the trap as soon as you, you know, open the trap to retrieve whatever's in there. And the salt marsh harvest

mouse, he said, will typically be curled up in the cotton, so they're just happy. So because the mouse is a listed species, and under California law a fully protected species, and by fully protected means that you can't harm it or harass it, can't entrap it unless you have permission to trap it. So we're planning to take some protective measures to avoid taking of any mice.

First is, of course, as Jerry indicated, wetland X is located quite a ways from other suitable habitat, it's basically an isolated wetland. And if there are any salt marsh harvest mice there, they're probably transient, you know, visitors to that particular area. But nevertheless, they could be there because the pickleweed is there. So we plan to trap them and to relocate any captured salt marsh harvest mice to the tidal wetlands on the west side of the island. And that's the huge tidal marsh along San Pablo Bay that contains, you know, hundreds, if not thousands, of acres of pickleweed along the shoreline. And therefore is the optimal or the best habitat in the, in the Bay Area for this particular animal. And also, as was mentioned earlier, the plan is currently to remove or to cut the vegetation, not really to dig it up, per se, but to cut it so that there's no cover for the mice. And because they're very nervous about Raptors, the likelihood of them returning to a relatively barren piece of property is not very likely.

For that smaller wetland to the west of the landfill, because it's closer to some pickleweed habitat, the discussions we've had so far with the Fish and Wildlife Service and the Department of Fish and Game, they've indicated a preference in that area to just, you know, hand remove the vegetation and slowly, you know, from the far end, and just basically work our way back toward the more suitable habitat. And based on their opinion, the mouse will passively relocate is basically the opinion there.

And also, during construction work there would be some hot spot removal of contaminated soils within a couple hundred feet of the seasonal wetlands, that we would provide monitoring within that buffer zone. So what's the trapping all about? Again, that's considered an active relocation. And typically these traps are set ten meters apart or about 30 feet apart across the area that you wish to trap. And the procedure is that you would typically trap four nights in a row, take a couple of nights off, and then come back and trap for another four nights in a row.

And based on the history of doing this and experts and whatnot, that they basically feel that that will provide a fairly high degree of confidence that if there are no captures that there is no animal there. It's not to say that it's a hundred percent certain, but it's certainly, they consider that a high level of certainty. However, if there is a capture within the last couple of nights, then you would have to extend your trapping cycle to go at least two more nights until such time that you had two consecutive nights of no captures, and then you would be completed. Not just any Joe can trap this mouse. For starters, you have to have a permit from the U.S. Fish and Wildlife Service. And I'm sure that there's a lot of hoops to go through to get that permit. And then also from the California Department of Fish and Game you have to have a collectors permit and also a memorandum of understanding.

And Weston has acquired the services of an expert in the field, a gentleman named Howard Shellhammer, who would be overseeing the trapping. And he, of course, meets all these qualifications and has been one of the foremost experts in the field of this particular animal for decades. As Jerry mentioned, the timing is important. The best time to do the trapping would be just prior to the breeding season. The thought there is that you don't want to collect a mama who

might have babies, because if you remove the mama you certainly endanger the babies. So the timing is important.

The breeding season on Mare Island is based on prior studies. It's been estimated to be primarily August through November. So we're proposing, what the agency is trying to do is trapping right around the first of August. And then that last bullet there is the passive relocation, and that has to do with removal of vegetation which would be done after the trapping in wetland X, because of its isolated nature we're proposing to trap there. And then in the area to the northwest of the landfill, and in the unnamed wetland, this is the approach that would be taken so that the mouse would move out of that area on its own.

So I guess before I shift gears into the wetland mitigation, are there any questions on the potential impacts and mitigations for the mouse? And you can also bring up questions if you think of it later. On the wetland front, also as Jerry indicated, the plan is to, within that boundary which is on your handout, kind of a purple outline, that is the outline of our slurry wall which is in place, as Jerry mentioned. And we plan to, or the proposal on the table is to contain that entire area with a geomembrane type cap. And in doing so, the wetland X and the small unnamed wetlands in the upper part of that figure would be covered with soil, so that's why it's important to remove any mice if, in fact, they are there.

And based on the previous study, they did find six mice there in 1997, but that was over a six month period. So it's anybody's guess whether, in fact, you know, we can find any mice there. And if we do, it will probably be a very low number. The area shown in blue is the ponded areas, and there's about four-tenths of an acre within this containment area that is a ponded area that's used predominantly for, you know, waterfowl do use that area. The red is pickleweed habitat which is, again, the preferred habitat for the mouse. And the area that's kind of a peach color is considered a wetland because of the type of vegetation there, but it's basically considered degraded from the standpoint of it's neither optimal habitat for the mouse or for waterfowl. So I don't know what the technical term is other than degraded, but it's kind of a junk wetland. But nevertheless it does pass for that.

The requirement under the Clean Water Act is you have to replace any wetlands that you fill, and typically the minimum requirement is a one for one. Oftentimes, depending on the circumstances, the agency, if it's a high quality wetland that's being impacted, the agencies could request two to one or even three to one replacement. That means if you destroy an acre you have to, you know, replace it with a minimum of one acre. And depending again on the circumstances, you know, it could be two or three.

In our case we're proposing slightly over one to one. It works out to be about 1.15 to one. So for the 7.2 acres that would be impacted, we're proposing to replace it with about 8.2 acres. And the area that we're proposing to use for the creation of the new wetlands is currently an upland area that borders what is the known as wetland D on your map. And you can also see some red pickleweed wetlands kind of to the lower left of that wetland D, and that's kind of an isolated pickleweed wetland area.

And we're proposing to create new wetlands along wetland D. And in between that existing wetland, in order to form a larger, contiguous wetland area that would be predominantly

pickleweed. You see a little outline of a box with a kind of a different shading or hatching that goes in the other direction? We're proposing to make a ponded area there in order to provide some habitat for the, for waterfowl. So the thought is basically that since we're going to be losing about four-tenths of an acre of ponded water, that we'll create about an acre and a half of new ponded water. And that, to replace the two acres of pickleweed habitat we're going to put in about 6.2 acres of pickleweed.

So from a value standpoint we feel that those are pretty good ratios. They're both about three to one. Again, overall it's slightly over one to one but, again, we're replacing what's considered to be degraded seasonal habitat with some higher value habitat for both mouse and the, and the waterfowl. And I have to correct myself. The pickleweed areas will be 6.8 acres, and the ponded water would be 1.4 for a total of 8.2. And I have to wear my glasses now to be able to read those numbers, it's pathetic. (LAUGHTER.)

