

**CALENDAR ITEM  
C117**

A 7  
S 6

06/23/11  
W 25116  
E. Milstein  
M. Andersen

**CONSIDER ACCEPTANCE OF APPROXIMATELY 5.7 ACRES OF FILLED AND UNFILLED TIDE AND SUBMERGED LANDS AND SUBSEQUENT CONVEYANCE PER THE AUTHORIZATION TO THE CITY OF VALLEJO, AS TRUSTEE, PURSUANT TO CHAPTER 588, STATUTES OF 2004 AND AS PART OF THE MARE ISLAND PROPERTY SETTLEMENT AND EXCHANGE AGREEMENT**

**PARTIES:**

California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825

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

City of Vallejo  
555 Santa Clara St.  
Vallejo, CA 94590

**INTRODUCTION:**

The purpose of this calendar item is to seek authorization from the State Lands Commission (Commission) to accept a quitclaim deed from the United States of America, acting by and through the United States Navy (Navy), to approximately 5.7 acres of filled and unfilled tide and submerged land, located adjacent to Mare Island in San Pablo Bay, known as the Sanitary Sewage Treatment Plant Outfall (SSTP) and referenced in the Western Early Transfer Parcel (WETP) Quitclaim Deed as Exception Parcel 6; and to subsequently transfer Exception Parcel 6 to the City of Vallejo (City), as trustee, pursuant to Chapter 588, Statutes of 2004. This transaction implements a portion of the Mare Island Property Settlement and Exchange Agreement approved by the Commission on June 27, 2001 (Minute Item C36) and the WETP transaction approved by the Commission on June 18, 2002 (Minute Item C26). Exception Parcel 6 is shown for reference in the attached Exhibit A and described in the attached Exhibit B.

**BACKGROUND:**

Pursuant to Chapter 46, Statutes of 1854, Chapter 81, Statutes of 1897, and Chapter 1452, Statutes of 1963 the State of California granted to the Navy all right, title and interest to certain lands surrounding Mare Island, including lands operating as the Mare Island Naval Shipyard. These granting statutes contained reversionary clauses allowing

## CALENDAR ITEM NO. C117 (CONT'D)

the State a right of reversion to lands lying under the shipyard that were no longer needed by the Navy for military and defense purposes. The Navy closed the Mare Island Naval Shipyard on April 1, 1993, pursuant to the Defense Base Closure and Realignment Act of 1990.

On June 27, 2000, the Commission authorized the Mare Island Property Settlement and Exchange Agreement between the City and the State, acting by and through the Commission. That agreement settled sovereign land title issues at Mare Island Naval Shipyard and authorized the acceptance of remediated parcels of land, including Exception Parcel 6, by the State, subject to the public trust, in exchange for other lands that were to remain with the City of Vallejo, free of any sovereign public trust interest. On June 18, 2002, the Commission accepted title from the Navy to approximately 2,800 acres of land on the west side of the former Mare Island Naval Shipyard, together with public access. This transfer was identified as the WETP. Exception Parcel 6, an area consisting of an outfall used to discharge industrial and storm water runoff, was referenced in the WETP but excluded from the terms and conditions of that agreement because Exception Parcel 6 required remediation. At the time of the WETP, the Department of Toxic Substances Control (DTSC) had required removal of approximately 155 cubic yards of material at the Exception Parcel 6 site due to unacceptable levels of polychlorinated biphenyls and mercury.

The State Legislature, pursuant to Chapter 588, Statutes of 2004, granted, in trust, to the City of Vallejo all the right, title and interest of the State of California held by the state in and to, all tide and submerged lands under navigable waters within the present boundaries of the City of Vallejo.

### **ANALYSIS AND RECOMMENDATION:**

On September 9, 2010, DTSC determined that Exception Parcel 6 had been satisfactorily remediated and that no further action by the Navy was required. The Finding of Suitability for Transfer is attached as Exhibit C. Commission staff has reviewed these findings and concurs with DTSC's determination.

Pursuant to Chapter 588, Statutes of 2004, and based on the finding by DTSC that Exception Parcel 6 has been remediated, staff of the Commission recommends that the Commission accept title to Exception Parcel 6. In addition, staff recommends that the Commission authorize the transfer, by patent of the state's right, title and interest in Exception Parcel 6 to the City, in trust, subject to the public trust.

