U.S. DEPARTMENT OF VETERAN AFFAIRS

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

FOR THE SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT OF THE VA ALAMEDA POINT MULTI-SPECIALTY OUTPATIENT CLINIC AND COLUMBARIUM

Introduction

In 2013, the U.S. Department of Veteran Affairs (VA) and the U.S. Navy jointly prepared an environmental assessment (EA) to identify and assess the environmental impacts of the proposed project. The proposed project evaluated in the 2013 EA consisted of the Navy's transfer of excess federal property to VA, and VA's development of a portion of that property for an outpatient clinic (OPC), Veterans Benefit Administration (VBA) outreach office, National Cemetery, conservation management office (CMO), and associated infrastructure at the former Naval Air Station Alameda in the city of Alameda, California. The final EA for the proposed project was completed in November 2013 and resulted in a finding of no significant impact (FONSI). Since the VA and the Navy completed the 2013 EA, the scope of VA's portion of the original project has expanded to include implementing on-site wetland mitigation commitments and constructing stormwater management and water quality control structures. A supplemental EA (SEA) was prepared to evaluate the environmental impacts of these proposed changes to the original project scope.

The SEA reassessed the following resources for potential impacts from the changes to the project scope: biological resources; water quality and coastal consistency (including stormwater drainage systems); transportation, traffic, circulation, and parking; cultural resources; air quality, greenhouse gas emissions, and climate change; hazards and hazardous substances; and geology and soils. Transportation and air quality-related resources were re-assessed using current standards and updated information, given the age of the previous analyses and the changes in the affected environment.

The SEA was prepared in accordance with the Council on Environmental Quality regulations (40 Code of Federal Regulations [CFR] Parts 1500 to 1508) implementing provisions of the National Environmental Policy Act and the VA regulations for evaluating environmental effects of VA actions (38 CFR Part 26).

Purpose and Need

VA's purpose and need for the proposed project remains the same as described in the 2013 EA: 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 project is to serve, care for, honor, and memorialize San Francisco 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.

Proposed Action

As analyzed in the 2013 EA, VA proposes to construct the VHA OPC, VBA Outreach Office, NCA National Cemetery, CMO, new access road (along the northern boundary of the VA Development Area), and tie-ins and upgrades to existing underground off-site utility lines. The proposed changes to the original project scope consist of implementing on-site wetland mitigation commitments and constructing stormwater management and water quality control structures. In addition to the proposed changes to the original project scope, the original development layout for the VHA OPC, VBA Outreach Office, and NCA National Cemetery, as analyzed in the 2013 EA, would have filled about 12 acres of wetlands over the course of the 120-plus-year development. During early coordination with agencies, VA determined that the original development layout would have too great an impact on existing wetlands and, subsequently, the development layout was revised to reduce impacts.

Alternatives Considered

The alternatives considered remain the same as in the 2013 EA. In addition to the Proposed Action (proposed project) described above, the SEA also considers the same No Action Alternative as the 2013 EA, in which the existing conditions in the project area would continue, and no VA facilities would be constructed on the site.

Potential Environmental Effects of the Proposed Action

Biological Resources. Impacts on biological resources would not be significant with implementation of mitigation. No federally listed or proposed plant species have potential to occur on the site; however, suitable habitat for seven state-listed special-status plant species occurs in the northern coastal salt marsh and seasonal wetlands habitats overlapping with the proposed stormwater management system improvements and tidal marsh mitigation area. Project-related activities in and adjacent to unvegetated waters and the San Francisco Bay could cause adverse impacts on federally listed and special-status fishes if they are present in areas proposed for disturbance. The project area also provides nesting and/or foraging habitat for the federally listed endangered California least tern and threatened snowy plover. Potential adverse impacts to biological resources would be minimized or avoided with implementation of mitigation measures described in the SEA and summarized in Attachment 1: Mitigation Measures. In a letter dated April 9, 2021, the National Marine Fisheries Service concurred with a finding of "may affect – not likely to adversely affect" federally protected species and essential fish habitat after consultation in accordance with Section 7 of the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act. No significant impacts to wetlands, waters of the United States, or waters of the state would occur.

Water Quality and Coastal Consistency. Impacts on water quality and coastal consistency would not be significant. The proposed project would not require the use of groundwater. During construction, dewatering would be required and would be done in conformance with the site groundwater management plan. To minimize potential for adverse effects on water quality in the Harbor as a result of the proposed action, best management practices and all terms and conditions outlined in the San Francisco Bay RWQCB Section 401 Water Quality Certification would be implemented. Additionally, the project would implement a stormwater pollution prevention plan (SWPPP) and in accordance with Clean Water Act Section 402 and National Pollutant Discharge Elimination System (NPDES) regulations, the project proponents would obtain and comply with a NPDES Construction General Permit to control

effects of temporary stormwater discharge during construction. No significant long-term adverse impact is expected on coastal resources as a result of the new features being added to the proposed project.

