

**DEPARTMENT OF DEFENSE  
DEPARTMENT OF THE NAVY**

**FINDING OF NO SIGNIFICANT IMPACT (FONSI) FOR THE PROPOSED  
INTERAGENCY TRANSFER OF EXCESS PROPERTY AND DEVELOPMENT OF AN  
OUTPATIENT CLINIC, OFFICES, AND NATIONAL CEMETERY AT THE FORMER  
NAVAL AIR STATION ALAMEDA, ALAMEDA, CALIFORNIA**

Pursuant to the Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508) implementing the National Environmental Policy Act of 1969 (NEPA), and the Department of Navy's Procedures for Implementing NEPA, the Department of Navy (Navy) gives notice that a final Environmental Assessment (EA) has been prepared and an Environmental Impact Statement (EIS) is not required for the Navy's transfer of excess federal property to the U.S. Department of Veterans Affairs (VA) for the VA's proposed development of an outpatient clinic, offices, and National Cemetery at the former Naval Air Station (NAS) Alameda, Alameda, California. The Final EA is summarized and incorporated by reference into this FONSI.

**Proposed Action:** The Proposed Action is the interagency transfer of excess federal property at the former NAS Alameda from the Navy to VA for the VA's development of an outpatient clinic, offices, and national cemetery at the former NAS Alameda, in Alameda, California. Specifically, this action would be implemented by the Navy completing an interagency transfer of approximately 624 acres of excess federal property (referred to as the "VA Transfer Parcel") to the VA for the VA's construction and operation of a Veterans Health Administration (VHA) outpatient clinic (OPC), Veteran Benefits Administration (VBA) outreach office, National Cemetery Administration (NCA) columbaria cemetery, conservation management office (CMO), and associated infrastructure on approximately 112 acres of land (referred to as the "VA Development Area"). The VA would also construct an access utility/road corridor on approximately 6-acres of land to the east of the VA Transfer Parcel. The remaining 512 acres, including a 9.7-acre California Least Tern (CLT; *Sterna antillarum browni*) colony, would remain undeveloped and managed for the long-term persistence and sustainability of a seasonal California Least Tern (CLT) colony, with access restricted during the CLT breeding/nesting season. The VA Development Area would be located approximately 1,800 feet away from the CLT colony. This development alternative has been identified as the preferred alternative by the VA.

Interagency transfer of the excess federal property is the responsibility of the Navy. VA is responsible for the construction and operation of the subsequent development following property transfer. The VA, as future owner of the property, will be responsible for obtaining all applicable permits prior to construction. The VA will be responsible for implementing and monitoring all applicable minimization and mitigation measures identified in the Final EA, including measures identified in a 2012 U.S. Fish and Wildlife Service (USFWS) Section 7 Biological Opinion (BO).

**Purpose and Need:** The Navy's purpose for the Proposed Action is to transfer excess property at the former NAS Alameda via an interagency transfer to the VA. The Navy's need for the Proposed Action is to comply with the Defense Base Realignment and Closure Act (DBRCA) of 1990, as amended (Public Law 101-510, 10 USC 2687 [1994]).

The VA's purpose for the Proposed Action is to establish a single location for combined services consistent with the National "One VA" goal, which advocates consolidating services wherever

possible to ensure that the most centralized, coordinated, and efficient care and services are provided to Veterans in a local area. VA's need for the Proposed Action is to serve, care for, honor, and memorialize San Francisco Bay Area (Bay Area) Veterans in a manner that addresses the area's current and future capacity needs and provides a greater range of services at one location.

**Existing Conditions:** NAS Alameda was recommended for closure in 1993 by the Base Realignment and Closure Commission in accordance with the DBCRA of 1990. In 1996, during the federal screening process, the Department of Interior's United States Fish and Wildlife Service (USFWS) submitted a request for interagency transfer of property that includes the VA Transfer Parcel. This property was identified by USFWS as a proposed area for a national wildlife refuge. The Navy subsequently prepared a Final Environmental Impact Statement for the Disposal and Reuse of Naval Air Station, Alameda and Fleet Industrial Supply Center Alameda Annex and Facility, Alameda California in October 1999 (1999 FEIS), and published a NEPA Record of Decision (ROD) in the *Federal Register* on March 9, 2000 (Volume 65, Number 47), which primarily addressed the disposal and reuse of those parts of NAS Alameda that were surplus to the needs of the federal government, but assumed that the Navy would transfer about 900 acres of excess federal property (of which 375 acres are submerged) in the western and southwestern parts of NAS Alameda to the USFWS for establishment of a national wildlife refuge.