### **OTHER PERTINENT INFORMATION:**

1. The State, acting by and through the Commission, is authorized under Division 6 of the Public Resources Code and specifically pursuant to Chapter 588, Statutes of 2004, to accept title to Exception Parcel 6 and convey Exception Parcel 6 to the City, as trustee.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has

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determined that this activity is exempt from the requirements of CEQA as a statutorily exempt project. The project is exempt because it involves settlement of title and boundary problems.

Authority: Public Resources Code Section 21080.11

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

### EXHIBITS:

- A. Site and Location Map
- B. Legal Description
- C. Finding of Suitability for Transfer

### RECOMMENDED ACTION:

It is recommended that the commission:

### CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to 14 California Code of Regulations 15061 as a statutorily exempt project pursuant to Public Resources Code section 21080.11, Settlement of Title and Boundary Problems and from the Subdivision Map Act pursuant to Government Code section 66412(e).

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

### AUTHORIZATION:

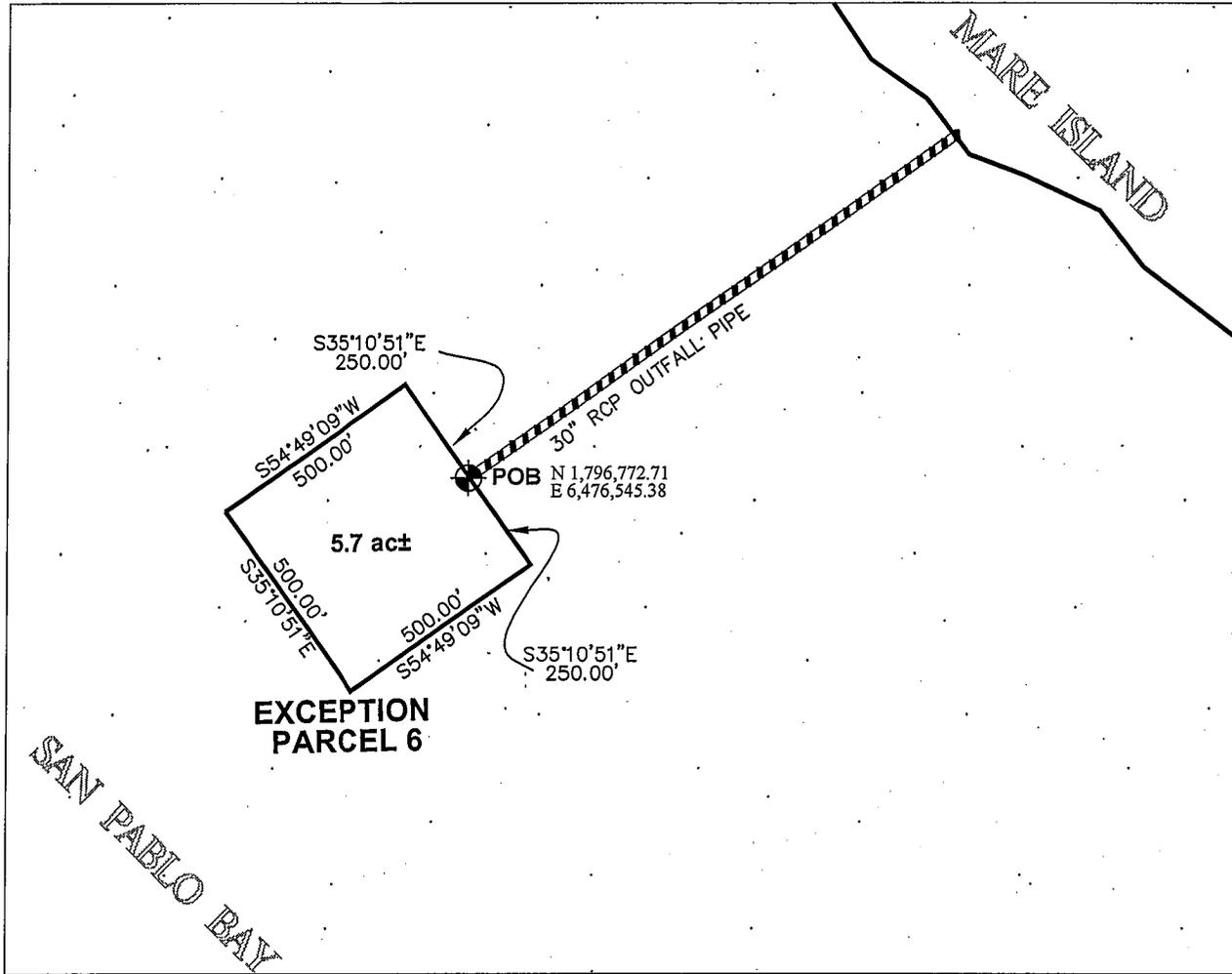
1. Approve and authorize the execution by the Executive Officer and recordation in the office of the Solano County Recorder of a certificate of acceptance of a Quitclaim Deed, substantially in the form on file in the offices of the Commission, from the United States of America, acting by and through the Department of the Navy, for approximately 5.7 acres of filled and unfilled tide and submerged land, located adjacent to Mare Island in San Pablo Bay and referenced in the Western Early Transfer Parcel (WETP) Quitclaim Deed as Exception Parcel 6.