Transportation, Traffic, Circulation, and Parking. Impacts on transportation, traffic, circulation, and parking would not be significant. Construction activities of the Proposed Action would generate temporary off-site traffic that would include initial delivery of construction equipment, daily deliveries of construction materials and debris, and daily trips of construction workers throughout the construction period. The Proposed Action is anticipated to generate minor pedestrian activities, given its unique land uses as a VA clinic, VBA outreach office, and a National Cemetery during operations. Additionally, minimal bicycle activities are expected in the VA Transfer Parcel vicinity because of its suburban characteristics and remote location. As for parking, there are no design changes for parking and loading conditions from the previous 2013 Alameda VA EA. Detailed calculation of the vehicle miles traveled (VMT) analysis for 2040 conditions indicate that the proposed project would generate a lower VMT in comparison to the average development in the study area, and would therefore reduce the city and regional VMT in future 2040 conditions.

Cultural Resources. Impacts on cultural resources would not be significant after implementation of mitigation. In a letter dated June 29, 2020, the State Historic Preservation Office concurred that the finding from the 2013 EA of "no adverse effect on historic properties" remains valid with implementation of the 2013 mitigation measures (included in Attachment 1) and further analysis for vibration impacts as needed depending on where they would occur.

Air Quality, Greenhouse Gas Emissions, and Climate Change. Impacts on air quality, greenhouse gas emissions, and climate change would not be significant. Construction activities at individual sites in the project area would cause short-term increases in emissions from the operation of construction equipment. The proposed project would have long-term operational air quality impacts from mobile-source emissions from vehicle trips in the project area and stationary-source emissions from on-site energy consumption. However, these would not exceed thresholds defined by the Bay Area Air Quality Management District. The wetland mitigation project would achieve a net greenhouse gas emissions benefit by sequestering carbon in soil and in trees, and by avoiding nitrous oxide emissions.

Hazards and Hazardous Substances. As stated in the 2013 EA, the proposed project would not have a significant impact on or from hazards and hazardous substances. The new project features being assessed in this SEA would not increase the risk from hazards and hazardous substances. Hazardous materials use and waste generation from operations and routine maintenance operations would not pose a significant public health or safety hazard to the project vicinity. Compliance with applicable city, state, and federal requirements would prevent or minimize potential exposure to hazardous materials and waste, via upset and accident conditions, and there would be no significant impact.

Geology and Soils. Impacts on geology and soils would not be significant. Although the project area is not likely to be affected by a surface fault rupture, the proposed project could be subject to secondary hazards such as ground shaking, landslides, and liquefaction from other regional active or potentially active faults. Implementation of the new storm drains and the proposed on-site wetland mitigation would not involve constructing large, permanent structures and would not create additional hazards related to seismic ground shaking, landslides, or liquefaction. With implementation of the SWPPP and erosion- and sediment-control plans, impacts from erosion or loss of topsoil would not be significant. Very few if any paleontological resources exist in the project area. The project area has been previously

disturbed and developed, and there is a low likelihood that paleontological resources would be encountered during the proposed project activities.

Agency and Public Comment

The Draft SEA was made available for a 45-day public comment period, beginning December 18, 2020. A Notice of Availability for the Draft SEA was published in both the East Bay Times and the Alameda Sun Times. The Draft SEA, along with the 2013 EA as a companion reference document, were available for public review on a VA website (www.cfm.va.gov/environmental/). VA also notified stakeholders of the availability of the Draft SEA for review. No comments were received from members of the public; three public agency comments were received. These comments and VA's responses are summarized in the Final SEA.

Finding of No Significant Impact

After careful review of the Final EA, VA has concluded that implementation of the Proposed Action would not generate significant controversy or have a significant impact on the quality of the human or natural environment with the implementation of the mitigation measures identified in Attachment 1. This analysis fulfills the requirements of the National Environmental Policy Act of 1969 and is consistent with the VA and Council on Environmental Quality regulations implementing the Act. An environmental impact statement is not required.

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Attachment 1: Mitigation Measures

Biological Resources

MM BIO-1: SPECIAL-STATUS PLANT ASSESSMENT AND SURVEYS

A qualified botanist will be retained to evaluate the suitability of habitats in the project area for the occurrence of special-status plants. If the botanist deems the habitats suitable, focused surveys will be conducted to determine the presence or absence of special-status plant species with potential to occur in and adjacent to (within 100 feet, where appropriate) the proposed impact area. These surveys will be conducted in accordance with CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018).