MR. GEMAR: So the next question is how are we going to create the new wetlands? And it's not rocket science, but there is certainly some precautions and care that need to be taken to do that. First, we're going to remove the upland areas and grade it, that is lower the grade to about eight feet above sea level. And then we're going to take that soil that we dig up, and move it inside the containment area, because some of that soil could have some elevated contaminant levels. Once we get the elevation down where we want it, we would then test the bottom of the wetland area or the newly created wetland area, and test it for contaminant levels. And if those contaminant levels exceeded certain criteria, then we would have to dig deeper in order to try to remove that elevated level of contaminant. And then, in order to get back to the target elevation, you would add acceptable soil to bring the level back up to about eight feet mean sea level.

And then after that is done and we've confirmed that the soil conditions are appropriate, then we would actually take some pickleweed and some alkali heath and salt grass and plant it. And these would be plants that are already being grown as we speak in a nursery for this purpose. And there's thousands of plants, I think overall there's over 10,000 plants that are currently being grown in a nursery. And these are being grown from samples that were taken in the clean areas on Mare Island -- or as clean as you'll get at Mare Island -- in order to make sure that we've utilized local sources to maximize the success potential.

And then also, last winter we collected seeds for, from pickleweed and fat hen, and sea lavender, and these would be broadcast over this newly created wetland area in addition to the planting of the actual plants. So it's a combination of planting and seeding that would be done. And, of course, the timing of this would be done in the late fall just before the rainy season, or in May, because it's still raining, it's driving me crazy.

CO-CHAIR HAYES: I bet it is.

MR. GEMAR: So this, the next slide kind of goes through some of the items that I've just been mentioning. The planting plan was provided to the agencies in September of last year for comments. We did start, or we did collect seeds and cuttings in the fall of last year, and those, the plant propagation is currently proceeding, as I mentioned, in the nurseries. The performance criteria, again, will be to adjust the elevation to within about one foot of the seasonal low groundwater level so that we get a subsurface irrigation of the newly created wetland area. And

again, we would verify that the contaminant levels are acceptable before we would plant in that area.

And again, our target species are pickleweed, alkali heath, salt grass, and fat hen, which are preferred by the salt marsh harvest mouse. And we would also have a long-term monitoring for the newly created wetlands to make sure that the plants do cover the area. Typically after a five year period, I believe the minimum coverage is 75 percent, it actually might be higher than that.

Because Weston is under contract with the Navy to do long-term monitoring of a landfill for a minimum of thirty years, we will be there, and this wetland monitoring would be, you know, part of our long-term monitoring plan. And then the last slide is implementation milestone as we are currently trying to fashion it with the agencies. Again, the first item has already occurred; the seed collection and plant propagation. Actually the first two items have occurred. And we will have the plants ready to plant this fall.

The Navy did initiate formal consultation with the Fish and Wildlife Service in March of this year after several months of informal consultation. And the Navy is attempting to obtain what's called a biological opinion from the service by July of this year. The State of California Department of Toxic Substances Control recently requested from the Navy a, or sent a, what they call a call-in letter, to request the closure plan for the landfill. And the Navy and Weston have ninety days to turn that in, and so that report or that plan, remedial action plan needs to be submitted, at least in a draft form, by July of this year. And we intend to meet that deadline. We are proposing to the agencies that because of the breeding cycle for the salt marsh harvest mouse, and for the overall benefit of the species, that we conduct the trapping and passive relocation on or about October 1 of this year -- I mean August 1, excuse me.

The final RAP/ROD would likely not obtain approval until the fall of this year after it goes through a public comment period as well as agency review. If that occurs, we would like to immediately begin the creation, wetland creation activities because that's the optimal time to do it, which would be in the fall, which would be followed by planting and seeding in the fall and early winter. And next year we anticipate -- knock on wood -- that we would be constructing the landfill cap. Because if we're not, that's probably a career altering event for me. So I'm hoping we will be in that position. And then, of course, we would be performing our ongoing wetland monitoring and maintenance for a minimum of five years, could be longer. And of course, we'll be monitoring the landfill for a minimum of thirty years during that period as well.

So that is what's being proposed. The agency has requested a letter from the Navy, which we'll get out shortly, based on a meeting we had last week to talk about this proposed timing. There is some concern on the part of cutting vegetation within the wetland areas prior to the RAP being signed, and that is something that will have to be discussed with the agencies to evaluate what their concerns are and try to address those concerns. But again, our approach is to try to minimize the impacts and maximize the benefits to the animal, again considering the conditions. And in the wetlands it's, I think for the best that the mouse is no longer located in that area if, in fact, it exists. As Jerry said, we're not certain it will. So with that, are there any questions I can try to answer, or Jerry?

MR. O'LOUGHLIN: Hi, my name is Jim O'Loughlin. On the next to the last page on the bottom chart it mentions, on the top chart it mentions sea lavender on the last line of the chart, and then sea lavender isn't mentioned with the seed and plant targeted species. I was wondering if there was some reason for that?

MR. GEMAR: It's called a boo boo. Sorry about that.

CO-CHAIR DUNAWAY: It will be part of it?

MR. GEMAR: Yeah, that's one of the targeted species.

CO-CHAIR HAYES: Well we'd actually like to hear from the Water Board, Gary.

MR. RILEY: Sure. I'd just like to add on the milestones on the end, since the filling and mitigation would happen as part of the CERCLA decision that's outlined in the record of decision in the RAP/ROD, I just wanted to point out that Dwight's correct, it eliminates the need to get the permits, such as the water quality certification and the waste discharge requirements for the Water Board. But the final plan for doing the mitigation would be part of the remedial design that comes concurrently after the RAP/ROD, it actually describes how the cleanup will be implemented, so it's one of their milestones out there.

MR. GEMAR: Yeah. Although in this case the remedial design is essentially the mitigation plan and the planting plan that go along with the biological assessments, so that gives us all the information we need to go out and to perform the work and to monitor the work. So that part of it has, in actuality, been done. And the agencies have had several months to look at that, certainly since September of last year. And actually those documents in the original form were submitted actually in 2003, so we hope that we do get any feedback, if there is any, on those documents, because that's what we're planning to use.

CO-CHAIR DUNAWAY: And just to add to that, I know Shannon is intending to actually try and get both your agency along with the Army Corps together within the next month or so to begin the discussions on what those details are for the wetland 404 equivalent and 401 equivalent.

CO-CHAIR HAYES: Yeah, that was actually going to be my question was where in this timetable the Army Corps is involved, or if they are. And I guess I'd also like to learn -- thank you for a good presentation, both of you, but -- and I would like to learn two things. One, where the public is involved in these milestones. And in what way we are, what way you would like to hear from us.