During a period from 2000–2001, USFWS and the Navy attempted to negotiate a memorandum of understanding but ultimately reached an impasse regarding the terms and conditions for an interagency transfer of property. Subsequently, the Navy engaged in discussions with other federal entities that had a long-term need to acquire lands to support their missions. VA expressed interest in the property and submitted a formal request for the property in 2006. The submerged lands considered for transfer in USFWS's prior property request are not included in the proposed federal-to-federal transfer to the VA. Since 2000, the Navy has transferred a total of approximately 1,688 acres to other property recipients.

The 624 acre VA Transfer Parcel is located in the northwest corner of the former NAS Alameda property and is comprised of developed and disturbed land that was previously utilized for military, industrial, and aircraft uses. The parcel is located entirely on manmade lands (i.e., fill material imported during the early to mid-20th century) and the majority of the parcel is situated on the inactive runways, taxiways, and other paved aircraft areas of the former NAS Alameda. The area is surrounded by the San Francisco Bay to the south and west and the Oakland Estuary to the north. The Port of Oakland is situated farther to the north of the estuary. To the east and north lies the remainder of the former NAS Alameda property, now referred to as Alameda Point.

Both natural and manmade elements frame the character of the environment. Access to the site is limited to the public and is confined by urban development and the waters of the San Francisco Bay. Migration (i.e., habitat linkages and corridors) through the area is generally feasible only for bird species. Vegetation and wildlife habitat within the VA Transfer Parcel is mostly comprised of a mix of ruderal-disturbed habitat and nonnative annual grasslands. In addition, the property contains a lesser amount of northern coastal salt marsh, seasonal wetlands, riprap, and unvegetated waters.

The CLT is federally listed as endangered and nests and roosts on a ruderal-disturbed paved portion of the former NAS Alameda airfield area and forages in the adjacent open water. Its primary nesting area is an approximately 9.7-acre fenced section on the southern portion of the former airfield area within the VA Transfer Parcel. This area, known as the CLT colony, is continually managed to promote CLT use, including nesting enhancements comprising the

introduction of gravel, seashells, and other nesting area substrates; as well as predator and vegetation control.

**Scope of the EA:** The Final EA documents the Navy's compliance with the requirements of NEPA, as amended, the CEQ regulation implementing NEPA (40 CFR Sections 1500-1508); and Navy procedures for implementing NEPA (32 CFR Part 775). The Final EA evaluated the potential direct, indirect, short-term, and long-term impacts on the human and natural environment resulting from the Navy's interagency transfer and the VA's reuse. The Final EA also assessed the potential cumulative impacts that may result from reasonably foreseeable projects in the region. Resource areas analyzed in the Final EA include: biological resources; water resources; transportation, traffic, circulation, and parking; cultural resources; visual resources and aesthetics; land use; air quality; greenhouse gas emissions and climate change; socioeconomics and environmental justice; hazards and hazardous substances; utilities; noise; public services; and geology and soils.

**Alternatives Considered:** The Final EA fully assessed the two action alternatives retained for analysis involving an interagency transfer of excess Federal property at the former NAS Alameda. The VA Transfer Parcel would consist of approximately 549 acres under Alternative 1 or approximately 624 acres under Alternative 2. Both action alternatives included the construction and operation of an OPC, outreach office, CMO, cemetery, and associated infrastructure on approximately 112 acres. Under either alternative, the remaining acreage would remain undeveloped: 438 acres and 512 acres under Alternatives 1 and 2, respectively. Under either alternative, the VA would also construct an access utility/road corridor to the east of the VA Transfer Parcel. A No Action Alternative, in which the Navy would retain ownership of the property under caretaker status, was also evaluated. Alternative 2 has been identified as the preferred alternative by VA because it minimizes potential effects to the CLT by moving the proposed VA Development Area north, farther away from the CLT colony while retaining the proposed development required to meet VA's purpose and need.

To identify alternatives, the VA and the Navy rigorously explored and objectively considered other potentially reasonable alternatives to the Proposed Action. As part of the alternatives planning process, a range of preliminary site alternatives were identified and then screened against the Proposed Action's purpose and need as well as VA siting criteria. Through this process, some alternatives were eliminated from further consideration and the remaining alternatives were studied in detail as part of the NEPA review.

