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4/3/02

Frederick Milton (Division of Conservation Planning + Policy/D.C.) is attending a meeting on 4/9 ~~between~~
Ass't Secretary Manson + Arthur Feinstein (Golden Gate Audubon) re Alameda. Frederick is meeting with Dan Ashe the day before. Frederick requested a briefing statement so we thought we'd send him the one Marge Kolar prepared for Steve T. a couple weeks ago. Thanks.

Dave Pavlin + Marge will try to dial into the meeting with Dan. *Cathy O.* X 69380

DATE: 4/1/02

TO: Dave Pavlin

FAX NUMBER: (916) 414-6486

FROM: Cathy Ougi

SUBJECT: Alameda

NUMBER OF FAXED PAGES INCLUDING COVER PAGE: 4

COMMENTS: Marge prepared this Alameda briefing for Steve Thompson on 3/25/02. We'd like to send it to Frederick Milton (Division of Conservation Planning + Policy /D.C.) who is attending a meeting on 4/9 with Assistant Secretary Manson + Arthur Feinstein (Executive Director of Golden Gate Audubon Society) re Alameda. Frederick is meeting with Dan Ashe the day before.

Please surname + also have Steve surname fax back to me by 4/3/02. THANKS.

BRIEFING PAPER

Prepared for: Chief, Division of Conservation Planning and Policy
Submitted: April 1, 2002

Name	Date
<i>ReX</i> State D. Paulin	CA 4/3/02 4/3/02 per telecon
<i>M. Maxon</i>	4/1/02
<i>B. Harrison</i>	4/1/02

Title: Naval Air Station (NAS) Alameda

Issue: Acquisition of the Proposed Alameda NWR

Status:

- The Final Comprehensive Conservation Plan, Environmental Assessment and FONSI for the acquisition and management of the proposed 978-acre Alameda National Wildlife Refuge were approved by the Manager, California/Nevada Operations Office and Regional Chief, National Wildlife Refuge System in September 2000. However, these documents are still awaiting the required Director's concurrence.
- The Chief, National Wildlife Refuge System, has expressed concerns about concurring with the planning documents prior to completion of land transfer documents and agreements with the Navy. He is concerned about future liabilities without some advance agreement.
- The Navy property has been generally divided into 2 parcels: FED-1 consists of lands which do not fall under CERCLA requirements and are generally considered to be "clean." FED-1 includes the highly productive California least tern colony. FED-2 consists of lands for which remedial action plans are, or may be required, but have not yet been completed. FED-2 includes a former landfill.
- The original goal was to develop a Memorandum of Agreement (MOA) to transfer FED-1 as soon as possible, with negotiations on FED-2 to follow after remedial action plans are developed. In 2001, the Navy changed its position and required that the FED-1 MOA include a commitment by the Service that it would take FED-2 whenever the remedial action plan was developed and agreed upon by the regulatory agencies (EPA and the California Department of Toxic Substance Control).
- Also in 2001, the regulatory agencies determined that the Navy had incorrectly assessed polycyclic aromatic hydrocarbons (PAHs) throughout the former naval air station and required the Navy to resample PAHs throughout the base, including the area of FED-1. Although we do not anticipate PAHs will be a problem on FED-1, this resampling effort has delayed the date the Service would be able to accept FED-1, even if a suitable MOA were able to be negotiated. Final validated PAH results are expected in August 2002.
- Staff from the San Francisco Field Office of the Solicitor is working with Navy's General Counsel in San Diego to develop language for an MOA on FED-1 that would include a contingency for any contaminants found on the site in the future and would include some mention of FED-2. However, based on discussions with the Washington Offices of both the

Navy and Department of the Interior, we do not believe final agreements on MOA language will be able to be reached at the field level. There are several points of disagreement in language that can only be resolved at the Washington level, since the agreement will ultimately need concurrence at that level. Although there have been other military land transfer agreements throughout the country, we have been told there is no nationally-accepted language for agreements of this type.

- Although there is no formal overlay refuge agreement, for FY 2001 and FY 2002, the Navy signed cooperative agreements (MIPRs) with the Service to fund monitoring and management of the California least tern colony at Alameda. The agreements allow the refuge to manage the wildlife habitat as any private contractor might, but do not provide for law enforcement or protection that would accrue if the lands and waters were part of the refuge system. To date, this has not been a major problem, but as other facilities on the former air station become more widely used by the public as part of the base reuse process, disturbance to the endangered tern species may become more prevalent.

Background:

- On November 29, 1996, the Fish and Wildlife Service (Service) submitted a GSA Form 1334 to the Navy requesting 525 acres of land and 375 acres of open water at the former Alameda Naval Air Station, subject to completion of an acceptable remedial action plan, together with an agreement by the Navy to execute all actions to complete this plan. The acreages were later calculated to actually be 565 acres of land and 413 acres of open water, for the same mapped area. In April 1997, the Navy closed the 2,842-acre Alameda Naval Air Station.
- The acquisition of these lands will promote the protection of the federally listed endangered California least tern. One of the most productive nesting colonies of the California least tern was established in the early 1980s immediately adjacent to the airfield runway. In addition to their use of this nest site, the terns also use other sites on the airfield for roosting and to escape predators.
- A physical presence at the site is essential to protect the nesting least terns. In April 1999, with a minimal Navy presence at the site, over 60 cars broke through a low fence into the refuge area to view a fireworks display in San Francisco. In addition, the least tern site needs active management (site preparation, monitoring, and predator management) in order for this colony to continue to be productive.

Department/Agency Perspective:

- The Service has determined that acquisition of this site is essential to protect the northernmost colony of the endangered California least tern. However, USDI policy requires that newly acquired lands do not add to the agency's contaminant liabilities. Therefore, the Service must ensure that the Navy completes an acceptable remediation plan and retains long-term liability for remaining contaminants.

Position of Major Constituencies:

- Many Bay area citizens and numerous environmental organizations support the proposed refuge, including the Sierra Club of San Francisco, Golden Gate Audubon Society, Marin Audubon Society, and Citizens Committee To Complete The Refuge. A Friends of Alameda Wildlife Refuge group has been formed as a subcommittee of the Golden Gate Audubon Society.
- The City of Alameda would like the Service to take over management of the site and become a presence on the base. They have expressed strong concerns over the aesthetics of our proposed chain link perimeter fence (\$250,000) and have requested Congressional funding for a more expensive, aesthetically pleasing fence (\$800,000).

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