And I guess there was a lot of, well not I guess, I think if you were here at the last meeting or you read the minutes, noticed there was quite a bit of, I guess, sparring between Chip at DTSC and Jerry over this topic, which is part of the reason why we put this on the agenda this month. And I'm sorry Chip's not here, and Henry, no one from his agency. But could you explain, would you explain what the hangup was or is with that agency? And what concerns it has related to this, this project? Maybe no one can speak on that and we'll have to wait for someone to appear.

MR. RILEY: I could, I would say that the Water Board and DTSC have had some shared concerns about the project. So I won't speak directly for Chip, but I think I might be able to get down the right track. Since the last RAB meeting we did have an RPM meeting about the H1 cleanup a couple of weeks ago, I believe, probably a week or two ago. And Shannon Bryant was there as well as our usual cast, Jerry and Dwight that are normally at these meetings, to describe the path forward a little bit more clearly.

Dwight's correct in saying we've had some components of this mitigation plan or planting plans and other plans for some time in review. But I would say only at this meeting have we really, at least from my perspective, started to see what the Navy and Weston's clear path forward is. We had some big questions as of the last meeting about what parts of the wetland filling and mitigation would occur when, particularly whether they occur before or after the record of decision is signed. If they don't, then we have a somewhat different process to go through in terms of getting the permits that are required if you're not going through CERCLA. So I think we're, we have some more clarity on that now.

And I would continue to say, and I believe Chip would too, that we would like to continue to see the Navy and Weston really keeping us up to date on what their current plan is for moving forward at any time. I know that they're pursuing the Endangered Species Act consultation with the Fish and Wildlife Service because that's something they want to or need to do on a separate timetable directly with that agency, and also with Fish and Game, but there's other pieces that have to fall into place in addition to that.

And when the biological opinion is issued by the Fish and Wildlife Service, that doesn't magically complete the rest of the project. In other words, there's a lot more to go into it. So I think we're finally understanding more about the path forward. And also to get to the, some of the public involvement pieces that you questioned. There's certainly a public comment period at the time of the RAP and ROD on the decision, and the planned remedial action, including the mitigation. So in my mind that's certainly a point where public review becomes important. But I'm sure there's space before then as well.

CO-CHAIR DUNAWAY: Yeah, I believe Gary described it well. There's another aspect that DTSC has concern with relating to the California Environmental Quality Act, and that's something that I think the Water Board doesn't have an issue with because they don't normally do CEQA type work.

MR. RILEY: Can I weigh in on that.

CO-CHAIR DUNAWAY: Yeah, go right ahead.

MR. RILEY: If I could correct that. If this were happening outside of CERCLA we would issue a water certification and a waste discharge requirement, and that action includes a Board order; it takes place at a public hearing, a draft order is put out for public comment. So the implementing agency for CEQA, the Resources Agency has decided that it's functionally equivalent to CEQA. So it's not that we don't do CEQA, but we do have a process that is equivalent when we're operating through our Board hearings. In this case it's a RAP/ROD, DTSC is the lead agency so their CERCLA concerns do come up.

CO-CHAIR DUNAWAY: And that is the big difference between DTSC and the Water Board. The Board meetings function as a public venue for presentation and comment to the public, whereas DTSC doesn't quite have that administrative process. So I guess in looking at this last slide, the issue has really come about from the four, let's say five bullets, and really the sequence of which ones come first, starting with the biological opinion all the way down to where it says wetland creation. Some of the issues, really I think all the issues have involved around which one comes first, and which one should be done first before you take action. The Navy believes that by obtaining the biological opinion we can at least do the salt marsh harvest mouse active and passive relocation and removal of vegetation. We're not talking about filling wetlands, we're simply talking about relocating themouse. And the reason why we'd want to do that is because that window of opportunity is fast approaching. The RAP/ROD has been delayed now beyond that window of opportunity. And so if we wait until the RAP/ROD, we lose that window of opportunity, we have to wait an entire year before we can get out there and move the mouse at the best time of the year to do that.

That would cause some impacts to Dwight's career as he mentioned, but I think more realistically it would just delay the entire cleanup project. So that's part of the challenge and part of the problem that we're trying to work through with the agencies. Can we do that active passive relocation prior to the RAP/ROD?

And the issue DTSC is wrestling with is that action something that their agency may be somewhat in charge of with relationship to CEQA, because they do have to do a CEQA action or determination. Of course, if we could move that RAP/ROD to the front of the line, right about the time the biological opinion is issued, then I don't think we would have had these issues, we would have had a smoother process where the paperwork would have all been in place. So does that kind of help answer the questions of what his arguments have been?

CO-CHAIR HAYES: Yeah, it does. A couple of other things. You met with folks from DTSC management, I suppose, if there is such a thing there. And did they offer you any alternatives that would satisfy, they felt could satisfy the situation, address the situation? You know, like what other mechanisms did they see being possible to help achieve the same goal other than this program that you've presented to us tonight? Were there any other options presented that would help achieve the same purpose?

CO-CHAIR DUNAWAY: I know that we had elevated the issue within DTSC and that kind of got Dan Murphy to the meeting last Thursday. Shannon and I had to catch a plane though before we ended, we spent an hour and a half on this one topic during the meeting, and I don't know if Dwight, maybe you know, if Dan actually came out with any kind of guidance towards the end of the meeting?

MR. GEMAR: Well, not specifically. When I talked to Chip yesterday we basically agreed that we need to get together again, you know, perhaps in a smaller venue to, you know, hash this issue out some more. To some degree it's kind of a chicken and the egg issue from, as I understand it, from CEQA. If you're impacting the mouse, and that's probably considered a big deal under CEQA because it's fully protected. If you do the trapping and you either find that it's, A, not there; or B, you've captured it and relocated it to a place that's a better location for it, and so, therefore, it's no longer there, then that might change the CEQA determination to perhaps a

mitigated neg dec, which I believe Dan Murphy did say that he wanted to go no higher than a mitigated neg dec if at all possible.

So I can't speak for Dan. But based on his comment in that regard, I think they're incentivized to try to find a way to make it work. Although whether or not ultimately the timing works out to both parties' satisfaction remains to be seen, I think. And Gary or Carolyn can, you know, weigh in on whether that is a fair assessment of what, you know, was discussed. But clearly it's going to require some followup work.

CO-CHAIR HAYES: Well, I just want to make sure that you are aware that, at least for me as an individual, I am very supportive of this project as it has been described, and as we have visited that site and done a site visit on it, and I want to encourage you to move forward on this issue. The landfill had, we've made a tremendous amount of progress on, on getting it contained, and I would absolutely hate to see any kind of bureaucratic bickering stop us in our tracks.