## CALENDAR ITEM NO. **C117** (CONT'D)

2. Find that the lands to be conveyed to the California State Lands Commission are to be accepted as sovereign public trust lands for the benefit of the people of the State of California.
3. Approve and authorize the conveyance, by patent, or quitclaim substantially in the form on file in the offices of the Commission, and recordation in the office of the Solano County Recorder thereof, of all right, title, and interest of the State of California in Exception Parcel 6 from the State of California, acting by and through the California State Lands Commission, to the City of Vallejo as trustee, pursuant to Chapter 588, Statutes of 2004.
4. Authorize and direct staff of the Commission and/or the California Attorney General to take all necessary or appropriate action on behalf of the Commission, including the execution, acknowledgement, acceptance and recordation of all documents as may be necessary or convenient, to carry out the conveyances described in this staff report; and to appear on behalf of the Commission in any legal proceeding relating to the subject matter of the conveyances of Exception Parcel 6.

NO SCALE

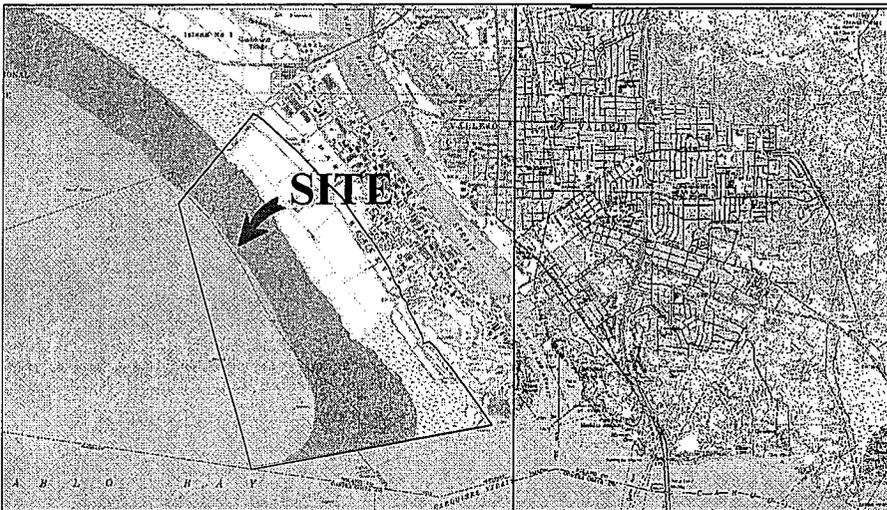
# SITE



## WESTERN EARLY TRANSFER EXCEPTION PARCEL 6 U.S. NAVY TO THE STATE OF CALIFORNIA

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the premises

# Exhibit A

WP 25116  
MARE ISLAND PROPERTY  
SETTLEMENT AND  
EXCHANGE TRANSFER  
SOLANO COUNTY



SCL 06-08-11

**EXHIBIT B**  
**LAND DESCRIPTION**  
**EXCEPTION PARCEL 6 WESTERN EARLY TRANSFER PARCEL**

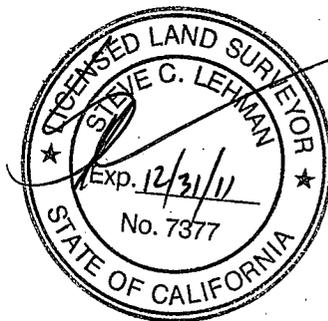
A parcel of tide and submerged land situate in the City of Vallejo, Solano County, California being a portion of those lands commonly known as Mare Island Naval Shipyard as conveyed to the United States for Military Purposes by the State of California by an Act approved March 9, 1897 in Chapter 81, Statutes of 1897 and an Act approved July 13, 1963 in Chapter 1452, Statutes of 1963, said parcel being more particularly described as follows:

COMMENCING at said National Geodetic Survey monument "MARE ID SE 1852 1932" having California Coordinate System 1983, Zone 2, coordinates of N = 1,789,849.06 feet and E = 6,488,254.02 feet as shown on said Record of Survey as filed in Book 21 Surveys at Page 94, Solano County records; thence North 59°24'11" West 13,602.54 feet to the POINT OF BEGINNING, said point having California Coordinate System 1983, Zone 2 coordinates of N = 1,796,772.71 feet and E = 6,476,545.38 feet; thence from said point of beginning the following courses:

- 1) South 35° 10' 51" East 250.00 feet;
- 2) South 54° 49' 09" West 500.00 feet;
- 3) North 35° 10' 51" West 500.00 feet;
- 4) North 54° 49' 09" East 500.00 feet;
- 5) South 35° 10' 51" East 250.00 feet to the point of beginning.

This description is based on California Coordinate System 1983, Zone 2. All distances are grid and in feet (grid to ground scale factor 0.99993193)

**END OF DESCRIPTION**





Linda S. Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Maziar Movassaghi  
Acting Director  
700 Heinz Avenue  
Berkeley, California 94710-2721



Arnold Schwarzenegger  
Governor

September 9, 2010

Anthony Megliola  
Department of the Navy  
BRAC Program Management Office West  
1455 Frazee Road, Suite 900  
San Diego, California 92108

Dear Mr. Megliola:

The Department of Toxic Substances Control (DTSC) and San Francisco Bay Regional Water Quality Control Board (Water Board) concur with the Finding of Suitability to Transfer (FOST) for Parcels II, X-B(1), X-B(2), and the Sanitary Sewage Treatment Plant Outfall of Parcel I. The enclosed map depicts the parcels and their location on the former Mare Island Naval Shipyard.

***Parcel II*** consists of approximately 64 acres located in the northeastern portion of Mare Island. It is made up of the majority of Investigation Area A2. The eastern boundary of the parcel is the shoreline, which is defined as the mean high water line. Parcel II has two appurtenant structures (Fleet Reserve Pier and remnants of the former building ways and associated berthing) and seven buildings (Building 491, 589, 593, 641, 797, 799 and 825). The parcel contains upland habitat and tidal wetlands adjacent to Mare Island Strait and the approximately 40-acre former North Building Ways Area. The parcel is currently vacant. The General Plan designation is for Open Space — wetlands adjacent to Mare Island Strait and for Mixed Use — Planned Development for the remainder of the Parcel.

Actions to address petroleum hydrocarbons within IA A2 were conducted under the Water Board's Petroleum Corrective Action Program. On October 29, 2009, the Water Board issued a letter determining that no further actions related to petroleum hydrocarbons were required for the Former North Building Ways area within IA A2. The Navy addressed polychlorinated biphenyl (PCB) releases at IA A2 through its PCB Program under the oversight of EPA. The Navy received closure for Building 591 in February 2010; Buildings 589, 641, and 643, Building 797/GRA 51, Building 825/GRA 61, GRA 53, GRA 63, GRA 65, and Pier 55 in June 2010, and Buildings 593 and 799 and GRA 55 in August 2010. Three radiological sites (Buildings 589, 593, and 643) were identified at Parcel II and addressed under the Navy's radiological program.

DTSC, the Water Board, California Department of Public Health, and U.S. EPA concurred that no further action was required at these three sites in March 1996. These response actions are documented in the Final Record of Decision/Remedial Action Plan, Investigation Area A2, Former North Building Ways Area, Former Mare Island Naval Shipyard, Vallejo, California dated August 24, 2010.

All or portions of four solid waste management units (SWMUs) were identified within Investigation Area A2. In March 1996, DISC issued a letter concurring with the no further action determinations for two (SWMU 2 — Building 593 Radiological Materials Storage Area and SWMU 108 — Building 593 Areas of Potential Radium Releases) that were closed under the Navy's radiological program. The portions of the two remaining SWMUs (SWMU 93 — Storm Sewer System and SWMU 106 — Sanitary Sewer System) within IA A2 were evaluated as part of the overall investigation of IA A2. DTSC signed the Final ROD for Investigation Area A2 in August 2010 concurring that no further action is required with respect to this Investigation Area, which includes these SWMUs.