The VA and the Navy carefully considered the existing biological and environmental constraints and used them to guide the planning process, so that the project design could incorporate features that would minimize potential project impacts. Several meetings were held with USFWS staff members, the Golden Gate Audubon Society, City of Alameda, and other stakeholders to address concerns about potential impacts on the CLT colony. On August 30, 2011, the VA and the Navy submitted a Biological Assessment (BA) to the USFWS and requested formal Section 7 consultation, pursuant to Section 7(a)(2) of the Endangered Species Act (ESA), for the Proposed Action, which at the time was the project as described under Alternative 1 in the Final EA. Following submission of the BA, the USFWS notified the VA and the Navy on September 29, 2011 that USFWS was unable to initiate formal consultation, citing a desire for additional information. The USFWS, Navy, and VA then met numerous times to discuss the additional information needs as well as concerns regarding potential impacts of the project on the CLT. As a result of these discussions, the USFWS, Navy, VA, City of Alameda, and East Bay Regional Parks District (EBRPD) worked collaboratively to revise the project to minimize potential adverse effects of the Proposed Action on the CLT. This collaborative process resulted in the

development of Alternative 2, which moved the proposed VA Development Area north, farther away from the CLT colony.

**Environmental Effects:** The Final EA concluded that implementation of the Proposed Action, with specific mitigation measures, would not significantly impact the quality of the human environment. The following is a summary of the environmental consequences of the Proposed Action (identified as Alternative 2 [Preferred Alternative] in the Final EA.

Biological Resources:

- Vegetation and Wildlife Habitat: The Proposed Action would result in the modification or loss of some of the existing vegetation and wildlife habitat area in an area (18% of the total VA Transfer Parcel) limited to the VA Development Area. The majority of this area is comprised of marginal habitat (i.e., ruderal disturbed and nonnative annual grassland). To reduce the adverse impact (i.e., direct removal of, placement of fill into, or hydrological interruption of federally protected wetlands) to the northern coastal salt marsh and seasonal wetlands habitats found within the VA Development Area to less than significant, the VA will implement **Mitigation Measure BIO-1**. **Mitigation Measure BIO-1** requires that the VA undertake Clean Water Act Section 404 permitting and 401 Certification prior to project construction. The Proposed Action is within the US Army Corp of Engineers (USACE) San Francisco District's jurisdiction. The VA proposes a replacement ratio of 1:1 and shall consult with USACE through the 404 permitting and 401 certification process to determine if on-site permittee-responsible mitigation, the San Francisco Bay Wetland Mitigation Bank [Bank], in-lieu fee is the appropriate mitigation.
- Federally Listed Threatened and Endangered Species: Implementation of the Proposed Action would result in the development of approximately 112 acres of currently vacant land (i.e., the VA Development Area). The Proposed Action's development footprint was specifically designed to reduce the potential effects on the CLT, including providing and maintaining most of the site as undeveloped managed open space which provides a large buffer between the CLT colony and development. However, the reintroduction of uses within this former military airfield area would have the potential to have an effect on the CLT, including predation, perceived predation and human disturbance, and potentially impact the ability to conduct effective predator management at the site.

All construction and operational activities under the Proposed Action would take place within the VA Development Area (112 acres), 1,800 feet from the CLT colony. Direct effects within the Development Area to the CLT would primarily consist of increased noise and traffic, which could have an effect on the CLT colony. In addition, increased human activities may increase habitat for predators of the CLT. There is the potential for indirect adverse effects from activities including sources of noise (e.g., traffic) and increased human presence. The remaining VA Transfer Parcel (approximately 512 acres), including the CLT colony, would remain as undeveloped managed open space. No direct VA construction or operational activities would occur within the undeveloped managed open space resulting in no direct disturbance of the CLT colony or the habitat surrounding it.

Evidence suggests that the western snowy plover visits the surrounding area sporadically as a foraging migrant. The increased presence of humans and equipment during construction would increase the likelihood of disturbances (e.g., noise, light, etc.) to foraging and resting birds. These impacts would be intermittent, and are unlikely to affect the use of the site by western snowy plover. Potential indirect effects of the project action on western snowy plover

are generally shared and similar to those identified for CLT. Potential indirect effects would arise from increased human activity near foraging and potential nesting areas (CLT colony) and the daily use of new structures in the vicinity of the of these areas. Should the western snowy plover reestablish itself as a nesting species in the action area, effects on the species are likely to be identical to those identified for the CLT and thus the proposed avoidance and minimization measures for the CLT are also adequately protective.