I think Dwight laughs about his career being fundamentally changed if this can't be pulled off, but I don't think it's a laughing matter because the, not only has Dwight made an exceptional effort, in my experience as a community member, to engage the community and to engage all of the parties and bring this landfill literally to closure; but, more importantly, Weston and the Navy put money on the table, well the Navy and Weston took up the responsibility to get this job done. Having an uncontained landfill sitting out there a few yards from new homes has to impact, and I know I'm not supposed to talk about this sort of thing in public, but it has to impact or be at risk of impacting the perception, at least, of the new homeowners adjacent to that landfill. I would hate to see that this body or any agency that has come to the table under this body, the Restoration Advisory Board, could be looked upon as having put their foot out to trip anybody who's moving forward on this process.

It took a lot of work on our part, every person in this room, to get that money, and hundreds of other people, to get that money secured for this site, for this community. And I would hate to see all of our hard work piddled away because people can't pick up the telephone, can't get, you know, across the table from each other, and can't figure out how to make this work. So I'm really impressed to see how far you have gotten, and I'll just urge every single agency, not just the regulating agencies, but also the Navy in the part that you play, to be extremely aggressive in moving this forward, this project forward. I think it is protective of the salt marsh harvest mouse. I haven't handled one, that would be illegal, but I've been a few feet from one. I've participated in the trapping protocol at 4:00 o'clock in the morning. And it is a very detailed and codified kind of process.

And I would, I feel that if the Department of Fish and Game and U.S. Fish and Wildlife Service is comfortable with the direction this is headed, and you have the likes of Howard Shellhammer on the job, that this ought to be something that can get accomplished and get accomplished expeditiously, because we, you know, one step after another is where we need to head to get the job done in the end.

CO-CHAIR DUNAWAY: Thank you, Myrna. There's one other point I wanted to make regarding the public comment opportunities. As Gary and Dwight mentioned, yes, the RAP/ROD has its public comment opportunity. The biological opinion I'm not exactly sure, but

I believe there is not a specific comment period for it prior to it becoming finalized. But I know the Fish and Wildlife Service does provide the action agency, in this case the Navy, with a draft, at least for a thirty day review period, before they decide to take an action to make it final. And if I don't have any objections from my folks in San Diego, I want to bring Shannon out here when this draft is in our hands and present it to the RAB. She knows this stuff a lot better than I do, and I want to have her demonstrate her knowledge and ability on handling these processes and the details required in things like the biological opinion. But I think we can offer you that opportunity to see what the draft biological opinion says.

CO-CHAIR HAYES: I think that would be useful, I think, for us. I just want to make one other comment concerning the biological opinion, that I am happy to see the Navy take the U.S. Fish and Wildlife's authority over the endangered species issues, I'm happy to see the Navy finally take that agency seriously. I think we wouldn't be in some of the problem that we are today with that particular agency if the Navy and the City of Vallejo had taken this issue seriously, the biological opinion and the impacts that closure and transfer would represent for the, for the salt marsh harvest mouse in 1994, '95, '96. So I'm happy to see the Navy finally step up to the plate and acknowledge that the Fish and Wildlife Service does have that, that authority, and also has legitimate concerns for that particular species. I'd also note that some people might wonder why a salt marsh harvest mouse should matter so much. And I think whether you believe in global warming, and whether you believe in the potential for sea level rise, and whether you believe that there's ample fresh water out there for all of the people that will be born after us, the fact is the salt marsh harvest mouse is a pretty remarkable mammal, it can drink salt water and do just fine, and we might need to know that that works one day for ourselves. So it's worth kind of keeping that guy around, the guy and the gals.

CO-CHAIR DUNAWAY: Thank you, Myrna. With that, are there any other questions? Any last questions on the presentation? Okay. Well we know that things are happening fairly quickly now with the Navy engaging with the Fish and Wildlife Service in consultation, so obviously things will be coming out over the next few months on this. And also on the cleanup side, getting to the RAP/ROD is a critical one for us. So with that, why don't we take a break and return in about ten minutes?

(Thereupon there was a brief recess.)

### **III. ADMINISTRATIVE BUSINESS (Myrna Hayes, Jerry Dunaway)**

CO-CHAIR DUNAWAY: Why don't we get back to the table and try to wrap up the rest of the meeting. Let's get back to the table so we can finish the meeting. Okay. We'll get into our administrative business. The April 28th meeting minutes are in your mailing packet. For next month we do have another changed meeting date from our typical last Thursday, and that is June 23rd to avoid the Fourth of July weekend celebrations.

#### **IV. FOCUS GROUP REPORTS**

##### **a) Community (need to select a new group leader)**

CO-CHAIR DUNAWAY: And for tonight I put on the administrative business a note to do a nomination for a new community focus group member. But I'm not sure we have a quorum, if we have defined what a quorum is, to actually do that, nor do we just have the people here to discuss or have a good discussion for that. But I believe that's something we want to do or maybe think about restructuring how we do focus groups all together for the RAB. So we will hopefully, I don't know, get some more discussion on that. Maybe, Myrna, you and I need to talk about how to do something there. So beginning with the focus group reports, we don't have a community focus group leader.

##### **b) Natural Resources (Jerry Karr)**

CO-CHAIR DUNAWAY: Jerry Karr is not here tonight, he's probably still working on his bathroom. Paula, did you have anything you wanted to say on the technical report?

##### **c) Technical (Paula Tygielski)**

MS. TYGIELSKI: Nothing to report this month.

##### **d) City Report (Ray Leftwich)**

CO-CHAIR DUNAWAY: Thank you, Paula. The city is --AWOL. The Lennar report, Steve.

##### **e) Lennar Update (Steve Farley)**

MR. FARLEY: Okay. So there's a handout. If you don't have one yet, they're over here on the table. There's sort of three pieces to the handout, let me start on the left-hand side of the handout, the map. No change from last month, and the reason for that is that we're still working diligently to finish all the cleaning and flushing activities associated with IR 14, the industrial wastewater pipeline system. We're about 85 to 90 percent done with those activities, and I would hope that we'd finish the rest of 'em sometime probably in June. Looking at the small sort of tables on the right-hand side bottom portion of the handout, let me draw your attention to a couple of things that have changed since last month.

Under documents in review, the land use covenants for PCB sites in IA D1.2 is a document that was in review last period, as was a land use covenant implementation and enforcement plan for IA 2. Those documents are still in review. The draft remedial action plan for IA B and the interim removal action work plan for the industrial wastewater pump station number four are two documents that last month were in the upcoming category, they're now in review.

The other two documents that are listed here in the upcoming documents also were in that same category last month. In the milestones category, two PCB sites have been closed in the

last, since the last meeting. That's reflected in the environmental site closure status boxes in the lower right corner. The 360 of 570 sites PCB sites closed; last month that was 358, so slowly but surely we're chipping away at it. So no change in the number of UST sites or fuel oil pipeline segments that have been closed since last month.

