

April 20, 2005

**VIA FACSIMILE (916) 445-4633 & US FIRST CLASS MAIL**

**The Honorable Governor Arnold Schwarzenegger**

State Capitol Building  
Sacramento, CA 95814

Dear Governor Schwarzenegger:

This letter follows out recent telephone discussion regarding the paid ad featured in the April 8, 2005, edition of the San Francisco Chronicle newspaper concerning the radioactive and highly toxic contaminates located at the Hunters Point Naval Shipyard (Attached). Despite massive public opposition both within the immediate community of Bayview Hunters Point and throughout the City and County of San Francisco public officials nonetheless approved 93 acres of public trust land for civilian use.

**BACKGROUND**

In November of 2000 a huge majority of San Franciscans, 221,013, or 86.4%, voted for Proposition P, an official ballot initiative, which stated that the entire Hunter's Point Naval Shipyard comprising approximately 493 acres of long-polluted land in southeast San Francisco, should be cleaned up by the U. S. Navy to 'unrestricted use' before the City of San Francisco accepted any transfer of Shipyard land from the Navy.

Four years later--in December 2004—the San Francisco's Board of Supervisors voted 9-2 to accept the transfer of Parcel A, 93 acres of Shipyard land from the Navy so that the Florida-based Lennar Corporation could build and sell at least 1600 units of housing on this Parcel. There remains 400 + additional acres that is slated for future development. Parcel A remains contaminated by toxins left by the Navy. The four other land Parcels located close to A (B, C, D, and E) are even more contaminated.

**PERSISTING POISONS**

The Hunters Point Naval Shipyard remains a Superfund site. In 1989 the Environmental Protection Agency named it one of the 10 most polluted federal properties. On or nearby Parcel A contains some of many dangerous poisons:

**IONIZING RADIATION**

The 10-story former Naval Radiological Laboratory, Building 815, sits on Parcel C, less than 1/4 mile from Parcel A's intended 1600 or more units of housing. The NRDL operated between 1947-69. According to award-winning journalist Lisa Davis of S F Weekly, the NRDL's '2-million-volt Van de Graaf accelerator produced tremendous amounts of ionizing radiation.' In 2004 Breast Cancer Action and the Breast Cancer Fund in San Francisco found that the 'best-established environmental cause of breast cancer' is ionizing radiation.

**The San Francisco Bay Area has the highest incidence of breast cancer among measured metropolitan areas on Earth. The NRDL remains unremediated.**

Almost immediately following the transfer the city sold the land for \$1.00 to Lennar Housing Development Inc., a Florida based mega-million dollar corporation in exchange for developing 1,600 new homes on Parcel A. To justify this flagrant “give away” of public land, the San Francisco Redevelopment Agency, a quasi-state agency established a new district-within an existing district called “Facility 7 District,” with a \$40 million tax increment ploy against unsuspecting taxpayers with its many convoluted Resolutions – to finance infrastructure costs for sewer, utilities, sidewalks, and other site additions, without adequate outreach to and public comment from the affected community residents.

**In the past eleven months ten African American babies have died in their first year of life. These children lived in close proximity of the South Basin of the Hunters Point Shipyard near Parcel E and A, the toxic area slated for new housing development.**

### **METHANE GAS**

In 2002 the U. S. Navy admitted that Parcel E's 46-acre landfill was emitting methane gas. Methane was later found be seeping from Parcels B and C, land that also borders Parcel A. Methane carries volatile organic compounds and enhances asthma.

**San Francisco's high rates of asthma are highest in Bay View Hunters Point and in areas generally downwind of the Shipyard.**

Methane's continuing presence was one reason that the Bay View Hunters Point community's 24-member Restoration Advisory Board to the Navy, a group of citizens empanelled by the Navy to protect and safeguard the health and safety interests of the community **OPPOSES TRANSFER OF PARCEL A BEFORE COMPLETE REMEDIATION OF THE SHIPYARD.**

Communicating methane gas 75 feet away from Parcel A and on other Parcels has forced the U.S. Navy to reopen the Record of Decision (ROD) on Parcel B and forced Lennar BVHP LLC to take serious notice of the communicating Methane gas - a time bomb waiting to explode. Now, after the land has been conveyed for civilian use it has been recently revealed that no construction can legally be started without first addressing the communicating methane gas. However, this action staving the development is only temporary and we fear that construction will commence due to ever-present powerful political influence that is being exerted daily by high-ranking democrats, some of which have direct, personal, conflicting financial interests in the development.