Under Section 7 of the Endangered Species Act, the Navy and VA formally consulted on the preferred alternative with the USFWS. The USFWS issued a Section 7 Biological Opinion (BO) dated August 29, 2012 concurring with the Navy and the VA's determination that the Proposed Action "may affect, and is likely to adversely affect" the CLT and "may effect, but is not likely to adversely affect" the western snowy plover. To reduce adverse effects to the CLT to less than significant and to minimize the potential for harm and harassment of the CLT resulting from project related activities, the VA will implement **Mitigation Measure BIO-2. Mitigation Measure BIO-2** requires the VA to implement specific avoidance and minimization measures, as identified in the 2012 USFWS BO. The measures provide for the long-term conservation and management of the CLT and include implementing land use restrictions, colony management, and predator control necessary for the long-term maintenance, management, and monitoring of the CLT. A detailed summary of the avoidance and minimization measures that the VA will implement are included in the Final EA.

- Common Wildlife and Special Status Species: Common and special-status species would be affected through the removal of marginal habitat (non-native grasslands), and removal of existing vegetated areas within the VA Development Area. In addition, wildlife in the VA Development Area would be subjected to increases in noise and dust associated with construction. As a result, some habitats would be reduced in extent during construction and some common species' local abundance may temporarily decline. However, potential impacts to common species and habitats would not be substantial due to the current low abundance of wildlife and expected subsequent re-population upon construction completion. Consequently, any impacts of the project on common wildlife and special status species and habitats would have a negligible effect on regional populations. The majority of the VA Transfer Parcel (approximately 512 acres) would be left as undeveloped managed open space, which could be utilized by common wildlife and special status species that are compatible with CLT conservation and management efforts (see Mitigation Measure BIO-2).
- Habitat Linkages and Corridors: Because activities would be confined to the VA Development Area, impacts to migratory corridors are not expected to occur. Further, because the CLT colony would be managed and preserved, and potential future public access would be limited to the perimeter of the Transfer Parcel; the undeveloped area is anticipated to be utilized by other wildlife.

Water Resources: The Proposed Action would not have a significant impact on water quality, groundwater, floodplains, and coastal resources. The VA Transfer Parcel (i.e., Federally owned lands) is located outside the coastal zone, but Federal activities on land outside the coastal zone that potentially affect resources of the coastal zone must be consistent to the maximum extent practicable with the provisions of the Federally-approved state coastal management program, which includes the *San Francisco Bay Plan* (Bay Plan). The Proposed Action is consistent with the Coastal Zone Management Act and the provisions of the Bay Plan.

Transportation, Traffic, Circulation, and Parking: Direct and indirect construction-related

transportation impacts resulting from the Proposed Action would be temporary and would not have an adverse effect on weekday peak-hour traffic conditions. Operationally, the Proposed Action (year 2017) would not adversely affect any of the 11 study intersections during the weekday a.m. peak hour, weekday p.m. peak hour, and Saturday peak hour. All study intersections would operate at level of service (LOS) D or better.

In addition, the Proposed Action would add additional passengers to the municipal transit system, provide new pedestrian and bicycle amenities, add pedestrian users and bicyclists, provide on-site user-specific surface parking, and improve site access and on-site circulation. The Proposed Action would not result in a significant impact to these transportation components.

Other Resource Areas: The Proposed Action would not result in any significant short- or long-term significant impact on cultural resources; visual and aesthetic; land use; air quality; greenhouse gas emissions; socioeconomic and environmental justice; hazards and hazardous substances; utility; noise; public services; and geology and soil resources. Further, the Proposed Action would not create environmental health risks that could disproportionately impact children of minority and low-income populations.

Cumulative Impacts: There would be no significant cumulative impact to biological resources, with the implementation of **Mitigation Measure BIO-1** and **Mitigation Measure BIO-2** and there would be no significant cumulative impact to water; cultural; visual and aesthetic; land use; air quality; greenhouse gas emissions; socioeconomic and environmental justice; hazards and hazardous substances; utility; noise; public services; and geology and soil resources.

There would also be no significant cumulative impact to transportation, traffic, circulation, and parking resources. Cumulatively, during year 2035, three study area intersections are projected to perform at unacceptable levels without the contribution of traffic resulting from the Proposed Actions. The deterioration of the performance of these intersections is a result from other foreseeable non-project actions occurring in the study area, including the redevelopment of Alameda Point. Importantly, with the Proposed Action, the intersections would already be performing at unacceptable levels by the year 2035 regardless of this Proposed Action. The minimal additional traffic resulting from the Proposed Action, would not, cumulatively, make the already unacceptable intersections significantly worse.