And in terms of the new issues and/or public, upcoming public comment periods, those haven't changed. So the next, the next public comment period is for IA C3 RAP, but it is hinged to the additional characterization that we're going to be performing within IA C3 at the request of the agencies. So the last two things, or perhaps maybe the most important, those are the two small inset maps that are in the upper right corner of the handout. Milestone dates for IA D1.2 and milestone dates for IA H2.

In a nutshell, the four activities or the four steps that are listed there. Our hope is that we can get through the lead based paint remediation in both of those areas since for both of them the RAPs have been signed. And then prepare the implementation report this summer leading to the preparation of the draft NFA, or no further action certification, late this fall. That's all I have, Jerry. Any questions?

CO-CHAIR HAYES: You were going to --

MR. FARLEY: You want to go ahead and ask the question?

CO-CHAIR HAYES: I'll set up the question for you, the answer.

MR. FARLEY: Thank you.

CO-CHAIR HAYES: I have been not only inconvenienced by road closures on Mare Island, but more importantly I'm, I'm, just in the absence of any information at all coming out of either Lennar, CH2M, the host of other contractors that Lennar has, or our regulator representative from DTSC, I have become concerned that there is an awful lot of underground construction going on, some of which appears to be associated with environmental cleanup, but it's certainly construction, underground construction that's going on in an area that has not been cleared by the regulating agencies as clean and ready to go.

And I have, am just curious about why that doesn't come before the RAB as any kind of update here. And I'm also just going to say, that's about the roads. I'm going to say that I'm very, very, very disappointed in the lack of professionalism that the road closure staff seems to have. They seemed, and I've complained to individuals at Lennar -- and I don't mean to publicly air dirty laundry because I know that's not appropriate and that's not nice.

But the fact is I've been told that these unprofessional, I believe, street closers, street closers that would never be taking place on this side of the river in this part of the town in the level of attention to detail that's going into them, I'm just told, "Well, it's a construction zone, what do you expect?" And I had at least one event where the sidewalks were not covered and they were muddy, it was raining, and an event that Lennar graciously gave us the property to use, and people were forced to walk in the mud in high heels.

And so I think the whole concept of reuse and cleanup and accelerated, you know, reconstruction of the island is very exciting, it's very appealing, it's very attractive, there's a wonderful marketing plan out there that's really pumping Mare Island, but it is very frustrating for those of us who do business on the island, and those of us who also have somewhat of a conscience over the environmental cleanup issue still. I mean after a while you'd think we would be dulled and lulled.

But this is just on my mind. People are asking me, you know, if the street closures are due to environmental cleanup, and it's hard for me to tell. And then on a separate topic, of course, is several complaints I've had from people about the vegetation removal related to the lead and soil around the historic mansions, where the last time we had a report here, and this was a year ago or more, we were told, we were shown even on site visits, that you had marked plants that were going to stick around or were going to be hand dug around or were going to be replanted. And everything I've seen is clear cut.

And every report that I've had from tenants is that there's no intention of replacing those plants with those types of plantings. And that the landscape architect involved simply says those were old ratty plants that we're just deciding to take out, and we're going to put plants that cover the foundation. Well, you might say that isn't an environmental cleanup issue and that I should butt out, but you gave us site visits and explained how you were going to hand dig around plants. And the fact is that new plantings do not look like the old plantings. Whether they were old plants or ratty plants or whatever, there was a context there that is part of the national historic landmark. That is part of the landmark, it's not only the structures, but the buildings, structures, and landscape itself is all a part of the package. Does that set up the issue well enough for you, Steve?

MR. FARLEY: I think so. Can you show for the record that she winked at me? Jim, did you want to say something before I start?

MR. O'LOUGHLIN: Yeah, I have a question on the --

MR. FARLEY: On the handout.

MR. O'LOUGHLIN: Yeah, on the handout, the map handout. It's titled features within the EETP, and I'm not familiar with that acronym.

MR. FARLEY: I'm sorry. I try real hard to try and explain or define acronyms. The EETP stands for the eastern early transfer parcel. And it's essentially that portion of Mare Island that was transferred to Lennar as the early transfer as opposed to the western early transfer parcel.

MR. O'LOUGHLIN: Thank you.

MR. FARLEY: Sure. Okay. Let me start, Myrna, to, let me start by addressing your concern about the, the contamination issues in areas where construction is going on. Within the EETP there's a document that drives what can and can't be done at certain points in certain areas, etcetera. And one of the provisions in the soil and groundwater management

plan is that if there is going to be a disturbance of soil in excess of four cubic feet -- now four cubic feet --

MR. COFFEY: Nothing.

MR. FARLEY: Thank you, Michael, nothing. When that occurs, we're obligated and do complete a document called a soil disturbance form. And a soil disturbance form is a form that includes a description of the activities, where they're going to occur, what kind of restoration is going to be done. And I'm not talking necessarily about, about environmental cleanup, it can be any kind of work. Describes where it's at, and includes maps, includes the timeframe in which the work will occur. And that document, that disturbance form goes to DTSC, and in this case it goes to Henry. And Henry reviews it and has to approve that before that work can go forward.

So the work that's being done in the roadways right now, for example, is covered by a soil disturbance form that Henry approved. And generally what we do is prepare a map of the area using auto CAD to define the outer limits of the disturbance. And so Henry looks at it, approves it or doesn't approve it, or adds some kind of modifications to it before the work begins. I think one of your concerns was that we might be working in areas where there was contamination, like in IR 11 or something around building 866.

If, and I'm not saying that it wouldn't happen, but if it were to happen that some construction activity was going on within the footprint of an IR site, we would present to Henry the information, both in terms of the boundaries of the work area, and the analytical data that are for that area to demonstrate that even though it doesn't have regulatory closure, there aren't any contamination issues that would create an unacceptable risk to people doing work in the area. So the point I'm getting to with this, some level of detail, is that there is a process that's in place that's driven by the soil and groundwater management plan, that utilizes a document called a soil disturbance form that is reviewed by DTSC and that has to be approved by DTSC before that work can go forward. Okay.

And in terms of the road closures, I didn't bring a handout, but I did bring a map that shows some of the areas where road closures are either in place now or are coming up. And I'd be happy to chat with folks after the meeting if you'd like to kind of stand around in a, you know, sort of a working session and talk through some of these things. The bottom line is that there are a number of road closures that are in place now. And most of those road closures are in place ironically for public safety. We want to make sure folks stay out of the work area so that nobody gets accidentally run over by an excavator or a dump truck or any kind of equipment. And so the road closures are rather conservative because of those safety issues. And I know from my experience out there, there are a number of detour signs and road closure signs, cones that are set up, and there are even some signs that help those who aren't as familiar as a lot of the folks here, how to get, for example, to the chapel, or how to get to certain areas, road signs that say, "This way to the chapel." So I think everybody is doing the best they can with the, with the sort of temporary nature of these things to try and help folks get around. But at the same time, there is a limit to practicality when roads have to be cut off because there's subsurface work going on. And let me back up one step. All of

these road closures that we're talking about except for very, very, very few, and I don't think we have any right now, do we Jim?