These guidelines require that rare plant surveys be conducted at the proper time of year when rare or endangered species are both evident and identifiable. Field surveys will be scheduled to coincide with known flowering periods and/or during appropriate developmental periods that are necessary to identify the plant species of concern.

MM BIO-2: BIOLOGICAL MONITORING AND WORKER ENVIRONMENTAL AWARENESS PROGRAM

A qualified biologist(s) will monitor construction activities that could cause significant impacts to sensitive biological resources. In addition, a qualified biologist will be retained to conduct mandatory contractor and worker awareness training for construction personnel. The awareness training will be provided to all construction personnel to brief them on the identified location(s) of sensitive biological resources, including how to identify (through visual and auditory means) the species that are most likely to be present, the need to avoid impacts on biological resources (for example, plants, wildlife, and jurisdictional waters), and to brief them on the penalties for not complying with biological mitigation requirements. If new construction personnel are added to the project, the contractor will ensure that they receive the mandatory training before starting work.

MM BIO-3: SPECIAL-STATUS PLANT AVOIDANCE

If any state listed, federally listed, and/or CNPS List 1 or CNPS List 2 plant species are found in the proposed impact areas, or within 100 feet of proposed impact areas, during the surveys, these plant species will be avoided to the greatest extent possible, and the
following will be implemented:

- Any special-status plant species that are identified in or adjacent to the project sites, but not proposed to be disturbed, shall be protected by flagging, signage, orange construction fence, and/or silt fence as appropriate based on site conditions to limit
  the effects of project-related activities and material stockpiles on any special-status plant species.
- If project-related activities would result in the loss of greater than 10% of a population or occupied habitat for a special-status plant species, a mitigation plan would be developed that describes a program to transplant, salvage, cultivate, and re-establish the species at suitable sites (if feasible). Alternatively, mitigation could be satisfied through off-site preservation or via payment to an in-lieu fee program, if available. If the mitigation plan is chosen, it would include means and methods to propagate affected special-status plants via vegetative or reproductive

means (for example, harvesting of seed or seed bank through topsoil collection, salvaging and transplanting or collecting of cuttings), as appropriate for the species, and transplant at suitable receiving sites as close to the existing population as possible. Propagation and transplantation would occur prior to construction. The receiving location would be evaluated and chosen based on similarity to conditions at the transplant source location, to the extent feasible. Site conditions to consider when choosing a receiving site would include aspect, substrate, hydrology, associated species, and canopy cover. The transplanted plants would be monitored for at least one year following construction. If the preservation option is chosen, preservation areas may include undisturbed areas of the site that will be preserved and managed in perpetuity, offsite mitigation lands, or a combination of both. The preserved habitat shall be of equal or greater habitat value to the areas affected in terms of soil features, extent of disturbance, vegetation structure, and contain extant populations of the same or greater size as the area affected. The actual level of mitigation may vary depending on the sensitivity of the species, its prevalence in the area, the location of the occurrence, and the current state of knowledge about overall population trends and threats to its survival; however, at a minimum, the species and habitat will be replaced at a minimum 1:1 ratio (individuals or acreage of occupied habitat).

MM BIO-4: SPECIAL-STATUS FISH AVOIDANCE

The following will be implemented to avoid impacts on special-status fish species that could be affected by the proposed project.

1. Heavy equipment will be restricted to the land.
2. Appropriate netting in construction areas within 50 feet of the shoreline will be used to contain debris during construction.
3. Work in San Francisco Bay and/or the Oakland Inner Harbor will be restricted to between June 15 and November 30, which is the National Marine Fisheries Service approved work window.
4. Cofferdams around the construction areas will be installed at low tide to minimize impacts to special-status fish.
5. All construction material, wastes, debris, sediment, trash, fencing, etc. will be removed from the site on a regular basis during work and at project completion, and materials will be transported to an authorized disposal area.
6. A qualified fisheries biologist would design and implement a Fish Rescue and Salvage Plan to collect fish and other aquatic species, as needed, from the in-water work isolation areas. The Plan would be submitted to the National Marine Fisheries Service for review and approval at least 30 days prior to initiation of in-water work activities. In addition, a fisheries biologist would provide observation during initial dewatering activities in the cofferdam(s).