Parcels X-B(1) and X-8(2) consist of approximately 7.8 acres of land in the southwestern portion of Mare Island. Parcel X-B(1) contains building A172 and a portion of building A166A. Parcel X-B(2) contains the majority- of buildings A151 and A152. These buildings are non-residential structures, each of which was constructed prior to 1978. The parcel is currently vacant and zoned for Open Space.

The Horse Stables Area (HSA) partially overlaps with Parcel X-B(1). Abrasive blast materials (ABM) were removed as part of two removal actions from this area. DISC concurred that no further action is necessary to address chemical constituents for the overlap portion of the HSA and the transfer parcel X-B(1) in May 2010.

A visual survey was completed in 2010 that did not indicate the presence of munitions and explosives of concern or munitions debris (Weston, 2010, Visual Survey for MEC at WMA Buildings A-149, A-150, A151, A152, A166A and A172 Located within Transfer Parcels X-B(1), X-B(2) and X-B(3)). Additionally, no munitions or explosives of concern or munitions debris were encountered during the removal actions associated with parcel X-B(1). DTSC concurred that no further action is necessary to address MEC or MDAS in transfer parcels X-B(1) and X-B(2) in May 2010.

The Sanitary Sewage Treatment Plant (SSTP) Outfall of Parcel I consists of approximately 5.7 acres of land submerged beneath San Pablo Bay off the western shore of Mare Island. There is a 30-inch concrete outfall pipe that terminates within this parcel. A Remedial Investigation (RI), Feasibility Study (FS) and Remedial Action Plan (RAP) were prepared to address elevated levels of metals and PCBs detected in sediment. Dredge excavation and offsite disposal of sediment was conducted in June 2002 and December 2009 to address these contaminants. Sampling results in the area indicate no further action is necessary to address chemical constituents in the SSTP

Mr. Anthony Megliola  
September 9, 2010  
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Outfall portion of Parcel I. DTSC approved the Completion Report documenting implementation of these remedial actions in May 2010.

The U.S. Navy developed a FOST for Parcels II, X-B(1), X-B(2), and the Sanitary Sewage Treatment Plant Outfall of Parcel I to document that environmental condition requirements and notifications for hazardous substances, petroleum products, and other regulated materials on the properties have been satisfied and that the parcels are suitable for transfer from Federal ownership. DTSC and the Water Board reviewed the draft and draft final versions of the FOST and provided comments. The U.S. Navy revised the FOST and submitted a redline/strikeout version of the Final FOST to DTSC and the Water Board for review. DTSC and the Water Board find the changes made to the Final FOST acceptable and concur with the FOST.

DTSC and the Water Board reserve the right to address any appropriate environmental or human health related issues, should additional information concerning the environmental condition of the property become available in the future. In the event of a newly discovered release, the owner of the parcel shall notify DTSC and the Water Board within 30 days and the no further action determination will be reevaluated to decide whether any corrective action is required.

If you have any questions, please contact Janet Naito of my staff at (510) 540-3833 or [jnaito@adtsc.ca.gov](mailto:jnaito@adtsc.ca.gov).

Sincerely,



Barbara J. Coyle, P.E.  
Acting Assistant Deputy Director  
Brownfields and Environmental Restoration Program — Berkeley Office