MR. ROBBINS: No.

MR. FARLEY: Are all related basically to installing subsurface utilities or road improvements.

CO-CHAIR HAYES: Well, so what you're telling me is that this so-called clean is something that you all did at CH2M Hill beforehand, and now you, DTSC and you have given the blessing for all this other non- cleanup related work to take place, so your hands are washed of this. So what I want to know is who at Lennar do we lodge concerns with, who will not just blow us off, who will not just be flip, and will take seriously the fact that the community, that Mare Island actually is a part of Vallejo, it's a concept, it's not even a part of the county, it really is a part of the City of Vallejo. And there is a standard that we use on this side of the river when we close streets. And we assume that our town is not a construction zone. We assume that people have the right to conduct business. And we have people that we go to at city hall. So who is it that is responsible for that kind of work at Mare Island? Where's your point of contact? I know this is not, obviously has become not relevant for cleanup, and you don't have to answer now, but if somebody could get to me and tell at least me that, then it would be, you know, just by coincidence we learned on the Thursday afternoon before we planned the this several hundred person event in two of Lennar's homes that they had graciously given us, that there were street closures planned. And the entire team had to scramble, the street closure guys, to come up with new work for that weekend so they didn't impact our like 600, 700 people.

So there's something that isn't quite working right. And if it's not a concern concerning environmental cleanup, then we'll, we need to talk about how we do get those issues addressed. What about the dirt around your houses, the plants?

MS. ROEBUCK: Okay. Is this working? Sheila Roebuck. First of all, we'll get you a contact for the construction and road closure issues. I just want to point out, though, that with all the horizontal infrastructure that's being replaced, the road closures around the mansions are being done because utilities that exist under the roadways are being moved basically under sidewalks so that in the future there won't be road closures when people have to access the utilities for maintenance work. So ultimately I think it's going to be a really good thing. But there's no way around closing a road when the utility goes down the middle of it, and that's the situation there. So we'll get you a point of contact, but I think we're, I know we're trying hard to always provide alternate access to buildings, so we'll, but I will get you a point of contact when you have your concerns about that, Myrna. With respect to the --

CO-CHAIR HAYES: Well, I would just like to see Lennar make a really concerted effort to be professional about that. And it's, if it's just my opinion, it's my opinion. But you can come out and walk on the area that my guests were expected to walk on, I don't think you'll be any happier about it, any of your staff would be any happier about it than I am or the people that we were serving that day. So tell me all kinds of -- I mean, I know enough about construction, road construction to know what you're doing out there. I see cable trucks and la

da da. But I don't want to hear that answer, I want to hear we will make every effort to accommodate the public while we do this job because we're working in a public thoroughfare. Okay?

MS. ROEBUCK: With regard to the plant materials that you had concerns about. We're just beginning the work around the mansions, and I'm assuming that some of the concerns that you're describing relate to the landscapes around mansions. And you're right that our, we work with our landscape architect to identify those plants that remain versus those that need to be taken out. A lot of that work was done last summer, that first identification of those plant materials.

Unfortunately that work didn't occur, and we have that going on this summer, so we've gone back out to identify them again. And what we've also done, just in the last few days, is have our landscaper go out with a video camera and take pictures of, around all the mansions so we know what was there before so that the plant materials that were there that are being taken out can be replaced in kind, because that's the intent. There are some, the plan is that, without getting into too many details, all the roses will be saved, and any trees that are above a two inch diameter will also be worked around. But there's some times that in order to get regulatory closure we have to remove the plant materials.

CO-CHAIR HAYES: That's not what we were told last year. We were on tours with Jill and Steve and Jeff, and you had marked plants that you were going to hand dig around. And now there's no hand digging going on, there's clear cutting with trenchers, and wiping it out. And you're not even taking it out and then planning to put it back in. That's a big change from what we were told on our tour. So not to belabor the point and keep people here all night, but I think that's the kind of thing that, silly as it sounds, matters to those of us who have a nexus between historical resource protection and natural resource remediation.

MS. ROEBUCK: Well there is hand digging going on, that's how we're saving the trees, that's how we're saving the rosebushes. And in some locations where, particularly around mansions A and B, where they are historical landscapes, we're trying to save even more. For example, the Birds of Paradise, we're going to try to take them out, remove the soil around them, and replant them.

CO-CHAIR HAYES: Well, quarters A and B aren't the only historical resources. A remarkable thing to Lennar might be for you to learn that there are actually 500 buildings on Mare Island that make up the national historic landmark, and all of captain's row houses and their landscapes make up that, not just quarters A and B which is owned by, expected to be owned by Lennar. So again, I'll just lodge my concern. We're not going to have an argument. You know, you're not going to win and I'm not going to win tonight. I would just like to see where the decision went, how it got to be the way it is versus what we were told it was going to be a few months ago on a site tour. And we weren't told anything about the size of trees or rosebushes.

There are other plantings that, while they may not be beautiful to you, were part of the Navy's landscape, and should be replaced or remain and hand digging going on, that's just what we were told. So if the whole game plan has changed, then no one told us, and that's a

problem with the RAB not actually having any, any technical role to play in the oversight of the Lennar part of the property. We worked with you in, as pretty much in a goodwill gesture. You don't have to bring any presentations here. You don't have to have any public meetings here. You don't have to give any reports here. I appreciate that you do come here and that you do participate.

But if you're not going to be forthcoming with that kind of, type of information, how do we know that you're not going to be telling us about other things that are going on? So there's a level of trust that is, like, broken when things like that take place. They may seem petty to you or not really on the topic, but the only other alternative is to possibly form a citizen advisory committee, a citizen advisory group, whatever DTSC does, and then have an entirely separate operation. And we've been trying to get away, you know, from that. So, the only reason that I'm belaboring this points is because we want you to come back, at least I do, want you to come back to the fold here, come back and engage with us. And this is just like a little teeny, tiny example or two.

MS. ROEBUCK: Okay.

CO-CHAIR HAYES: Thank you, Steve. Thank you, Sheila. And thanks, Myrna. Let's move on to the Weston update. I believe we have a handout that Dwight passed around.

**f) Weston Update (Cris Jespersen)**

MR. GEMAR: Anyone that doesn't have a copy of the handout, it's up here. I'm sitting in for Cris today since he's in Denver. The first item on the wetland mitigation status I won't go over in detail because we just discussed a lot of that.

