

## 5.0 OTHER CONSIDERATIONS

### 5.1 POTENTIAL FOR GENERATING SUBSTANTIAL CONTROVERSY

The proposed Navy transfer of Federal land to VA and VA construction and operation of the proposed VHA OPC, VBA Outreach Office, Conservation Management Office, and NCA Cemetery have considerable support from Veterans and the public. However, some concerns regarding the proposed VA facilities were raised during project scoping and agency consultation in relation to the Proposed Action and the environmental review process.

Category	Concern
Biological Resources	Impacts on California Least Tern Colony Impacts on brown pelican Compliance with Endangered Species Act Impacts on wetlands
Transportation/Traffic	Increased traffic on Alameda Island caused by the proposed VA Development Access to the proposed facility Lack of public transportation to the site
Public Health and Safety	Remediation still outstanding from use as a Naval Station Possible liquefaction instability of the site during earthquakes Site location under the flight path of Oakland International Airport, potentially stress inducing for veterans Upgrades and/or repairs to the levees to address sea level rise from global warming
Utilities	Stability of infrastructure such as sewers, water, communication services, and electricity to support new use on the site
Visual	Effects on open space and view corridors out to the Bay
Alternatives	Other alternatives that should be considered on the former NAS Alameda site or at another location in Oakland and elsewhere in the region Support for wildlife refuge alternative over the proposed VA Development
Miscellaneous	Maintaining the former NAS airfield for emergency use by aircraft Effects on Alameda Hospital Perceived as a non-compatible use with surrounding uses such as the Port of Oakland Costs associated with construction and infrastructure implementation Concerns raised about placement of a healthcare facility next to a burial ground (columbarium)

See Appendix A (EA Public Involvement) for detailed EA scoping comments letters received from the public and agencies.

## **5.2 RELATIONSHIP OF SHORT-TERM USES AND LONG-TERM PRODUCTIVITY**

Consideration of the “relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity” is required under NEPA (40 CFR §1502.16). For implementation of the Proposed Action, short-term uses generally are those that are expected to occur within the construction period, while long-term uses refer to the post-construction, or operational, period lasting for several decades.

Implementation of the Proposed Action would have various short- and long-term consequences. Short-term (construction related) impacts caused by the project would be similar for either Alternative 1 or Alternative 2. Under each alternative there is potential for an adverse impact. The analysis in this EA reviewed potential construction and operational impacts under each environmental resource area. Construction impacts would occur during and immediately after construction activities and would generally result in short-term temporary uses, therefore the impact would be considered minor with implementation of management measures and mitigation measures. The long-term operational impacts that would occur over the life of the project would also result mostly in minor impacts with the implementation of management measures and mitigation measures, resulting in minor impacts and a beneficial impact with regard to human health and the environment. See Table ES-1 for a summary of the impacts under each environmental topic.

Resources temporarily affected as a result of construction activities potentially include: water resources, cultural resources, visual resources and aesthetics, air quality, greenhouse gas emissions and climate change, socioeconomics and environmental justice, hazards and hazardous substances, utilities, noise, public services, and geology and soils. Most of the temporary impacts would last only the duration of the construction activities and would be maintained at a minor level through the use of management and mitigation measures, when applicable. The impact of employment growth inducement would be beneficial during construction in the short-term and would also be beneficial in the long-term operation of the facility.

Implementation of either Alternative 1 or Alternative 2 would result ultimately in some beneficial long-term impacts under socioeconomics and environmental justice. The induced employment growth would continue due to long-term job opportunities being made available at the VA facilities. In addition the development of the former airfield area would result in improved visual impacts. Patients, visitors and personnel would have views out toward the San Francisco Bay and beyond. Finally a proposed new access road and sidewalk would allow the general public enhanced access to the site. Visitors will be able to drive, bike or walk out toward the edge of the San Francisco Bay, within approximately 100 feet. All other resources would have no impacts, minor impacts, or impacts that could be managed or mitigated with the exception of one cumulative impact under transportation in the long term. However, this cumulative contribution from the Proposed Action would be minor and would not rise to the level of significance as defined by NEPA.

Either project alternative would address the need for the Navy to transfer, or dispose, excess property and for the VA to establish a single location for combined services (i.e., VHA, VBA, and NCA) consistent with the national “One VA” goal while ensuring centralized, coordinated, and efficient care for Bay Area Veterans. Implementation of either action alternative would revitalize currently unused property while also serving, caring for, honoring, and memorializing Bay Area veterans with consolidated services at a single location. The long-term productivity of the site will be increased.

### **5.3 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES**

A commitment of resources is irreversible when options are lost to future generations. An irreversible commitment of resources suggests that a permanent or long-term – over 50 years – commitment of environmental resources would result from implementing the action alternatives. Irreversible commitments of resources also generally occur from the use of nonrenewable resources, such as minerals, cultural resources, and fossil fuels, which have few or no alternative uses following completion of construction. Other factors are also considered such as resources like soils where productivity is renewable only over long time spans. Conversely, an irretrievable commitment of resources suggests that a short-term – less than 50-year – commitment of resources would result in the lost production or elimination of renewable resources such as timber, agricultural land, or wildlife habitat. Opportunities for use of these resources are foregone for the period of the action alternatives, but these decisions are reversible. The use of opportunities foregone is irretrievable.