Enclosure

See next page

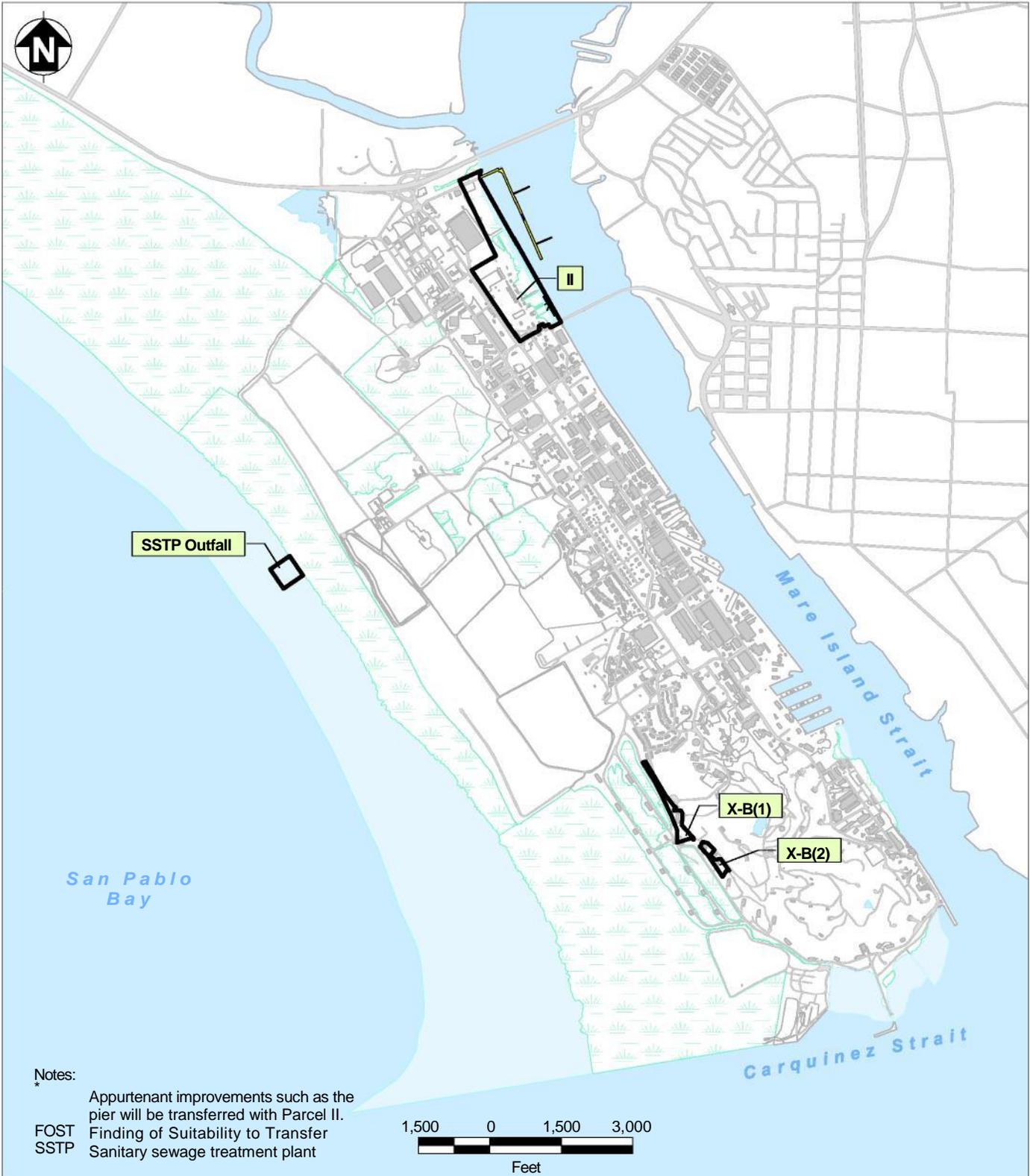
**Mr. Anthony Megliola**  
**September 9, 2010**  
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**Elizabeth Wells (via electronic mail to: [Ewells@waterboards.cadov](mailto:Ewells@waterboards.cadov))**  
**San Francisco Bay Regional Water Quality Control Board**

**Tami Nakahara (via electronic mail to: [TNakahara.ospr.dfq.ca.gov](mailto:TNakahara.ospr.dfq.ca.gov))**  
**CA Department of Fish and Game**

**Carolyn D'Almeida (via electronic mail to: [dAlmeida.carolyn@epamail.epa.clov](mailto:dAlmeida.carolyn@epamail.epa.clov))**  
**U. S. Environmental Protection Agency**

**Brooks Pauly (via electronic mail to: [brooks.pauly.ctrnavy.mil](mailto:brooks.pauly.ctrnavy.mil))**  
**Department of the Navy**  
**BRAC Program Management Office West**



-  Parcels Subject to the FOST
-  Appurtenant Improvement to Parcel II\*
-  Building/Structure
-  Road
-  Site Feature
-  Wetland
-  Mudflat
-  Water



**Former Mare Island Naval Shipyard, California**  
 Department of the Navy, BRAC PMO West, San Diego,

**FIGURE 2**  
**PARCELS SUBJECT TO THE FINDING OF SUITABILITY TO TRANSFER**