The second item on the remedial investigation report, the risk assessment folks from both Weston and the agencies have been working very diligently over the last six months, seems like six years but it's only been about six months, trying to get to agreement on the, in order to finalize the remedial investigation. I think we're close, and Weston has asked the agencies to provide any final comments by the end of this month so that we can hopefully finalize the document in the middle of next month. And that will, in turn, allow us to proceed on a couple of other important documents, the draft final feasibility study, and also the remedial action plan slash record of decision which is the decision document that goes out for the public review.

Regarding our extraction system inside the slurry wall containment boundary, we're up to about five million gallons of water extracted and discharged to the Vallejo San and Flood Control District. Our extraction rates are dropping, we're down to about 20 GPM now versus the 50 GPM when we started, and that's because the groundwater continues to lower inside the containment area as we expected. And basically we're, you know, pumping the containment area dry, or at least the water that can easily migrate to the extraction trench, and so we'll expect that that will continue to drop off over time.

And our weekly sampling is well within our discharge criteria. And as I noted here, in fact, our water metal levels are typically below the Mare Island ambient levels. Also, as the photo in the upper right shows, we started putting a two foot soil cover on the eastern side of a

couple of dredge ponds that are immediately adjacent to the new Lenore housing area. And you can see some of the housing construction on the right. This was a requirement on the remedial action plan for the western early transfer parcel.

The reason for putting two feet of dirt on the levee slope was just an extra added precaution that DTSC wanted us to take in case that there were any emission items near the surface that had been missed in the prior two surveys. We believe that, you know, that's a very low probability that that could be the case, but nevertheless DTSC, because of the proximity to the houses, wanted this outboard levee covered with a couple of feet of soil, so we're in the process of doing that. And we hope to be complete with that before the new homeowners arrive, since I don't want them showing up at the next RAB meeting complaining about beeping alarms at 7:00 o'clock in the morning. So we're trying to finish that work before they show up. And then lastly, not to steal Jerry's thunder because I'm sure he'll mention it, but I did put in a small little blurb here about the Marine Corps Firing Range since Weston, under a separate contract with the Navy, is completing the work that had been started at the rifle range. And we did sample all the existing stockpiles for the leachability testing that I mentioned last month. And all of those samples exhibited very low leachability levels, about fifty parts per billion, which is what the PPB stands for. And that's an order, about two orders of magnitude less than the limit. So that soil was cleared for transport to H1.

And you can see a photograph of an excavator loading soil from a stockpile area into an offroad dump truck, and it's being transported and stockpiled in area H1. So that's what we've been up to over at Weston.

CO-CHAIR DUNAWAY: Any questions for Dwight? I'll add to some of the additional contract work Weston is doing, we just awarded earlier this month a contract to Weston, after a competitive selection process, for the onshore munitions foundation work, and followon remedial investigation documentation for the PMA and south shore area. So they'll be busy working on other parts of Mare Island with the Navy. It's probably a couple months out from now before you see any work products from them. Thank you, Dwight.

That moves us to the regulatory agency update. And Chip's not here nor is anyone else from DTSC, so it's between Carolyn and Gary.

**g) Regulatory Agency Update**

MS. D'ALMEIDA: I don't have anything to report.

CO-CHAIR DUNAWAY: Thank you, Carolyn.

MR. RILEY: I'll just give a brief report. On the Lennar side of the property we recently issued a closure for UST site 730 and are in the process of reviewing the draft final DRMO that will be subject to the final meeting at the next RAB meeting. It looks like the Navy has addressed all of our comments on that. And just some upcoming issues of interest to the Water Board. On the Lennar property we're looking at some underground storage tank sites on area H2 that are proposed for residential reuse. And we are, we'll give you the results of the work that Lennar has performed there, and looking to move those along since the remedial action plan, I believe, is scheduled to be submitted in July for H2. That's it.

## V. CO-CHAIR REPORTS

CO-CHAIR DUNAWAY: Any questions for Carolyn or Gary? Why don't we move into our co-chair reports. Myrna, you want to go first?

CO-CHAIR HAYES: I want to thank Jerry for donating some Southwest miles. That's quite an experience to go from the west coast to the east coast and back on Southwest. You should definitely stay in the Southwest, I think. But thank you anyway, Jerry. He did warn me, didn't he, if I didn't mind a couple of stops. I was on a plane for nine hours on Friday. But I'm very pleased to say that I had the honor of attending the Secretary of Defense's Environmental Awards for 2004 at the Pentagon representing the Mare Island Restoration Advisory Board. And I was a judge of those awards in cultural resources management category. And they don't pay the way for judges, so I was honored to be one of about six judges who actually did appear, and we were honored by being individually named and asked to stand and to remain standing while the other judges were selected. And they kindly noted that if they didn't have judges, they wouldn't have awards. So we were nicely honored for that.

And it is a privilege to be at such a giant place and, I guess, the real nerve center of a lot of American activities throughout the world. It is as big as you've been told it is. And the section that we were in is an in-ground, was at ground zero for the attack on the Pentagon in September of 2001, and it's been nicely rebuilt. And there were great folks there, people we had met at Salt Lake who recognized me and came up and made sure that I was escorted around. We had to be escorted but --

MR. FARLEY: Especially you.

CO-CHAIR HAYES: Especially me, you never know what trouble I would get into at the Pentagon. And privileged to meet Rear Admiral Select Mark Bunzell, the Navy's environmental -- you know his title.

CO-CHAIR DUNAWAY: Yeah, he's what is known as the N45, the Chief of Naval Operations, N45 is the environmental wing of the Chief of Naval Operations, basically in charge of everything environmental.

CO-CHAIR HAYES: When we met him in Salt Lake he had just had that job a few days, and it was good to see him again. So anyhow, thank you again, Jerry, for making it possible for me to go back there and to represent our Restoration Advisory Board. And with that, I don't have anything else to complain about or to report on.

CO-CHAIR DUNAWAY: Thank you, Myrna. And you're quite welcome. I thought it would be a great privilege and honor to be there at those events, it's fun. That event in 2003 was the first reason why I got to go to the Pentagon. So it is kind of nice. And what kind of Appetizers did you have at the reception afterwards?

CO-CHAIR HAYES: Well I was amazed that even though that the Navy string quintet or something was playing at the executive lounge, we still had this bright red bug juice for punch. I

thought there'd be beer and wine or something, California wine, not Virginia wine. Maybe that's why they didn't have beer and wine. Anybody's who's had Virginia wine. They were nice hors d'oeuvres, they were good, yeah. And if you've seen the Undersecretary Michael Wynne, Wynne, yeah, speaking about the latest round of BRAC closures, he's been the Department of Defense spokesperson, he was one of the speakers at that program.