Implementation of either Alternative 1 or 2, including the construction of the VHA OPC, VBA Outreach Office, Conservation Management Office, NCA Cemetery, and associated infrastructure, would result in an irretrievable and irreversible commitment of natural, physical, and cultural resources. Under the No Action Alternative, there would be no foreseeable changes of land use within the project area. Thus, adoption of the No Action Alternative would preclude any irreversible or irretrievable commitments of resources. The implementation of Alternative 1 or 2 would involve irreversible commitment of fuel energy and building materials.

### **5.4 COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS**

Construction of the Proposed Action would not commence until the Proposed Action achieves environmental compliance with all applicable laws and regulations, as described below. Environmental compliance for the Proposed Action will be achieved upon coordination of this EA with appropriate agencies, organizations, and individuals for their review and comments. Permits and approvals are needed to address the following:

- USFWS - Endangered Species Act (ESA) (16 USC 1531 et seq.).
- USFWS - Migratory Bird Treaty Act (MBTA).
- SHPO - National Historic Preservation Act (NHPA) (42 USC 4332).
- BCDC - Coastal Zone Management Act, Chapter 33 (CZMA) (16 USC 1451–1464).
- USACE/RWQCB/USEPA – Clean Water Act (CWA) (33 USC 1251 et seq.).
- BAAQMD - Clean Air Act (CAA) (40 CFR 6, 51, and 93).

Under the Federal ESA, the USFWS has authority to list a species as threatened or endangered including plants, wildlife, and resident fish. Section 7 of the ESA outlines procedures for Federal interagency cooperation and participation in the conservation and recovery of Federally listed species and designated critical habitat. Section 7 consultation with USFWS has taken place and they issued a BO (see Appendix B [Biological Resources Supporting Information]). The USFWS concluded that two Federally listed species, the CLT and western snowy plover, have potential to occur within the action area and/or be affected by project activity. Conservation measures, as set forth in and legally required by the BO will be implemented throughout the preconstruction/design, construction, and operation phases of the project to avoid and minimize effects to the CLT colony. VA will also be required to implement CLT colony management and predator management programs.

Carrying out the project action may affect, and is likely to adversely affect the CLT colony throughout the life of the project. However, the BO concluded that for the reasons included in the BA, the identified conservation measures will ultimately avoid and minimize effects on the CLT arising from human disturbance, predation, noise, lighting, landscaping, and other potential effects of the project.

The Proposed Action is subject to Section 106 of the NHPA, because construction and operation of the proposed VA facilities would be a Federal action with the potential to affect NRHP-eligible properties. VA is the lead Federal agency responsible for compliance with Section 106 of the NHPA. The requirement under the NEPA to identify and assess impacts on cultural resources may be fulfilled through compliance with Section 106. VA has initiated consultation under Section 106 of the NHPA with the California SHPO and has invited parties with a demonstrated interest in historic preservation or in the NAS Alameda to participate as consulting parties.

The VA Transfer Parcel (i.e., Federally owned lands) are 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) and related San Francisco Bay Area Seaport Plan (Seaport Plan). The Proposed Action is consistent with the provisions of the Bay Plan and Seaport Plan. The VA is coordinating with BCDC and the Final EA will include a description of the outcome of this coordination. No significant adverse impact would be expected.

Coordination is taking place with RWQCB and USACE to discuss the proposed project and meet their requirements including the requirements under the Clean Water Act. Through Section 404 of the CWA, USACE regulates temporary and permanent fill and disturbance of wetlands and waters of the United States. USACE and the USEPA jointly define wetlands. Under Section 404, the discharge (temporary or permanent) of dredged or fill material into waters of the United States, including wetlands, typically must be authorized by USACE through either the nationwide permit (NWP) or the individual permit process. A wetland delineation has taken place and, once USACE provides verification, consultation will take place on wetlands that will be impacted and an agreed-upon mitigation ratio for replacement or enhancement opportunities on site or other options will be considered until a mutual mitigation solution is agreed upon. Methods of providing compensatory mitigation are typically achieved one of the following three ways in order of preference through mitigation banks, in-lieu fee mitigation or permittee-responsible mitigation.

The NPDES stormwater permitting program, under Section 402(d) of the Federal CWA, is administered by the RWQCB on behalf of EPA and establishes a framework for regulating nonpoint-source stormwater discharges. Compliance with the Construction General Permit and preparation and implementation of a SWPPP that meets Construction General Permit conditions is required for sites that disturb 1 acre or more and drain to the separate sewer system. The project will reduce the amount of impervious surface and will therefore not disturb more than 1 acre. However a SWPPP still be will prepared according to VA management measures.

The CAA required EPA to establish primary and secondary NAAQS which are presented in Table 3.7-1. The CAA also requires each state to prepare an air quality control plan referred to as a SIP. The Federal CAA added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The Proposed Action emissions would not exceed the General Conformity Rule *de minimis* thresholds. As such, no further Conformity Determination procedures would be required.