Therefore, as a total cumulatively impact, the Proposed Action would only minimally contribute to an adverse cumulative impact (i.e., minimal increase of projected delay at three already unacceptably performing intersections). The magnitude and significance of the cumulative effects, resulting from the Proposed Action, does not reach a level of magnitude to be considered a significant adverse cumulative impact on the total resource.

Mitigation and Monitoring: The VA will implement **Mitigation Measure BIO-1** and **Mitigation Measure BIO-2** (as identified above) to reduce potential impacts to biological resources (i.e., potential adverse impacts to the CLT and northern coastal salt marsh and seasonal wetlands habitat) below a level of significance. The Final EA identifies the specific mitigation measures that will be implemented, including the anticipated benefit of the mitigation measures and how the VA will implement and monitor the mitigation commitments. All other design, avoidance, best practice measures will be implemented as part of construction and operation as described in the Final EA. The VA has considered the long-term funding impacts of the EA mitigation measures and is committed to implementing such measures and has mechanisms in place to seek adequate funding for their implementation.

**Public Involvement:** In accordance with CEQ regulations (40 CFR 1506.6, “Public Involvement”), the Navy and VA provided a 43-day scoping period (December 8, 2008 - January 20, 2009). In addition, a public information meeting was held on December 18, 2008, at the USS Hornet Museum (707 West Hornet Avenue, Alameda, CA). Comments received addressed a variety of concerns, including increased traffic; the effects of a community hospital and helipad that was initially proposed as part of the VA development; and the effect of the project on the CLT. VA and the Navy considered the comments received during the scoping process to help determine the range of issues and alternatives to be evaluated in the EA. Further, based on agency and public concerns received during the scoping period, VA modified the total scale of development in its original 2008 Proposed Action, by eliminating a proposed VA hospital (250,000 gross square feet) and helipad and by reducing the total area of office space.

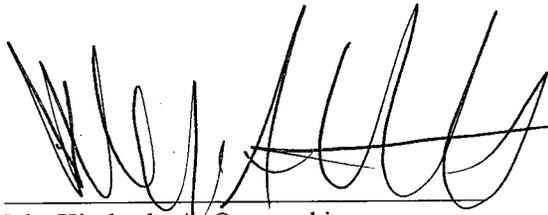
During the NEPA analyses, VA and the Navy consulted extensively with various public agencies having jurisdiction and/or interest in this site, including, but not limited to: USFWS, US EPA, USACE, Bay Conservation and Development Commission, East Bay Regional Park District and the City of Alameda.

The Draft EA was released for a 56-day public review and comment period (February 22 – April 19, 2013). During this time period, a total of three separate public meetings were held on two separate days at two different venues. The first two meetings were held on March 14, 2013 (afternoon and evening) at the USS Hornet Museum. The third meeting was held on the evening of April 10, 2013 at the City of Alameda Albert H. Dewitt Officers’ Club (641 West Redline Avenue, Alameda, CA). Attendance and participation at the meeting was not required to provide comments. Federal, state, and local agencies, as well as interested parties, were also encouraged to review and comment on the Draft EA by mail, fax, and email. Equal weight was given to all comments received regardless of method received.

The Draft EA was revised, as appropriate, in response to the public comments received during the review and comment period and public comments have been considered by VA and the Navy to evaluate the project’s alternatives and environmental impacts for purposes of making a final decision. All Draft EA comments received and the Navy and VA’s responses are included in the Final EA.

**Finding:** Based on information gathered during preparation of the Final EA and based on the findings in the Final EA, incorporated herein, Navy finds that implementation of the Proposed Action, with the VA’s implementation and monitoring of the mitigation measures identified in this FONSI, would not have a significant impact on the human environment; and that an Environmental Impact Statement is not required for the transfer of excess property and VA’s development of an OPC, outreach offices, CMO, cemetery, and associated infrastructure at the former NAS Alameda, City of Alameda, California.

This FONSI was available for public review for 30 days. The public review period ended 30 days after issuance of the Notice of Availability. This FONSI amends the 2000 NEPA ROD regarding the Disposal and Reuse of NAS Alameda previously published in the Federal Register which assumed that property within the VA Transfer Parcel would be transferred to the USFWS.



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