And it was an impressive group of people from around the world who really take seriously, as seriously as we all do in this room, environmental cleanup or environmental protection and cultural resource protection throughout the world for the Department of Defense. So an impressive group of awardees as well. And the people that I voted for won too.

CO-CHAIR DUNAWAY: Very good. Well, thank you, Myrna. I'll go into my report. Does everybody have a copy of the Navy progress report? If not, I've got a few copies here. Thank you, Wally. We have a few exciting things going on. And first off, our picture of the month is the U.S.S. Kitty Hawk. A conventional carrier, and was home quartered in San Diego but is now out in Japan.

Let's see. Under paragraph or section number two, I don't think anyone mentioned this at the last RAB meeting, but DTSC has assigned a new person to the Navy's cleanup work on Mare Island. His name is Mr. Rizgar Ghazi.

On the 12th of this month we provided a site tour and program overview to all of our regulatory team members, specifically for Rizgar, to get him up to speed on what we're doing here at Mare Island. His first task will be working on the DRMO removal action. That's talked about in the third paragraph on the second column. And you'll hear more about that at the next RAB meeting, we'll have an actual public meeting presentation as part of the next RAB meeting.

The paragraphs above it talk about a couple of other field work activities. As Dwight mentioned, Weston resumed field work for the Navy on the Marine Corps Firing Range. Pictures on the bottom right are of that work.

We also have field work ongoing at building 742, the former degreasing plant at building 742. It's on Lennar's property, but it's one of the sites that the Navy continues to be responsible for cleaning up. And that work will hopefully get us closer to doing just that.

On the second page we have a series of documents and responses from regulatory agencies. The key response I want to point out is in the second paragraph, DTSC has provided us, not a comment on, but actually approval of the Final Fiscal Year 2005 Site Management Plan. That's very good timing for us, because we next month have to publish the draft of the area six site measure plan. And this will set the stage for that.

In the third paragraph I want to mention May 23rd, Monday, is our next RPM meeting at Mare Island at 10:00 o'clock.

Over in the early transfer summary, I want to repeat that we have an ongoing legal analysis of a law that was passed in 2002 that is somewhat interfering with our early transfer progress here at Mare Island. And until our lawyers and our senior officials tell us that they are done with that review, we can't really do too much at this point.

The last item I want to point out is under my contact information. We have a new website for the Navy's BRAC program management office, and it's a temporary website address just because to get the .mil domain takes a little bit of work, if you can imagine. To get our data onto a military server is going to take a couple more months. So [www.navybracpmo.org](http://www.navybracpmo.org), which stands for program management office, .org, will be the new website for all Navy and Marine Corps BRAC web information. And a lot of it is under construction, but I invite you to visit that website and take a look at it, and provide any feedback if you have any suggestions.

CO-CHAIR HAYES: I hope you'll bear with me. I just have one other update for you. I know a couple of meetings ago the Navy presented, along with Weston and Lennar, a plaque to Diana Krevsky for, recognizing her invaluable contribution to the Restoration Advisory Board, and noting in that that there would be efforts made to, as a tribute to her to restore some of the area at the top of the hill at Mare Island that's slated for a regional park, to kind of restore and enhance some of that area as a tribute to Diana.

She was instrumental, very instrumental in getting the art tribute built, and then located on the hill there. So we thought the small area under the art tribute ship, Spirit Ship, would be an appropriate place to clean, tidy up and landscape.

Well, one thing led to another, and Dwight's staff has, in between projects, while they're waiting for regulators to make decisions, I guess, they, he has put them to work, hard at work mowing a tremendous amount of the hill. And we've met with Mark Sedorborg, a project manager for Art Hanford here, it's based in Sonoma. He lives here in town and they do wildlands restoration work.

And we've come up with a draft budget and a proposal to, and gotten the approval of the fire chief this week to actually burn the hill off, about 25 acres of it, and replant it with native plants. And that will hopefully, they'll compete with the anis weed and keep that at bay. And you'll have improved vistas from all of those hill points.

And it's grown in scope tremendously over what, what we originally intended, but you should be very pleased with the little bit of seed effort that you made, that we may just get a really major part of the phase one of the proposed park plan jump started this spring, with Dwight's already mowing, and then with the fire chief's approval last night of burning, a training burn. And then hopefully we can conjure up the several thousand dollars it will take to drill seed for this fall. And don't ask us what kind of environmental permits we need to do all this work so, but we're very excited about that potential to restore a significant amount of native California habitat back to maybe what it was like in the early 1800s. And we've found rattlesnakes up there, and some good stands of native plants, and Ken and Tony Norris from the county parks, and who else --

MR. BROWN: Diji.

CO-CHAIR HAYES: Diji braved potential ticks to go up to the regional park area and take a look at that work a couple of months, or about a month ago related to the Regional Park Task Force that we serve on. So we're excited about what your brainstorm has led to or is leading to.

CO-CHAIR DUNAWAY: Sheila.

MS. ROEBUCK: I just have one thing I wanted to let the RAB know about that's going to happen in the next couple of weeks, it's sort of an interesting, historic thing. The three Victorians that are on the south sides of the Marine Corps Firing Range are going to be moved, they're all going to be picked up and moved to just south of where building 866 is now. So as soon as the land dries out and they can be moved, they will be.

CO-CHAIR HAYES: And that's moving them back to where they were historically.

CO-CHAIR DUNAWAY: Thank you for that, Sheila. Thank you for the information on the hill, Myrna.

On the second page the picture, the group picture of our regulatory team is actually on the mowed grass courtesy of Weston. Rizgar, just one more bit of information about him. He's head of the Sacramento office for DTSC, so I'm not certain how many appearances he'll make here at the RAB. He's the gentleman, though, on the second to the far right in the white shirt.

MS. ROEBUCK: The one with the tie?

CO-CHAIR DUNAWAY: No, the tall guy is actually Tim from the Department of Fish and Game, a guest regulator that day. He's got the plain white shirt with no hat and a full set of hair. (LAUGHTER.)

CO-CHAIR DUNAWAY: But hopefully he'll make it to the RAB one day and you'll get to meet him, maybe at the next RAB meeting on the DRMO removal action, which is his project. So with that, are there any last comments? Questions? Or anything relating to Mare Island's cleanup program? If not, meeting adjourned. Thank you very much.

(Thereupon the foregoing was concluded at 9:09 p.m.)

## **LIST OF HANDOUTS**

The following handouts were provided during the RAB meeting:

- Presentation Handout – Investigation Area H1 Wetland Mitigation Update
- Weston Solutions Mare Island RAB Update May 2005
- Lennar Mare Island Mare Island RAB Update May 2005
- Navy Monthly Progress Report Former Mare Island Naval Shipyard May 2005