### **THE PARCEL E LANDFIL**

Contents and, in fact, depths of the 46-acre landfill in Parcel E remain unknown. This admitted dump for nuclear waste is known to also contain benzene, chlorine, and radium dials as well as methane. On August 16, 2000 a fire broke out on and in the landfill. S F fire fighters abandoned the fire that day. It burned and smoked for the next 7 weeks. The Navy--which had failed to acknowledge the fire at all to nearby residents during its first three weeks until complaints by sick residents forced a dialogue. Many complained about a mysterious oddly colored smoke. Football fans at Candlestick's 3-Com Park reported smelling the acrid fumes. The Navy eventually incurred a \$25,000 fine from the EPA for failing to notify anyone that an underground fire was raging for weeks in the toxic Hunters Point landfill. Later it applied a plastic cap to the landfill. Today, the landfill remains unplumbed by the Navy, the City or the Lennar Corporation. Scientific evidence shows that a major seismic event could produce a volcano like or **FLOOD OF RADIATION AND POISONOUS GAS THROUGH LIQUEFACTION** if a 1906-level earthquake struck San Francisco.

Apart from these complex health and safety issues affecting some 38,000 residents of the immediate area of Bayview Hunters Point, the simple truth is that former mayor Willie L. Brown Jr. hatched this private development scheme. It is motivated by grotesque greed and democrat partisan politics with its chief aim to steal land from the public trust for personal profits. The Bayview Hunters Point community is an easy target for such modern day profiteers because it is historically underserved and poor. Moreover, it lacks the political and economic influence to fight back, unlike other more affluent districts of San Francisco. In exchange for the \$1.00 deal orchestrated by his predecessor Willie Brown, Mayor Newsom is carrying forward Brown's plan to exploit the impoverished district by

offering a jobs benefits package since they know that the unemployment rate is as high as 40 percent in the area. Further, Newsom has disingenuously announced that half of the new houses will be offered to residents of Bayview Hunters Point that cannot possibly afford them.

Equally appalling is widely known facts, that through its legal counsel Lennar Bayview Hunters Point LLC has hired felons and local gangsters to threaten and intimidate women in public meetings who have challenged Lennar. This third party arrangement by Lennar to pay henchmen through a law firm is to evade scrutiny under state attorney client privilege. Nonetheless, we believe these actions are criminal and must be promptly investigated. Moreover, a highly respected female doctor raised in the community her entire life and currently serving as an official representative of the Restoration Advisory Board complained of her harassment and intimidation to city law enforcement agencies. She presented a videotape as evidence of the City Hall incident, which clearly identified the assailant, a man standing over 6 ft tall and well over 200 pounds that she, a woman approximately 4'10 and under 125 lbs was victim of an egregious verbal assault. Although she too felt physically threatened at the public meeting by e felon was unfortunately turned away.

In closing, in over 30 years since the election of Democrat Jerry Brown as California Governor, nor in recent times has a single governor of any party visited the Bayview Hunters Point district of San Francisco. Consequently, it has suffered nightmarish isolation from the rest of the population with high rates of homicide, unemployment, and catastrophic levels of disease and despair from pollution. Your mere presence and the sustained intervention of your office in our historically underserved community could genuinely save and protect the lives of untold numbers of our children in the future. Even a limited commitment of your attention on this issue presents an enviable opportunity for you to demonstrate to the media and the world that you are, in fact, a real action hero in office as you have been for years on the silver screen, fighting for those who can not defend themselves. In a town that is just 15 percent Republican, the residents will welcome you with open arms as an ally and friend of the disenfranchised and a true terminator of toxins.

Finally, we would like to coordinate a meeting with you and our members to discuss how your office may assist us with the issues summarized in this letter.

Please contact me at (415) 816-2307 if you have any questions regarding any arrangements that you may require for the meeting.

Sincerely,

*Original signed*

Francisco Da Costa