MM BIO-5: CALIFORNIA LEAST TERN AVOIDANCE

During the California least tern breeding season (April 1 to August 15), the biological monitor will be present during all construction activities. The monitor will:

- Inspect the work area for proper disposal of garbage into covered containers.
- Inspect the work area and adjacent habitat areas to determine whether California least terns are present before the start of work each day within areas of suitable least tern habitat.

- Inspect the integrity of temporary construction barriers to determine whether repairs are needed and coordinate repairs, as necessary. The biological monitor may make field adjustments to the location of temporary construction barrier fences, as needed. The contractor will remove the fences after construction activities are completed.
- Have the authority to immediately stop work if a California least tern is observed in the construction area.

MM BIO-6: PREDATOR MANAGEMENT PLAN UPDATE

Per the 2012 USFWS BO, a predator management plan was drafted and implemented across the VA property. This plan will be reviewed and updated, as necessary, to include the new project area at the wetlands creation site. As part of this management plan, within 600 feet of the VA Transfer Parcel, the tops of all buildings will be inspected for avian predator nests once each week by a qualified USFWS-approved predator management biologist during the period from March 25 through August 7. Any avian predator nests on the buildings or in the Regional Park shall be monitored to determine if nest removal is required to reduce predation pressure at the least tern colony site. If USFWS personnel are not contracted for these activities, then the qualifications of other proposed personnel shall be reviewed and be subject to final approval by the USFWS.

MM BIO-7: MIGRATORY BIRD AND RAPTOR SURVEYS AND AVOIDANCE

If clearing and/or construction activities would occur during the migratory bird nesting Season (January 1 to August 31), preconstruction surveys to identify active migratory bird and/or raptor nests will be conducted by a qualified biologist within 14 days of the start of construction. Focused surveys will be performed by a qualified biologist to determine the presence or absence of active nest sites in the proposed impact area, including construction access routes and a 500-foot buffer, where feasible. If active nest sites are identified in the survey areas, a no-disturbance buffer will be established for all active nest sites before the start of any project construction activities to avoid construction or access-related disturbances to migratory bird nesting activities. A no-disturbance buffer constitutes a zone in which project-related activities (that is, vegetation removal, earth moving, and construction) cannot occur. The size of no disturbance buffers will be determined by a qualified biologist based on the species, the activities proposed in the vicinity of the nest, and topographic and other visual barriers.

MM BIO-8: CALIFORNIA BLACK RAIL SEASONAL AVOIDANCE OR PROTOCOL-LEVEL SURVEYS

To avoid causing the abandonment of an active black rail nest, activities in or adjacent to tidal marsh areas shall be avoided during the rail breeding season from February 1 through August 31 unless protocol-level surveys are conducted by a qualified biologist (for black rails) to determine rail locations and territories. If breeding rails are determined to be present, construction activities shall not occur within 700 feet of an identified calling center (nesting area). If the intervening distance across a substantial barrier between the rail calling center and any construction activity area is greater than 200 feet, then
construction activity may proceed at that location during the breeding season.

MM BIO-9: BURROWING OWL AVOIDANCE

If no burrowing owls are detected, no further mitigation is required. If burrowing owls are detected, the avoidance, minimization, and mitigation methodologies outlined in the CDFW's (2012) Staff Report on

Burrowing Owl Mitigation shall be implemented prior to initiating project-related activities that may impact burrowing owls.

MM BIO-10: SALT MARSH WANDERING SHREW SURVEYS AND AVOIDANCE

To minimize or avoid the loss of individual salt marsh wandering shrews as a result of project-related activities, the following will be implemented:

- Vegetation removal in tidal salt marsh habitat will be limited to the minimum amount necessary.
- Sufficient pickleweed and/or marsh habitat, as determined by the biological monitor, will remain adjacent to the activity area to provide refuge for displaced shrews.
- As determined by the biological monitor, silt fences will be installed at the limits of construction areas, where necessary, to define and isolate potential shrew habitat.
- Vegetation removal in tidal salt marsh habitat will start at the edge farthest from the marsh (landward) and will progress into the marsh.
- This method provides cover for the shrew and allows individuals to move toward the marsh as vegetation is being removed.

Cultural Resources

From 2013 EA: If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, bottle glass, ceramics, structure/building remains) or human remains is made during construction activities associated with the Proposed Action, ground disturbances in the area of the find will be halted and a qualified professional archaeologist will be notified regarding the discovery. The archaeologist will determine whether the resource is potentially significant per the evaluation criteria of the NHPA [National Historic Preservation Act] and will develop appropriate mitigation. If human remains are encountered, the Alameda County Coroner will be notified immediately upon their discovery. If the coroner determines that the remains are of Native American origin, the provisions of NAGPRA [Native American Graves Protection and Repatriation Act] will apply.